

New Hampshire Midwifery Council

Friday, January 3, 2020 12:00 PM

Public Meeting Minutes

The December 6, 2019, public session of the meeting of the Midwifery Council was called to order by Sherry Stevens, CPM, Chair, at 12:44 p.m., with the following members present:

Sherry Stevens, CPM, Chair

Evelyn Aissa, Public Member

Amy Darling, CPM, Member (left at 1:50 p.m.)

Kathryn Hartwell, CPM, Member (left at 2:00 p.m.)

Heidi Rinehart, MD, Member

Mark Carney, MD, Member

OPLC Staff:

Lindsey Courtney, Esq. Director, Division of Health Professions

Thomas Broderick, Esq., Rules Counsel

1. **RULES DISCUSSION.** Thomas Broderick, Esq. discussed the status of the laceration repair rules. Mr. Broderick noted that, at the last meeting in October, the Council voted on the conditional approval response. He stated that he needed another vote, although nothing had changed in the rules.

Kate Hartwell, CPM inquired whether all the amendments were made and Mr. Broderick stated that the amendments had been made but were no longer annotated. The Council reviewed the rules.

Mr. Broderick noted that, once the Council votes, the rules would be effective the date after filing. Heidi Rinehart, MD inquired as to the mechanism to review complaints if the meeting is cancelled, given the thirty-day requirement. Mr. Broderick stated the prior rule provided that if the Council dismissed a complaint, a complainant could argue that the Council should not have dismissed the complaint. The proposed rule does not include that provision.

Mr. Broderick noted that the rule could not be changed at this point in the proceeding, but the Council should consider rule revision in the future. SS noted that she could put a complaint on the FTP site. Thomas Broderick, Esq. agreed, but stated the Council could not deliberate and would have to call a meeting. Discussion ensued regarding practices surrounding emergency meetings.

Mr. Broderick noted that it was his understanding from a prior meeting that the Council wanted to change the M & M reporting form, but the Council wanted to review first. Sherry Stevens, CPM stated that the Council did want to review the form. The Council generally discussed that it would review the form, prior to discussion with Mr. Broderick regarding changes.

Upon a motion by Sherry Stevens, CPM with a second by Kate Hartwell, CPM, the Council unanimously voted to adopt the rules presented by Mr. Broderick with the amendments as written.

2. **MINUTES OF NOVEMBER 1, 2019 REVIEW.** Upon motion by Sherry Stevens, CPM with a second by Heidi Reinhart, MD, the Council unanimously voted to approve the minutes of the November 1, 2019, meeting.
3. **PRESENTATION BY NH PROFESSIONALS HEALTH PROGRAM.** Peg Crowder and Dr. Sally Garhart from the New Hampshire Professional Health Program (NH PHP) informed the Council about the work of their organization. NH PHP monitors health professionals from various boards. Ms. Crowder noted that NH PHP has contracted with the Board of Nursing. Dr. Garhart noted that they do have a confidential track for physicians with certain conditions. The Council is not part of the OPLC contract with NH PHP, but that OPLC is looking to add more boards, councils, and commissions.
4. **APPLICATIONS.** N/A
5. **M&M FORM REVISION.** By motion from Sherry Stevens, CPM with a second by Kate Hartwell, CPM, the Council unanimously voted to table the issue.
6. **NEWBORN JAUNDICE PROTOCOLS REPORT AND DISCUSSION.** By motion from Sherry Stevens, CPM with a second by Mark Carney, MD, the Council unanimously voted to table the the report and discussion until February.
7. **QUESTIONS.**

Question 1: CPM Requirement. Amy Darling, CPM read a question about whether the midwife was required to be CPM-certified as the language was vague.

Answer: Midwives must be CPM-certified. Amy Darling, CPM will inform the sender of the email that she could not be a midwife in New Hampshire without a CPM.

Question 2: Unapproved by MEAC School. Is it a requirement to attend an MEAC-approved School?

Answer: At the state level, an individual has to be a CPM.

8. **NON-PUBLIC SESSION.**

At 1:18 p.m., upon motion by Mark Carney, MD with a second by Kate Hartwell, CPM, the Council voted unanimously via roll call (Sherry Stevens, CPM, Heidi Reinhart, MD, Mark Carney, MD, Evelyn Aissa , and Kate Hartwell, CPM) to enter a non-public session for the purpose of discussing investigations of alleged misconduct noting that such a non-public session is authorized by RSA 91-A:3, II(c), RSA 91-A:5, IV, Lodge v. Knowlton, 118 N.H. 574 (1978) and the Council's executive and deliberative privileges.

[Non-Public Minutes kept separately]

At 2:19 p.m., upon motion by Mark Carney, MD with a second Heidi Reinhart, MD, the Council voted unanimously via roll call vote (Sherry Stevens, CPM, Heidi Reinhart, MD, Mark Carney, MD, Evelyn Aissa) to enter public session.

At 2:19 p.m., upon motion by Mark Carney, MD with a second Heidi Reinhart, MD, the Council voted to seal the minutes. The Council voted unanimously to maintain the privacy of the items discussed in non-public session pursuant to RSA 91-A:3, on the grounds that public disclosure may adversely affect the reputation of a person other than a Board member, or render the proposed action ineffective.

Next meeting: January 3, 2019, at 12:00 p.m. SS noted the Council would discuss 2020 meeting dates at the January meeting.

Upon motion by Sherry Stevens, CPM with a second by Mark Carney, MD, the Council unanimously voted to adjourn the meeting adjourned at 2:19 p.m.