

State of New Hampshire
OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION
DIVISION OF LICENSING AND BOARD ADMINISTRATION

Midwifery Council

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PUBLIC MEETING MINUTES

April 8, 2022

The regularly scheduled meeting of the New Hampshire Midwifery Council was held at 7 Eagle Square on April 8, 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)

Others Present:

Jenna Wilson, Board Administrator

Jessica Whelehan, Board Administrator

Tina Kelley, OPLC Rules staff

Heather Kelley, OPLC Finance Director

Attorney Michael Haley, Board Counsel NHDOJ AGO

PUBLIC SESSION:

Chairperson Sherry Stevens (SS) called the meeting to order at 8:33AM.

1. **REVIEW OF PUBLIC MINUTES** on motion of HR and second by KH, the Board voted*unanimously to approve the minutes of the meeting held on March 15, 2022, as amended.
2. **OPLC UPDATES AND INFORMATIONAL ITEMS:**
 - a. **Jurisprudence Exam:** Heather Kelley, OPLC Finance Director, spoke to the Council about changing the jurisprudence written exam from a paper exam administered by the Board at the OPLC office to a 3rd party provider, ProMetrics, for a 1-year contract until OPLC can go through the state bid process. Ms. Kelley indicated that bids will be awarded by Board/Council because there likely isn't one company that can meet the needs of everyone. This change is needed is to ensure compliance with state contracting laws and it will also promote transparency. Ms. Kelley said that she will be working with Jenna Wilson to obtain the scope of work and all requirements for the exam to be administered by ProMetrics and then gather information again when the request for proposal is written for the next provider. SS stated that she was more comfortable contracting with a testing company rather than OPLC sending exams by email to applicants to maintain the integrity of the process.

*all votes are unanimous unless indicated otherwise.

On motion of HR and second by SS, the council voted to allow OPLC to contract with ProMetrics for 1 year and work with OPLC to obtain a new contract for online jurisprudence exams after that.

3. ADMINISTRATIVE RULES:

The Council worked with Tina Kelley on **Mid 400 IP** Revised Draft (rev. 2/15/22).

- a. The Council discussed the definition of **“Medical backup”** in 401.01(g) and whether it would be interpreted differently by other medical professions. There was also discussion of whether or not the definition belongs in Chapter Mid 300 or Mid 400. The Council discussed that the term is used in both chapters so it should be moved to the Mid 300s. Attorney Michael Haley suggested to add the definition to Mid 300 in the same rulemaking with the current Mid 400 changes; however, Tina declined the suggestion. Tina stated that all of the definitions will need to be looked at and that can be done in a different rulemaking.
- b. The Council reviewed the **Initial Application form** and determined that the cover letter is not part of the “form” so they should be separated. Tina will work on a revised form for the Council to review.
- c. The Council noted that the word “mortality” was missing from 407.01(a) and asked that Tina correct the error.
- d. HR made a motion to keep the term **“medical backup”** in Mid 401.01(g) and accepts the Mid 400s as revised to proceed with formal rulemaking. There was no second from a Council member; an individual from the public participating via Zoom asked to be recognized to speak.
- e. **Morgan Gaines, NHCM** expressed concerns about Mid 401.01 (l) &(i). She discussed whether Mid 401.01 (i) should be changed to 26 weeks rather than 20 weeks. HR explained that 20 weeks of gestation is a public health standard used for fetal death and that this rule is not related to viability.
Ms. Gaines also inquired about **Mid 401.01(l)** and stated that the changes to (i) & (l) would be a burden on midwives because they would have to complete and submit many more Morbidity and Mortality reports. KH questioned the removal of **“for purposes other than observation”** from Mid 401.01(l) and the Council discussed why it may be appropriate to review M&M incidents even for observation because issues may not be reported by hospital providers as often as the Council would like, so M&M reports for observation are necessary to ensure midwives comply with the law and rules. As a compromise, the Council discussed changing the time frame for hospitalization in Mid 401.01 (l) from 24 to 48 or 60 hours. On motion of HR and second by SS, the Council voted to change Mid 401.01(l) to 60 hours for either the client or baby and wait for public comment from the midwifery community to consider alternatives.
- f. The Council noted that this rule still won’t cover issues that occur at home; it will not capture clients/babies transferred to the hospital.
- g. The Council worked with Tina and decided to leave **definitions for “Morbidity & Mortality”** reporting generic and then describe more specifically in the body of the rule what events qualify such as E-911 activation, unresolved blood pressure issues, etc (TBD). Ms. Kelley advised she was going to make changes to the M&M Report form for Council review. She suggested to remove the cover letter so that it is not part of the “form” in the rule.
- h. SS requested that the Board email a copy of the **Mid 500 – Scope of Practice draft IP** rules to Rebecca Price-Wood at the NH Midwifery Association, contactnhma@gmail.com as well as Morgan Gaines, NHCM with a request for comments by their next meeting so that the Council can establish a rules subcommittee.
- i. **Request for Advance Public Comment:** On motion of HR and second by SS the Council voted to Tina Kelley to complete and submit a Request for Advance Public Comment in

accordance with RSA 541-A:11 to obtain opinions in the NH midwifery community about what should be included in the Mid 500s.

- j. The Council advised that the public comment period should be open for a maximum of 30 days so that they can gather information quickly from citizens and private midwifery groups who wish to provide their thoughts ahead of the formal rulemaking process. This will allow the Council to have as much information as possible before the rules subcommittee digs in and starts drafting.

NON-PUBLIC SESSION:

Upon motion of SS and second by KH, the Board voted unanimously by rollcall vote to enter into non-public session at 10:04AM for the purpose of discussing investigations of alleged licensee misconduct and other confidential Board business. Such a non-public session is authorized by RSA 91-A:3, II (c), RSA 91-A:3 II (e), RSA 91-A:5, IV, Lodge v. Knowlton, 119 N.H. 574 (1978), and the Board's executive and deliberative privileges.

RETURN TO PUBLIC SESSION:

At 11:06AM, 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 KH; the council voted unanimously by roll call vote to seal the non-public minutes.

4. OLD BUSINESS:

- a. **Expiration date changes update:** This will need to be done manually by OPLC for previously licensed applicants. New applicants expire the end of the month 2 years from date of licensure.

5. NEW BUSINESS: None

6. LICENSURE

- a. **Kimberly Barstow:** On motion of KH and second by HR, the Council voted to conditionally approve the reinstatement application contingent on receipt of CPR card and a VT letter of verification.

ADJOURNMENT

On motion of HR and second by Chairperson Sherry Stevens, the meeting was adjourned at 11:20AM.

Next meeting: Friday, May 13, 2021 at 1PM.