



**WHO:** Health Licensing Office  
Board of Direct Entry Midwifery

**WHEN:** January 7, 2016 at 9 a.m.

**WHERE:** Health Licensing Office  
Rhoades Conference Room  
700 Summer St. NE, Suite 320  
Salem, Oregon

**What is the purpose of the meeting?**

The purpose of the meeting is to conduct board business. A working lunch may be served for board members and designated staff in attendance. A copy of the agenda is printed with this notice. Please visit <http://www.oregon.gov/OHLA/DEM/Pages/meetings.aspx> for current meeting information.

**May the public attend the meeting?**

Members of the public and interested parties are invited to attend all board/council meetings. All audience members are asked to sign in on the attendance roster before the meeting. Public and interested parties' feedback will be heard during that part of the meeting.

**May the public attend a teleconference meeting?**

Members of the public and interested parties may attend a teleconference board meeting **in person** at the Health Licensing Office at 700 Summer St. NE, Suite 320, Salem, OR. All audience members are asked to sign in on the attendance roster before the meeting. Public and interested parties' feedback will be heard during that part of the meeting.

**What if the board/council enters into executive session?**

Prior to entering into executive session the board/council chairperson will announce the nature of and the authority for holding executive session, at which time all audience members are asked to leave the room with the exception of news media and designated staff. Executive session would be held according to ORS 192.660.

No final actions or final decisions will be made in executive session. The board/council will return to open session before taking any final action or making any final decisions.

**Who do I contact if I have questions or need special accommodations?**

The meeting location is accessible to persons with disabilities. A request for accommodations for persons with disabilities should be made at least 48 hours before the meeting. For questions or requests contact a board specialist at (503) 373-2049.

# **Approval of Agenda**

**REVISED**

10:10 am, Jan 04, 2016



Health Licensing Office  
Board of Direct Entry Midwifery

January 7, 2016 at 9 a.m.  
700 Summer St. NE, Suite 320  
Salem, Oregon

1. **Call to Order**
2. **Items for Board Action**
  - ◆ Approval of agenda
  - ◆ Approval of minutes- October 22, 2015
  - ◆ Approval of courses and consultants for file number 12-7039
3. **Executive Session** - Pursuant to ORS 192.660(2)(f) for the purpose of considering information or records exempt from public inspection and confidential information pursuant to ORS 687.490 (Confidential information/Complaint files). Complaint file number 10-5969
4. **Items for Board Action – Contested case file number 10-5969**

Working Lunch

5. **Deliberate on Contested Case** - The Board will leave the public meeting under ORS 192.690(1) to deliberate on contested case. Contested case file number 12-6787
6. **Items for Board Action – Contested case file number 12-6787**
7. **Reports**
  - ◆ Policy Report
    - Practice clarification – well women care
    - Communications
8. **Public/Interest Parties Feedback**
9. **Executive Session** - Pursuant to ORS 192.660(2)(f) for the purpose of considering information or records exempt from public inspection and confidential information pursuant to ORS 687.490 (Confidential information/Complaint files). Complaint file number 11-6546
10. **Items for Board Action – Complaint file number 11-6546**
11. **Other Board Business**

**Agenda is subject to change.**

For the most up to date information visit [www.oregon.gov/OHLA](http://www.oregon.gov/OHLA)

# **Approval of Minutes**

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**October 22, 2015**



Health Licensing Office  
Board of Direct Entry Midwifery



October 22, 2015  
700 Summer Street NE, Suite 320  
Salem, Oregon

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**MINUTES**

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**MEMBERS PRESENT**

Colleen Forbes, chair  
Wendy Smith  
Kelli McIntosh  
Stephanie Elliott

**MEMBERS ABSENT**

James di Properzio, vice-chair  
Sarah Taylor  
Niamh Charles

**STAFF PRESENT**

Bob Bothwell, regulatory operations manager  
Samie Patnode, policy analyst  
Heather A. Vogelsong, assistant attorney general  
Joanna Tucker Davis, assistant attorney general  
Sarah Kelber, communications coordinator  
Nathan Goldberg, investigator/ inspector  
Debra Daniels, qualification specialist  
Maria Gutierrez, board specialist

**GUESTS PRESENT**

**Call to Order:**

Colleen Forbes called the meeting of the Board of Direct Entry Midwifery to order at 9:22 a.m. Roll was called.

**Items for Board Action:**

**Approval of Agenda:**

Stephanie Elliott made a motion with a second by Kelli McIntosh to approve the agenda. Motion passed unanimously.

**Approval of supervisor for case 12-6854:**

Kelli McIntosh made a motion with a second by Stephanie Elliott to approve supervisors requested by the respondent for case number 12-26854. Motion passed unanimously.

**Approval of additional meeting**

An additional meeting for 2015 has been added for December 2, 2015.

**MOTION:**

Kelli McIntosh made a motion with a second by Stephanie Elliott to approve additional meeting for December 2, 2015. Motion passed unanimously.

**Leaving Public Meeting:**

- The Board of Direct Entry Midwifery left the public meeting to deliberate on a contested case number 12-7029 under ORS 192.690(1) at 9:57 a.m. on October 22, 2015.
- The public meeting reconvened at 10:15 a.m. it was noted that no decisions were made and no votes taken.

**Items for Board Action – Contested Case Number 10-5963**

Kelli McIntosh made a motion with a second by Stephanie Elliott to offer the following settlement a formal review of three specific cases through the Oregon Midwifery Council chart review process, supervision of five births including prenatal chart reviews, and active supervision during the births. Motion passed unanimously.

**Executive Session:**

- The Board of Direct Entry Midwifery entered executive session pursuant to ORS 192-660(2)(f) at 10:19 a.m. on October 22, 2015 for the purpose of considering information or records exempt from public inspection. Records to be considered related to complaint files.
- Executive session concluded and the board reconvened regular session at 12:45 p.m. it was noted that no decision were made and no votes were made in executive session.

**Items for Board Action – Complaint files:**

Bothwell and members of the board outlined the following recommendations for the following complaint files:

**Complaint files to be closes:**

- 15-7923, 15-7924, 15-7924, 15-7925, 15-7927, 15-7928, 15-7929, 15-7930, 15-7932, 15-7933, 15-7934, 15-7935, 15-7936, 15-7937, 15-7939, 15-7940, 15-7942, 15-7944, 15-7945, 15-7947, 15-7948, 15-7949, 15-7950, 15-7951, 15-7952, 15-7953, 15-7958, 15-7960, 15-7961, 15-7962, 15-7966, and 15-7967.

**MOTION:**

Wendy Smith made a motion with a second by Stephanie Elliott. Motion passed unanimously.

**Complaint files to be open for investigation:**

- 15-7926, 15-7931, 15-7932, 15-7938, 15-7941, 15-7942, 15-7943, 15-7946, 15-7949, 15-7952, 15-7954, 15-7955, 15-7956, 15-7957, 15-7959.

**MOTION:**

Kelly McIntosh made a motion with a second by Wendy Smith. Motion passed unanimously.

**Other Board Business**

There was no “Other Board Business.”

The meeting adjourned at approximately 12:51 p.m.

Minutes prepared by: Maria Gutierrez, board specialist

# **Approval of Courses**

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**File# 12-7039**

**BACKGROUND AND DISCUSSION:**

Jacqueline Rowan (Rowan) was issued a Notice of Intent on December 15, 2014. A Default Final Order was issued on March 17, 2015 which required Rowan complete a Board of Direct Entry Midwifery approved course in risk assessment.

**ISSUE:**

Review the following list of possible courses in risk assessment submitted by Rowan:

**Risk Assessment for Midwives**

Taken on July 8, 2015

4 continuing education hours

**Best Practice Fetal Surveillance**

Taken on May 2, 2014

4 continuing education hours

**BEST-Birth Emergency Skills Training**

Taken on September 16 and 17, 2013

13 continuing education hours

**BOARD ACTION:**

Review courses taken and approve if applicable.

Board of Direct Entry Midwifery  
Health Licensing Office  
700 Summer St NE, Suite 320  
Salem, OR 97301

December 4, 2015

In the Matter of:  
Jacqueline Rowan

License No.  
DEM-LD-10118762

Re: Notice of Proposed Action: Office File No. 12-7039

I am requesting a stay of the \$1000 civil penalty and included here is the information you have asked for.

Here is a list of 3 courses that I have attended in the last two years that address risk assessment. Copies of my Continuing Education Certificates are available upon request.

**Risk Assessment for Midwives** July 8, 2015  
4 Continuing Education Hours  
Silke Akerson, CPM, LDM

"In this workshop we will explore risk assessment as a clinical, cognitive and intuitive process throughout midwifery care. We will review best practices for risk assessment and become familiar with a variety of risk assessment tools. Participants will come away with a greater understanding of the benefits of careful risk assessment for clients and midwives as well as tools for becoming more conscious and deliberate about risk assessment. As we review the many elements of risk assessment we will work with case studies and a role-playing scenario to integrate the information and apply it to real-life situations we all may encounter in our midwifery practices."

**Best Practices-Fetal Surveillance** May 2, 2014 Holly Scholles  
4 Continuing Education Hours

In this class we studied the four ways to assess fetal wellbeing with the primary focus being appropriate auscultation of the fetal heart rate. Learning objectives included: Identify and document baseline heart rate, variability, and reactivity. Understand the three types of decelerations including early, late and variable decelerations. Identify bradycardia, tachycardia. Understand the potential causes of fetal heart rate changes and when to transport in labor.

**BEST-Birth Emergency Skills training** September 16,17 2013  
13 Continuing Education Hours

The BEST course includes a systematic approach to:

Recognizing the high-risk pregnancy

Pain and bleeding in pregnancy

Complications arising in pregnancy

Managing Complications of Birth

Postpartum Emergencies

Neonatal Emergencies

The two-day course includes one 6-hour and one 8-hour day. The class includes didactic information, learning activities, hands on practice, and case studies, as well as trauma management and pregnancy complications scenarios.

The list of Consultants is enclosed.

Sincerely,

Jacqueline Rowan CPM, LDM

541-973-8793

**Perinatal Consultants in Southern Oregon**  
with expertise in the management of complex cases

**Medford**

Dr. Bryan Sohl, MD, MFM, OBGYN  
Maternal Fetal Medicine Clinic  
(541)789-5982  
Considered the top expert in the area  
Available for appointment and ultrasound consults

Dr. Leah Bernard, MD, MFM, OBGYN  
Maternal Fetal Medicine Clinic  
(541) 789-5982  
Practices with Dr. Sohl, Dr. Bernard is another expert in obstetric care and the  
management of complex cases  
Available for appointment and ultrasound consults

Dr. Daniel Kahn, MD, MFM, OBGYN  
Maternal Fetal Medicine Clinic  
(541) 789-5982  
Also practices with Dr. Sohl, Dr. Kahn is another expert in obstetric care and the  
management of complex cases  
Available for appointment and ultrasound consults

La Clinica Women's Health Center  
(541) 535-6239

Dr. Linda Harris  
Available to see patients for consult re complications of pregnancy.

Rogue Regional Medical Center NICU  
(541) 789-4233  
Available by phone for assistance triaging complex newborn cases.

Dr. Ashley Peterson, MD, OBGYN  
Family Practice Group  
(541)779-5531  
Available for phone consult.

Providence Medical Group BirthPlace  
(541)732-5494

**Ashland**

Dr. Leslie Stone, MD, OBGYN

# **Executive Session**

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**Pursuant to ORS 192.660(2)(f) for the purpose of considering information or records exempt from public inspection and confidential information pursuant to ORS 687.490**

## Settlement Conference Flow Chart



Chair reads script for entering into executive session under ORS 192.660(2)(f)/ORS 687.490

Board enters into Executive Session

One licensee (and attorney) enters the room

Chair reads script to licensee regarding purpose/scope of executive session

One licensee makes her presentation to Board

Licensee (and attorney) exits room

Board deliberates

Board exits executive session

Chair reads script announcing board is back in open session

Board makes a motion

Board votes

Board continues with other agenda items or repeats process for next executive session for a settlement conference

# Settlement Agreement Approval Flow Chart



Chair reads script to leave meeting under ORS 192.690(1) to deliberate on contested cases

Board leaves public meeting

Board reviews settlement agreement that licensee signed. Board can review more than one settlement agreement.

Board deliberates

Board re-enters public meeting

Chair reads script announcing board has re-entered public meeting.

Board makes a motion

Board votes

Board continues with other agenda items

# **Items for Board Action**

# **Deliberate on Contested Case**

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**The Board will leave the  
public meeting under ORS  
192.690(1) to deliberate on  
contested case.**

# **Items for Board Action**

# Reports

# **Revised Practice Clarification**

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## **Well Women Care**

**Question:** Does my license as a direct entry midwife allow me to provide gynecological care (“well woman care”) to a woman who is not pregnant and is not within the eight weeks postpartum period following the birth of her baby?

**Short Answer:** No. A license to be a direct entry midwife does not permit you to provide gynecological care to a woman who is not pregnant and is not within the eight weeks postpartum period following the birth of her baby.

**Detailed Answer:** “Direct entry midwifery” is defined in ORS 687.405 as providing the following services for compensation:

- (1) Supervision of the conduct of labor and childbirth;
- (2) Providing advice to a parent as to the progress of childbirth;
- (3) Rendering prenatal, intrapartum and postpartum care; and
- (4) Making newborn assessments.

This statute defines the scope of the Direct Entry Midwifery (DEM) license. Only activities that are within the list are within the scope of the DEM license. If an activity is not included in (1)-(4), it is not within the scope of a DEM license.

“Well woman care” for a client who is not prenatal, intrapartum or postpartum is not included in this definition. For example, giving a pap smear to a woman who is not pregnant and is not within the postpartum period does not fit under this statutory definition and is not covered by the DEM license.

Postpartum care is within the definition of direct entry midwifery in ORS 687.405. In OAR 332-015-0000, the Board of Direct Entry Midwifery has defined *postpartum* as the period of time immediately after and up to eight weeks following the birth of the baby. ‘

Any individual or group may draft a legislative concept to add well women care to the direct entry midwifery scope of practice however neither an individual, group or agency has the authority to enact law. Only a vote of the legislature and signature of the governor can change or add a law.

***Important Note:*** Please note that even if the Board provides an interpretation of how its laws apply to a general scope of practice question, the Health Licensing Office and the Board of Direct Entry Midwifery cannot provide any legal advice on how to proceed with individual situations. The Oregon State Bar has information on how to hire a lawyer in Oregon at [www.osbar.org](http://www.osbar.org).

# Communication

## Clarifying differences between HERC guidance and Board rules

Per OAR 332-015-0000, Oregon's Board of Direct Entry Midwifery (Board) "determines practice standards, education and training, and provides consultation to the Health Licensing Office on all disciplinary issues in accordance with ORS 687.405 to 687.495." The laws and rules governing the licensees of the Board can be found at [http://www.oregon.gov/OHLA/DEM/Pages/Midwifery\\_Laws\\_Rules.aspx](http://www.oregon.gov/OHLA/DEM/Pages/Midwifery_Laws_Rules.aspx).

The mission of the Health Evidence Review Commission (HERC) is to "[review] clinical evidence in order to guide the Oregon Health Authority (OHA) in making benefit-related decisions for its health plans. Its main products are the Prioritized List of Health Services, used by the legislature to guide funding decisions for the Oregon Health Plan, and evidence-based reports on specific topics of interest to Oregon health payers and providers as well as members of the public."

HERC recently released coverage guidance regarding planned out-of-hospital birth, which can be found here: <http://www.oregon.gov/oha/herc/Pages/blog-home-birth.aspx>

Though the Board of Direct Entry Midwifery and HERC are both under the umbrella of the OHA, their statutes and rules are separate.

It should be noted that the Board's practice standards or administrative rules differ from the coverage guidance recommended by the HERC in some areas. If a licensed direct entry midwife bills the Oregon Health Plan for a patient, generally OHA would follow HERC's coverage guidance, not the practice standards adopted by the Board.

Learn more about HERC and see its laws and rules at <http://www.oregon.gov/oha/herc/Pages/About-Us.aspx>.

## COVERAGE OF NEJM ARTICLE ON BIRTH OUTCOMES:

In its Dec. 31, 2015 issue, the New England Journal of Medicine published an article about a study on birth outcomes in Oregon, which elicited significant media coverage. Here are some links to the stories:

- **New York Times:** <http://www.nytimes.com/2015/12/31/health/as-home-births-grow-in-us-a-new-study-examines-the-risks.html>
- **Statesman Journal:**  
<http://www.statesmanjournal.com/story/news/health/2015/12/30/births-outside-hospital-carry-higher-risk/78094934/>
- **Bend Bulletin:** <http://www.bendbulletin.com/newsroomstafflist/3865184-151/study-birth-setting-affects-health-of-babies-and>
- **Scientific American (compares the Oregon study with a larger recent Canadian study):**  
<http://www.scientificamerican.com/article/as-home-births-rise-in-the-u-s-new-study-explores-risks/>
- **NPR:** <http://www.npr.org/sections/health-shots/2015/12/30/461290691/giving-birth-outside-a-hospital-is-a-little-riskier-for-the-baby>
- **The Oregonian:**  
[http://www.oregonlive.com/health/index.ssf/2015/12/home\\_births\\_hospital\\_births.html](http://www.oregonlive.com/health/index.ssf/2015/12/home_births_hospital_births.html)
- **Los Angeles Times:** <http://www.latimes.com/science/sciencenow/la-sci-sn-planned-home-birth-risks-death-20151230-story.html>
- **Modernhealthcare.com:**  
<http://www.modernhealthcare.com/article/20151230/NEWS/151239993>

### Other links of note:

- **Abstract of the article:**  
[http://www.nejm.org/doi/full/10.1056/NEJMsa1501738?query=featured\\_home](http://www.nejm.org/doi/full/10.1056/NEJMsa1501738?query=featured_home)
- **2013 report from the Public Health Division:**  
<https://public.health.oregon.gov/DiseasesConditions/CommunicableDisease/CDSummaryNewsletters/Documents/2013/ohd6220.pdf>

## OTHER TOPICS:

- Draft website statement on HERC recommendations and DEM laws and rules
- Public records request

# **Public/Interest Parties Feedback**

# **Executive Session**

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Board deliberates

Board re-enters public meeting

Chair reads script announcing board has re-entered public meeting.

Board makes a motion

Board votes

Board continues with other agenda items

# **Items for Board Action**

# **Other Board Business**