



Health Licensing Office
Board of Direct Entry Midwifery



June 11, 2015
700 Summer Street NE, Suite 320
Salem, Oregon

MINUTES

MEMBERS PRESENT

Colleen Forbes, chair
James di Properzio, vice-chair
Kelli McIntosh
Sarah Taylor
Stephanie Elliott

MEMBERS ABSENT

Wendy Smith
Lenore Charles

STAFF PRESENT

Holly Mercer, Director
Sylvie Donaldson, fiscal services and licensing manager
Bob Bothwell, regulatory operations manager
Samie Patnode, policy analyst
Maria Gutierrez, board specialist
Joanna Tucker Davis; assistant attorney general
Nathan Goldberg, investigator/ inspector
Trampus Schuck, investigator/ inspector
Sarah Kelber, communications coordinator

GUESTS PRESENT

Sharron Fuchs
Carle Levanda
Hermine Hayes-Klein
Kate Donahue
Anne Frye

Call to Order

Colleen Forbes called the meeting of the Board of Direct Entry Midwifery to order at 9:04 a.m. Roll was called.

Approval of Agenda

James di Properzio made a motion with a second by Stephanie Elliott to approve the agenda. Motion passed unanimously.

Approval of Minutes

Stephanie Elliott made a motion with a second by James di Properzio to approve the minutes for February 12, 2015, and March 18, 2015. Motion passed unanimously.

Deliberation and action regarding Group B streptococcal Administrative Rules

Samie Patnode, Policy Analyst, provided the members with the progress of implementing the addition of Group B Streptococcal (GBS) prophylaxis to the legend drugs curriculum which was amended by HB 2997 during the 2013 Legislative Session.

During the February 12, 2015 meeting the board approved proposed administrative rules to:

- Require each licensed direct entry midwife (LDM) disclose to each patient whether or not they have received the initial legend drugs and devices training;
- Require each individual licensed *after* January 1, 2016 successfully complete 50 hours of instruction which includes 10 hours of instruction relating to GBS prophylaxis;
- Require individuals licensed *before* January 1, 2016 to obtain 10 hours of instruction relating to GBS prophylaxis by the date of their 2016 renewal; and
- Add specific antibiotics to be used to prevent GBS.

Notice of Proposed Rulemaking Hearing and Statement of Need and Fiscal Impact was filed with the Secretary of State (SOS) and published in the April 2015 Oregon Bulletin. A public rule hearing was held on April 28 at 9 am at the Health Licensing Office, no verbal comments were received. Three written comments were received during the public comment period. A summary for the comments are as follows:

- The 10 hours of additional education and training for administration of antibiotics should be optional;
- Describe the purpose for using antibiotics for GBS prophylaxis and for reasons such as high temperature or urinary tract infections; and
- Administering emergency measures for the purpose of anaphylactic reaction.

Based on the comments received and further analysis of the proposed administrative rules the Health Licensing Office recommends the following changes be made prior to filing permanent administrative rules:

- Decrease GBS the required number of hours from 10 to eight;
- Specify that the eight hours of GBS education must be completed but the LDM does not have to administer the antibiotic.

Motion:

James di Properzio made a motion with a second by Kelli McIntosh to adopt permanent administrative rules with changes. Motion passed unanimously.

Approval of legend drug and devices curriculum

Patnode, asked the Board to review of draft Initial Legend Drugs and Devices Curriculum, Renewal Legend Drugs and Devices and additional 10 hours of GBS prophylaxis curriculum. The Health Licensing Office asked a representative from Birthingway College and Oregon Midwifery Council (OMC) to review all LDD curriculum.

Motion:

Stephanie Elliott made a motion with a second by James di Properzio to accept the draft curriculums for legend drugs and devices and change the GBS prophylaxis curriculum hours from 10 hours to eight hours.

Motion passed unanimously.

Director Report

Holly Mercer, Director, reported on the following:

- During the initial transition to Oregon Health Authority the Health Licensing Office (HLO) was placed y under Director’s Office. New leadership has determined that HLO will move to Public Health Division which is scheduled to occur on July 1, 2015.
- Update on staffing.
- Moving into new minutes and recording system – Granicus.
- Executive appointments of new members.
- Attendance and presentation at the May 15, 2015 Oregon Midwifery Council meeting.
- The office is looking into possibly moving to a new building location to help provide more testing areas for the licensees, and parking as profession continue to grow.

Licensing and Fiscal Statistical Reports

Sylvie Donaldson, fiscal services and licensing manager, presented an overview of statistics elated to the Board. Statistics include licensing and examinations, active license trends and license volumes.

The statement of cash flow for the period 07/01/2013 – 5/29/2015 was reviewed with an actual ending cash balance of - \$66,470.47. The ending cash balance for the period of 07/01/2013 – 6/30/2015 is projected to be - \$80,020.71

Donaldson, also informed members of fee changes effective July 1, 2015:

- As of July 1, 2015 an applicant applying for an original license totaling \$800 may be granted a \$350 license fee discount for a total cost for the license \$450until July 1, 2019. An application fee of \$150 must be paid in order to grant the\$350 license fee discount. The license fee discount is available to individuals who meet all application requirements for direct entry midwifery licensure under OAR 332-015-0030 and reside in Oregon. Only applicants who have not held a direct entry midwifery license in Oregon qualify for the discount.
- As of January 1, 2015, an applicant applying to renew a license totaling \$800 may be granted a \$200 discount for a total cost for the license \$600 until July 1, 2019. The license fee discount is available to individuals who meet all renewal requirements for direct entry midwifery licensure under OAR 332-020-0000 and reside in Oregon.

Policy Report

Samie Patnode, policy analyst, reported on the following:

- 2015 Legislation updated
 - **HB 2296** would change the name of the Board of Body Art Practitioners to the Board of Body Art Practitioners to Board of Electrologist and Body Art Practitioners. The bill had a public hearing and work session in both the House and Senate Health Care Committees with do pass recommendations and had a third reading on the Senate Floor.
 - **HB 2642** with the -4 amendment establishes the nine-member Board of Certified Advanced Estheticians (BCAE) within HLO in the Oregon Health Authority (OHA). The bill authorizes

the HLO to certify the practice of advanced nonablative esthetics. Certification must be renewed biennially. The bill contains an emergency clause and is effective on passage. HLO is authorized to take action before the July 1, 2016 operative date. The bill allows HLO to begin certifying individuals as of July 1, 2016, and reduces the grandfathering period from two years to 18 months. The – 4 amendment clarifies the definition of “nonablative,” adds two physicians or physician assistants as members of the BCEA, specifies that certificates holders are required to disclose existence of professional liability insurance as part of their client records, and stipulates that a certificate holder must enter into an agreement with a health care professional who has schedule III, IV or V prescriptive authority. The – 4 amendment does not change the fiscal determination.

- **HB 2305** Permits individuals who complete polysomnographic program that combines education and training program to apply for polysomnographic technologist license. The bill had a public hearing and work session in both the House and Senate Health Care Committees with do pass recommendations and had a third reading on the Senate Floor. If passed the implementation would be after January 1, 2016.

Forbes provided an overview of the Health Evidence Review Commission Evidence-based Guidelines Subcommittee discussion on planned out-of-hospital birth noting the committee met on June 4, 2015. She explained the committee continued to discuss high risk conditions and necessity to transport to hospital if certain circumstances arise.

Patnode reported on the ongoing work of the Office of Equity and Inclusion Cultural Competence Continuing Education Committee noting that scoring criteria had been developed to determine if the continuing education meets minimum qualifications. The committee will continue to meet to finalize process and procedures.

Board members reviewed the North American Registry of Midwives criteria to obtain continuing education relating to global volunteer work noting that a maximum of 10 hours continuing education for a midwife serving in an out-of-country maternity center or clinic would be granted for each three year recertification. Patnode stated that she would add global volunteer work to the administrative rule file for future rulemaking.

Regulatory Report

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

2009-2011 Biennium

Between July 1, 2009 and June 30, 2011, 41 complaints were received. Of the 41 complaints 2 remain open. A summary of allegations received by type of complainant was provided as stated below.

Mandatory Reporters	Client	Other
22	16	3

2011-2013 Biennium

Between July 1, 2011 and June 30, 2013, 28 complaints were received. Of the 28 complaints 3 remain open. A summary of allegations received by type of complainant was provided as stated below.

Mandatory Reporters	Client	Other
14	9	5

2013-2015 Biennium

Between July 1, 2013 and April 30, 2015, 15 complaints were received. Of the 15 complaints 11 remain open. A summary of allegations received by type of complainant was provided as stated below.

Mandatory Reporters	Client	Other
13	0	2

Executive Session

- The Board of Direct Entry Midwifery entered executive session pursuant to ORS 192-660(2)(f) at 10:58 a.m. on June 11, 2015, for the purpose of considering information on records exempt from public inspection. Records to be considered related to legal advice.
- Executive session concluded and the board reconvened regular session at 12:12 p.m. It was noted that no decisions were made and no votes were made in executive session.

Mercer and members of the board outlined the following recommendations:

In regards to investigation file 10-6221

- The board has decided to further consider the case at a future meeting.

In regards to investigation file 12-6854

- The board offer a settlement agreement to respondent contingent on the board chair approving the final terms, and language of the written agreement and final order.

Motion:

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

Leaving Public Meeting:

- The Board of Direct Entry Midwifery left the public meeting to deliberate on a contested case under ORS 192.690(1) at 12:13 p.m. on June 11, 2015
- The public meeting reconvened at 2:05 p.m. It was noted that no decision were made and no votes were made.

Executive Session

- The Board of Direct Entry Midwifery entered executive session pursuant to ORS 192-660(2)(f) at 2:19 p.m. on June 11, 2015, for the purpose of considering information on records exempt from public inspection. Records to be considered related to legal advice.
- Executive session concluded and the board reconvened regular session at 3:09 p.m. It was noted

that no decisions were made and no votes were made.

Mercer and members of the board outlined the following recommendations:

In regards to investigation file 12-6962

- Board to issue a default final order

Motion:

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

In regards to investigation file 12-6992

- To issue a fault final order.

Motion:

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

In regards to investigation file 10-6221

- Board to issue a default final order

Motion:

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

Other Board Business

There was no "Other Board Business."

The meeting adjourned at approximately 3:11 p.m.

Minutes prepared by: Maria Gutierrez, Board Specialist