



OKLAHOMA State Department of Health

MINUTES OF REGULAR PUBLIC MEETING

PUBLIC BODY: ADVISORY COMMITTEE ON MIDWIFERY

DATE: WEDNESDAY, MARCH 9, 2022

LOCATION: THE WELL, 210 S. JAMES GARNER AVE.
 NORMAN, OK 73069

CONTACT PERSON: SAMUEL C. CANNELLA TELEPHONE: (405) 426-8250

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I. Call to Order

Nikki Imes called the meeting to order at 13:10.

II. Roll Call

Tabitha Cooper initiated a roll call for the meeting.

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

Members absent: None

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 March 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 January 12, 2022 meeting minutes & executive session minutes. Shaun Baranowski motioned to accept the minutes for both regular and executive sessions. Sarah Foster seconded the motion.

Aye: Nikki Imes, Sarah Foster, Michelle Hernandez, Shaun Baranowski

Abstain: Dr. Sarah Hall, Dr. Kate Arnold, Lecye Doolen (All 3 were not present at previous meeting where minutes are in question.)

Motion carries.

VI. Program Update

- a. Licensing updated – 31 licensed, 2 applications will go before the board today. Colorado had inquired with Sam about our general licensing program
- b. Legislation – Dr. Arnold questions possible legislation of the makeup of ACOM. Sam has not heard of it. Others on the committee believe it was dropped. Dr. Arnold is going to research further and possibly bring it up at the next meeting.
- c. Thentia Update – Phase 1 of 3 phases includes midwives. Go Live will possibly be Monday 3/14/22. Thentia will be a self-service system where everything will be done online: applications, renewals, license history, payment history, certificate printing, public registry & public licensure inquiries. Significant details and verified complaints will be available by follow-up with an open records request. Thentia will also have an online complaints portal. Michelle questions the complaints being viewable because if they are not valid complaints, it could be more destructive than productive. Sam is researching what exactly will be viewable, and confirms that multiple complaints from the same person will still be one complaint.
- d. Annual Reports – All annual reports have been received. We will compile a completed report for next meeting.
- e. V. Giron's License Status – She has completed the terms of surrender. Sam, Travis & legal agreed she's in compliance, and her license has been surrendered in full.
- f. A. Coffee's License Status – License was issued with conditions. She is approximately halfway through the 6-month period. She is currently in compliance with everything but is struggling with the ability to pay fees. She has clients in her care. She will have cases for review to our office by the end of this week. That statement cause confusion, because the board is not reviewing the charts. Travis offered a name of a volunteer preceptor to her. The preceptor has not been contacted at this date. Sam will follow-up making sure contact is made between preceptor & Ms. Coffee. (The preceptor will review charts for 10 clients up to 2 weeks post-partum...looking for proper record keeping and make recommendations.) Sam is going to re-forward the email that contains her settlement agreement to the committee. Sam says he reaches out 3 times while licensees are completing settlement terms. Dr. Hall feels that is excessively generous. Michelle feels that some grace is nice since we are so new, but also self-motivation and self-regulation are definitely necessary characteristics a midwife needs. Sarah Foster & Nicole Imes feel that the community of licensed midwives are, as a whole, trying very hard to make sure they're minding their p's & q's. Dr. Hall feels that we are setting a precedent if we reach out 3 times to Ms. Coffee and we have to do it in the future with all settlement agreements. Sam explains that the precedent has already been set by OSDH to make a reasonable effort to contact licensees going through the process, because we are not allowed, internally at OSDH, to close the file until we have followed up on 3 occurrences. Sarah Foster notes that while she has been in contact with Ms. Coffee, she is maintaining a strong boundary because she has known Anne for 20+ years. She is not in contact as a board member.

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

Committee reviewed the application for G. Thraillkill. Lecye Doolen motioned to recommend acceptance of her application. Seconded by Michelle Hernandez. Dr. Hall asks if we confirm they don't have disciplinary action in states where they claim to be licensed. Lecye said that she, personally, looks them up online and couldn't find any action on her. Nikki says inquiring about if OSDH confirms disciplinary actions in other states where licenses are held should be brought up in new business.

Aye: Nikki Imes, Dr. Sarah Hall, Sarah Foster, Michelle Hernandez, Dr. Kate Arnold, Shaun Baranowski, Lecye Doolen

Motion carries.

Committee reviewed the application for T. Fruga. The question is posed why so many midwives who live out of state are applying to become licensed here. Sarah Foster said she knows Ms. Fruga and she plans to move to Oklahoma. Several others answer, "because their patient lives here." Lecye did NOT try to find anything on this applicant because she did not see her application. Nikki Imes motioned to recommend acceptance of her application. Seconded by Dr. Kate Arnold.

Aye: Nikki Imes, Dr. Sarah Hall, Sarah Foster, Michelle Hernandez, Dr. Kate Arnold, Shaun Baranowski, Lecye Doolen

Motion carries.

Sarah Foster notes that this is the first black midwife recommended for licensure in Oklahoma.

VIII. Review, discussion, and possible action to allow department limited movement with RFIs/NOVs

Sam explains that there is some confusion about the current regulations and what they mean. This is an attempt to clarify. When a complaint is brought to our office, do we have to wait and do absolutely nothing until the complaint is brought before ACOM? Or, and this is what we would like to do, can we gather all the information possible while time is passing between meetings, and bring all of the information, collectively, before the board for review. We need to be clear that ACOM is fully aware and onboard with the manner in which OSDH processes complaints.

Michelle doesn't want access to the complaint information by the public until the board has made a decision. Sam confirms nothing will be made public while we are in the process of gathering information. Nicole likes the idea of OSDH gathering information because it doesn't drag things out. Michelle likes that the committee will have the facts ahead of time for the complaint. Sam clarifies, we want to do as much leg work as possible before bringing it to the board. Nicole also likes that we can call a special meeting if we get information and find it is time sensitive. Michelle questions if this decision is set in stone, or at some point, if the board feels like it is not working properly for them, are they able to rescind this decision by motioning to make a change. Sam clarifies that this committee's expectations are clear and if something changes in the future, a motion can be made to make sure ACOM is notified of a complaint prior to ANY information being collected.

Dr. Sarah Hall motions to allow OSDH, it's staff & legal team to collect and gather as much information as possible prior to bringing complaints to the board. Nikki Imes requests that motion be made under new business.

IX. Review, discussion, and possible action on complaints

Sam updates on Mary Tarango complaint. Since the last meeting, we have received 2 additional, similar complaints. The department is drafting an NOV at this point. It has been verified that she is not using the proper forms required by unlicensed midwives. It is unverified at this point, that she is also possibly advertising false credentials. She is listed as a doctor and licensed midwife on websites, unsure if she has power or control over that. Sam explains that for the first NOV, we want corrections to happen. It will likely not include penalties such as fines. Shaun questions why we allow a time frame for correction, because there is a fine schedule listed in the rules. Sam said across all programs, we give them a time frame to respond. Notices of Violation are a legal process, and the precedent has been set to allow for corrective action before assessing monetary penalty. Dr. Hall expresses confusion on why it has come before the board if she is a lay midwife. Michelle explains that our law is for CPMs and CMs except for the one statement about unlicensed midwives that they must have truth in advertising and use the public safety notices. If Ms. Tarango isn't complying with that, then it is within our obligation to notify her that a corrective action is necessary. Had a complaint about an unlicensed midwife come before the committee and not been something within the rights of this board to address, the parents would need to take further legal actions.

Michelle asks if anyone had documents which applied to this particular situation, would they submit them as a separate complaint? The nature of the documents would decide if a new complaint would be necessary.

X. Old Business

At the January meeting, the committee voted on chair and vice chair positions. The committee voted, and it carried, that the chair and vice chair positions be kept by the current chair and vice chair. Dr. Hall was not present at that meeting. Dr. Hall was given the opportunity to accept the vice chair position. Dr. Hall accepted.

No other old business.

XI. New business

In regards to if we verify the information they are submitting to us as far as licensure out of state, disciplinary actions, etc...Sam clarifies, it's not in regulations that we are required to do this, so it is not something we can base withholding licensure on. We can make it an internal policy to verify that information. Michelle asks if a board member can bring it to the table? Sam says board members are considered experts in the field and may bring knowledge they have to be discussed and considered for review. Sarah Foster wants to know if we can verify the applicants answers with their licensing boards. If they are NOT disclosing information required on our application, that is alarming. Dr. Hall says they are signing a form that says the department can find all background information.

Dr. Hall motions for OSDH to verify information supplied in the application regarding background checks, licensing in other states & disciplinary actions in those states as a part of the application process, whenever possible. Seconded by Michelle Hernandez.

Aye: Nikki Imes, Dr. Sarah Hall, Sarah Foster, Michelle Hernandez, Dr. Kate Arnold, Shaun Baranowski, Lecye Doolen

Motion carries.

Lecye doesn't understand why the violent offender is not included in the background checks that we do. Everyone agrees that it is important. Sam clarifies it's only an Oklahoma background check. Many applicants are out-of-state so Oklahoma backgrounds aren't going to be as telling for some, but it's a start. Sam is checking into an explanation as to why we don't do that and what would be necessary to get a National Background check requirement. Nikki and others feel the National check is reasonable because a lot of crossing state lines happens.

Sarah Foster says we need to consider providing direction as to how pharmaceuticals are administered in the state by out of state midwives. And how Oklahoma midwives administer them out of state. There is much discussion about what is lawful and what is not. If someone is consented in Oklahoma as an Oklahoma client, then it is okay to provide them Oklahoma medications, in Oklahoma, no matter where they live. Many out of state clients come to Oklahoma birthing centers. Sarah Foster feels if they are not an Oklahoma client they should not get Oklahoma medications under any circumstance. Shaun agrees. Michelle asked if someone receives care in Oklahoma, they get Oklahoma medication. If you go out of state they should or should not get needed medication? Dr. Hall says she can call in a prescription to any CVS or Walgreens in the state. If her patient is on vacation and transfers the medication to a pharmacy wherever they happen to be, there is NOTHING unlawful about that. The question is posed: can you use Oklahoma formulary out of Oklahoma? Arkansas has no formulary. Shaun feels that that's why a lot of people are getting licensed in Oklahoma. Michelle says if someone is getting licensed here ONLY for Oklahoma formulary it is still to provide good care to their client, because there is no other option in the state where they reside. If a midwife is obtaining medicine here to bring across state lines and use, that is the other state's issue and not something Oklahoma has the power to deal with. It is based on where the care is received, what they are given. Sam adds that most licenses only cover when you're being licensed in Oklahoma and will not cover you in other states so as long as the patient has agreee to Oklahoma care and Oklahoma forms have been used then you're covered. Dr. Hall says they're not talking about a drug that is unsafe or could cause harm. Dr. Arnold wants to discuss this further at the May meeting with the rules pulled up so we can discuss it properly.

Sam said we are going to supply everyone books with the laws and rules and regulation, hopefully by the next meeting. We are also going to get name placards for everyone. Style & type of name plates will be dependent upon cost.

Lecye questions if you can get a name of licensed midwives. At this time, an open records request is required, and it will only return a list of licensed midwives. Thentia will make it easier to obtain the list and will likely include expired and denied applicants.

Nikki wants to remember to review as 'old business' the medication administration for clients out of state that was discussed today, at the May meeting.

XII: Adjournment

Nikkie Imes motioned to adjourn at 2:45pm. Motion was seconded by Lecye Doolen .

Meeting Adjourned at 2:47 pm.