

**Oregon Health Licensing Agency (OHLA)
Board of Direct Entry Midwifery
Minutes of September 15, 2008**

This set of minutes is a draft version from the Board of Direct Entry Midwifery meeting held on September 15, 2008, and must be approved by the Board at the next regularly scheduled board meeting.

MEMBERS PRESENT

Betty Griffith, Chairperson (LDM)
Sherry Dress, Vice Chairperson (LDM)
Nancy Grant, M.D., by Teleconference
Rosemary Carvalho, Licensed Direct Entry Midwife (LDM)
Linda Glenn, Certified Nurse Midwife, by Teleconference
Melissa (Missy) Cheyney, Licensed Direct Midwife (LDM)

MEMBERS ABSENT

Mindie Metka, Certified Nurse Midwife

STAFF PRESENT

Susan Wilson, Director
Dixie Bryant, Program Operations Division Manager
Trish Allbritton, Senior Policy & Strategic Analyst
Kraig Bohot, Communications Coordinator
Samantha Patnode, Qualification and Examination Analyst
Tina McCallister, Regulatory Operations Investigator
Lisa Murphy, Board Specialist

AUDIENCE MEMBERS

Susan Moray, Direct-Entry Midwife
Nechama Wildanah, CPM
Marina Anderson, Apprentice Midwife
Debbie Cowart, Midwife
Sarah Hoggatt

CALL TO ORDER

Betty Griffith, Chair, called the meeting of the Board of Direct Entry Midwifery to order at 9:25 a.m. on Monday, September 15, 2008, at the Oregon Health Licensing Agency, Rhoades Conference Room, 700 Summer St NE, Salem, Oregon.

Ms. Griffith introduced Susan Moray, appointed by the governor to serve as Direct Entry Midwife. She explained Ms. Moray is not an official voting member until Senate confirmation, October 1, 2008, and will only take part in discussions.

APPROVAL OF AGENDA

MOTION

Ms. Dress made a motion with a second by Ms. Cheyney to approve the agenda of September 15, 2008. Aye: Ms. Dress, Ms. Griffith, Ms. Cheney, Ms. Glenn, and Dr. Grant. Nay: None. The motion passed.

APPROVAL OF MINUTES

MOTION

Ms. Dress made a motion with a second by Ms. Cheney to approve the August 14, 2008, and April 21, 2008, minutes. Aye: Ms. Dress, Ms. Griffith, Ms. Cheney, Ms. Glenn, and Dr. Grant. Nay: None. The motion passed.

REPORTS

DIRECTOR'S REPORT

Ms. Wilson, Director, provided an overview of the agency-wide legislation LC 831. LC 831 continues to conform and streamline agency standards, regulation and requirements for programs and professions regulated by the agency. The legislation makes program changes, technical adjustments and corrections, maximizes the benefits of economies of scale, regulatory consistency and accountability to continue to achieve solutions and outcomes for consumer protection. The legislation establishes consistent term limits (two consecutive four year terms) and stipulates at least one public member be appointed to all boards. The legislation proposes professional development through prescribed education or training and identifies practice standards, testing and oversight as determined by agency rule.

Ms. Wilson stated that the Oregon Health Licensing Agency's proposed legislation encompasses some of the topics reviewed by the Interim Committee on Health Care chaired by Representative Mitch Greenlick. Representative Greenlick's legislative interim committee revealed board membership and the appointment process are not uniform nor is the number of public members serving on these boards. Representative Greenlick's interim study may recommend to the 2009 Legislature an increase in public members on boards to 50%. The recommendation may also include other improvements and changes in board specific areas.

Ms. Wilson stated there was general opposition among professional association representatives at the interim committee public hearing to the proposal to increase the number of public members on boards to 50%. Ms. Wilson stated since the role of boards is public protection, it is logical at least one public member serve. She stated board members will have an opportunity to review both agency legislation and any other legislation after the bills are drafted by legislative counsel. The Legislature begins Monday, January 12, 2009.

Ms. Wilson referenced the Oregon Health Care Workforce Institute PowerPoint presentation noting the legislature is considering a committee to review scope of practice issues. Governor Kulongoski has requested a study of Oregon's preparedness for a shortage in health care providers during the next decade. The study will identify areas with projected shortfalls and recommend solutions.

DIRECT ENTRY MIDWIFERY LEGISLATION

Ms. Wilson summarized the 2009 Legislative Concept 831-02 for Direct Entry Midwifery. LC 831-02 establishes voluntary registration for unlicensed midwives to help consumers understand the difference between Certified Nurse Midwives, Licensed Direct Entry Midwives and Lay Midwives who are not required to be licensed. The concept provides the following:

- Adds definitions to clarify categories of midwives – individuals who practice under the voluntary licensure status are subject to meeting qualifications, adhering to prescribed standards of care and complying with practice standards.
- Adds registration of unlicensed midwives as a status of practitioners who provide midwifery services without being subject to qualifications, practice standards or disciplinary sanctions.
- Adds clarification to strengthen consumer protection through mandating professional disclosure statements, emergency transport plans, informed consent process and peer review.

Board members asked how the concept benefited consumers since registration is optional and has a one time fee. Staff said the consumers would like clarity on licensed or unlicensed midwives and that eliminating confusion would promote good consumer protection.

Ms. Moray stated the definitions on types of “midwife” are not correct. There was discussion on the variation of titles, with a suggestion to rename Licensed Direct Entry Midwife as Licensed Certified Professional Midwife. Ms. Wilson stated this change will affect statistic records and staff will investigate the potential impact with Department of Human Services, Public Health Division.

Discussion focused on consumer choice which is not generally based on credentialing. Mr. McNew, Administrative Services Division Manager, stated the registration will provide the agency the ability to notify and inform unlicensed midwives about information pertaining to mother and newborn health for consumer protection purposes.

Ms. Wilson clarified that the Board of the Direct Entry Midwifery supported the proposed legislation, name aside, and the primary substance of the bill: the two different categories, voluntary licensure and voluntary registration for unlicensed. The Board concurred.

MOTION

Ms. Dress motioned with a second by Ms. Carvahlo to reconvene later to discuss the wording of the legislation. Aye: Ms. Dress, Ms. Griffith, Ms. Cheney, Ms. Glenn, and Dr. Grant. Nay: None. The motion passed.

Ms. Cheyney said she would take this information to the Oregon Midwifery Council (OMC) which was under the impression the concept was forcing mandatory licensing.

ADMINISTRATIVE SERVICES REPORTS

Mr. Simpson, Quality and Statistical Analyst, reported the statistics for licenses issued and renewed for the biennium through August 2008. Currently there are 56 active licenses. He stated that last year the license base had grown 20%, from 45 to 56 active licenses.

- Licenses renewed: 61
- Licenses issued: 8

Mr. Simpson reported the regulatory statistics, providing a chart to show complaints and investigations over the biennium.

- Total complaints received: 7
- Proposed orders: 4
- Final orders: 3

Mr. Simpson reviewed the web hits on the Direct Entry Midwifery Web site.

- Average hits per week: 14,089
- Average hits per day: 129
- Top three most viewed pages: State of Oregon: Board of Direct Entry Midwifery, Board of Direct Entry Midwifery Forms and Board of Direct Entry Midwifery – How to Get Licensed.

Mr. McNew stated the statistical charts provide history on licenses used for the 2009 Legislation. He reviewed the contacts and staff directory page on the Web site. He noted the budget is on schedule to go to Governor's office. He stated that the application and licensing forms will be revised for the October 1, 2008, to reflect the new two year licensing cycle and fees.

REGULATORY OPERATIONS DIVISION

Ms. McCallister, Regulatory Services Investigator, reviewed the Regulatory Operations flow chart, which will be posted on the OHLA Web site, with a link to the Central Hearings Panel. The chart provides information on the regulatory and disciplinary process for consumers and practitioners.

OREGON ADMINISTRATIVE RULES

Ms. Allbritton, Senior Policy & Strategic Analyst, drew the board's attention to the permanent rule filing which will go into effect October 1, 2008, implementing new fees and two year renewal cycle.

Temporary administrative rules were filed on September 15, 2008 align continuing education hours to the new two year licensing cycle. The agency filed proposed rules concurrently. Ms. Allbritton answered questions from the board.

Ms. Allbritton explained that within legislative concept 001 the agency is proposing a dormant license, which would allow OHLA licensees to their license in a dormant status if they meet certain qualifications. The concept also includes multiple copies of licenses, up to three, being issued to licensees if they work in multiple locations. Upon passage of the bill the details will be outlined within administrative rule.

CONTINUING EDUCATION (CE) ROLLOUT

Ms. Patnode, Qualifications and Examination Analyst, reported that as of October 1, 2008, the Board of Direct Entry Midwifery continuing education reporting period will be extended to align with new two-year licensing cycle. She said the requirement is 30 hours of regular continuing education and 12.5 hours of Legend Drugs and Devices hours every two years. She noted the agency did not prorate the 12.5 Legend Drugs and Devices (LDD) continuing education hours due to the nature of the program.

Ms. Patnode explained in detail the continuing education roll out plan noting that the all the information is posted to the Web site. If a license expires in 2008 and current continuing education (CE) reporting period ends in 2009, the one-year reporting period is extended to 2010. Upon renewal

of a two-year license in 2010, attest to completing 72.5 hours (45 hours for regular CE hours, 12.5 for LDD) CE hours for the reporting period ending in 2009 and 15 hours for 2010. LDD is not required within the 15 hours in 2010.

If a license expires in 2009 and current CE reporting period ends in 2010, the one-year reporting period is extended to 2011. Upon renewal of a two-year license in 2011, requires attesting to completing 72.5 hours (45 hours for regular CE hours, 12.5 for Legend Drugs and Devices (LDD) CE hours for the reporting period ending in 2009 and 15 hours for 2011). LDD is not required within the 15 hours in 2011.

If a CE reporting period does not need adjustments current report period and attest to 57.5 hours and the next reporting period will be two years and 42.5 hours. (30 regular CE hours and 12.5 LDD)

Ms. Patnode provided the board updated continuing education Web site which includes a list of approved Legend Drugs and Devices Programs and the required curriculum within the initial and renewal programs. She drew the board's attention to the Legend Drugs & Devices / Continuing Education Fact Sheet which explains the process for self-attestation and audits.

Ms. Patnode clarified questions from the board, noting that information would be sent out in renewals for each licensee. She reiterated that all the information is currently posted to the Web site and licensees expiring in September 2008 would be given a courtesy call with renewal options.

COMMUNICATIONS AND OUTREACH

Mr. Bohot, Communications Coordinator, discussed the press release sent out regarding the reduced fees and renewal cycles, along with a new brochure about compliance now available on our Web site. He drew the board's attention to the updated Board member biographies and asked for members to review and provide feedback.

Mr. Bohot stated following the last meeting staff researched existing state requirements, licensure and fees. This will be used as an outreach for legislation and distribution to stakeholders. This includes health care professionals, Urban Mommas, Planned Parenthood, Oregon Medical Board (OMB), Labor and Delivery Charge Nurses County Health Departments, Home Birth Midwives and Birth Center Midwives. The members want the following added: Crisis pregnancy centers, college health centers, contacts at high schools. The Board members agreed to print in black and white to keep the cost down and to post information to the Web site.

Mr. Bohot made a special notation announcing that Ms. Sherry Dress was featured in a Time Magazine article regarding home births. He said the article will be posted on the Web site. Mr. Bohot pointed out that the agency is here to communicate to the press on Oregon's regulatory issues.

ITEMS FOR BOARD ACTION

2009 SUBCOMMITTEES

Subcommittees provide review and discussion of specific issues, which usually require more in-depth fact-finding and deliberation than can be scheduled at periodic board meetings. The board shall nominate committee members.

Peer Review	Rosemary Carvahlo, Mindi Metka
Education and Examination	Susan Moray, Sherry Dress and Linda Glenn
Enforcement	Nancy Grant, Melissa Cheyney, Susan Moray, Alternate: Sherry Dress
Public Safety	Nancy GrantMindi Metka and Rosemary Carvahlo
Legislation/Rules	Sherri Dress, Linda Glenn, Melissa Cheyney, Alternate: Susan Moray
Customer Connection	Susan Moray

MOTION

Ms. Carvalho made a motion with a second by Ms. Dress to approve the 2009 Subcommittees as listed below. Aye: Ms. Dress, Ms. Griffith, Ms. Cheney, Ms. Carvalho, Ms. Glenn, and Dr. Grant. Nay: None. The motion passed.

2009 MEETING DATES

The Board of Direct Entry Midwifery meets on a biannual basis with all meetings scheduled for 9 am on a Monday.

MOTION

Ms. Dress made a motion with a second by Ms. Cheyney to approve 2009 meeting dates: April 6, 2009 and September 14, 2009 with the start time of 10:00 am. Aye: Ms. Dress, Ms. Griffith, Ms. Cheney, Ms. Glenn, Ms. Carvalho and Dr. Grant. Nay: None. The motion passed.

2009 CHAIR AND VICE CHAIR

The Board of Direct Entry Midwifery shall elect a chairperson and vice-chairperson for 2009.

MOTION

Ms. Moray made a motion with a second by Ms. Cheyney to approve Sherri Dress as Chairperson. Ms. Dress made a motion with a second by Ms. Carvahlo to approve Melissa Cheyney as Vice-Chairperson. Aye: Ms. Dress, Ms. Griffith, Ms. Cheney, Ms. Glenn, and Dr. Grant. Nay: None. The motions passed.

OTHER BOARD BUSINESS

Forms were submitted to Mr. Molloy regarding self inspections.

The Board discussed submitting photos that can be put on the web for information resources or for use in publications.

It was announced the Legislation and Rules subcommittee will convene upon adjournment of the meeting.

The meeting was adjourned at 4:10 p.m.

I attest that the Board of Direct Entry Midwifery minutes of September 15, 2008, is a true and accurate reflection of the matters discussed and the views of the participants.

Lisa A. Murphy, Board and Qualifications Specialist

DRAFT