



# OKLAHOMA State Department of Health

## MINUTES OF REGULAR PUBLIC MEETING

PUBLIC BODY:           ADVISORY COMMITTEE ON MIDWIFERY

DATE:                   WEDNESDAY, NOVEMBER 9, 2022 @ 1:00PM

LOCATION:               OKLAHOMA STATE DEPARTMENT OF HEALTH  
123 ROBERT S. KERR, FLOOR 28, ROOM 1  
OKLAHOMA CITY, OK 73102

CONTACT PERSON:   TABITHA COOPER                   TELEPHONE: (405) 426-8250

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### **I. Call to Order**

Nikki Imes called the meeting to order at 13:07.

### **II. Roll Call**

Tabitha Cooper initiated a roll call for the meeting.

Members present: Dr. Kate Arnold, Lecye Doolen, Sarah Foster, Michelle Hernandez, Nikki Imes.

Members absent: Shaun Baranowski, Dr. Sarah Hall

**Quorum met.**

### **III. Statement of Compliance with the Open Meetings Act**

Tabitha Cooper read the statement of compliance: *This regular meeting of the Advisory Committee on Midwifery, scheduled to begin at 1:00 p.m. on this 9th day of November 2022, was convened in accordance with the Oklahoma Open Meeting Act [25 O.S., §§ 301 et seq.] Further, an advance public notice was sent to the Secretary of State's Office of Administrative Rules by Internet, prior to this time today, specifying the time and place of the meeting. Notice of this meeting was given at least twenty-four (24) hours prior, and no one filed a written request of notice of meetings of this public body to date.*

### **IV. Opening Remarks**

None.

### **V. Approval of previous meeting minutes**

The committee reviewed the meeting minutes of the Regular Public Meeting, held September 14, 2022. Dr. Arnold motioned to approve the minutes. Lecye Doolen seconded the motion.

**Aye:** Nikki Imes, Sarah Foster, Michelle Hernandez, Dr. Kate Arnold, Lecye Doolen

**Motion carries.**

**VI. Program Update**

- a. Licensing updated – 34 licensed, 1 pending (to be reviewed, today)
- b. Thentia Update – Planning to launch November 15, 2022
- c. Hearing A. Coffee – License Revoked at Revocation Hearing September 22, 2022. No need to surrender license once revoked. Administrative fine is still due. Michelle Hernandez questions if the previous requirements will need to be met if she applies in the future. Dr. Frazier says legal would be involved in any reapplication.

**VII. Review, discussion, and action on license applications received**

Committee reviewed application for Kennedy P. Logan. Sarah Foster wants to point out that it is to the states benefit to keep as many licensed midwives working as possible. All in agreement. Sarah Foster has been working with Kennedy Logan at her birth center.

Lecye Doolen motions to recommend Kennedy Logan for licensure. Michelle Hernandez seconded.

**Aye:** Nikki Imes, Sarah Foster, Michelle Hernandez, Dr. Kate Arnold, Lecye Doolen

**Motion carries.**

**VIII. Review, discussion, and possible action on complaints**

Nikki Imes motions to go into executive session due to the content of protected health information. Seconded by Sarah Foster.

**Aye:** Nikki Imes, Sarah Foster, Michelle Hernandez, Dr. Kate Arnold, Lecye Doolen

**Motion carries.**

Nikki Imes motions to leave executive session at 3:09pm. Seconded by Dr. Kate Arnold.

**Aye:** Nikki Imes, Sarah Foster, Michelle Hernandez, Dr. Kate Arnold, Lecye Doolen

**Motion carries.**

Dr. Kate Arnold motions that there was a violation of 310-395-9-4-c-6, for not following thru with contractual obligation in reference to providing post-partum care. Seconded by Lecye Doolen.

**Aye:** Nikki Imes, Sarah Foster, Michelle Hernandez, Dr. Kate Arnold, Lecye Doolen

**Motion carries.**

Dr. Kate Arnold motions that there was a violation of 310-395-9-4-c-1, because the midwife was practicing outside of the scope of practice, or not within the rules and outside of contractual obligation when the client requested her presence, and the midwife did not come. Seconded by Lecye Doolen.

**Aye:** Dr. Kate Arnold, Lecye Doolen

**Nay:** Nikki Imes, Sarah Foster, Michelle Hernandez

**Motion does NOT carry.**

Dr. Arnold motions that there was a violation of 310-395-9-4-c-1, because the midwife was practicing outside of the scope of practice, or not within the rules and outside of contractual obligation in reference to post-partum care. Seconded by Lecye Doolen.

**Aye:** Nikki Imes, Sarah Foster, Michelle Hernandez, Dr. Kate Arnold, Lecye Doolen

**Motion carries.**

Lecye Doolen motions that there was a violation of 310-395-9-4-c-13, because the patient was misled about whether or not she would be admitted to the hospital. Seconded by Dr. Kate Arnold.

**Aye:** Dr. Kate Arnold, Lecye Doolen

**Nay:** Nikki Imes, Sarah Foster, Micelle Hernandez

**Motion does NOT carry.**

Lecye Doolen motions that there was a violation of 310-395-5-7 (2) (A) (i) & (ii) by not transferring the patient to the hospital when her general well-being and psychosocial health status were in question. Seconded by Michelle Hernandez.

**Aye:** Nikki Imes, Sarah Foster, Michelle Hernandez, Dr. Kate Arnold, Lecye Doolen

**Motion carries.**

Administrative penalties are on pg 24 & 25 of rules. We can also suggest midwifery-based recommendations. Dr. Arnold feels like a “slap on the wrist” is appropriate. Sarah Foster asks for a written protocol for at what point do psychosocial concerns necessitate stepping up transfer. Michelle adds a dialogue about keywords to use when discussing it with a patient.

Lecye feels that to learn a lesson there should be a fee because the midwife benefited financially from this. Sarah Foster says in Texas there is the ability to recommend that a midwife refund fees to the client. Michelle says documentation for practice improvements is something she would support.

Dr. Arnold motions to recommend a penalty be assessed according to rule OAC 310-395 5-7, 5-9, 5-11 & 5-12 for \$1000, in regards to previously carried motions regarding violation of 310-395-9-4-c-6 regarding not following thru with the contractual obligation of post-partum care AND violation of 310-395-9-4-c-1 regarding not practicing within the rules and outside of contractual obligation in reference to post-partum care. Seconded by Lecye Doolen.

**Aye:** Nikki Imes, Sarah Foster, Dr. Kate Arnold, Lecye Doolen

**Nay:** Michelle Hernandez

**Motion carries.**

Sarah Foster motions to request the midwife complete a protocol for evaluation of prodromal labor & mental/emotional well-being, with sample dialogue for discussing transfer of care with patients. Seconded by Nikki Imes.

**Aye:** Nikki Imes, Sarah Foster, Michelle Hernandez, Dr. Kate Arnold, Lecye Doolen

**Motion carries.**

### **IX. Set meeting dates for 2023**

If continuing with the 2<sup>nd</sup> Wednesday of the month, and alternating Tulsa & OKC locations, for 2023, that gives us the following meeting dates:

January 11, 2023, 1pm, in Tulsa, OK @ OSU Health Sciences Center

March 8, 2023, 1pm, in Oklahoma City, OK @ Strata Tower

May 10, 2023, 1pm, in Tulsa, OK @ OSU Health Sciences Center

July 12, 2023, 1pm, in Oklahoma City, OK @ Strata Tower

September 13, 2023, 1pm, in Tulsa, OK @ OSU Health Sciences Center

November 8, 2023, 1pm, in Oklahoma City, OK @ Strata Tower

Nikki motions to accept the suggested meeting dates, times & locations. Seconded by Dr. Arnold.

**Aye:** Nikki Imes, Sarah Foster, Michelle Hernandez, Dr. Kate Arnold, Lecye Doolen

**Motion carries.**

### **X. Discussion of possible committee appointments for 2023**

Nikki wants to revoke her previous statement that she wouldn't be interested in resubmission for a seat on the committee. She will resubmit for a seat on the committee when her term expires.

Dr. Frazier says if your term is going to expire and you want to continue serving, send an email and let us know you're interested in continuing. Then we will reach out for individual discussions.

Dr. Arnold is moving to Washington D.C. and will not be able to extend her term, which expires in January 2023. If there is a gap in placing someone for the seat, she would be willing to serve until her departure in May.

Dr. Frazier asks the committee to not consult about recommendations. Dr. Arnold is welcome to recommend to OSDH anyone that she feels would serve us well in her absence, by using the same process of reaching out to us with those suggestions. If someone wants to be on a seat, they are welcome to email Dr. Frazier for information regarding that position.

### **XI: Old Business**

Dr. Arnold left meeting at 3:33. We still have quorum, so meeting continues...

Reporting numbers need to be sound. Unsure if we are adding notes to the reporting document to specify requested information, or if we are getting an entire guidance document.

Moving forward, we can not promulgate rules or make or request definitions. Perinatal may only be defined when we open rules to change, per Dr. Frazier. Nikki explains the issue is the possibility of a misunderstanding regarding annual reporting, that a definition would clear the statistical significance.

Sarah gets perinatal definition from CDC website. And previous meeting minutes referenced ACOG. Sarah then discusses late fetal mortality rate & early neonatal mortality rate. Perinatal is before birth and after birth within 7 days according to how the CDC looks at it.

Nikki says we just wanted to make sure that numbers were compiled accurately. What do OSDH need the numbers for? How is it utilized? Michelle wants to know if it is utilized in vital records or just for licensing purposes.

Dr. Frazer recognizes the need for data. It will be split in different ways. Allowing us to have informed conversations with legislators when asked for information. There are different uses for each piece of data. For OSDH, we turn the information into aggregate data, collectively. This is a newer license type, so it adds to sufficiency of what we are doing. Whether rules are clear or enough or over burdensome? What do the standards say?

Nikki is excited the data is collected on a state level. Midwifery was only in peer groups with personal statistics, previously.

Michelle is excited to see accounting for years of anomaly in the future. Like Covid years. Because they are going to be used in so many ways, she wants to make sure reporting is appropriate. As is, there are a lot of shortcomings.

Nikki points out, if a midwife cared for a patient in Dec. but she isn't due until March...where is the patient accounted for?

Dr. Frazier says the council and the agency need to be in alignment to make rule changes. Attorneys do not make the decisions. Dr. Frazier will be at meetings more frequently so she can clarify things that need to move forward. Joy is policy director and they both just make sure the council is operating within its statutory authority and everything is communicated to the appropriate people (legal, commissioner, etc.).

Nikki asks if there is an x number of years or x number of things that need to be addressed before we revisit rules. Dr. Frazier says it varies and depends on what the item is. With data, it is best to allow time. She will do her job to make sure that the areas affected by the services provided by the council are represented appropriately.

Michelle wants to know if they will be able to see cumulative data since the program started, rather than just year to year data, one year at a time. Dr. Frazier says that is the ideal situation. Michelle says 5-year bites of information weed out anomaly and help give us a clearer picture.

Sarah things we resolved that you cannot use formulary out of state. It is not our jurisdiction to decide where people use what they have legal access to, though.

## **XII: New Business**

None.

**XIII. Adjournment**

Meeting Adjourned at 3:51 pm.