

## MINUTES

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

#### GENERAL BUSINESS MEETING TELEPHONE CONFERENCE CALL APRIL 13, 2012

The meeting was called to order by Char Lynn Daughtry, Chair, at 9:15 a.m. Those present for all or part of the meeting included the following:

#### **MEMBERS PRESENT:**

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

#### **STAFF PRESENT:**

Anthony Jusevitch, Executive Director  
Gary Asbell, Interim Counsel  
Paula Mask, Program Operations Administrator  
Jacqueline Clahar-Anderson, Regulatory Specialist II

#### **Member Absent:**

Jennifer Joseph, LM  
Cathy Rudolph, CNM, ARNP

#### **Review and Approval of Minutes**

##### **Tab 1 November 11, 2011 - General Business Meeting**

At the beginning of the meeting all members were not present to form a quorum so members present were advised they could have a discussion.

The members present reviewed the minutes; however, Mr. Gary Asbell advised that approving the minutes was a collegial function of the council and a quorum was needed for the minutes to be approved. The minutes were then tabled until another board member joined the conference. Mr. Jusevitch advised the members present to continue to the next item on the agenda.

#### **General Business/Correspondence**

#### **Reports**

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

Mr. Jusevitch advised the budget liaison was not on the call; however, the members present could review the report. Ms. Daughtry expressed concerns regarding the budget deficit. She stated possibly the exercise of reviewing the budget would lead into how to increase the licensure base which would eventually support the profession.

Ms. Bradley joined the meeting approximately 9:22 a.m. Mr. Asbell then advised the members there was now a quorum and suggested they return to the first item on the agenda. Ms. Bradley had no new information regarding the budget.

## **Review and Approval of Minutes**

### **Tab 1 November 11, 2011 - General Business Meeting**

Ms. Daughtry made a motion to approve the minutes. Ms. Mattox seconded the motion which carried unanimously.

### **Tab 3 Council Liaisons**

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

Ms. Daughtry indicated she has been working closely with Jen Holloman of Aviva College, Minnesota and Kathy Dooley regarding the possibility of an online program. Ms. Daughtry indicated there were about two or three schools who are interested in offering an online program in Florida.

Ms. Mask asked Ms. Daughtry whether or not there were any statutes and rules that prevent an online program or if the schools have to be in a classroom setting. Ms. Daughtry indicated the statutes and rules do not require a classroom setting

#### **Application (Individuals) – Vacant**

No Report

#### **Budget – Kathy Bradley**

No Report

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

Ms Daughtry reported Midwives are trying to bring the state organizations back together by holding events on the east and west coast. Ms. Mask asked Ms. Daughtry the name of the state organization. Ms. Daughtry stated it was the Florida Alliance for Midwives; however, Ms. Conord-Morrow advised it is now called The Midwives Association of Florida.

#### **Consumer Advocacy – Kathy Bradley**

Ms. Bradley stated she worked with Ms. Joseph who allowed the use of her facility at her school. On April 2, they hosted an educational piece titled "Reducing the Cesarean Section Rate". Dr. Chandra Henry and Dr. Guindi spoke at this event. The event was to educate people on the high c-section rate. Ms. Bradley stated Dr. Guindi toured the birthing facility after the event and his reaction was very positive. Those present at the event were licensed midwives, childhood educators, doulas and a few consumers.

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

Mr. Jusevitch read into the record Ms. Joseph's report regarding data collection.

The report stated Ms. Joseph had polled the licensed midwives via a yahoo group listserv and had received a handful of responses, who indicated they would be willing to collect Midwives Alliance of North America (MANA) statistics again for the Council of Licensed Midwives. No one responded in the negative. Ms. Joseph strongly recommends the Council allow and attempt to connect with licensees and strongly encouraged the use of MANA statistics as a collection method. The report also stated, midwives who are unwilling to use the MANA statistics could be offered the opportunity to use our current statistical tool as

an alternative. Ms. Joseph proposed creating a rule that will state the licensees will submit data bi-annually as part of re-licensure in an attempt to fulfill our obligation under Statute 467.004.

Mr. Jusevitch asked Board Counsel, Mr. Asbell, if the Council had the authority to create a rule to require data collection as a part of renewal. Mr. Asbell stated this would have to be a department rule, if it was going to be a rule applicable to the practice. Mr. Asbell asked for some more time to research this matter. Mr. Asbell also questioned as to whether the Council had the authority in creating this rule. The discussion was then tabled to the next meeting.

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

Mr. Jusevitch read into the record Ms. Joseph's report regarding international relations.

The report indicated Ms. Joseph will be presenting at the Hague conference on Human Rights in Childbirth in May 2012 and will report to the council on return.

Ms. Joseph's report also stated The International Confederation of Midwives has issued the State of the World's Midwifery Report, launched in June 2011. This report provides compelling statistical evidence of the vital role midwives played in saving lives of mothers and babies around the world. Some key international partners in maternal and reproductive health stands behind this report. Based on the data gathered via the United Nations (UN) and partner representatives United Nations Population Fund (UNFPA), World Health Organization (WHO), United Nations Children's Fund (UNICEF) and others from 58 countries all over the world, it highlights the importance of International Confederation of Midwives' (ICM) mission to strengthen midwifery around the world. This also demonstrates increasing number of trained midwives will substantially reduce mother and baby deaths globally. Ms. Joseph indicated the report can be viewed at <http://www.unfpa.org/sowmy/report/home.html>.

#### **Laws & Rules – Robyn Mattox**

Ms. Daughtry, Chair, mentioned there were certain rules that need to be changed or updated. Mr. Jusevitch explained the procedures on changing rules to the council members. Mr. Jusevitch advised council members they could not work together, however each member can identify what rules they would like to change, and forward that information to either Ms. Mask or Mr. Jusevitch. Mr. Jusevitch also explained to council members, if there was a law that needed to be changed, council members should send that information to him and he along with the Council attorney would work together on the language.

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

No Report.

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

Mr. Asbell did not have a report; however he briefly explained the orientation process and the Sunshine Law to new council member, Ms. Melissa Conord-Morrow.

Ms. Daughtry, Chair, stated she has been contacting individuals to apply for council membership. Mr. Jusevitch advised all the council positions for midwives positions have been filled. Request for new council members should fill out the application and submit it to Mr. Anthony Jusevitch. The following positions are vacant: an ob/gyn; a family physician; and a pediatrician.

## **Old Business**

### **Tab 5 Continuation of discussion re: Data Collection (MANA) Statistics**

Previously discussed.

## **New Business**

### **Tab 6 Rule 64B24-4.010(3), F.A.C., Four-month Pre-Licensure Course.**

Currently there is no time frame for which an applicant can take the four month pre-licensure course. Staff had inquired about the time frame it should take an applicant to complete the course. Mr. Jusevitch advised after talking to Mr. Asbell, we do not have the authority to place a time frame on the four month pre-licensure rule.

After discussion Ms. Mask explained the provisions under which a temporary license is issued and the life span of a temporary license.

### **Tab 7 Section 467.009(8), Florida Statutes, Midwifery programs; education and training requirements.**

Council staff brought this matter to the attention of the Council. The previous attorney for the Council of Licensed Midwifery had advised the Midwifery statute had a glitch that had not been corrected. Section 467.009(8), Florida Statutes, states. "Nonpublic educational institutions that conduct approved midwifery programs shall be accredited by a member of the Commission on Recognition of Postsecondary Accreditation and shall be licensed by the Commission for Independent Education." This organization does not exist any longer and advised the statutes should be amended.

Ms Jen Holloman, from the Aviva College in Minnesota gave a brief presentation on her online midwifery school program. Ms. Holloman indicated she contacted the Department of Education in Florida, and there was no longer an "Independent School Commission". Ms. Holloman offered to work with the Florida Council of Licensed Midwifery to obtain more students licensed as Midwives in the state of Florida. Mr. Jusevitch exchanged contact information with Ms. Holloman.

Mr. Jusevitch explained to the Council, although the Commission on Recognition of Postsecondary Accreditation (CORPA) no longer exists, Council on Higher Education Accreditation (CHEA) has now taken their place and is now the accrediting body.

Ms Mask suggested the council discuss amending the statute to reflect CHEA. Mr. Jusevitch stated Mr. Asbell had suggested the language be written in such a way that if it ever changes again, it would be replaced with "or a successor accrediting agency" provided the recommended statutory change is completed.

Ms. Holloman asked if students in another state attending an online program could precept at a Florida school. After discussion Mr. Jusevitch said he would discuss with Mr. Asbell whether or not students who take an online program can precept in Florida.

### **Tab 8 Rule 64B24-7.007, F.A.C., Responsibilities of Midwives During the Antepartum Period**

Ms. Daughtry explained the necessity for this item to be on the agenda. Midwives are required to follow certain procedures. In rule 64B24-7.007, F.A.C., midwives are to screen for certain conditions during the

ante partum period. However, the form in question gives the patient the option to decline the necessary tests for Sexually Transmitted Diseases (STD).

Ms. Daughtry advised midwives are required to use the form and the form contradicts the Council's rule. Rule 64B24-7.007, F.A.C., needs to be interpreted as requiring that the midwife screen for sexually transmittable diseases, UNLESS the mother-to-be has been informed of her right to refuse, declines the screening, and then the midwife must keep a record of her refusal. A rule cannot be contrary to a statute. Section 384.31, Florida Statutes, which applies to licensed midwives, specifically provides:

*384.31 Testing of pregnant women; duty of the attendant.—Every person, including every physician licensed under chapter 458 or chapter 459 or midwife licensed under part I of chapter 464 or chapter 467, attending a pregnant woman for conditions relating to pregnancy during the period of gestation and delivery shall cause the woman to be tested for sexually transmissible diseases, including HIV, as specified by department rule. Testing shall be performed by a laboratory approved for such purposes under part I of chapter 483. The woman shall be informed of the tests that will be conducted and of her right to refuse testing. If a woman objects to testing, a written statement of objection, signed by the woman, shall be placed in the woman's medical record and no testing shall occur.*

Mr. Asbell advised council members the form is not mandatory, except if you read the rules without resorting to the statutes it would apply. Mr. Asbell further stated Section 384.31, as well as similar statutes regarding infant screening and new born screening all give the parent the opportunity to opt out of testing for different kinds of genetic and healthcare problems.

The statute gives the parent the opportunity to object to the tests, and requires a written statement of objection. Mr. Asbell further stated you have to provide and give an objection to the parents; however, you cannot make a parent undergo this testing if they object.

Some council members questioned the validity of the form or whether or not they can develop its own form. Mr. Asbell suggested midwives continue to use the current form until the form's validity had been researched. After discussion it was decided to table this item until the validity of the form was determined.

Ms. Mask reminded council members scheduled meetings occurring on July 13, 2012 and October 12, 2012. The meetings will commence at 9:00 a.m.

The meeting adjourned at approximately at 10:50 a.m.