



WHO: Health Licensing Office
Board of Direct Entry Midwifery

WHEN: February 11, 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



Health Licensing Office
Board of Direct Entry Midwifery



February 11, 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 – December 2, 2015
 - ◆ Posting Notice of Intent to Website
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, investigative files and complaint file number 15-7977, 11-6616 and 11-6546.
4. **Items for Board Action – Confidential information, investigative files and complaint file number 15-7977 and 11-6616.**
5. **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 Complaint file number 10-5969.
6. **Items for Board Action – Complaint file number 10-5969**

Working Lunch

7. **Executive Session** – Pursuant to ORS 192.660(2)(f) for the purpose of considering information or records exempt from public inspection (legal advice).
8. **Deliberate on Contested Case** - The Board will leave the public meeting under ORS 192.690(1) to deliberate on contested case. Contested case file numbers 12-6787.
9. **Items for Board Action – Contested case file number 12-6787.**
10. **Public/Interest Parties Feedback**
11. **Reports**
 - ◆ Director Report
 - ◆ Licensing and Fiscal Statistical Reports
 - ◆ Policy Report
 - Practice standards comparison
 - Parking lot topics
 - 2016 Legislative update
 - Communication
 - ◆ Regulatory Report
12. **Other Board Business**

Agenda is subject to change.

For the most up to date information visit www.oregon.gov/OHLA

Approval of Minutes

December 2, 2015



Health Licensing Office
Board of Direct Entry Midwifery



December 2, 2015
700 Summer Street NE, Suite 320
Salem, Oregon

MINUTES

MEMBERS PRESENT

Colleen Forbes, chair
James di Properzio, vice-chair
Kelli McIntosh
Niamh Charles
Sarah Taylor
Stephanie Elliott
Wendy Smith

STAFF PRESENT

Sylvie Donaldson, interim director and division manager
Samie Patnode, policy analyst
Maria Gutierrez, board specialist
Sarah Kelber, communications coordinator
Anne Thompson, policy analyst
Trampus Schuck, investigator/ inspector
Nathan Goldberg, investigator/ inspector

MEMBERS ABSENT

GUESTS PRESENT

Debbie Cowart
Amy Shrock
Silke Akerson
Julia Bailey
Lis Baer
Bailey Taylor
Sharron Fuchs
Carol LeVanda
Lindsie Lincoln

Call to Order

Coleen Forbes called the meeting of the Board of Direct Entry Midwifery to order at 9:14 a.m.. Roll was called.

Approval of Agenda

James di Properzio made a motion with a second by Niamh Charles to approve the agenda. Motion passed

unanimously.

Approval of Minutes

James di Properzio made a motion with a second by Kelli McIntosh to approve the minutes for October 1, 2015. Motion passed unanimously.

Policy Report

Samie Patnode, policy analyst, reported on the following:

- Mail Tribune article, about the water birth center closure.
- Health Evidence Review Commission (HERC)

Written Public Comment

Members reviewed letters from:

- Silke Ackerson, Oregon Midwifery Council
- Holly Scholles
- Tracey MacDonald

Public/ Interested Parties Feedback

The following comments were received in person during the meeting:

- Debbie Cowart, stated her affiliation to the Board, and stated that as a birth center owner she is not encountering any issues with the risk criteria.
- Silke Ackerson, stated her affiliation to the Board, and requested that the board reach out to Health Evidence Review Commission (HERC) for clarification on coverage of homebirths.
- Julia Bailey, stated her affiliation to the Board, and stated her concerns with the consultation criteria.
- Liz Baer, stated her affiliation to the Board, and her concerns with the well women care.

Executive Session

- The Board of Direct Entry Midwifery entered executive session pursuant to ORS 192-660(2)(f) at 10:41 a.m. on December 2, 2015 for the purpose of considering information or records exempt from public inspection. Records to be considered related to legal advice.
- Executive session concluded and the board reconvened regular session at 12:05 p.m. it was noted that no decision were made and no votes were made in executive session.

Items for Board Action

Members of the board discussed the informal settlement conference procedure, and forms. Members made some changes to the notice of intent form.

MOTION:

Stephanie Elliott made a motion with a second by James di Properzio to approve the settlement conference procedure, and forms. Motion passed unanimously.

Executive Session

- The Board of Direct Entry Midwifery entered executive session pursuant to ORS 192-660(2)(f) at 12:57 p.m. on December 2, 2015 for the purpose of considering information or records exempt from public inspection. Records to be considered related to legal advice.
- Executive session concluded and the board reconvened regular session at 2:10 p.m. it was noted that no decision were made and no votes were made in executive session.

Deliberate on Contested Case

- The Board of Direct Entry Midwifery left the public meeting to deliberate on a contested case under ORS 192.690(1) at 2:10 p.m. on December 2, 2015
- The Public meeting reconvened at 2:31 p.m. it was noted that no decisions were made and no votes were made.

Items for Board Action – Contested case

Donaldson and members of the board outlined the following recommendations:

In regards to investigation file 10-5963

- Approve the settlement agreement, stipulated order, and the proposed supervisor.

MOTION:

Kelli McIntosh made a motion, with a second by Stephanie Elliott. Motion passed unanimously.

In regards to investigation file 12-7029

- The board issue a final order adapting the reasoning, and outcome of the amended proposed order after consideration and rejection of exceptions.

MOTION:

Niamh Charles made a motion, with a second by James di Properzio. Motion passed unanimously. Wendy Smith was not present during the discussion and recused from the vote.

Executive Session

- The Board of Direct Entry Midwifery entered executive session pursuant to ORS 192-660(2)(f) at 2:46 p.m. on December 2, 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 3:36 p.m. it was noted that no decision were made and no votes were made in executive session.

Items for Board Action – Complaint files

Donaldson and members of the board outlined the following recommendations:

In regards to investigation file 15-7950

- to close for no reasonable cause

MOTION:

James di Properzio made a motion with a second by Stephanie Elliott. Motion passed unanimously.

In regards to investigation file 15-8000

- to close for no reasonable cause

MOTION:

James di Properzio made a motion with a second by Stephanie Elliott. Motion passed unanimously.

In regards to investigation file 15-8001

- to close for no reasonable cause

MOTION:

James di Properzio made a motion with a second by Stephanie Elliott. Motion passed unanimously.

In regards to investigation file 15-7976

- An additional case to be opened on the employer.

MOTION:

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

In regards to investigation file 10-5969

- To offer the respondent the option of attending a settlement conference.

MOTION:

Stephanie Elliott made a motion with a second by Niamh Charles. Motion passed unanimously

In regards to investigation file 11-6546

- To offer the respondent the option of attending a settlement conference.

MOTION:

Stephanie Elliott made a motion, with a second by Niamh Charles. Motion passed unanimously

Other Board Business

Members would like the following updates at the next board meeting:

- Update on the last OHP meeting
- List of births from vital records
- Practice clarification – well women care

The meeting adjourned at approximately 4:19 p.m.

Minutes prepared by: Maria Gutierrez, Board Specialist

**Posting
Notice of Intent
to Website**



ISSUE STATEMENT

HEALTH LICENSING OFFICE
BOARD OF DIRECT ENTRY MIDWIFERY

BACKGROUND AND DISCUSSION:

Consider publishing only final orders on the Board of Direct Entry Midwifery Website.

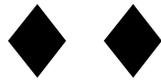
ISSUE:

NOIs are a public record and not protected by confidentiality laws. NOIs are allegations that laws and rules have been violated. . Some NOIs in the past were published on the Board of Direct Entry Midwifery Website and then later removed due to inconsistencies in information and legislative changes. In some cases NOIs are amended to change, delete or add violations based on further evidence. Also since each authorization holder is given due process, including rights to a hearing, often the final order is much different than the allegations proposed on the NOI which can be confusing to authorization holders and the public.

BOARD ACTION:

Determine if NOIs should continue to be published on the Board of Direct Entry Midwifery Website.

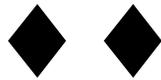
Executive Session



ORS 192.660(2)(f) for the purpose of considering
information or records exempt from public inspection.

Items for Board Action

Executive Session



ORS 192.660(2)(f) for the purpose of considering
information or records exempt from public inspection.

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.

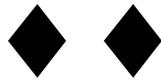
Board makes a motion

Board votes

Board continues with other agenda items

Items for Board Action

Executive Session



ORS 192.660(2)(f) for the purpose of considering information or records exempt from public inspection.

Deliberate on Contested Case

**Pursuant to ORS 192.690(1) for the
purpose of deliberation contested cases**

Items for Board Action

Public/Interest Parties Feedback

Director Report

Licensing and Fiscal Statistical Reports

Health Licensing Office

Board of Direct Entry Midwifery

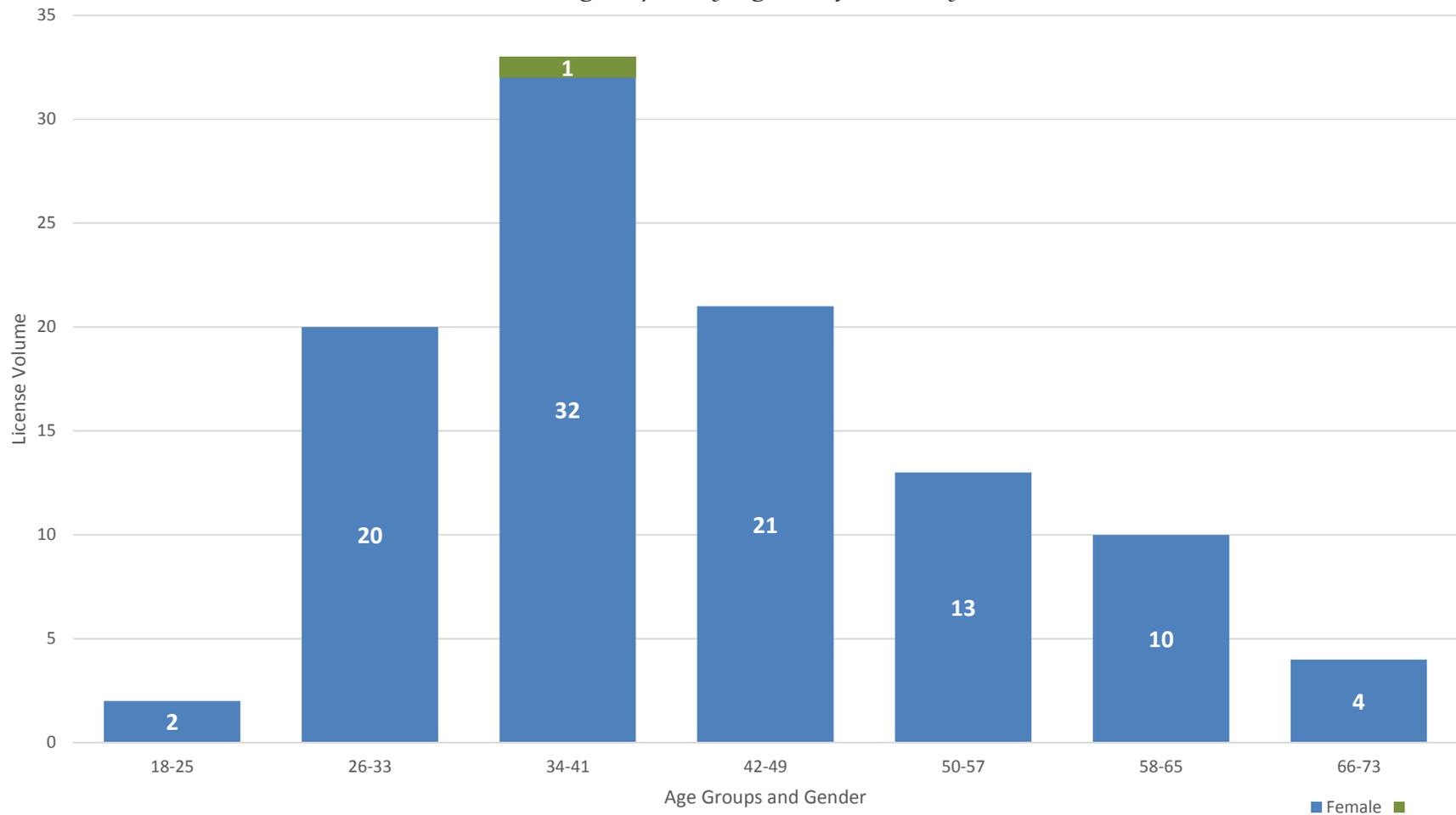
Licensing Division Statistics as of January 29, 2016

2015 - 2017 Biennium

Quarter	Licenses Issued	Renewals Processed	License Volume
1st	5	19	98
2nd	5	20	100
3rd	1	10	103
4th	-	-	
5th	-	-	
6th	-	-	
7th	-	-	
8th	-	-	
Total	11	49	

Active Midwifery License Volume

Statistics grouped by age as of January 29, 2016

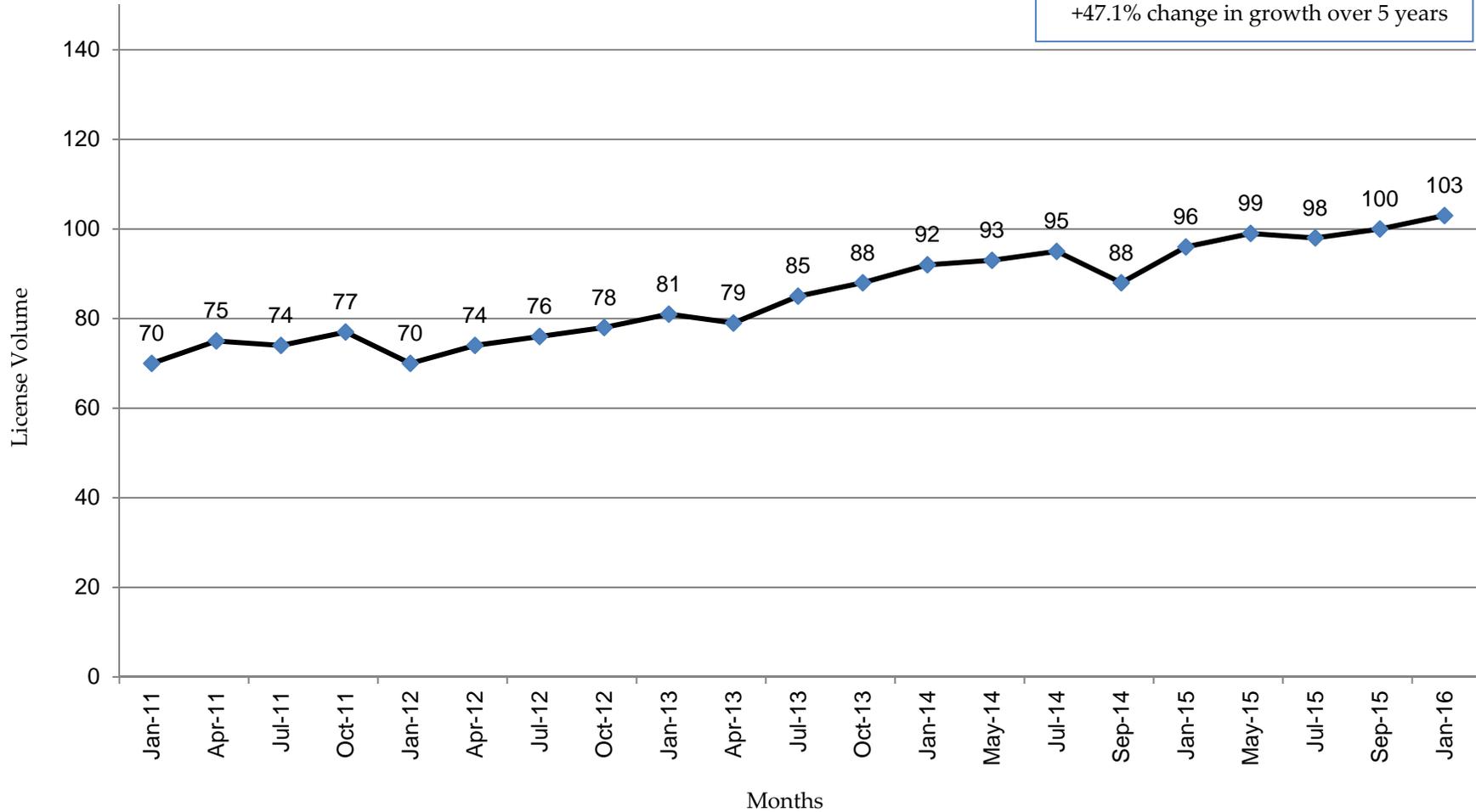


Board of Direct Entry Midwifery

Active License Trend

January 2011 - January 2016

+7.3% change in growth over 1 year
+47.1% change in growth over 5 years



HEALTH LICENSING OFFICE
Fund 3810 - DIRECT ENTRY MIDWIFERY
STATEMENT OF CASH FLOW
FOR THE PERIOD 07/01/15 - 01/29/16

CURRENT

15-17' Beginning Cash Balance	\$ (66,729.00)
Revenues	\$ 13,350.00
Expenditures	\$ 92,712.70
Less: Accrued Expenditures	
Less: Total Expenditures	\$ (92,712.70)
Subtotal: Resources Available	\$ (146,091.70)
Change in (Current Assets)/Liabilities	\$ -
Ending Cash Balance (Actual)	\$ (146,091.70)

Indirect Charges are calculated using the following rates:

* Based on average licensee volume

Shared Assessment %	0.10%
Examination %	0.00%
Small Board Qualification %	1.53%
Inspection %	0.00%

Policy Report

Practice Standards Comparison

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See Notebook

	Gestational Age			VBAC			Blood Pressure		
	Transfer Care for Preterm	Postdates Surveillance	Transfer for Postdates	One prior	2 or more	3 or more	Ante-partum	Labor	Post-partum
Oregon Midwifery Council		40+3		with more monitoring					
OAR's - DEM	35-36 weeks with consult/36 w/o	41+3	43	yes	yes with consult	with consult if previous vaginal delivery	140/90	150/100	
OAR's - Birth Centers	36	41+3	43	yes				150/100	150/100
HERC	37		42	no	no	no	140/90	140/90	140/90
Washington	36		42	with consult	no	no	140/90	140/90	140/90
Ontario Midwives Assoc.			42	with consult			140/90	140/90	140/90

	Multiples			Breech	ROM		
	twins	more than 2	footling		with thick meconium	PROM	GBS
Oregon Midwifery Council							
OAR's - DEM	transfer for mono/mono or presenting twin transverse	no	no	transfer for footling; consult for frank/complete with conditions	transfer if non-reassuring FHTs	transfer if s/s of infection	
OAR's - Birth Centers	no	no	no	no	transfer if non-reassuring FHTs		
HERC	no	no	no	no	transfer	24 hours	transfer
Washington	co-manage	no	no	co-manage	consult	48 hours	72 hours
Canada	co-manage						

**Health Evidence
Review Commission**

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**Out-of-Hospital Birth
Coverage Guidance**

Birthing Center
Absolute Risk Criteria

**Board of Direct Entry
Midwifery Practice
Standards**

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OAR 332

Oregon Midwifery Council

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Community Practice Standards

Parking Lot Issues

2016 Legislation

Communication

Regulatory Report

Health Licensing Office



700 Summer St. NE, Suite 320
Salem, OR 97301-1287
Phone: (503) 378-8667
Fax: (503) 370-9004
Web: www.oregon.gov/oha/hlo
E-mail: hlo.info@state.or.us

Board of Direct Entry Midwifery

February 11, 2016

2011 - 2013 Biennium

Between July 1, 2011 and June 30, 2013, 28 complaints were received. Total open 0. Total closed 28.

<i>Allegation Filed By:</i>		
Mandatory Reporter	Client	Other
14	9	5

2013 - 2015 Biennium

Between July 1, 2013 and June 30, 2015, 19 complaints were received. Total open 13. Total closed 6.

<i>Allegation Filed By:</i>		
Mandatory Reporter	Client	Other
13	0	6

2015 - 2017 Biennium

Between July 1, 2015 and December 31, 2015, 49 complaints were received. Total open 12. Total closed 37.

<i>Allegation Filed By:</i>		
Mandatory Reporter	Client	Other
48	1	0

Other Board Business

College of Midwives of British Columbia

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Registrants Handbook

Home Birth in British Columbia for Clients

Direct Entry Board Rubric

Proposed format

Level I

First complaint

No evidence That OAR's were not understood or were disregarded.

Some concerns regarding charting

Concern that the midwife does not have adequate consultation support

Possible actions:

None

Education

Level II

First or second complaint

Concerns regarding charting and understanding OAR's

No maternal or infant problems related to this issue

Possible actions:

Education

Chart review

Level III

First or second complaint

Failure to transfer or consult as needed and required by OAR's

Consequent medical care may be a result of neglect by midwife

Disregard for OAR's

Possible action:

Supervision

Education

Chart review

Level IV

Multiple complaints

Disregard for OAR's

Inadequate or false charting

Failure to transport leading to death and or disability of mother or baby

Suspension
Supervision after suspension
Education
Chart review

Level VI

Disregard for OAR's
Failure to consult
Failure to transport when risk was identified
Use of pharmaceuticals, procedures or tools beyond scope of practice in an out of hospital setting
Preventable death of mother and baby

Possible actions:

Loss of license
Suspension with supervision and education

