



# OKLAHOMA State Department of Health

## MINUTES OF REGULAR PUBLIC MEETING

PUBLIC BODY:           ADVISORY COMMITTEE ON MIDWIFERY

DATE:                    WEDNESDAY, NOVEMBER 10, 2021

LOCATION:                OKLAHOMA STATE DEPARTMENT OF HEALTH, ROOM 5  
                              123 ROBERT S. KERR AVE., OKLAHOMA CITY, OK 73102

CONTACT PERSON:    TRAVIS SPLAWN                    TELEPHONE: (405) 426-8250

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### **I. Call to Order**

Nikki Imes called the meeting to order at 13:09.

### **II. Roll Call**

Tabitha Cooper initiated a roll call for the meeting.

Members present: Dr. Kate Arnold, Shaun Baranowski, Lecye Doolen, Sarah Foster, Dr. Sarah Hall, Michelle Hernandez, Nikki Imes

Members absent: None

### **III. Statement of Compliance with the Open Meetings Act**

Tabitha Cooper read the statement of compliance: *This regular meeting of the Advisory Committee on Midwifery, scheduled to begin at 1:00 p.m. on this 10th day of November 2021, was convened in accordance with the Oklahoma Open Meeting Act [25 O.S., §§ 301 et seq.] Further, an advance public notice was sent to the Secretary of State's Office of Administrative Rules by Internet, prior to this time today, specifying the time and place of the meeting. Notice of this meeting was given at least twenty-four (24) hours prior, and no one filed a written request of notice of meetings of this public body to date.*

### **IV. Opening Remarks**

Nikki Imes was excited we have had midwifery licensed in Oklahoma for 1 full year!

### **V. Approval of previous meeting(s) minutes**

The committee reviewed the September 8, 2021 meeting minutes. Executive minutes were in the packet, regular session minutes were reviewed on the board in the room & Robyn printed paper copies for addition to packet after the fact. Nikki Imes motioned to approve the minutes and Shaun Baranowski seconded.

**Aye:** Dr. Kate Arnold, Shaun Baranowski, Lecye Doolen, Sarah Foster, Dr. Sarah Hall, Michelle Hernandez, Nikki Imes

**Motion carries.**

## **VI. Program Update**

Travis Splawn discussed that we were waiting on the executive team to review and approve the consent agreement when our Commissioner changed. Finally, our proposed settlement agreement was approved and the offer was made to A. Coffee. We are in the process of getting it finalized with an administrative law judge. We'll use M. Hernandez recommendation for peer review.

Reviewed the External Cephalic Version Consent Form template for final approval. 'ifneeded' needs a space in it. Dr. Hall & Shaun Baranowski feel that 'less force applied to fetus' isn't accurate language, so it is stricken. Strike the 2<sup>nd</sup> sentence on the page, altogether.

Severe Event Reporting document has been added to website. Nikki Imes received clarification of the "NOTE" on the form. Dr. Sarah Hall suggested to add the actual portion of the law on page 2. Travis is going to add 'Reporting to the Department' next to the hyperlink on page 1.

Licensing update: we are at 26 licensed and 3 for review today.

## **VII. Discussion, review, and possible action on license applications**

Committee reviewed the application for A. Dougherty. Dr. Sarah Hall motioned to recommend. Seconded by Sarah Foster.

**Aye:** Dr. Kate Arnold, Shaun Baranowski, Lecye Doolen, Sarah Foster, Dr. Sarah Hall, Michelle Hernandez, Nikki Imes

### **Motion carries.**

Committee reviewed the application for C. May. Sarah Foster motioned to recommend. Seconded by Michelle Hernandez.

**Aye:** Dr. Kate Arnold, Shaun Baranowski, Lecye Doolen, Sarah Foster, Dr. Sarah Hall, Michelle Hernandez, Nikki Imes

### **Motion carries.**

Committee reviewed the application for M. Prichard. Nikki Imes motioned to recommend. Seconded by Dr. Kate Arnold.

**Aye:** Dr. Kate Arnold, Shaun Baranowski, Lecye Doolen, Sarah Foster, Dr. Sarah Hall, Michelle Hernandez, Nikki Imes

### **Motion carries.**

## **VIII. Discussion, review & possible action of license issue (V. Giron)**

Venessa was NOT recommended by the board. Due to a clerical error, a paper license was mailed to her. She received a license and has been operating. The legal team was contacted and told us that if a license is issued in error from our office, they become licensed practitioners, regardless. Our options are: 1. Pursue revocation on the grounds that the committee did not recommend her licensure. 2. Consider a probationary period where we present a settlement agreement and her initial licensure period is supervised

Michelle is concerned that previously non recommended applicants may appeal their decisions based on this. Travis explains that licenses have not been inadvertently issued to anyone else, so there is not that similarity. No precedent would be set. The 1<sup>st</sup> non recommendation was of risk or concern to public health.

Michelle clarified that V. Giron was not recommended due to safety concerns and that if denial decisions are based on issues from other states, if they fix those issues, they may re-apply to Oklahoma. V. Giron application was viewed on the white board. Pulled up previous meeting documents to confirm, she had time restricted continuing education that she did not complete within the time allotted..

The terms of her Arkansas suspension were pulled up digitally on the board. Facts, findings, laws violated, order & conclusions of Arkansas legal case were reviewed. Everything was very clear and specific as to timelines and directives and Arkansas offered her a provisional license if she completed those terms. She did not complete her time restricted continuing education within the allotted time. She completed and submitted it months past deadline. She didn't notify apprentices, clients or vendors of her suspension and only partially removed verbiage from her websites. The response she provided us said she simply forgot some of what was required and was an honest mistake. Michelle is nervous about allowing her to continue and questioned the process that follows if we revoke license. Travis explained we will be contacting legal and the steps involved in revocation. This process goes straight to a show-cause hearing and a date is set. V. Giron may come to hearing and participate and speak for herself. If she does not show up, revocation would go into effect. Dr. Sarah Hall motions to revoke. Seconded by Shaun Baranowski.

**Aye:** Dr. Kate Arnold, Shaun Baranowski, Lecye Doolen, Sarah Foster, Dr. Sarah Hall, Michelle Hernandez, Nikki Imes

**Motion carries.**

**Nikki Imes calls for a break at 2:05pm.**

**Meeting resume at 2:14pm.**

### **IX. Discussion, review & possible action on complaints received**

No complaints received.

### **X. Discussion of Committee member terms**

Pulled "SB 405" up on the board, as well as each member having it in paper packets. There are 3 classes of terms. The first class will end 2 committee members terms on 1/31/2023, the second class will end another 2 terms on 1/31/2025, the third class will end the final 3 original committee members terms on 1/31/2027.

Decision to remove and add by profession was unanimous. When a CPM, CNM or physician term ends, they will be replaced by someone in the same career field for each cycle.

Travis wrote numbers 1-3 on paper and allowed CPM's to pick a slip of paper, then did the same for physicians and CNM. Lecye will remain for a full initial term without voting.

There is a current maximum of 2 consecutive terms.

1<sup>st</sup> class is Nikki Imes & Dr. Kate Arnold, term to expire 1/31/2023.

2<sup>nd</sup> class is Dr. Sarah Hall & Sarah Foster, term to expire 1/31/2025.

3<sup>rd</sup> class is Shaun Baranowski, Michelle Hernandez & Lecye Doolen, term to expire 1/31/2027.

### **XI. Set regular meeting dates for 2022**

If we continue with 2<sup>nd</sup> Wednesdays...

January 12, 2022 @ 1pm in Tulsa

March 9, 2022 @ 1pm in OKC

May 11, 2022 @ 1pm in Tulsa

July 13, 2022 @ 1pm in OKC

September 14, 2022 @ 1pm in Tulsa

November 9, 2022 @ 1pm in OKC

Michelle Hernandez questions when people can come in and speak for rule changes. Travis answered that we are not making changes this year; likely September 2022 when we go to legislature to make changes again. If someone tries to modify Shephard's law or anything that relates to midwifery care, we would call a special meeting at that time.

Nikki Imes motioned to accept this schedule. Seconded by Lecye Doolen.

**Aye:** Dr. Kate Arnold, Shaun Baranowski, Lecye Doolen, Sarah Foster, Dr. Sarah Hall, Michelle Hernandez, Nikki Imes

**Motion carries.**

### **XII. Old business**

No old business brought for discussion.

### **XIII. New business**

No new business brought for discussion.

### **XIV: Adjournment**

Nikki Imes motion to adjourn at 2:34pm and seconded by Dr. Sarah Hall.

**Aye:** Dr. Kate Arnold, Shaun Baranowski, Lecye Doolen, Sarah Foster, Dr. Sarah Hall, Michelle Hernandez, Nikki Imes

**Motion carries.**

Meeting Adjourned at 2:35pm.