

**Oregon Health Licensing Agency
Board of Direct Entry Midwifery
Special Session
Minutes of March 5, 2008**

MEMBERS PRESENT

Betty Griffith, Chairperson
Sherry Dress, Vice Chairperson (LDM)
Holly Scholles, (LDM)
Nancy Grant, M.D.
Rosemary Carvalho, Licensed Direct Entry Midwife (LDM)
Mindie Metka, Nurse Midwife
Linda Glenn, Nurse Midwife

MEMBERS ABSENT

All members present

STAFF PRESENT

Susan Wilson, Director
Tim Molloy, Regulatory Operations Division Manager
Yvette Tamamoto, Compliance Specialist/Inspector
Kathryn Helton, Board Liaison
Jeffery Dover, Assistant Attorney General

AUDIENCE MEMBERS

None present

CALL TO ORDER

Chairperson, Betty Griffith, called the meeting of the Board of Direct Entry Midwifery to order at 9:42 a.m. on Wednesday, March 5, 2008, at the Department of Agriculture, Basement Hearing Room, 635 Capitol St NE, Salem, Oregon.

Mr. Dover reported on the responsibilities of the Attorney General, as well as the responsibility of the board members when reviewing files in question. Mr. Dover explained issues regarding laws, conflicts of interest, who has ultimate authority, public official roles, Government Standard and Practice Act, and codes of conduct. Ms. Griffith wanted some clarification regarding conflict of interest. Midwives are a fairly small community so a certain amount of bias will often be present. Mr. Dover responded by stating that a bias is not necessarily cause for recusal, however if there is any question about possibly having a conflict of interest, the member should recues themselves.

The Board had some discussion regarding the legal responsibilities of each party, specifically the agency, the board, and the licensee. Mr. Dover and Ms. Wilson explained that the board is simply advisory, the agency makes the final decisions.

Mr. Dover quickly reviewed the rules for Executive Session with the Board, stating that there will be review and discussion, but the recommendations will be made when the Board returns to public session. Mr. Dover also stated that he understands that the job of a midwife is subjective, however the decisions need to be as objective as possible; using facts to apply the law. It is the Board's job to ensure that rules were followed using the facts that they are presented with.

Dr. Grant wanted to know the purpose of the media's presence in regards to Executive Session. Mr. Dover explained that what the media is allowed to report is limited. They are to uphold public record; however, they may not record or transcribe any discussion that takes place.

EXECUTIVE SESSION – ORS 192.660(2)(f)

Chair Griffith called for the Board to enter Executive Session under ORS 192.660(2)(f) at 10:54am for the purpose of considering information or records exempt from public inspection. She stated that the Board would be reviewing enforcement file numbers 07-5100, 07-5223, and 08-5222. No recommendations will be made during Executive Session.

Ms. Betty Griffith recused herself from Executive Session due to a conflict of interest regarding enforcement file number 07-5100.

Recusal refers to a public official or employee declining to participate in a matter because of an actual conflict of interest which means that the action taken would directly and specifically affect the financial interest of the official, the official's relative or a business with which the official or a relative of the official is associated. For the record, recusal means board members do not engage in deliberations or debates, make recommendations, give advice, consider findings, or in any other way assume responsibility for or participate in any aspect of the work or decision making relating to the matter where there is an actual conflict of interest.

After the Board concluded their discussion regarding file number 07-5100, Ms. Griffith returned to the Executive Session for the remainder of the meeting.

Executive Session concluded at 3:41p.m. and Betty Griffith, Chairperson, reconvened regular session at 3:41p.m. The following actions were taken for each file:

File Number 07-5100

The Board reviewed the submitted investigation report regarding a licensee conducting a breach delivery which resulted in a fetal demise and voted on making the following recommendation – Licensee violated: **OAR 332-025-0020(12)** (*transport plan*) and **OAR 332-025-0021(3)** (*non-absolute risk*). The Board did not agree with the investigation report that included violations of **OAR 332-025-0020(3)** (*practice standards for transport*) and **OAR 332-025-0020(13)** (*client records*).

MOTION

Ms. Scholles made a motion to find a violation of **OAR 332-025-0020(12)** and **OAR 332-025-0021(3)** of rules and conduct regarding this case. Ms. Dress seconded the motion. The motion passed with Ms. Metka, Ms. Glenn, Dr. Grant, and Ms. Carvalho voting aye. Ms. Griffith did not vote as she recused herself from this file.

File Number 07-5223

The Board reviewed the submitted investigation report regarding a licensee conducting a delivery which resulted in the infant being taken to the Emergency Room for Respiratory Distress Syndrome. The Board voted on making the following recommendation – **No violations**.

MOTION

Ms. Scholles made a motion to find **no violation** of Oregon Administrative Rules. Ms. Metka seconded the motion. The motion passed with Ms. Dress, Dr. Grant, Ms. Carvalho, Ms. Griffith, and Ms. Glenn voting aye.

File Number 08-5222

The Board reviewed the submitted investigation report regarding a licensee conducting a VBAC delivery which resulted in a fetal demise and an emergency hysterectomy. The Board voted on making the following recommendation – Licensee violated: **OAR 332-025-0021(4)(a)** (*maternal ante partum non-absolute risk criteria*) and added **OAR 332-025-0022(7)(a)** (*assessment during labor*). The Board did not agree with the investigation report that included violations of **OAR 332-025-0020(12)** (*transport plan*) and **OAR 332-025-0022(7)(b)** (*fetal heart tone evaluation*).

MOTION

Ms. Scholles made a motion to find a violation of **OAR 332-025-0021(4)(a)** and **OAR 332-025-0022(7)(a)** of rules and conduct regarding this case. Ms. Glenn seconded then motion. The motion passed with Ms. Metka, Ms. Griffith, Dr. Grant, Ms. Dress, and Ms. Carvalho voting aye.

The meeting adjourned at 3:50pm.

I attest that the Board of Direct Entry Midwifery meeting minutes of March 5, 2008, are a true and accurate reflection of the matters discussed and the views of the participants.

(Signature on File)

(4.23.08)

Kathryn L. Helton, Board & Qualification Specialist

Date