

**VIA TELECONFERENCE**  
**SOUTH DAKOTA BOARD OF CERTIFIED PROFESSIONAL MIDWIVES**  
**BOARD MEETING**

27705 460<sup>th</sup> Ave. Chancellor SD  
Thursday, Sept 15, 2022 1:00pm - 4:00pm (CST)

**Minutes**

President Debbie Pease **called the meeting to order at 1:00 p.m.** She gave some instructions to those on teleconference concerning use of electronics and procedures for speaking. The roll was called. A quorum was present.

**Members of the board in attendance:** Debbie Pease President, Sue Rooks Vice President, and Jackie Lopez were all present via phone. Autumn Cavender-Wilson Secretary joined the meeting after it was in progress.

**Others in attendance:** Tammy Weis, SD Board of CPM Exec Secretary at the CPM office. Steven Blair, Assistant to the Attorney General and legal counsel for the board was present via phone. Alaina Kerhove, joined the call for a short time while in progress and Ali Tornow Legal Counsel with the Dept of Health joined prior to the Executive session.

Pease asked to **adjust the agenda** to add a discussion about corrective actions under Birth Reports and assessments and to change the order by taking up item #8, *Adapting our complaint algorithm to conform to the new statute*, before item #7, *Birth Reports and Assessments*

**Rooks moved to make those changes.** Lopez second. The board voted unanimously. **MOTION PASSED.** Rooks then moved to **accept the agenda as amended**, seconded by Lopez. The board voted unanimously. **MOTION PASSED**

Pease asked if there was any **member of the public on the call** who wished to address the board.

Hearing none, the board moved to the **approval of the minutes from April 21, 2022**, which included the Public Hearing for our Rules Revision. There were no additions or corrections to the **Draft Meeting Minutes of April 21, 2022 or to the Minutes from the Public Hearing that was held at the same time.** Rooks moved to **accept them as presented.** Lopez second. The board voted unanimously. **MOTION PASSED**

**Weis presented the financial report** Total expenses including mandatory fees through the Dept of Health were **\$1874.37 so far this fiscal year.** There were no travel expenses submitted and no attorney fees yet. The document gives spending history of the board for the past 4 years. It also notes spending for 2023 fiscal year. The shortfall last spring was presented to Birth Matters organization which raised \$3500.00 so the board would finish the year in solvency. Legal Counsel will be provided by the Attorney General's office at a rate of just over \$100/hour going forward. **Cash Balance** was \$ 627.79 as of 8/31/2022 with \$400 deposited since then. There were no questions or concerns. Debbie Pease stated that she **did not want to be paid for this meeting.** Rooks and Lopez also requested not to be paid for the meeting.

**Weis gave an office report** including:

The May 3, 2022 **Administrative Rules Committee Hearing**, where the rules changes were approved except for Epinephrine Rule which was reverted. Weis thanked everyone for their excellent presentations. The Dept of Health has adopted our form as the official form for proving that births took place in South Dakota. Thank you to Cavender-Wilsen for her work on this issue.

The new “**When to file a Birth Report Instructions**” was reviewed with many changes made, including changing the title to **Completion of Care Form**. Rooks moved to accept the form with corrections, Lopez second. The board voted unanimously. **Motion Carried**

**Complaint Algorithm needs to be updated** to reflect the new statute. The board reviewed the Board of Nursing algorithm which is very simple. Then they looked at more changes that need to be made including the references to the SDCL. Sec. Weis and Legal Counsel Blair will finish the process and bring it to our next meeting for approval.

#### **Birth Reports and assessments from Jan-Aug 2022**

**Jackie Lopez CPM** stated that she had reviewed 11 reports and had flagged one for an investigation. Most reports were clear and complete but Transport forms tended to be missing.

**Autumn Cavender-Wilsen CPM** had reviewed 12 reports and did not find any that needed to be investigated further.

Secretary Weis stated that we continue to have Birth Reports filed after the 30 day deadline. Several emails have been sent asking CPMs to comply with the deadline. The Birth Report is written in SDCL [36-9C-37](#) and the deadline is in the administrative rules ARSD **20:86:04:07**. While we cannot add new fees without legislative authority we can impose fines under the new disciplinary statute [36-1C-5](#). *Option to authorize limited administrative fines for specified violations*. Is it time to impose a fine for any report not received by the 30 day deadline that is prescribed in the ARSD?

The discussion was active. Steve Blair mentioned that proving that a document was late can be difficult and cause legal difficulties. **The issue was tabled.**

**Birth Report Assessment Process:** Birth Reports and Birth Report Assessments will now be **Completion of Care forms**. The board may use them to take corrective action.

Motion was made by Rooks, Second by Lopez to **change the current language** for referring a Completion of Care form for a more thorough assessment

**From: (Old language)** *The physician and the CPM will review the report together and make a recommendation to the board to file or have the entire board assess and follow up on the information.*

**To: (New Language)** *The CPM who is completing the assessment and the physician (or other board representative) will review the report together and decide if the concern is valid and needs to be investigated. If the concern needs to be investigated the CPM and physician (or other board representative) will file a formal complaint to begin the complaint investigation process.*

The board voted unanimously. **MOTION CARRIED**

The Board discussed the challenges of requesting statutory changes this legislative session and determined **legislative action for 2023** is not something that should be undertaken at this time.

**Board member terms and appointments** were reviewed.

The board received **two complaints** about an event that happened in Minnesota which were **out of SD jurisdiction**. There is one complaint that is in process, the investigation is complete and the Investigative Committee has a report for the board.

Lopez moved that we go to Executive Session pursuant to SDCL 36C 1-27-1.5 Sub (5) *Records developed or received by law enforcement agencies and other public bodies charged with duties of investigation or examination of persons, institutions, or businesses, if the records constitute a part of the examination, investigation, intelligence information, citizen complaints or inquiries, informant identification, or strategic or tactical information used in law enforcement training ...to hear the investigative committee report.* Rooks Second. The board voted unanimously. **MOTION PASSED**

After we reconvened, **Cavender-Wilsen moved to accept the Investigative Committee's recommendation** and dismiss the complaint that was received by the SD Board of CPM on June 26, 2022. Lopez Second. The board voted unanimously with Rooks abstaining because of her role on the investigative committee. **MOTION CARRIED**

**Weis announced:** The DOH is attempting to use some grant money to help repair, calibrate, and secure supplies for **hearing screening equipment** (including getting more screeners) for use by community-based midwives . They also plan to help SD Licensed CPMs with **kits for blood spot collection**.

**Renewal notices** are to go out 90 days in advance of the renewal dates. First ones for 2023 will go out on Dec 1<sup>st</sup>, 2022. There are four current CPMs who could potentially renew this fiscal year. There are four current CPMs who could potentially renew in FY 2024.

We have had **26 births reported since Jan 1, 2022**.

**Next meeting March 16, 2023 (1-4pm CST)**

**Motion to Adjourn** by Rooks. Second by Lopez The board voted unanimously. **MOTION CARRIED**