



**Arizona Department of Health Services
Midwifery Scope of Practice
Advisory Committee
Meeting Minutes**



Division of Licensing Services

Office of Special Licensing

150 N. 18th Avenue
4th Floor, Suite 460
Phoenix, AZ 85007
(602) 364-2079

Jan Brewer, Governor

Will Humble, MPH, Director

Cara Christ, MD, MPH, Assistant Director

Røhno Geppert, MPA, Office Chief

Date & Time of Meeting: Monday December 17, 2012 from 2:00 to 4:00 pm
Location of Meeting: ADHS Conference Room 1740 West Adams Rm 005
Phoenix, AZ 85007

Advisory Committee In-Person Attendees:

Wendi Cleckner, CPM – Licensed Midwife
Allyson Fernstrom, MSW – Public Member
Julie R. Gunnigle, JD, – Public Member
Mary Langlois, CPM – Licensed Midwife
Maria Manriquez, MD – Physician in OB/GYN

Advisory Committee Telephonic Attendees:

Karen Holder, MSN – Nurse Family Practitioner
Jeffrey Northup, DO – Physician in OB/GYN

Advisory Committee Absentees:

Susan Hadley, MD – Physician in Family Practice
Karen Holder, CNM – Advanced Nurse Practitioner

ADHS Attendees:

Will Humble, MPH – Director
Cara Christ, MD, MPH – Assistant Director
Thomas Salow, JD – Acting Deputy Assistant Director
Røhno Geppert, MPA – Licensing Office Chief
Patricia Glass, RN – Licensing Surveyor
Ruthann Smejkl – Rules Analyst
Patricia Cordova – Rules Analyst

Agenda Item A: Call to Order – Welcome and Introductions

Director Humble called the meeting to order at 2:15 pm and identified that a quorum of the committee membership was present.

Assistant Director Christ facilitated the introduction of Committee Members present both in-person and telephonically.

Director outlined that the focus of this meeting are to review the administrative portion of the rules and will not include the scope of practice section of the rules.



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Agenda Item B: Review and Approval of meeting minutes from November 29, 2012

Assistant Director Christ acknowledged that a mistake was made on the previous meeting agenda but clarified that it would be reflected in the meeting minutes. A motion to approved the meeting minutes was made by [a committee member]; the motion was seconded by a [a committee member]; discussion of the motion included the need to have the correct spelling of people’s names in subsequent meeting agendas and minutes; the motion carried with no members voting against and no abstentions.

Agenda Item C: Public Meeting Law Presentation – Laura Flores, JD, Assistant Attorney General

Assistant Attorney General Laura Flores, Esq., presented an overview of the Arizona Open Meeting Law: Statutory reference is ARS §38-432.

Definition of a “Public Body”.

Requirement for a quorum to be present and the prohibition against holding the meeting if a quorum is not present.

The allowance of teleconferencing.

Recommendations for meeting locations.

Requirements of posting/notification requirements.

Agenda requirements.

Prohibition against discussing items not identified on the agenda.

Requirements of minutes as to content.

Posting of draft minutes in whatever format (written or recorded) within 3 working days.

Public Rights overview and prohibition against public speaking unless approved by the committee.

Requirements for holding executive (confidential) sessions within the open meeting and the prohibition against making motions during an executive session.

Prohibition against holding informal out-of-meeting discussions between committee members.

Consequences for violating the open meeting law.

Resources dealing with the Arizona open meeting law.

The presentation in its entirety is available on the Department’s website at:

<http://www.azdhs.gov/als/midwife/advisory-commitee.htm>

Director Humble reinforced the importance of using email judiciously so as to not constitute a quorum and encourages the sending in of questions, clarifications, agenda items, journal articles and other issues or resources directly to Assistant Director Christ.



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**Agenda Item D: Discussion of Rules for Midwifery Application and Licensure Requirements
(Administrative)**

Acting Deputy Assistant Director Salow summarized the proposed changes to the Arizona Administrative Code Title 9, Chapter 16, Article 1 (the administrative section of the midwifery licensing rules):

Background and objectives of Laws 2012, Chapter 93 (HB 2247).

§101: The definitions were not discussed because they will include scope of practice terminology which will be addressed in subsequent meetings of the committee.

The current copy of the rules under review is a rough draft intended to serve as a starting point only.

§102: Application for Initial Licensure.

Articulates a licensing process that is streamlined for clarity and ease for the applicant.

Outlines the relationships that a licensee must have with respect to medical consultations and facilities and emergency transfers of care. Various members discussed the challenges that Arizona licensees and Arizona medical providers have had in developing working relationships with one another. Committee member Holder recommended exploring the model language contained in the State of Washington Smooth Transitions.

Committee member Manriquez expressed concerns about extrapolating language from the State of Washington that does not reflect the dynamics found in Arizona (with respect to the relationships between the midwifery and medical communities).

The literal licensing requirements were discussed and included the requirement of obtaining a certificate as a professional Midwife (CPM) from the North American Registry of Midwives; minimum age requirements; and adds to the section, passage of a state jurisprudence examination and notification of such, including licensing fee (moved from §105) and clarified the Department's review and notification requirements to issue or deny an initial license.

§103: Renewal.

Moved requirements embedded in the rules as forms (Exhibits B & C, respectively) to the body of the rule itself; articulates requirements for the preceptor, preceptor rating guide, verification of specific applications and intervention skills obtained during the apprenticeship and notification of exam eligibility requirements.

Moved requirements embedded in the rules as a form (Exhibits D) to the body of the rule itself; adds whether the applicant will allow supplemental requests from the Department; adds the applicant's attestation of compliance with ARS §32-3211; the requirement of a current Certified Professional Midwife (CPM) credential from the North American Registry of Midwives or, for licensees licensing prior to 1999, current certifications in adult and neonatal CPR; and adds a non-refundable renewal fee. All embedded forms (exhibits) are removed.

§104: Administration.

Strikes all of the current rule language and added: requirements for adding and removing midwifery information on the Department's website; changes to the working relationships between the licensee and various medical



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providers; notification requirements of deaths; and the related documentation (attachments) required for renewal of the license.

§105: Continuing Education (CE).

Strikes all of the current rule language and added: requirement of 10 CE hours for renewal, a listing of entities that are appropriate providers of CE courses for licensees, and strikes from the rule all embedded forms (Exhibit D).

§106: Name change; Duplicate licenses.

Articulates how to facilitate a name change on a license and the means by which a licensee may obtain from the Department a duplicate license.

§107: Timeframes.

Articulates the applicable timeframes in which the Department must act upon an application as well as the timeframes in which the applicant must respond to the Department with requested information.

§112: Client and Newborn Records.

Strikes all of the current rule language and added: requirements for content within the client and newborn records; and strikes an embedded form (Exhibit E).

§113: Denial, Suspension, or Revocation of License; Civil Penalties; Procedures.

Clarifies the reasons for which the Department may take legal action against a license.

Agenda Item E: Future Agenda Items & Preparation for Next Meeting

Director Humble outlined the work to be done in preparation for the next meeting, specifically the ways in which licensees will work with the electronic birth certificate; and how communication will be facilitated between licensees and the medical community in which a given client would be served. The decision was made to move the meeting time to evening hours in order to accommodate the schedules of committee members. A majority of members in attendance agreed to the new (evening) meeting time. The next meeting will be held in the State Lab conference room on January 14, 2013 from 6:00 to 8:00 pm.

Committee Member Fernstrom made the recommendation to have a presentation of the State of Washington Smooth Transitions at the next meeting and Committee Members Cleckner and Manriquez agreed to work on the presentation together.

Agenda Item F: Call to Public

Janice Bovee, requested time on the next agenda to present information from the American College of Nurse Midwifery.



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Christine Bowman asked the Committee to consider the rights of women in Arizona to choose where and with whom they select to facilitate the birth of their children when looking at an expansion in the midwifery scope of practice.

Sherry Santh relayed her experience of birthing in a hospital, which was negative, and her gratefulness that she was able to opt for a home birth subsequently. She asks for the scope of practice of midwives to be expanded so that it will be a legal option for mothers who have had negative experiences in a hospital setting.

Holly Ozanski relayed her experiences of home birth in the state of Washington in which she was transfer to a hospital for a cesarean birth. She was devastated when she discovered that home birth and a vaginal birth would not be an option for her here in Arizona. She went on to relay that she chose a home birth that was unattended by anyone. She indicated that she is now currently pregnant and will again choose to give birth at home and asks that the laws be changed to allow her to have a midwife attend the delivery her next child in order to raise the level of safety.

Jenny Fultman expressed her view that having to see a physician for approval to have a midwife attend her birth was not a reasonable expectation and imposed undue financial burden on the expecting mother.

Michelle Whaiya expressed concern about having a physician sign-off as it would prevent many women from being able to choose a midwife-attended birth. She opposes the idea.

Sierra Nova expressed her desire to give birth at home but knows that her only options in Arizona are to have a hospital birth or an at-home unassisted birth because she has previously had a caesarean section birth. She believes a midwife possess the skills necessary to know when something occurs which requires emergency medical services.

Lori Wade expressed concern about VBACs at home given the dangers of a uterine rupture.

Meridith expressed the need to focus on the safety of women and newborns.

Julianne Jackson expressed her desire that all women in Arizona have home birth options and her belief that well-trained midwives save lives everyday.

Merryl stressed the importance for greater collaboration between midwives and medical practitioners and the need to rise above prejudices on both sides in order to provide good care for women. She expressed copncerns about home-birth VBACs due to the risk of uterine ruptures.

Jessica Richardson expressed that she has had six homebirths all of them successful and without complication due to the expert care she received from her midwife.

Agenda Item G: Closing Remarks

Director Humble thank everyone on the Committee for their commitment to the process and thanked the public for their participation in the democratic process. He stressed the importance of making decisions based upon data as the process moves forward.

The meeting was adjourned.