

**DRAFT  
MINUTES**

**DEPARTMENT OF HEALTH  
DIVISION OF MEDICAL QUALITY ASSURANCE  
COUNCIL OF LICENSED MIDWIFERY**

**GENERAL BUSINESS MEETING  
TELEPHONE CONFERENCE CALL  
JULY 13, 2012**

1 The meeting was called to order by Char Lynn Daughtry, Chair, at 9:04 a.m. Those present for all or part  
2 of the meeting included the following:

**MEMBERS PRESENT:**

Char Lynn Daughtry, L.M., Chair  
Jennifer Joseph, L.M.  
Melissa Conord-Morrow, L.M, R.N.  
Susan (Robyn) Mattox, L.M.  
Kathy Bradley, Consumer Member

**Member Absent:**

Cathy Rudolph, CNM, ARNP (Excused)

**STAFF PRESENT:**

Anthony Jusevitch, Executive Director  
Jacqueline Clahar-Anderson, Regulatory Specialist II

**DEPARTMENT OF HEALTH ASSISTANT GENERAL  
COUNSEL**

Gary Asbell, Interim Counsel

3 **Review and Approval of Minutes**

4 **Tab 1 April 13, 2012 - General Business Meeting**

5 **Action taken:** Ms. Bradley made a motion to approve the minutes with the following corrections on Page  
6 2: All references to Jennie Joseph correct to read Jennifer Joseph and all references to Dr. Gendy correct  
7 to read Dr. Guindi. The motion was seconded by Jennifer Joseph. The motion passed 5/0.

8 **General Business/Correspondence**

9 **Reports**

10 **Tab 2 Budget Report – Kathy Bradley**

11 No Report.

12 **Tab 3 Council Liaisons**

13 **▪ Application/Education (Schools) – Char Lynn Daughtry, LM, Chair**

14  
15 Ms. Daughtry asked if Mr. Jusevitch had received any correspondence from the schools interested in  
16 becoming approved. Mr. Jusevitch stated he had sent some information to the school that was on the last  
17 meeting conference call; however, no one else has contacted our office.

18 **Application (Individuals) – Vacant**

19 No report.

1 Ms. Daughtry addressed the Council regarding the vacant Council member vacancies.  
2 Ms. Daughtry asked the audience if they knew or had any physician in mind that would be willing to donate  
3 their time to four meetings per year. Mr. Jusevitch stated any help received would be appreciated and  
4 stated if someone knows a physician who is interested they can forward their contact information to him  
5 and he will contact them.

6 **Budget – Kathy Bradley**

7 No report.

8 **Community Relations – Char Lynn Daughtry with Jennifer Joseph as secondary**

9 No report.

10 **Consumer Advocacy – Kathy Bradley**

11 No report other than what is done on a personal level of educating consumers.

12 **Data Collection – Jennifer Joseph, L.M.**

13 Ms. Joseph stated she reviewed the survey to the women on the Facebook group, mainly the Midwives  
14 Association of Florida who are subscribing and asked if they would be open to Data Collection again.

15 Ms. Joseph indicated the statute allows for the Council to collect or to review data. However, there is  
16 nothing that mandates the licensed midwife to submit that data.

17 Ms. Joseph further stated with that aside we can now use the statistics out of the reports that are already  
18 available by Vital Statistics which would educate the Department of Health and consumers. Ms Joseph  
19 stated she would have a report ready for the next meeting.

20 After a lengthy discussion on whether or not there was once a rule in the past requiring licensed midwives  
21 to submit statistics, Mr. Jusevitch stated it was a moot point. Mr. Jusevitch advised Council to move to Tab  
22 5 and have Mr. Asbell answer the questions as to whether or not there was statutory authority to create a  
23 rule to require licensed midwives to submit statistics to the Department.

24 Mr. Asbell stated the answer to that question, with or without a rule is no.

25 Mr. Jusevitch stated there may be options. We could create an optional survey which licensees could fill  
26 out at renewal or ask the association if they could run the survey and collect the data. Mr. Jusevitch further  
27 advised the Council he would develop the questions and work with the association to put together the  
28 survey and present the document for the next meeting.

29 **International Relations – Jennifer Joseph, L.M.**

30 Ms. Joseph advised she traveled overseas to a conference entitled “Human Rights and Childbirth. She  
31 was invited to speak concerning the state of disparity in child health care and the perspective of the  
32 midwife. This was an international conference at The Hague. Ms. Joseph indicated people from around  
33 the world were at this conference to discuss human rights issues and she mentioned the racial disparity  
34 happening in the United States. Ms. Joseph stated she was one of only two American midwives at this  
35 conference and it was proud moment for her to represent licensed midwives at The Hague.

1 **Laws & Rules – Robyn Mattox**

2 Ms. Daughtry, Chair, mentioned there were certain rules that need to be changed or updated. Mr.  
3 Jusevitch explained the procedures on changing rules to the council members. Mr. Jusevitch also  
4 explained to council members, if there was a rule that is controversial or if the council needed input from  
5 the licensee base, the Council could have a rules workshop. Mr. Jusevitch advised if council members  
6 had a rule they would like to change they can forward this information to him.

7 Mr. Jusevitch asked Mr. Asbell if a list could still be submitted for amendments since a list was not sent to  
8 OFARR. Mr. Asbell explained to Council members that OFARR was an agency in the Executive Office of  
9 the Governor. A part of OFARR's process is they require proposals of all agencies' rules before they are  
10 promulgated or before there is an attempt to have them promulgated. OFARR requires agencies to  
11 submit a regulatory plan before July 1<sup>st</sup> of each year. Mr. Asbell advised it may not be impossible.  
12 However, there has to be a good reason if something is sent to OFARR that was not previously on the  
13 plan.

14 Mr. Jusevitch advised council members to identify the rule they want to work on for the next fiscal year and  
15 he would submit the list to OFARR next June. Mr. Jusevitch stated he would work with Mr. Asbell and the  
16 liaison to develop the language.

17 Ms. Mattox asked if the rule changes previously discussed were submitted. Mr. Jusevitch responded that  
18 he had not received any rule amendment requests from anyone.

19 **Unlicensed Activity – Susan (Robyn) Mattox, L.M.**

20 No report.

21 **Tab 4 Counsel Report – Gary Asbell**

22 Mr. Asbell did not have a report. He briefly explained that normally when a Board or Council is engaged in  
23 rulemaking, the Board/Council would generally have a report. Mr. Asbell further stated he probably will be  
24 around for a while as the Counsel to the Council of Licensed Midwifery.

25 **Old Business**

26 **Tab 6 Rule 64B24-7.007, F.A.C., Responsibilities of Midwives During the Antepartum**  
27 **Period**

28 Mr. Asbell stated this was an item he was to provide follow-up on concerning discussion at the last  
29 meeting. This form was used by midwives to obtain information from patients who did not want to object  
30 to Sexually Transmitted Diseases (STD) Screening. Mr. Asbell stated this form was not adopted into any  
31 rules and not adopted into rule 64D-3.042 which is the Department's Division of Disease Control STD  
32 testing rule relating to pregnancy. Mr. Asbell further stated there is a statute that requires midwives to  
33 comply with all public health laws of the state and rule 64D-3.042 is a public health rule. There may be a  
34 need to make other changes to 64B24-7.007 to make it consistent to the STD testing rule found in 64D-  
35 3.042.

36 Mr. Asbell further stated he has reviewed the form and the rule. The form basically asks for the  
37 information that is required by this rule to be obtained by a practitioner whether it's a midwife, a physician  
38 or an ARNP in a situation where there is a woman seeking prenatal care. Mr. Asbell further stated he  
39 cannot speak on the Department's behalf as to whether or not you are excused from using this form. The  
40 use of the form seems to be helpful because if all blocks of the form are filled in and you deal with it as if it  
41 were a rule, you would have received the information required by rule 64D-3.042. Mr. Asbell further stated  
42 he cannot say not to use the form. Mr. Asbell said it might be useful to use this as an opportunity to  
43 incorporate certain provisions of rule 64D-3.042 into the council's rule 64B24-7.007(1)(a), which is the

1 same section with the PAP smear requirement. Mr. Asbell further advised that if the Council begins the  
2 rule making process it would be appropriate to review rule 64D- 3.042 and make sure you have everything  
3 you need so you don't cross purposes with the public health rule that's in rule 64D-3.042.

4 **NEW BUSINESS**

5 **Tab 7** Correspondence from Kathleen Cardin

6 Mr. Asbell advised the council, he has a background in the areas which are involved in this letter. Mr.  
7 Asbell further stated he cannot give legal advice to someone in practice. Mr. Asbell noted there are 2  
8 problems with the letter.

9 Problem # 1 is a standard of practice problem between the midwife and the doctor and getting a  
10 prescription from the doctor for the patient that the doctor may not have seen. A physician can get into  
11 disciplinary issues by prescribing a prescription drug for a patient that the physician has not examined and  
12 established a patient/physician relationship.

13 Problem # 2 deals with how to get the prescription drug to treat the patient and maintaining the drugs in a  
14 manner that they won't be spoiled by the time you get ready to use them.

15 Mr. Asbell further explained the definition of dispensing in section 465.003, F.S., which basically states it's  
16 a transfer of possession of a medicinal drug from a pharmacist to the owner, the consumer or that  
17 person's agent. The problem here is the midwife does not want the patient to pick up this drug.

18 Section 499.03, F.S., makes it a crime in the state of Florida to possess a prescription drug if you do not  
19 have a prescription for it. There is a list of exemptions which decriminalizes that possession.

20 The meeting adjourned at approximately at 10:36 a.m.