

**STATE OF NEW JERSEY
DIVISION OF CONSUMER AFFAIRS
MIDWIFERY LIAISON COMMITTEE
PUBLIC SESSION MINUTES
MONDAY, OCTOBER 16, 2006**

A meeting of the New Jersey Midwifery Liaison Committee was held on August 28, 2006 at the State Office Building, 124 Halsey Street, 6th fl, Newark, New Jersey. The meeting was convened in accordance with the provision of the Open Public Meetings Act with previous notification having been sent to the Secretary of State and the following publications: The Bergen Record, Newark Star Ledger, Camden Courier Post, Trenton Times and Asbury Park Press to advise of the scheduling of this meeting. The meeting was called to order by Karen Criss, Chair of the Committee at 12:30 PM.

I. ROLL CALL

PRESENT:

Karen Criss, CNM
Linda Perry, CPM
G. Louise Aucott, CNM
Christine Danser, CNM
Dina Aurichio, CPM
Karen Shields, CNM (VIA TELEPHONE)

ALSO PRESENT

Steve Flanzman, DAG
Kevin B. Earle, M.P.H., Executive Director

EXCUSED

Audrey Tashjian, M.D.

Ms. Criss announced that the Board of Medical Examiners had reviewed the CV of Audrey Tashjian, M.D., and appointed her as the OB-GYN members of the committee.

II. MINUTES

APPROVAL OF THE PUBLIC SESSION MINUTES OF AUGUST 28, 2006.

A MOTION WAS MADE BY MS. AUCOTT WHICH WAS SECONDED BY MS. DANSER TO ACCEPT THE PUBLIC SESSION MINUTES AS AMENDED. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

III. OLD BUSINESS

Proposed Regulations: Prescriptive authorization (N.J.A.C. 13:35-2A.14)

The Committee reviewed the final copy of the proposal, which was reviewed by the Executive Committee of the Board of Medical Examiners, and was approved for notice and comment by the Board of Medical Examiners on Wednesday, October 12, 2006. This was accepted as informational.

IV. NEW BUSINESS

A. Advisory Letter on Post Partum Depression

The Committee reviewed a draft letter that is being circulated to all affected health care professionals to notify them of the now statutory requirement for health care providers to screen women for PPD and to inform pregnant women and their families about this condition. The Division of Consumer Affairs is facilitating the mailing.

B. Certified Nurse Midwives and Certification of False Labor

The Committee reviewed a communication from Kellyann Dzedzic, Director of Corporate Compliance at Hunterdon Healthcare System, requesting the Committee to review recent changes by the Center for Medicare and Medicaid Services detailing changes to the Federal EMTALA guidelines that adopted a new definition of "Labor," and expanded the types of health care providers that may certify false labor to include Certified Nurse Midwives. Ms. Dzedzic reported that the federal standards conflict with New Jersey Department of Health and Senior Services (DOHSS) hospital licensing regulations at N.J.A.C. 8:43G-12.6, which limit this role to certified advanced practice nurses in an emergency department setting. A copy of the CMMS notice and the relevant regulations were available for Committee review.

The Committee noted its agreement with the CMMS guidelines and concurred with the assessment that Certified nurse midwives should be included in the category of individuals permitted to certify false labor in an emergency department setting. It was noted however, that such matters fall outside the jurisdiction of the Committee and the Board of Medical Examiners. Ms. Criss noted that she would contact BME President, Sindy Paul, M.D., who serves as the Department of Health representative to the BME, to investigate how this issue might be approached so that a regulatory change at DHSS could be pursued.

C. Home Birth Issues - Affiliated Physicians

Several members of midwifery community were present to bring the Committee's attention an affiliated physician who supports a number of midwives in northern and Central New Jersey will no longer be able to serve in this capacity as of December 1, 2006. The physician was subject to a limitation of two midwives, which was imposed by his malpractice carrier. Several midwives addressed the Committee on this issue, expressing concern that several experienced midwives would no longer be able to provide services to their clients if no medical doctor could be found to sign off on clinical guidelines. Upon questioning by committee members, it was reported that 10-12 midwives would be affected. Individuals requested that the Liaison Committee take immediate action on this matter.

Members of the midwifery community who were present were advised that neither the board of Medical Examiners or the Committee have the authority to immediately suspend a regulatory requirement. Further, a change in the regulations cannot occur absent further study, the development of draft language, and the approval of an amendment for notice and comment before it can be adopted.

It was further noted that the American College of Nurse Midwives had a position statement on the requirements for signed collaborative agreements, which was distributed.

The Committee determined to conduct further study on this issue, to include research on the requirements in other states, to be discussed at the December meeting.

V. ADJOURNMENT TO EXECUTIVE SESSION

A MOTION WAS MADE BY MS. AURICCHIO, WHICH WAS SECONDED BY MS. PERRY, TO GO INTO EXECUTIVE SESSION TO CONDUCT AN INVESTIGATIVE INQUIRY AND REVIEW DISCIPLINARY MATTERS. A VOTE WAS TAKEN AND THE MOTION PASSED UNANIMOUSLY.