

MINUTES

**UTAH
CERTIFIED NURSE MIDWIFERY
BOARD MEETING**

December 1, 2011

**Room 464 – 4th Floor – 8:45 a.m.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:06 a.m.

ADJOURNED: 10:45 a.m.

Bureau Manager:
Board Secretary:
Division Director:

Debra Hobbins
Shirlene Kimball
Mark Steinagel

Conducting:

Debra Penney

Board Members Present:

Debra Penney
Betty Elliott
Linda Cornaby
Honey Newton
Angela Anderson

Guests:

Casey Hill, Utah Medical Association

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS

Swearing in New Board members,
Honey Newton and Angela Anderson:

Angela Anderson and Honey Newton were sworn in by Dr. Hobbins. Ms. Anderson and Ms. Newton were welcomed by Board members. Mr. Steinagel expressed the Division's appreciation for the service Board members provide.

Introduction of Bureau Manager, Dr. Debra Hobbins;

Mr. Steinagel reported Ms. Poe retired due to significant health problems. Mr. Steinagel introduced Dr. Hobbins and indicated she is extremely qualified and is a positive asset to the Division.

Election of Board Chair:

Ms. Elliott was elected as chair of the Board.

Discussion regarding Rules:

Dr. Hobbins reported that section R156-44a-102(5) of the Nurse Midwife Practice Act Rules adopts the recognized scope and standards of nurse midwifery set

forth in the “Core Competencies for Basic Midwifery Practice”, May 2002 and the “Standards for the Practice of Midwifery”, March 2003. Dr. Hobbins reported this reference needs to be updated to reflect current standards. Board members indicated they agree. It was suggested that the Rule be changed to read: “in the most recent” Core Competencies for Basic Midwifery Practice and Standards for the Practice of Midwifery. The date of the publications would be deleted. Mr. Steinagel stated the Rule making process requires the name of the standards to be adopted, the published date and name of the organization. Mr. Steinagel reported general standards cannot be adopted. Ms. Penney made a Motion to amend the rule in section R156-44a-102 (5) and adopt the Core Competencies for Basic Midwifery Practice, January 2008 and the Standards for the Practice of Midwifery, September 2011. Ms. Anderson seconded the Motion. All Board members voted in favor.

Ms. Newton reported she had tried to contact Ms. Poe regarding clarification of an issue that the CNMs have with the Practice and Referral Plan if providing intrapartum services. Ms. Newton reported that about one year ago, a CNM conducting doctoral research found that it was difficult for the CNM to find a physician willing to sign the Practice and Referral Plan. Ms. Newton indicated that the Practice and Referral Plan attached to the application required a physician signature. The researcher found that an overwhelming number of CNMs can not find a physician that is willing to sign the form. Ms. Newton indicated it has been interpreted that the form must be signed by the physician or the CNM can not practice. Ms. Newton stated the Statute and Rules do not require a physician signature. Ms. Newton stated she believes this form was developed by the Division as a way to help ensure there was a supervising physician for intrapartum services. Ms. Newton stated it has been interpreted a CNM can not practice if the physician does not sign the form. Ms. Anderson stated physicians are charging for their signatures, or they are unwilling to sign the form. A number of CNMs can not open a practice or had to shut down practice because he/she could not find a physician willing to sign the form.

Ms. Newton reported the CNMs have been meeting with physicians group to resolve this problem. She stated there is consensus with Mark Brinton, Utah Medical Association that a solution can be found. She reported they would like to make sure there is professional accountability, but yet have the CNM free to open a practice without having to jump through the additional hoop. Ms. Newton also stated that the UMIA (the physician malpractice insurance agency) determined that the physician insured by them would be told not to sign the form unless the CNM was employed the physician. Ms. Newton reported relationships had to be dissolved because of this position. Ms. Anderson indicated this is hurting the rural areas. Dr. Hobbins questioned whether or not the rule or statute needs to be opened to address this issue. Ms. Newton stated since the rule doesn't require a signature and it may have been added as DOPL's way to ensure there was a supervising physician, she does not feel the Act needs to be opened. However, Ms. Newton reported this was discussed with Michelle McOmber at the UMA and after that meeting it was felt that language needs to be very clear. Ms. Newton stated the CNMs have been working with the UMA on various versions. Ms. Newton stated no one is sure whether or not this needs to be introduced into the Legislature, they are not trying to make it a requirement, just trying to clarify the signature so that it is not misused. Ms. Newton provided a copy of the proposed changes.

Mr. Steinagel stated he does not see where the rule requires a written practice plan and does not feel there is an issue. However, if the hospitals are requiring a signature, he is not opposed to clarifying the issues. Mr. Steinagel stated the CNM is held accountable to the national standards and what they are speaking to doesn't need a signature per national guidelines. However, Utah requires a backup plan if something goes wrong. Mr. Steinagel stated it is up to the Board to adopt standards and if the signature is not necessary, the signature could be eliminated. Mr. Hill stated the Board will want to be careful, one physician was okay with signing the form, taking on the responsibility, but others may not be. The intent is not to prohibit CNM practice, but there needs to be a willing physician. Mr. Hill questioned how you

show willingness. Mr. Steinagel indicated it could be defined in statute what willingness means, and if there is a complaint, bring in experts. Mr. Hill stated he feels the issue needs to be revisited, but does feel both sides are very close. Dr. Hobbins indicated she would review the language in the current Act and Rule and in the proposed changes.

Ms. Cornaby stated that if it is going to be presented to the Legislature, it will need to be done quickly and assigned a priority. Ms. Newton stated Holly Richardson will be the sponsor and is not sure if she has designated a priority. The Board needs to meet again the second week in January to review the issue. The next meeting will be set for January 19, 2012 at 9:00 a.m.

Dr. Hobbins:

Dr. Hobbins stated she would like the CNM Board to meet at least a minimum of once a year to review standards, rules and other issues regarding practice. The next meeting will be set for January 19, 2012; and then again November 2, 2012 at 9:00 a.m.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

January 19, 2012
Date Approved

(ss) Betty Elliott
Betty Elliott, Chair, Utah CNM Licensing Board

January 19, 2012
Date Approved

(ss) Debra Hobbins
Debra Hobbins, Bureau Manager, Division of Occupational & Professional Licensing