

State Board of Midwifery

Board/Commission Members:

- Barbara N. Rawlings, LM, Bonners Ferry – Chair
- Amy B. Redman, Rathdrum – Public Member
- Dr. Clarence W. Blea, MD, Boise
- Paula Wiens, LM, Boise
- Valerie J. Hall, LM, Ammon

Board/Commission Composition: The Board consists of five (5) members: three (3) licensed midwives; one (1) licensed physician who is board certified in either obstetrics/gynecology or family medicine, maintains current hospital privileges, and has provided primary maternity care for at least twenty (20) births in the twelve (12) months prior to appointment; and one (1) public member. Board members serve a term of five (5) years. [Idaho Code § 54-5503](#).

Operating costs per licensee: \$558.88. This number represents the dollar amount required annually to serve each applicant or licensee based on the average number of licensees and the average expenditures since Fiscal Year 2014. This includes all administrative, fiscal, legal and investigative services, and reflects unrecovered disciplinary action costs and fees from investigations involving fetal deaths in 2012.

Total number of licensees in Idaho on May 19, 2018: **50**.

For the State Board of Midwifery, the **shortest time** from complete application to issuing a license was the **same day**. The **longest time** from complete application to issuing a license was **23 days**. The **average time** to licensure was **10.8 days**. Of all licenses issued, **11.1 percent** were issued the **same day**. The Board issued **9 licenses** between May 19, 2017 and May 19, 2018.

Note: All Board meetings are subject to Idaho's Open Meeting Law. The law requires a minimum of five (5) calendar days' notice for regular meetings, and a forty-eight (48) hour notice for the agenda. Special meetings require twenty-four (24) hour meeting and agenda notice. [Idaho Code § 74-204](#).

State Board of Midwifery

A. Index of Statute, Rule, and Policy Requirements for Licensure and Renewal

		Statute I.C. Title 54 Chapter 55	Rule IDAPA 24.26.01	*Policy	Application	Basis to Deny Issuance or Renewal	Fees
Midwife	Issuance for Initial License	I.C. § 54-5506 I.C. § 54-5507	24.26.01.100	*	Application	I.C. § 54-5506 I.C. § 54-5507 I.C. § 54-5510	\$200 Application Fee \$800 License Fee
	Renewal Requirements	I.C. § 54-5511(4)	24.26.01.200 24.26.01.300	*	Birth Statistics Form	I.C. § 54-5511(4) I.C. § 54-5510 I.C. § 67-2614	\$850 Renewal Fee

**All of the Board's requirements for licensure and renewal are in statute or rule. The Board does not have any requirements in policy.*

State Board of Midwifery

B. Applications and Renewals Denied, May 19, 2017 – May 19, 2018

Refusal to Issue Initial License [Total Number: 0]

	Basis in Statute and/or Rule	Summary of Factual Basis
	None	

Refusal to Renew License [Total Number: 0]

	Basis in Statute and/or Rule	Summary of Factual Basis
	None	

State Board of Midwifery

C. Disciplinary Actions in the Last Five (5) Years**

The State Board of Midwifery received **39 complaints** from Fiscal Year 2013 through May 19, 2018. During this time frame, **14 complaints** were closed by the Board with no disciplinary action; **8 resulted in disciplinary action**; **12 remained under investigation**; and **5 were pending legal review**.

***The detail provided below is only for disciplinary action closed between May 19, 2017 and May 19, 2018. Cases are not always closed within the same fiscal year they are opened, and sometimes multiple complaints are included in one disciplinary action. The Board's full [disciplinary action information](#) is available online.*

Case No.	Date of Final Action	Action Taken	Statutory Basis	Summary of Factual Basis
MID-2017-2	1/24/2018	Consent Order	I.C. §§ 54-5510 (6) and 54-5511 (1); IDAPA 24.26.01.356.01 , .02(a)(iv) , .05(a)(v) , .05(a)(vi) , and .05(b)	Respondent failed to maintain accurate and complete medical records for a client; provided care to a client who was giving birth to a baby who was less than 37 weeks gestation rather than initiating a hospital transfer; failed to provide the hospital with a client's medical record or an assessment of the labor process during the transfer process; and failed to comply with informed consent requirements.

State Board of Midwifery

D. Changes or Attempted Changes in the Last Five (5) Years to Eliminate Barriers to Entry

Law and Rule

Session	Legislation or Rule	Summary
2014	Docket No. 24-2601-1301	This rule change is a fee increase, as the Board's expenses have been exceeding its revenues. The Board has had expensive disciplinary actions and has not been able to recover any of the costs. Therefore, the increase in fees for all licensees is needed.
2015	Docket No. 24-2601-1402	House Bill 438, sponsored by the Idaho Midwifery Council and passed by the 2014 Legislature, made changes to the Act. These rules implement changes made regarding when newborn transfer of care or consultation is required, and clarity pertaining to respiratory distress, postpartum evaluation, presence of emesis, and temperature instability.

Additional Barriers Eliminated/Opportunities Provided

Date	Barriers/Opportunities	Summary
2017	Implemented Idaho Code for military service and added it to the Board's website	<p>I.C. § 67-2620 For military service members and veterans, the Board added to its website a link to a law that says the Board may accept military training and experience toward qualification for licensure. The law states that professional and occupational licensing boards may accept military education, training, and experience toward meeting the qualifications for a license, certification or registration. Boards may also expedite applications, including military spouse applications.</p> <p>I.C. § 67-2602A Additionally, if a licensee already holds an active Idaho license and is on active duty in the United States Armed Forces, that license will remain active without renewing it for six (6) months following discharge from active duty. The license shall remain in good standing without the necessity of renewal and during said period the same shall not be cancelled, suspended or revoked.</p>

Additional Barriers Eliminated/Opportunities Provided (continued)

Date	Barriers/Opportunities	Summary
2015	I.C. § 67-2614	<p>This change allows boards to use the law to set its reinstatement fee, or to set a reinstatement fee by rule. It eliminates the requirement that, in addition to the reinstatement fee, the licensee has to include payment of the license fees for all of the years the license has been expired. It also clarifies the continuing education required to reinstate a license or registration.</p> <p>Impact: Those whose licenses expired within the last five (5) years had to pay licensure fees for each year they were expired. Anyone whose license had been expired for more than five (5) years would have to apply as a new applicant. This law change reduces barriers to reentry in two ways. For those whose licenses have been expired for less than five (5) years, it eliminates the requirement to pay licensure fees for each year the license was expired. For those whose licenses have been expired for more than five (5) years, it allows the Board to consider education, supervised practice, examination or practice in another jurisdiction in determining the person’s competency.</p>
2010	Application Review	As soon as a complete application is received, staff is instructed to coordinate with the Board Chair to schedule a meeting or conference call to review applications within thirty days.
2009	House Bill 185	This bill removes members of the State Board of Midwifery from the Public Employee Retirement System of Idaho (PERSI) by changing the payment they receive from compensation to an honorarium under I.C. § 59-509 .

E. Assessment of Public Interest

Midwives practice in home and birth center settings. They specialize in pregnancy, childbirth, postpartum, and newborn care. They are educated and trained to recognize the variations of normal progress of labor, and understand how to manage deviations from normal. The public expects their midwives to be competent and adequately trained and educated, such that they can be reasonably certain that the services and care they receive will not harm them or put them at risk for injury, disease or death. Midwifery licensure in Idaho is designed to protect the health, safety and welfare of the public and to provide a mechanism to assure quality care by ensuring that midwifery care is provided by people who the Board has determined meet minimum qualifications to perform midwifery services. Licensure also provides a mechanism to address complaints and deal with issues of public safety.

Licensure has also provided the public with a legal choice for their care when it comes to pregnancy, childbirth, postpartum, and newborn care. By establishing a set of qualifications for licensure, the law allows midwives to practice without fear of criminal prosecution. Prior to this Act, a midwife could be criminally charged for practicing medicine without a license. The passage of the Act removed a barrier to safe care and provides midwives with the opportunity to work more closely with the medical profession in order to protect the public.

State Board of Midwifery

F. Recommendations for Improvement, Modification, or Elimination of Requirements

1. Update Rule 004 incorporation by reference, to ensure publication dates reflect the most current publications.
2. Propose a change to Rule 100 deleting obsolete provisions and consider moving subsection 100.03(c) to qualifications.
3. Propose law changes to I.C. § 54-5511 followed by a change to Rule 200.04 to “calendar year” instead of “12 months immediately preceding.” The proposed law change and potential rule change would allow consistent and uniform collection of required statistics, and allow ease of compliance for licensees.
4. Update Rule 325.01(c) to reflect the most recent Job Analysis Survey published by the North American Registry of Midwives (NARM).
5. Once the budget is in the black, consider lowering the reinstatement fee to \$35 in accordance with I.C. § 67-2614 and look at a fee decrease.
6. Update I.C. § 54-5503 to delete initial Board appointment language.

State Board of Midwifery

Summary of Objectives

The Licensing Freedom Act asked that all of Idaho's professional licensing entities critically look at their processes, laws and rules. The goal is to document the elimination of barriers and make recommendations for future changes that improve, modify or eliminate laws and rules governing professional licensure. In response, the State Board of Midwifery respectfully submits the above report and summarizes with a checklist to ensure all of the objectives were met:

- ✓ Objectives of Executive Order
 - ✓ Protect the public. (*I.C. [§ 54-5501](#)*)
 - ✓ Portability of licensure. (*Use national exam and credential*)
 - ✓ Eliminate barriers to entry to work. (*See Section F*)
 - ✓ Do away with unnecessary regulation. (*See Section F*)
 - ✓ Modernize licensure and regulatory requirements. (*Online continuing education*)

- ✓ Comprehensive Review - consider some of the issues raised in the background material, such as,
 - ✓ Telework – Idaho has recently passed laws related to telehealth but other occupations may be facing similar issues regarding telework. (*I.C. [Title 54, Chapter 57, Idaho Telehealth Access Act](#)*)
 - ✓ Distance/Online Learning/Testing – distance/online education and testing are increasingly available and may influence the resources that applicants or licensees can access to obtain education, continuing education or to test. (*IDAPA [24.26.01.300.04](#), options for online continuing education*)
 - ✓ Criminal History – What barriers or additional obstacles do applicants/licensees face who have a criminal conviction? Do our laws consider the relevance or proximity in time of a conviction to the individuals applying for licensure or for those currently in practice? (*I.C. [§ 54-5510](#) and IDAPA [24.26.01.450](#)*)
 - ✓ Early Examination – What can be addressed in the timing of processes to eliminate unnecessary delays (*National exam is proctored at testing centers around the state and scheduled by the applicant*)
 - ✓ CE Hardship – Is there an allowance for extenuating circumstances? (*IDAPA [24.26.01.300.08](#), hardship waiver; [26.24.01.300.07](#), carryover hours*)
 - ✓ Temporary Permits – Are there opportunities to work while minimum requirements are being met? (*After meeting educational and clinical requirements, students may work as birth assistants until passage of the exam*)