

OPEN SESSION MINUTES
DIRECT-ENTRY MIDWIFERY ADVISORY COMMITTEE
JUNE 8, 2018

On a motion made, seconded and voted, the meeting was called to order at 10:05 a.m. by Chairperson, Alexa Richardson. Present were Jan Kriebs, Harold Fox, Julia Perkins, Jessica Watkins, Kai Parker, Elizabeth Reiner. Staff members present were Monica Mentzer, Shirley Devaris, and Ann Tyminski. Also present were Michael Conti, AAG, Board Counsel and Lindsey Snyder, AAG, Board Counsel.

The Committee welcomed Karen Webster who is the new licensed Direct-Entry Midwife replacement for Alexa Richardson who is leaving the Committee at the end of this meeting at which time Ms. Webster takes her seat on the Committee.

Minutes

The minutes of the May 11, 2018 meeting were read and accepted.

Change to Practice Act

Following the May 11 meeting a memorandum was sent to Shirley Devaris, Director of Legislation, requesting minor changes to the Practice Act to reflect best practices. Those changes were as follows:

8-6C (18) Severe anemia , defined as hemoglobin less than 10g/dL at the onset of care or before the third trimester labs:

8-6C-04 (22) Severe anemia, defined as hemoglobin at or less than 9g/dL at the time of or after third trimester labs;

Ms. Devaris explained that the Departmental deadline for submitting new legislation for the 2019 session was March. Further, typically the associations take care of legislation pertaining to scope of practice. She further explained that their Act is unusual in that it is more specific than necessary. This was done in order for the legislation to pass since their specialty was unfamiliar to legislators. Now all of the specifics, such as the conditions that require transfers are included in regulation. She also said in order to consider something "best practice" there should be evidence behind it. Dr. Fox felt that a consult at least would be needed when hemoglobin is 9g/dL or less.

Ms. Devaris' advice to the Committee was that when the Association wants to make the Act less specific, the Maryland Board of Nursing should be so advised. Ms. Richardson said that realistically the change in the severe anemia language would be a good thing. Ms. Devaris' response was that they have only had the opportunity to be licensed for less than 18 months. The period of licensure should be longer for them to have sufficient data for changes in the Act. She suggested they have 3 years' of licensure before deciding to ask for any changes. Further, associations such as ACOG and Med Chi will want assurance of such evidence-based data. Changes should not be made on concerns that a client will have to be referred out of a practice.

Review of Proposed Code of Ethics

The Committee proceeded to review the proposed Code of Ethics. Ms. Richardson expressed that as a practitioner she has concerns about the Code of Ethics. Mr. Conti reminded the Committee that their charge is public protection, not protection of the licensee. Ms. Devaris suggested changes.

Suggestions for changes were discussed. Under .01 Definitions, Change (5) "Patient" to "Client". (5)(a) and (b) Change "person" to "individual".

Under .02 Ethical Responsibilities B (5) Practice direct-entry midwifery if unfit to perform procedures or make decisions because of a physical or mental [or chemical] impairment, including but not limited to, a substance use disorder or the effects of prescription drugs;

Under .02 C (5) **Remove:** Knowingly employing another person to practice or engage in or attempt to practice or engage in an occupation or profession licensed under this title if the employee is not licensed to do so under Health Occupations Article, Title 8, Annotated Code of Maryland. Kai Parker felt that this language would prevent the licensed direct-entry midwives from employing birth assistants who are unlicensed individuals who perform such duties as monitoring blood pressure, being another set of hands when needed at a birth. She said any competent adult could perform these skills.

It was discussed as whether these individuals should be mentioned somehow in regulation and Mr. Conti suggested it be dealt with through regulation.

On a motion made, seconded and voted, the above language will be removed. The vote was 6 in favor of removal and 1 abstention.

Under .02 C (7) (d) Allowing a direct-entry midwifery student to use records for educational purposes if patient identification has **not** been redacted or disguised;

.02 E. Electronic devices. Some members of the Committee felt this section may be a problem. Specifically, F. (1) May not make use of electronic devices and social media to transmit or place any patient information **not related to patient care** online without written patient authorization;

Mr. Conti indicated he would work on this section. It was felt that perhaps this language could be included on the Informed Consent Form. Forms are to be reviewed in 2020. Mrs. Tyminski will flag that form for discussion at that time.

Ms. Kriebs felt that abandonment should be defined. She suggested looking at the definition for Physicians or Certified Nurse Midwives. Kai Parker will work on a definition and e-mail it to Mrs. Tyminski prior to the August 10 meeting. The Proposed Code of Ethics, as revised, will be reviewed again at the August meeting.

Application

The application of Grace L. Mueller was reviewed and found to be acceptable for licensure. The application will be taken to the Board of Nursing at its June 27 meeting for approval.

Certified Professional Midwives

Mrs. Tyminski presented a list of CPMs found on the website who are not certified nurse midwives. However, they do advertise on the website and have not submitted applications for licensure. The Committee felt that some are only practicing as doulas, one lives out of state and does

not practice in Maryland. Nothing will be pursued as the Committee as a whole felt that most people who will be practicing in Maryland as licensed direct-entry midwives are probably still working on their credentials. Kai Parker said that sometimes courses are cancelled because of low registration, and then a person would have to wait until the course is offered again.

Next Meeting

Discussion ensued as to whether to hold a July meeting or wait until August. Kai Parker said she will be taking her last course on June 27 and plans to submit her application immediately following that date. She preferred her application be acted upon in July. Mrs. Tyminski explained that we may not have the criminal background checks back by then. Quite a few Committee members would be unavailable for the July meeting. On a motion made and voted, the next meeting of the Committee will be held on August 10. 6 in favor, 1 abstention.

Closed Session

On a motion made, seconded and voted, the Committee entered into session to review the minutes of the May 11 closed session at 11:50 a.m., came out of closed session, and bid Ms. Richardson farewell and good luck in her next endeavors. The meeting was adjourned at 12:00 p.m.

Respectfully submitted,

Ann E. Tyminski, Administrator

