

State of New Hampshire

OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION DIVISION OF LICENSING AND BOARD ADMINISTRATION

Midwifery Council

7 Eagle Square, Concord, NH 03301-4980

Phone: 603-271-2152

LINDSEY B. COURTNEY
Executive Director

JOSEPH G. SHOEMAKER
Director



PUBLIC MEETING MINUTES

March 15, 2022

The regularly scheduled meeting of the New Hampshire Midwifery Council was held at 7 Eagle Square on February 11, 2022. The public also had access through the Zoom link provided on the Council's website.

Members present:

Sherry Stevens, NHCM, Council Chair (SS)
Heidi Rinehart, M.D. (HR)
Mark Carney, M.D. (MC)
Kate Hartwell, NHCM (KH) (remote via Zoom*)

Others Present:

Jenna Wilson, Board Administrator
Jessica Whelehan, Board Administrator
Counsel: Attorney Michael Haley, NHDOJ AGO

*Chairperson SS previously approved KH's remote attendance as authorized by RSA 91-A:3 III, (a) because her physical attendance at the meeting was not reasonably practical. Pursuant RSA 91-A:3 (e), a member participating in a meeting authorized by these statutes is deemed to be present at the meeting for purposes of voting. All votes taken during such a meeting shall be by roll call vote. As such, *all votes were roll call votes; additionally, all votes were unanimous unless indicated otherwise.*

PUBLIC SESSION:

CALL TO ORDER

Chairperson Sherry Stevens, NHCM (SS) called the meeting to order at 1:06PM.

- 1. REVIEW OF PUBLIC MINUTES** from meeting held on February 11, 2022. HR requested an editorial change to item 6a. On motion of SS and second by HR, the Council voted unanimously to approve the Public Minutes of February 11, 2022, as amended.
- 2. LICENSURE:**
 - a. Jenna asked for clarification about whether the Council's reviews renewal applications. The Council confirmed that the rules (Mid 402.04) provide they review renewal apps.

- b. There is a discrepancy with the license number issued to Morgan Gaines, NHCM. SS presented historical records showing the license number should be #1059. Jenna Wilson will review the licensing record and find the discrepancy.
- c. SS inquired about the expiration dates for newer licensees because they appear to be rolling 2-year expirations. Research of RSA 326-D:11 and guidance from Attorney Haley reflect that Certifications lapse 2 years after *date of issuance*. Jenna will work with OPLC DoIT to determine if MLO has the current capability to change the licensee's next renewal date to be 2 years from the last renewal, rather than April or November.

3. OPLC UPDATES AND INFORMATIONAL ITEMS:

- a. Complaints process changes with OPLC Enforcement: The Council had concerns about how the OPLC Enforcement process will continue to interface with the M&M self-reporting requirement for midwives. Members stressed that M&M reports should not be treated the same as complaints. There was also concern about how the emergency complaints and license actions will be relayed to the Council. The Attorney Haley reported the DOJ AGO is still working with OPLC to fine tune this process and he will take the Council's comments back to his office for consolidation with other boards and councils.

4. ADMINISTRATIVE RULES:

- a. Mid 400 Initial Proposal – Revised Draft 2/15/22: The Council discussed changes to the M&M Reporting process. Initially the Council preferred that the midwife send an email to or call the chairperson; however, further discussion revealed that clients were already handed off to a higher level of care at a hospital and, therefore, an immediate report to the Council chair is not necessary. Having the call or email going directly to the council chair could become a problem with impartiality and lead to a recusal which would prevent a quorum from voting on the actions. The council was clear that their concern was about public safety, not legal liability; if there is a midwife practicing dangerously, it must be addressed quickly.
 - i. On motion of HR and second by SS, the Council voted to change the rules to require a midwife send an email to Midwifery@oplc.nh.gov containing the M&M report within 10 days of the birth. This will be a new rule Mid 407.01 (a)(1) unless there was a compelling reason from Board counsel for a standing order. They would like to pursue entering into a Memorandum of Understanding with OPLC outlining to following process for:
 - Board Admin will post the M&M report in the FTP site within 24 business hours. Board Admin will email (blind copy) all council members to notify them that there is a new M&M report posted for review. Any Council member can notify the Board Admin that they want the chairperson to call an emergency meeting and Board Admin will facilitate scheduling the meeting.
 - The OPLC Midwifery website needs to be clear and post where and when to send M&M Reports. The email address must be on the new M&M form.
- b. Initial Application Changes: Tabled, pending further review from the Council and Rules Committee.
- c. Reciprocity Procedures: Tabled pending further review from the Council and Rules subcommittee.

NON-PUBLIC SESSION:

At 2:31PM, pursuant to RSA 91-A:3, and upon motion by SS and second by HR, the Board voted unanimously via roll call vote to enter into non-public session because public disclosure may render a proposed action ineffective or adversely affect the reputation of a person discussed other than a Board member.

RETURN TO PUBLIC SESSION:

At 3:12PM, SS announced the Council was back in Public Session and moved to seal the non-public minutes 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. The motion was seconded by HR; the council voted by roll call vote to seal the non-public minutes, KH abstained due to a poor internet connection and being unable to participate in the vote.

5. NEW BUSINESS:

- a. Standing Order: Returned payment and insufficient funds fees: On motion of HR and second by MC, council voted by roll call vote endorse and sign the proposed standing order; KH abstained due to a poor internet connection and being unable to participate in the vote.
- b. The council noted that HB1061 was referred to interim study.

ADJOURNMENT

Chairperson Sherry Stevens adjourned the meeting at 3:18PM.