



**TENNESSEE COUNCIL OF CERTIFIED PROFESSIONAL MIDWIFERY**  
**Regular Council Meeting**

**April 6, 2019**  
**9:00 a.m.**

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**MINUTES**

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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 6, 2019.

Members Present:                    Debra Church, CPM, Chairperson  
    Sandra Tinnin, CPM  
    Margaret Brasel, CNM  
    Donna Lafferty, CPM

Staff Present:                        Candyce Wilson, Administrative Director  
    Stacy Tarr, Administrative Director  
    Angela Lawrence, Executive Director  
    Kyonzte Hughes-Toombs, Deputy General Counsel  
    Brandi Allocco, Administrator

The necessary number of council members joined the meeting and a quorum was established, meeting call to order by Debra Church at 9:04 a.m.

**Election of Officers**

Pursuant to TENN. CODE ANN. § 63-29-106: The council members shall elect annually from their membership a chair and vice chair. Accordingly, elections were held.

Ms. Sandra Tinnin made a motion to leave current officers in place. Ms. Margaret Brasel seconded. The motion passed.

**Minutes**

Ms. Brasel made a motion to approve the minutes from the May 30, 2018 meeting and Ms. Donna Lafferty seconded. The motion passed. (These minutes were previously approved, however there were grammatical changes made and due to these changes administrative staff felt it best to have them reviewed and approved again)

Ms. Brasel made a motion to approve the September 4, 2018 meeting minutes with a change to the Contested Case to read without prejudice and Ms. Debra Church seconded. The motion passed.

Ms. Sandra Tinnin made a motion to approve the minutes of the November Informed Consent Taskforce meeting. Ms. Church seconded. The motion passed.

### **Applicant Interviews**

**Lisa Coomer, CPM-** Ms. Coomer was invited to appear for practicing on a lapsed license. Ms. Coomer was present and appeared without counsel. Ms. Coomer reported she sent her renewal in to Health Related Boards in April 2018 and then left to go out of town. When returning to town in October Ms. Coomer stated she checked the status of her license and recognized that it had not been renewed. Ms. Coomer said she called and was told she would need to submit a reinstatement application. This was an error due to the rules governing the Council of Midwifery state if a Certified Professional Midwife (hereinafter “CPM”) does not renew within sixty (60) day of expiration to regain certification an initial application must be submitted. Ms. Coomer was told to submit an initial application which she did. Ms. Coomer did report she was practicing while her license was expired. It was asked if the Council has a lapsed license policy in place. Ms. Kyonzte Hughes-Toombs confirmed there is no lapsed license policy in place; however working on a lapsed license does violate the practice act which could result in disciplinary action. Ms. Hughes-Toombs shared with the Council options available which are to follow what other Board have done regarding lapsed licenses or to approve certification and handle any disciplinary action, if any, as it happens. The Council asked to review other Boards and Committees lapsed licensed policies. The lapsed license policy of Board of Osteopathic Examination and Committee for Physician Assistants were distributed for review. It was mentioned it seemed unfair to hold Ms. Coomer to a policy that was not in place at the time of the infraction. Ms. Brasel made a motion to approve the license and Ms. Lafferty seconded. The motion passed.

Discussion took place around a penalty assessment and it was shared by Ms. Hughes-Toombs that in the past the assessment has been for the period of time the actual practice has occurred and not for the months the license was lapsed. It was stated that it would be more appropriate to discuss penalties if/when there is a disciplinary matter.

Ms. Hughes-Toombs asked Council if they were interested in having a lapsed license policy in place and Council agreed they would. Ms. Hughes-Toombs stated she would bring a policy draft to the next meeting. It was discussed that a penalty of one hundred (100) dollars per month of lapsed licensed seemed reasonable. Administrative staff shared with Council with a policy and penalty fee amount it would allow staff to send an agreed citation and if the licensee signs and agrees it would keep the licensee from having to appear and the license would be disciplined. The Agreed Citations would be presented to Council for approval.

### **Review and Ratification of Licenses**

After review of the list of new licensees and reinstatements Ms. Church made a motion to approve and Ms. Tinnin seconded. The motion passed.

### **Annual Birth Statistic Form**

Council reviewed the form created by Ms. Church and it was discussed the questions were opened ended and needed to be narrowed to allow a select number of specific responses. Administrative staff spoke to a representative with Survey Monkey and Survey Monkey can create the survey to capture the information however we need questions in a format to allow for multiple choice answers. Ms. Church agreed to rework the document to fit the discussed parameters and send to Administrative Staff so that it can be sent to Council members for review prior to the next meeting.

### **Office of General Counsel**

Ms. Hughes-Toombs, Deputy General Counsel, reported there are currently three (3) open cases. These cases will be heard in September and Ms. Hughes-Toombs asked for dates Council members have availability in order to schedule.

The Informed Consent Form Taskforce met in November and a list of recommendations was made available for the Council members review.

A definition for compensation was presented for review so it can be included in the rules to clarify what Council considers as compensation and is as follows:

***Compensation**-the payment, loan, advance, donation, contribution, deposit or gift of money or anything of value.*

The two (2) suggestions regarding responsibilities of the CPM from the taskforce meeting were as follows:

1. To include the collaborating physician's name as well as a definition of collaborative care plan on the both the Informed Consent form and the written Emergency Plan. The proposed language for subsection (b) is *The Informed Consent form shall include the name of the physician with whom the CPM has a collaborative plan along with a definition of collaborative plan.*
2. The proposed language for subsection (d) is *The Emergency Plan shall also include referral and transfer plans for the client in the event of an emergency including the name of the physician with whom the CPM has a collaborative plan a written definition of collaborative plan. The Emergency Plan shall include a written definition of collaborative plan.*

Ms. Brasel made a motion to accept the definition of compensation as proposed and Ms. Tinnin seconded. The motion passed.

Discussion was held regarding the proposed language changes. The collaborative physician may not be your backup physician; however the person with whom you might discuss the client's case not necessarily the physician the client would go to in the need arises.

Ms. Brasel made a motion to accept the language as proposed and Ms. Tinnin seconded. Ms. Church opposed. The motion passed.

Ms. Angela Lawrence asked the Council to clarify if the intent is to allow a reinstatement application within sixty (60) of failure to renew and outside of sixty (60) days require a new application, as there is discrepancy between the Statutes and Rules. It was clarified by Council that the intent is as it was stated.

### **Manager's Report**

Ms. Stacy Tarr provided the following statistical information that has transpired in the administrative office between April 1, 2018 and March 31, 2019 concerning Midwives are as follows:

New applications received- 9  
Total new licenses issued- 6  
Total renewals-Unable to pull this information  
Total number of reinstatements- 2  
Total number of active licensees as of March 31, 2019 is 51

### **Report from the Office of Investigations**

Ms. Lori Leonard reported the following:

Number of currently monitored practitioners is 1  
For 2018 received complaints is 1 for malpractice/negligence; 2 closed complaints; 2 pending  
For 2019 received complaints is 1 for a lapsed license

### **Report from the Financial Office**

Ms. Lawrence reported the Council's financials as follows: 2019 mid-year expenditures are \$3,957 with year-end projection of expenditures of \$7,030 and a projected end of year net of \$150.

Ms. Tarr shared with the Council available meeting dates for the Contested Cases which are as follows: September 5<sup>th</sup>, September 12<sup>th</sup>, September 19<sup>th</sup>, October 3<sup>rd</sup> or October 10<sup>th</sup> and let Council know to expect an email with these dates and to please reply in order to confirm a quorum will be present.

Ms. Church made a motion to adjourn and Ms. Brasel seconded. The motion passed.

**The meeting adjourned at 10:23 am.**