

STATE BOARD OF MIDWIFERY
Division of Occupational and Professional Licenses
P.O. Box 83720
Boise, ID 83720-0063

Conference Call Minutes of 7/29/2022

BOARD MEMBERS PRESENT: Valerie J Hall - Chair
Carol J Birdzell
Megan Kasper M.D.
Amy B Redman

BOARD MEMBERS ABSENT: Elizabeth Hartman

DIVISION STAFF: Anne Lawler, Bureau Chief
Kent Absec, Licensing Program Manager
Skip Liddle, Investigative Unit Supervisor
Nicholas Krema, General Counsel
Emily Rough, Board Support Specialist

OTHERS PRESENT: Landon Brown, Outside Legal Counsel
Barb Rawlings, Idaho Midwifery Council
Charity Catlin, Midwife

The meeting was called to order at 9:31 AM MDT by Valerie J Hall.

NALOXONE DISCUSSION

The Board reviewed a document regarding midwife use of Naloxone. This information will be posted on the Board's website for public and licensee access.

INFORMED CONSENT FOR TEMPORARY CARE

The Board discussed the need for informed consent for temporary care. The Board determined that it is the licensee's responsibility to include temporary care in their consent forms. No action was taken.

BOARD ELECTIONS

Ms. Redman made a motion to elect Ms. Hall as Board Chair. It was seconded by Ms. Birdzell. Motion carried.

LAWS AND RULES

Ms. Lawler presented a legislative update. She informed the Board that the following bills passed the 2022 Legislative Session: Senate Bill 1296, House Bill 612, Senate Bill 1244, House Bill 629, and Senate Bill 1297.

ZERO-BASED REGULATION

Ms. Lawler outlined the ZBR process going forward and stated that no comments were received during negotiated rulemaking. The Board reviewed additional staff recommendations for the rules outlined below. Unless otherwise stated, the Board approved the recommendations presented.

300.01- Annual Continuing Education Requirement:

Division staff suggested deleting the last two sentences as unnecessary.

300.02- Subject Material:

Division staff suggested combining this with subsection 01.

200.01- Complete Practice Data:

Division staff suggested changing the requirement for submitting practice data to encompass the two years preceding licensure renewal. This is in anticipation of the Board moving toward a two-year renewal cycle. No changes were made because this would conflict with Idaho Code § 54-5506(2).

300.03- Verification of Attendance and 300.04- Distance Learning and Independent Study:

Division staff recommended deleting these subsections as unnecessary.

300.05- Requests for Board Approval:

Division staff suggested deleting this rule and providing a form on the Board's website to request Board approval of educational programs.

300.06- Peer Review System:

Division staff and the Board discussed the importance of peer review. No additional changes were made to this subsection.

300.07- Carryover Hours:

Division staff and the Board discussed the importance of carryover hours. No change was made.

300.08- Hardship Waiver:

Division staff recommended deleting this rule as unnecessary because the Board already has this authority.

351- Use of Formulary Drugs:

Division staff asked if the specific drugs need to be listed in the rules when they are already listed in statute. Ms. Rawlings stated that the formulary listed in rule provides dosage guidance and additional information that is important to retain. Division staff asked about removing the chart and having the rule reference the chart that is maintained in Board guidance on the website. Legal counsel stated that guidance may be less enforceable. No change was made.

352- Obtaining, Storing, and Disposing of Formulary Drugs:

Division staff recommended incorporating by reference Title 54, Chapter 17 and the Idaho Board of Pharmacy rules, and deleting all subsections.

355- Medical Waste:

Division staff recommended updating the rule to require adherence to state and federal laws and deleting all subsections.

DIVISION UPDATE

Ms. Lawler stated that the Division is officially moved into the permanent building. In-person meetings will resume in August.

Ms. Lawler also provided an update on Board appointments.

FINANCIAL REPORT

Ms. Lawler gave the financial report, which indicated that the Board had a cash balance of \$(46,711.14) as of March 23, 2022.

COMPLAINT MEMORANDUM

Mr. Liddle gave the investigative report, which is linked above.

EXECUTIVE SESSION

Ms. Birdzell made a motion that the Board enter executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law, Idaho Code § 74-106(9). The purpose of the executive session was to discuss documents relating to the fitness of a licensee to retain a license or

registration. It was seconded by Dr. Kasper. The vote was: Ms. Hall, aye; Ms. Birdzell, aye; Ms. Redman, aye; and Dr. Kasper, aye. Motion carried.

Ms. Birdzell made a motion to leave executive session. It was seconded by Ms. Redman. Motion carried. No decisions were made in executive session.

APPROVAL OF MINUTES

Ms. Birdzell made a motion to approve the minutes of 3/7/2022 and 4/1/2022. It was seconded by Ms. Redman. Motion carried.

ZERO-BASED REGULATION

Ms. Birdzell made a motion to move the rules that have been approved by the Board to proposed for publication in the administrative bulletin. It was seconded by Ms. Redman. Motion carried.

ADJOURNMENT

Ms. Hall adjourned the meeting at 12:45 PM MDT.