



Health Licensing Office
Board of Direct Entry Midwifery



February 11, 2016
700 Summer Street NE, Suite 320
Salem, Oregon

MINUTES

MEMBERS PRESENT

Colleen Forbes, chair
James di Properzio, vice-chair
Wendy Smith
Kelli McIntosh
Sarah Taylor

MEMBERS ABSENT

Niamh Charles
Stephanie Elliott

STAFF PRESENT

Sylvie Donaldson, interim director and division manager
Bob Bothwell, regulatory operations manager
Samie Patnode, policy analyst
Heather Vogelsong, assistant attorney general
Sarah Kelber, communications coordinator
Anne Thompson, policy analyst
Debra Daniels, qualification specialist
Trampus Schuck, investigator/ inspector
Nathan Goldberg, investigator/ inspector
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

James di Properzio made a motion with a second by Kelli McIntosh 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 December 2, 2015. Motion passed unanimously.

Posting Notice of Intent to Website

Samie Patnode, policy analyst, clarified the following:

- 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 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.

Members, would like further clarification posted to the web indicating what the difference between a notice of intent is and a final order.

MOTION

James di Properzio makes a motion with a second by Wendy Smith to continue posting notice of intent, and final orders to the web while making it more clear on what the difference between the two are. Motion passes unanimously.

Executive Session:

- The Board of Direct Entry Midwifery entered executive session pursuant to ORS 619.660(2)(f) at 9:45 a.m. on February 11, 2016 for the purpose of considering information or records exempt from public inspection. Records to be considered related to complain files.
- Executive session concluded and the board reconvened regular session at 10:08 a.m. it was noted that no decisions were made and no votes were made in executive session.

Items for Board Action:

In regards to complaint number 15-7977

- The inspector to continue the investigation.

MOTION:

James di Properzio made a motion with a second by Kelli McIntosh. Motion passed unanimously.

In regards to complaint number 11-6616

- Continue deliberation until further meeting.

MOTION:

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

Executive Session:

- The Board of Direct Entry Midwifery entered executive session pursuant to ORS 619.660(2)(f) at 10:10 a.m. on February 11, 2016 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 10:45 a.m. it was noted that no decision were made and no votes were made in executive session.

Deliberate on Contested Case – Contested Case Number 12-6787

- The Board of Direct Entry Midwifery left the public meeting to deliberate on a contested case number 12-6787 under ORS 192.690(1) at 10:52 a.m. on February 11, 2016.
- The public meeting reconvened at 11:07 a.m. it was noted that no decisions were made and no votes were made.

Item for Board Action- Contested Case Number 12-6787

- A final order to be issued, and give the authority to the chair to approve the written changes, and to sign the order.

MOTION:

Wendy Smith made a motion with a second by James di Properzio. Motion passed unanimously.

Executive Session:

- The Board of Direct Entry Midwifery entered executive session pursuant to ORS 619.660(2)(f) at 11:32 a.m. on February 11, 2016 for the purpose of considering information or records related to complaint file.
- Executive session concluded and the board reconvened regular session at 1:30 p.m. it was noted that no decision was made and no votes were made in executive session.

Items for Board Action:

- Offer a settlement agreement, and to delegate to the board chair the authority to approve written terms, and final language of the settlement agreement offer.

MOTION:

Wendy Smith made a motion with a second by James di Properzio. Motion passed unanimously.

Public/ Interest Parties Feedback

No public comment was received.

Directors Report:

- Update on transition to Public Health

Licensing and Fiscal Statistical Reports:

Donaldson, presented an overview of statistics related to the board. Statistics include licensing statistics, license volumes and active license trends.

The statement of cash flow for the period 07/01/15 -1/26/16 was reviewed.

Policy Report:

Samie Patnode, policy analyst, reported on the following:

- Practice standards comparison- notes were provided in materials.
- Health evidence review commission – Out of hospital birth coverage guidance.
- Birthing center absolute risk criteria.
- Board of direct entry midwifery practice standards

- Oregon midwifery council – Community Practice Standards
- Parking lot issues
- 2015 Legislation update

Sarah Kelber, communications coordinator, reported on the following:

- Update on upcoming new web site
- Updated on current social media page

Regulatory Report:

Bob Bothwell, regulatory operations manager, reported on enforcement activity including:

2011-2013 Biennium

Between July 1, 2011 and June 30, 2013, 28 complaints were received. Of the 28 complaints 0 remain open. A summary of allegations received by type of complainant was provided as stated below.

Mandatory Reporter	Client	Other
14	9	5

2013-2015 Biennium

Between July 1, 2013 and June 30, 2015, 19 complaints were received. Of the 19 complaints 13 remain open. A summary of allegations received by type of complainant was provided as stated below.

Mandatory Reporter	Client	Other
13	0	6

2015-2017 Biennium

Between July 1, 2015 and December 31, 2015, 49 complaints were received. Of the 49 complaints 12 remain open. A summary of allegations received by type of complainant was provided as stated below.

Anonymous	Client	Other
48	1	0

Other Board Business

Patnode, provided some information, and materials to be discussed at a later meeting the information includes discussions on:

- College of Midwives of British Columbia – Registrants Handbook
- Home Birth in British Columbia for Clients
- Direct Entry Board Rubric proposed format

A flash drive was provided to board members regarding information pertaining to the topics listed above.

Executive Session-

- The Board of Direct Entry Midwifery entered executive session pursuant to ORS 619.660(2)(f) at 2:30 p.m. on February 11, 2016 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 3:35 p.m. it was noted that no decisions were made and no votes were made in executive session.

Items for Board Action

In regards to complaint 16-8049

- Open an investigation

MOTION:

James di Properzio made a motion with a second by Wendy Smith. Motion passed unanimously.

In regards to complaint 16-8053

- Open an investigation

MOTION:

James di Properzio made a motion with a second b Wendy Smith. Motion passed unanimously.

The meeting adjourned at approximately 3:36 p.m.

Minutes prepared by: Maria Gutierrez, board specialist