



TENNESSEE COUNCIL OF CERTIFIED PROFESSIONAL MIDWIFERY
Regular Council Meeting

April 7, 2022
10:08 a.m.

MINUTES

A regular meeting of the Tennessee Council of Certified Professional Midwifery was held in the Poplar Conference Room, at 665 Mainstream Drive, Nashville, TN, 37243, on April 7, 2022.

Members Present: Debra Church, CPM, Chairperson
 Sandra Tinnin, CPM
 Donna Lafferty, CPM
 Dr. John Wilters, MD, OB/GYN
 Sarah Hochstetler, CPM

Members Not Present: Jennifer Davis, consumer member

Staff Present: Stacy Tarr, Interim Executive Director
 Ronda Webb-Stewart, Senior Associate Counsel
 Cassandra Corbett, Administrator for the Council

Roll call was conducted and the meeting was called to order by Debra Church at 10:08 a.m.

Annual Election of Officers

Ms. Stacy Tarr explained that the statutory requirements for the Council and informed them of the process to elect a Chair and Vice Chair.

Ms. Church was nominated as Chair by Dr. Wilters and the motion was seconded by Ms. Lafferty. The motion passed unanimously.

Ms. Hochstetler was nominated as Vice Chair by Ms. Church and the motion was seconded by Ms. Lafferty. The motion passed unanimously.

Approval of Minutes

Ms. Church made the motion to approve the minutes from the April 1, 2021 and December 15, 2020 meetings, and the motion was seconded by Ms. Lafferty. The motion passed unanimously.

Review and Ratification of Licenses

The Council requested clarification regarding the licensee list and the administrative office explained the various licensing situations that would require an initial application to be submitted. After a review of the list of licensees, Ms. Lafferty made a motion to approve the list for ratification. Ms. Church seconded the motion. The motion passed unanimously.

Expired/Lapsed License Policy

Ms. Ronda Webb-Stewart, the counsel for the Council, introduced expired/lapsed license policies used by other Boards, comparing and contrasting the examples as well as outlining the points that the Council would need to consider while developing their own. Ms. Tinnin inquired about the current policies and administrative processes for applicants whose licenses expire. Ms. Webb-Stewart, Ms. Tarr, and Ms. Corbett explained the current processes and how a policy would streamline administrative office operations. Discussion ensued regarding a grace period, fees, and other penalties.

Ms. Church made a motion for the Council's policy to include a 60-day grace period, a **penalty fee** of \$100 per month beginning on the 61st day, a maximum **penalty period/duration** of 6 months, a penalty fee cap of \$1,000. The motion was seconded by Dr. Wilters. The vote passed unanimously.

Legislative Review

Brent Culberson, the Assistant Commissioner for Legislative Affairs, presented bills from the 2020 Legislative Session along with bills that have passed during the current 2021 Legislative Session, notably the sunset hearing which extended the Council until June 30, 2028.

Safe Baby Transfer Collaboration

Ms. Heather Munoz presented on the Safe Baby Transfer Collaboration program, refreshing the Council on the purpose and objectives of the collaboration. The Council inquired regarding the statistics and the information used to produce them.

Ms. Tarr directed the Council to the statute and introduced the Request for Proposal process. Ms. Church emphasized the need for collecting data and creating statistics. Ms. Kyzonte Hughes-Toombs suggested holding a second meeting in the fall in order to give the administrative office time to coordinate with the necessary parties and arrange for their attendance at the proposed meeting.

Ms. Church made a motion to direct administrative staff to gather additional information regarding the Request for Proposal process and arrange for the necessary parties to attend a fall meeting. The motion passed unanimously. Ms. Tarr advised the Council on scheduling the fall meeting and stated she would follow up with them after the meeting so a date could be set.

Department Reports

Investigations

Roger Knowlton, the intake coordinator for the Office of Investigations, presented the 2020 and 2021 year-to-date complaint reports.

In 2021, 2 (two) complaints were opened while 2 (two) complaints were closed and sent to the Office of General Counsel: 1 (one) for fraud/false billing and 1 (one) for unlicensed practice.

In 2022, there were no new complaints and 1 (one) complaint closed for insufficient evidence.

Finance

Matthew McSpadden, the fiscal manager for the Dept of Health, Licensure, and Regulation, presented the Council's final fiscal report for 2021 along with a midyear report for 2022.

In 2021, the Council finished with a healthy carryover balance.

The 2022 report covered the first half of the fiscal year, which is July 1, 2021 through December 31, 2021, explaining that while revenue is currently up, the Council's revenue fluctuates so it is not an indicator of any change.

Mr. McSpadden also prepared a spreadsheet which offered an adjustable breakdown in reference to the Council's carryover balance and the impact that the proposed fee decrease along with program funding would have on the carryover balance over a five-year span. With this, he was able to manipulate the values and illustrate to the Council how the carryover might look in various scenarios.

Dr. Wilters inquired about the status of the fee reduction and Ms. Hughes-Toombs updated the Council on its status. She followed by outlining the process for rulemaking approval. The Council reviewed the current fees and what they had voted to adjust them to. Ms. Church asked if the figured in the fee decrease could be altered easily and Ms. Hughes-Toombs explained that they could finalize things in the fall meeting and not delay the fee decrease.

Ms. Church suggested that they "kick the can down the road" and finalize the fee reduction figures in the fall when they meet to move forward with the RFP process and the Council agreed.

Administrative office report

The activities that have transpired in the administrative office between April 1, 2021 and March 31, 2022 concerning Midwives are as follows:

New Applications Received: 11

Total New Licenses Issued: 15

Total Number of Renewals: 31

Total Number of Renewals online: 24 – 77%

Total number of active licensees as of March 31, 2022 is 75.

Office of the General Counsel

Ms. Ronda Webb-Stewart introduced herself as the new counsel for the Council. She gave an overview of the various open items that the Council has in motion and gathered feedback and direction from the Council on how they wished to approach them. She then proceeded to present the report from the OGC.

She informed the Council that a case tried in December 2020 is under appeal and she is hoping to have an update at the fall meeting. She reminded the Council to review the Conflict of Interest statement.

Currently, there is 1 open file in the Office of General Counsel.

There is 1 (one) set of rules regarding written documentation of collaborative plans with a definition for compensation; however, that rule packet is still in internal review.

Ms. Tarr posited the idea of the Council meeting twice per year as their regular meeting schedule, stating that it makes it easier for administrative staff and legal counsel to advance the directives of the Council and communicate any unforeseen obstacles.

Ms. Tarr then presented available dates for the Council's fall meeting.

Ms. Church had questions regarding the process of appeal in the litigation case mentioned and as to whether this case would come before the Council, concerned that since they had already heard the case, it might be difficult to be neutral. Ms. Webb-Stewart stated that the case is appealing to a different court and would not come before the Council a second time.

Public comment

There were no public comments.

Meeting adjourned at 11:33 a.m., CST