

**STATE OF NEW JERSEY
DIVISION OF CONSUMER AFFAIRS
MIDWIFERY LIAISON COMMITTEE
PUBLIC SESSION MINUTES
MONDAY, APRIL 16, 2007
140 East front Street, Trenton, New Jersey.**

A meeting of the New Jersey Midwifery Liaison Committee was held on April 16, 2007 at the State Office Building, 140 East front Street, Trenton, 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 10:40 A.M.

I. ROLL CALL

PRESENT:

Karen Criss, CNM
Karen Shields, CNM
G. Louise Aucott, CNM (VIA TELEPHONE)
Dina Aurichio, CPM (VIA TELEPHONE)
Audrey Tashjian, M.D. (VIA TELEPHONE)

EXCUSED:

Christine Danser, CNM

ALSO PRESENT

Steve Flanzman, DAG
Laura Anderson , Executive Director
Charles Manning, Regulatory Analyst

No members of the public present.

II. MINUTES

APPROVAL OF THE PUBLIC SESSION MINUTES OF FEBRUARY 26, 2007.

The Committee, upon a motion made by Ms. Aurichio and seconded by Ms. Shield, voted to approve the Public Session Minutes of February 2007, as presented.

III. OLD BUSINESS

A. N.J.A.C. 13:35-2A.2 :Definitions. 13:35-2A.6; Affiliated Physicians. Proposed changes

The Committee discussed whether cause existed to amend the requirement that a signed agreement be maintained between a licensee and the affiliated physician. Regulatory Analyst Manning presented for Committee review a draft of proposed regulatory amendments, consistent with discussions held at the Committee's last meeting, which incorporated changes that had been suggested by the Committee.

The Committee reviewed documentation concerning the issue, to include copies of regulations in other states, a position statement on the issue from the ACNM ("American College of Nurse-Midwives"), and documentation

addressing the issue prepared by the MANA ("Midwives' Alliance of North America). Both the ACNM and the MANA take the position that requirements for signed agreements do not in any way enhance patient safety nor do they promote professionalism, and instead likely create practice and economic barriers to midwifery practice.

The Committee is of the opinion that the regulations should be amended to remove the requirement for a signed affiliated agreement, but continue the requirement that an affiliation exist between a licensee and a physician which should include agreement(s) on clinical practice guidelines. The Committee asked Mr. Manning to make amendments to the draft proposal consistent with the recommendations made.

B. N.J.A.C. 13:35-2A.14. Prescriptive Authorization

This matter was returned to the Committee because of a concern identified, on legal review, that the Committee's proposal to allow pharmacology education to be obtained in courses other than those that are college or university based would not be consistent with statutory requirements. The Committee reviewed an amended proposal that would bring the regulations into conformance with the statutory requirements, and moved that the amended proposal be presented for publication in the New Jersey Register.

IV. DISCIPLINARY ACTIONS

Deputy Attorney General Steven Flanzman informed the Committee of the following disciplinary actions taken by the Board of Medical Examiners:

Elizabeth Cohen, C.N.M. Lic. # 25 ME 00013200

A consent order was filed wherein Ms. Cohen was reprimanded for having engaged in fraudulent and dishonest conduct. The Consent Order recites that Ms. Cohen purposefully altered a copy of an expired certificate of licensure, so that it appeared that her license was current through October 2007, when in fact the license was not renewed, and thus was suspended, in October 2005. Ms. Cohen was also assessed a penalty of \$ 1,500.00 and ordered to attend a course in professional practice ethics.

Kelly Ann Gilger, C.N.M. Lic. # 25 ME 00036400/ 25 ME 00036401

A consent order was filed wherein Ms. Gilger's license was suspended for a period of one year, three months of which were to be served as an active suspension, commencing April 10, 2007. The Consent Order was based on findings that Ms. Gilger prescribed Tussionex, a schedule III controlled dangerous substance, for a co-worker, without having any midwife-patient relationship with the individual for whom the prescription was written, without maintaining patient records, and without having conducted any examination to support the prescribing. Ms. Gilger was additionally assessed a civil penalty of \$2,500, ordered to reimburse costs of \$3,643.66, and ordered to attend a course in professional practice ethics.

Olivia Kimball, C.P.M. Lic # 25 MW 00000600

A consent order was entered wherein Ms. Kimball agreed to voluntarily surrender her license. The surrender was deemed to be a revocation of license. The consent order was based on a case in which Ms. Kimball accepted a client who was in her third trimester, without obtaining records from a prior treating midwife nor conducting any physical examination of the client. Ms. Kimball accepted the client and performed a home birth notwithstanding the fact that the client had a prior cesarean delivery and was not a suitable individual for home birth. The Committee considered this material as informational and determined that Ms. Kimball's Consent Order be sent to the Midwifery Board in the State of Pennsylvania

V. ADJOURNMENT

THE COMMITTEE, UPON MOTION MADE BY MS. AUCOTT AND SECONDED BY MS. SHIELDS, VOTED TO ADJOURN THE MEETING AT 3:00 PM.

Respectfully submitted,

Laura L. Anderson
Executive Director