SOUTH DAKOTA BOARD OF CERTIFIED PROFESSIONAL MIDWIVES
27705 460th Avenue, Chancellor, SD 57015
Phone: 605-743-4451 Email: cpmsdlicense@gmail.com
Home Page: doh.sd.gov/boards/midwives/

VIA TELECONFERENCE
SOUTH DAKOTA BOARD OF CERTIFIED PROFESSIONAL MIDWIVES
BOARD MEETING
27705 460th Ave. Chancellor SD
Thursday, October 15, 2026 1:00pm - 4:00pm (CST)

Dial-in Number: **(605) 472-5220**

Access Number: **117-198**

Online Meeting ID: **cpmsdlicense**

Please let me know if you have any questions.

Tammy Weis
Executive Secretary
South Dakota Board of Certified Professional Midwives

Persons interested in joining the meeting may do so by appearing in person for the teleconference at the location listed above or by calling 605-743-4451 to arrange for a dial in number for the teleconference

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Thursday, October 15, 2026 1:00pm - 4:00pm (CST)

1. Call to Order/ Roll Call/Quorum
2. Approval of Agenda
3. Open Forum – time for the public to address the Board pursuant to SDCL 1-25-1 (5 min./topic)
4. Approval of Draft Meeting Minutes from March 19, 2026
5. Office update
    a. Financial Report
    b. Board Member Compensation
    c. Complaints
    d. Open Meeting information - Printable, in the meeting documents
6. DCI (Division of Criminal Investigation) Audit and Training
    a. Background check confidentiality
    b. Change in licensure policy
7. Licensure by endorsement
    a. SDLRC - Codified Law 36-1D
    b. Delaware Requirements
    c. States that may qualify
8. 2027 Legislative Plans
    a. Student Midwife ARSD status
    b. Birth Matters legislation
9. Announcements/Other business
    a. Next Meeting March18, 2027 (1-4pm CST)
10. Adjourn

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27705 460th Ave. Chancellor SD
Thursday March 19, 2026 1pm – 4:00pm (CST) (12-3pm MT)

President Chandelle Brink welcomed everyone and offered some instruction to help run the meeting more effectively. She called the **meeting to order at 1:05pm** CST, (12:05pm MT).

Secretary Iversen **called the roll. A quorum was present.** Members of the board in attendance: President Chandelle Brink , Vice President Eudine Stevens CPM, Secretary Chelsea Iversen CNM, Autumn Cavender CPM, and Dr. Amy Lueking were present via phone.

President Brink introduced all the members of the board

Others joining the call were identified and welcomed. Present by phone were Mandy Steen, Chair SD Birth Matters, Beverly Katz, SD Board of CPM Legal Counsel; Kaitlin Sherer, DOH Liaison, and Grace Fox CPM. Tammy Weis, Exec Secretary was present at the CPM office.

Weis requested that the order of the agenda be revised. Stevens moved to amend the agenda. Cavender second. The board voted unanimously. MOTION CARRIED. Lueking moved to **approve the amended agenda.** Stevens second. The board voted unanimously. MOTION CARRIED

Mandy Steen, President of SD Birth Matters addressed the board during the public forum time. She spoke about **HB 1127**, a bill about birth centers which was introduced during this year's legislative session.

Iversen and Brink requested the correction of the spelling of their names in the draft minutes from Sept 19, 2025 Lueking moved that we **approve the minutes** as corrected. Cavender second. The board voted unanimously. . MOTION CARRIED

Weis presented the office update: CPM Board **expenditures** as of March 1, 2026 were **7712.00** with **income at 9027.63**. On record as not desiring financial compensation for serving on the board are Brink, Iversen, and Stevens. Dr. Lueking does receive compensation. Cavender asked to forgo compensation as well.
There are eight CPMs, four Midwifery Students, two Inactive Status licenses.
We had a total of **95 Births Reports submitted in 2025**.
Weis presented a list of all **eight complaints that the board has received since 2019.** No client or family has submitted a complaint. The Board has instigated **three investigations** based on information on **Birth Reports**. The other **five** were submitted by **medical facilitie**s. Three were resolved by informal disposition, two took place outside of South Dakota and three were dismissed as having no probable cause for discipline because no SDCL or ARSD were violated.

There was a question as to **why the Birth Reports and Assessments were necessary** as no other profession that oversees birth has every birth scrutinized. Beverly Katz, Legal Counsel for the board offered **SDCL 36-9C-37 as the basis for examining the information from each birth.**

> ***36-9C-37. Review of birth registration and reportable information--Report of neonatal or maternal mortality.****The board shall review birth registration and reportable information for each out-of-hospital birth for evaluation and quality management purposes. The certified professional midwife shall provide additional documentation to the board upon request for review. The certified professional midwife shall report within forty-eight hours to the board any neonatal or maternal mortality in a patient for whom the certified professional midwife has cared in the perinatal period.*

Weis then gave a **report about the 2026 legislative session** and bills that may have an effect on the operation of the board.
HB 1184 was delivered to the governor. It will require our board to strictly adhere to the definition of female.
HB 1219, if signed by the Governor will require us to pay for an interpreter under certain conditions.
HB 1257 pertains to abortion, it doesn't pertain to our board because SDCL **36-9C-14** (4) strictly excludes CPM from performing or assisting in an abortion.
SB8 is interesting because it permits a **school district** to acquire and maintain a stock of epip auto injectors and nasal spray. We may want to look at that legislation because one of our long term goals is to have epinephrine available to CPMs.
SB46-48 pertains to open meeting laws that apply to this board.
SB 56 & 133 pertains to the ARSD process.

A copy of HB 1127 was provided. SD Birth Matters bought the bill with help from the Dept of Health. It was moved to the 41st day at it first committee hearing. The discussion focused on the possibilities of CPMs supervising nurses. The Representatives with medical backgrounds wanted more clarity on that issue.
Our board is also tasked with assessing items on our web page to be sure that they conform to American Disabilities Act requirement for accessibility from 2024.

Last legislative session a bill was passed requiring all board to **review the law governing open meetings in South Dakota** on an annual basis. The flyer provided by the Attorney General's office was provided in the meeting packet and Brink asked if there were any questions about it.

Brink noted that **Executive Secretary Contract for FY 2027 must be approved** by the board but it isn't written yet. Last year we were advised by legal counsel that we could approve it based on certain conditions. Last year's contract annually was up to $14, 845.00. Weis plans to bill the board $11,000 for the year. The cost of living adjustment (COLA) is 1.4% this year. The contract is not a standard state contract because insurance requirements are modify to require **only** Professional Liability Insurance.
Iversen moved that the **CPM Board approve a DOH contract for Weis for FY2027** with the 1.4% COLA only after approval of Beverly Katz, Legal Counsel, and Tammy Weis Exec Sec.
Stevens second The board voted unanimously. MOTION Passed

Brink inquired about the progress on **ARSD propagation for student midwives** by the committee appointed last fall. The committee has not made progress on that but will set a committee meeting for May 2026 to work on that.

The board discussed and approved a **Chart Review Checklist** to help evaluate documentation for complaint resolution. Lueking moved to **approve the check list** as presented. Iversen second. The board voted unanimously MOTION CARRIED

As Birth Report assessments were completed for 2025 we received the feedback that **"malposition" was missing from the Maternal Transport document.** The revised document with malposition added was presented. Stevens moved to **approve the revised document**. Lueking second. The board voted unanimously MOTION CARRIED

Weis reported that as more **Birth Reports** submitted we need more assessors to complete the assessments in a timely manner. She suggested that we **revise the process** to include all of the licensed members of the board. Iversen moved to **add CNMs and physicians** to the list who will complete birth report assessments and complete assessments quarterly instead of annually. Lueking second The board voted unanimously MOTION CARRIED

The board discussed several requests for a consistent definition of 42 weeks of pregnancy. No action was taken.

A clarification of midwives role in loss of pregnancy was discussed. **A draft scope of practice for Loss of a Pregnancy was presented, discussed and revised.**

At 3:04pm Iversen moved to pause our meeting to move to Executive Session pursuant to SDCL 1-25-2(3) and ARSD 20:86:02:19 for Discussion of Complaints. Cavender Second. The board voted unanimously MOTION CARRIED At 3:07 we temporarily adjourned.

At 3:49pm Brink reconvened our meeting to complete our business from the Executive Session. Stevens CPM was not present during the Executive Session.

Cavender moved that the board **accept the recommendation of the Investigative Committee** and direct our Executive Secretary to sign the Informal Disposition on behalf of the board with the additional addendum to include the submission of emergency transport protocol for the board's review within 30 days. Then to communicate with all the parties involved to complete the processing of **complaint #2502**. Iversen second. The board voted unanimously MOTION CARRIED

Iversen moved that the board accept the **recommendation of the Investigative Committee** and direct our Executive Secretary to sign the Informal Disposition on behalf of the board and communicate with all the parties involved to complete the processing of **complaint #2501**. Cavender second The board voted unanimously MOTION CARRIED

Brink directed Weis to sign the documents on behalf of the board and communicate with all the parties involved to complete the processing of these two complaints.

The discussion of the **draft scope of practice for Loss of a Pregnancy was resumed** It was moved and seconded that we **adopt this Policy.** The board voted unanimously MOTION CARRIED

Brink announced that the next **meeting will be Sept 17, 2026 (1-4pm CST).** There were no other announcements.

Cavender moved to **Adjourn.** Lueking second**.** The board voted unanimously and the meeting was adjourned at 4:03.

DRAFT

BUDGET UNIT NAME BOARD OF CERTIFIED PROF MIDWIVES - INFO

COMP	ORIGINAL APPROPRIATION	APPROPRIATION TRANSFERS	YEAR-TO-DATE COMMITMENTS	YEAR-TO-DATE ENCUMBRANCES	YEAR-TO-DATE EXPENDITURES	AVAILABLE APPROPRIATIONS	CASH BALANCE
6503-I	22,062.00	0.00	0.00	12,287.00	2,841.37	6,933.63	0.00
BUDGETED TOT	22,062.00	0.00	0.00	12,287.00	2,841.37	6,933.63	
ALL COMP TOT	22,062.00	0.00	0.00	12,287.00	2,841.37	6,933.63	

TOTAL BUDGETED:

	OBJECT OF EXPENDITURE	AMOUNT BUDGETED	COMMITMENTS YEAR-TO-DATE	ENCUMBRANCES YEAR-TO-DATE	EXPENDITURES MONTHLY	EXPENDITURES YEAR-TO-DATE	BUDGET AVAILABLE	PCT AVL
5101	EMPLOYEE SALARIES	2,034.00	0.00	0.00	0.00	0.00	2,034.00	100.0
5102	EMPLOYEE BENEFITS	188.00	0.00	0.00	0.00	0.00	188.00	100.0
5203	TRAVEL	3,236.00	0.00	0.00	0.00	0.00	3,236.00	100.0
5204	CONTRACTUAL SVCS	15,904.00	0.00	12,287.00	1,000.00	2,841.37	775.63	4.9
5207	CAPITAL OUTLAY	700.00	0.00	0.00	0.00	0.00	700.00	100.0
	TOTALS	22,062.00	0.00	12,287.00	1,000.00	2,841.37	6,933.63	31.4

BREAKOUT BY COMPANY:

COMPANY 6503-I PROFESSIONAL & LICENSING BOARDS

5101000	EMPLOYEE SALARIES	2,034.00	0.00	0.00	0.00	0.00	2,034.00	100.0
5102000	EMPLOYEE BENEFITS	188.00	0.00	0.00	0.00	0.00	188.00	100.0
5203000	TRAVEL	3,236.00	0.00	0.00	0.00	0.00	3,236.00	100.0
5204000	CONTRACTUAL SVCS	15,904.00	0.00	12,287.00	1,000.00	2,841.37	775.63	4.9
5207000	CAPITAL OUTLAY	700.00	0.00	0.00	0.00	0.00	700.00	100.0
	PS SUBTOTALS	2,222.00	0.00	0.00	0.00	0.00	2,222.00	100.0
	OE SUBTOTALS	19,840.00	0.00	12,287.00	1,000.00	2,841.37	4,711.63	23.7
	COMPANY 6503-I TOT	22,062.00	0.00	12,287.00	1,000.00	2,841.37	6,933.63	31.4

AGENCY: 09 HEALTH
BUDGET UNIT: 09213 BOARD OF CERTIFIED PROF MIDWIVES - INFO

COMPANY	CENTER	ACCOUNT	BALANCE	DR/CR	CENTER DESCRIPTION
6503	092100062401	1140000	6,956.36	DR	BOARD OF CERTIFIED PROFESSIONAL MIDWIVES
COMPANY/SOURCE TOTAL	6503 624		6,956.36	DR *	
COMP/BUDG UNIT TOTAL	6503 09213		6,956.36	DR **	
BUDGET UNIT TOTAL	09213		6,956.36	DR ***	
AGENCY TOTAL	09		13,652,914.03	DR ****	

and any person that has made a written request for such determinations. If the commission finds a violation of this chapter, the commission shall issue a public reprimand to the offending official or governmental entity. However, no violation found by the commission may be subsequently prosecuted by the state's attorney or the attorney general. All findings and public censures of the commission shall be public records pursuant to § 1-27-1. Sections 1-25-6 to 1-25-9, inclusive, are not subject to the provisions of chapter 1-26.

1-25-8. OMC Members. The South Dakota Open Meeting Commission is comprised of five state's attorneys or deputy state's attorneys appointed by the attorney general. Each commissioner serves at the pleasure of the attorney general. The members of the commission shall choose a chair of the commission annually by majority vote.

1-25-12. DEFINITIONS. Terms used in the open meetings laws mean:

(1) "Official meeting," any meeting of a quorum of a public body at which official business or public policy of that public body is discussed or decided by the public body, whether in person or by means of teleconference or electronic means, including electronic mail, instant messaging, social media, text message, or virtual meeting platform, provided the term does not include communications solely to schedule a meeting or confirm attendance availability for a future meeting;

(2) "Political subdivision," any association, authority, board, municipality, commission, committee, council, county, school district, task force, town, township, or other local governmental entity, which is created by statute, ordinance, or resolution, and is vested with the authority to exercise any sovereign power derived from state law;

(3) "Public body," any political subdivision or the state;

(4) "State," each agency, board, commission, or department of the State of South Dakota, not including the Legislature; and

(5) "Teleconference," an exchange of information by any audio, video, or electronic medium, including the internet.

1-25-13. ANNUAL REVIEW OF OPEN MEETING LAWS. Any agency, as defined in § 1-26-1, or political subdivision of this state, that is required to provide public notice of its meetings pursuant to § 1-25-1.1 or 1-25-1.3 must annually review the following, during an official meeting of the agency or subdivision:

(1) The explanation of the open meeting laws of this state published by the attorney general, pursuant to § 1-11-1; and

(2) Any other material pertaining to the open meeting laws of this state provided by the attorney general.

The agency or subdivision must include in the minutes of the official meeting an acknowledgement that the review was completed.

1-27-1.16. MEETING PACKETS AND MATERIALS. If a meeting is required to be open to the public pursuant to § 1-25-1 and if any printed material relating to an agenda item of the meeting is prepared or distributed by or at the direction of the governing body or any of its employees and the printed material is distributed before the meeting to all members of the governing body, the material shall either be posted on the governing body's website or made available at the official business office of the governing body at least twenty-four hours prior to the meeting or at the time the material is distributed to the governing body, whichever is later. If the material is not posted to the governing body's website, at least one copy of the printed material shall be available in the meeting room for inspection by any person while the governing body is considering the printed material. However, the provisions of this section do not apply to any printed material or record that is specifically exempt from disclosure under the provisions of this chapter or to any printed material or record regarding the agenda item of an executive or closed meeting held in accordance with § 1-25-2. A violation of this section is a Class 2 misdemeanor. However, the provisions of this section do not apply to printed material, records, or exhibits involving contested case proceedings held in accordance with the provisions of chapter 1-26.

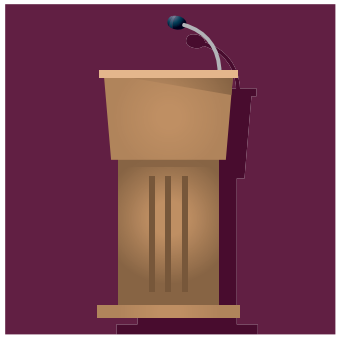
1-27-1.17. DRAFT MINUTES. The unapproved, draft minutes of any public meeting held pursuant to § 1-25-1 that are required to be kept by law shall be available for inspection by any person within ten business days after the meeting. However, this section does not apply if an audio or video recording of the meeting is available to the public on the governing body's website within five business days after the meeting. A violation of this section is a Class 2 misdemeanor. However, the provisions of this section do not apply to draft minutes of contested case proceedings held in accordance with the provisions of chapter 1-26.

1-27-1.18. WORKING GROUP REPORTS. Any final recommendations, findings, or reports that result from a meeting of a committee, subcommittee, task force, or other working group which does not meet the definition of a political subdivision or public body pursuant to § 1-25-1, but was appointed by the governing body, shall be reported in open meeting to the governing body which appointed the committee, subcommittee, task force, or other working group. The governing body shall delay taking any official action on the recommendations, findings, or reports until the next meeting of the governing body.









Conducting the Public's Business in Public

A guide to South Dakota's Open Meetings Laws *(Revised 2025)*

Prepared by:
S.D. Attorney General's Office
in partnership with the
S.D. NewsMedia Association

Published by:
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Q: WHAT ARE SOUTH DAKOTA'S OPEN MEETINGS LAWS?

A: South Dakota's open meetings laws embody the principle that the public is entitled to the greatest possible information about public affairs and are intended to encourage public participation in government. SDCL Ch. 1-25 requires that official meetings of public bodies must be public and advance notice is to be given of such meetings. The statutes define an "official meeting" as one where a quorum of the public body is present and at which official business or public policy of the body is discussed or decided. Openness in government is encouraged.

Q: WHO DOES THE OPEN MEETINGS LAWS APPLY TO?

A: The open meetings laws apply to all public bodies of the state and its political subdivisions. SDCL 1-25-1, 1-25-12(3). This includes cities, counties, school boards and other public bodies created by ordinance or resolution, such as appointed boards, task forces, and committees, so long as they have authority to exercise sovereign power. SDCL 1-25-12(2). Although no court decisions have been issued on the subject, this probably does not include bodies that serve only in an advisory capacity. The State Constitution allows the Legislature and the Unified Judicial System to create rules regarding their own separate functions.

Q: ARE TELECONFERENCES CONSIDERED PUBLIC MEETINGS?

A: Yes. The open meetings laws allow meetings, including executive or closed meetings, to be conducted by teleconference – defined as an exchange of information by audio, video, or electronic means (including the internet) – if a place is provided for the public to participate. SDCL 1-25-1.5, 1-25-12(5). In addition, for teleconferences where less than a quorum of the public body is present at the location open to the public, arrangements must also be made for the public to listen by telephone or internet (except for portions of meetings properly closed for executive sessions). SDCL 1-25-1.6. The media and public must be notified of teleconference meetings under the same notice requirements as any other meeting.

Q: HOW ARE THE PUBLIC AND MEDIA NOTIFIED WHEN PUBLIC BUSINESS IS BEING DISCUSSED?

A: SDCL 1-25-1.1 requires that all political subdivisions (except the state and its boards, commissions, or departments as provided in § 1-25-1.3) prominently post a notice and copy of the proposed agenda at the political subdivision's principal office. At a minimum, the proposed agenda must include the date, time, and location of the meeting and must be visible, readable, and accessible to the public for 24 continuous hours immediately preceding the meeting. Also, if the political subdivision has its own website, the notice must be posted on the website upon dissemination of the notice. For special or rescheduled meetings, political subdivisions must comply with the regular meeting notice requirements as much as circumstances permit. The notice must be delivered in person, by mail, by email, or by telephone to all local news media who have asked to be notified. It is good practice for local media to renew requests for notification of special or rescheduled meetings at least annually.

SDCL 1-25-1.3 varies slightly from SDCL 1-25-1.1 and requires the State and it's agencies, boards, commissions, or departments to give notice by posting a proposed agenda at least 72 continuous hours before a meeting is scheduled to start (this does not include any weekend or legal holiday). The State is also required to give notice of a public meeting by posting its proposed agenda on http://boardsandcommissions.sd.gov.

1-25-2. EXECUTIVE SESSION. Executive or closed meetings may be held for the sole purposes of:

(1) Discussing the qualifications, competence, performance, character or fitness of any public officer or employee or prospective public officer or employee. The term, employee, does not include any independent contractor;

(2) Discussing the expulsion, suspension, discipline, assignment of or the educational program of a student or the eligibility of a student to participate in interscholastic activities provided by the South Dakota High School Activities Association;

(3) Consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters;

(4) Preparing for contract negotiations or negotiating with employees or employee representatives;

(5) Discussing marketing or pricing strategies by a board or commission of a business owned by the state or any of its political subdivisions, when public discussion may be harmful to the competitive position of the business; or

(6) Discussing information pertaining to the protection of public or private property and any person on or within public or private property specific to:

(a) Any vulnerability assessment or response plan intended to prevent or mitigate criminal acts;

(b) Emergency management or response;

(c) Public safety information that would create a substantial likelihood of endangering public safety or property, if disclosed;

(d) Cyber security plans, computer, communications network schema, passwords, or user identification names;

(e) Guard schedules;

(f) Lock combinations;

(g) Any blueprint, building plan, or infrastructure record regarding any building or facility that would expose or create vulnerability through disclosure of the location, configuration, or security of critical systems of the building or facility; and

(h) Any emergency or disaster response plans or protocols, safety or security audits or reviews, or lists of emergency or disaster response personnel or material; any location or listing of weapons or ammunition; nuclear, chemical, or biological agents; or other military or law enforcement equipment or personnel.

However, any official action concerning the matters pursuant to this section shall be made at an open official meeting. An executive or closed meeting must be held only upon a majority vote of the members of the public body present and voting, and discussion during the closed meeting is restricted to the purpose specified in the closure motion. Nothing in § 1-25-1 or this section prevents an executive or closed meeting if the federal or state Constitution or the federal or state statutes require or permit it. A violation of this section is a class 2 misdemeanor.

1-25-6. DUTY OF STATE'S ATTORNEY. If a complaint alleging a violation of chapter 1-25 is made pursuant to § 23A-2-1, the state's attorney shall take one of the following actions:

(1) Prosecute the case pursuant to Title 23A;

(2) Determine that there is no merit to prosecuting the case. Upon doing so, the state's attorney shall send a copy of the complaint and any investigation file to the attorney general. The attorney general shall use the information for statistical purposes and may publish abstracts of such information, including the name of the government body involved for purposes of public education; or

(3) Send the complaint and any investigation file to the South Dakota Open Meetings Commission for further action.

1-25-6.1. DUTY OF STATE'S ATTORNEY (COUNTY COMMISSION ISSUES). If a complaint alleges a violation of this chapter by a board of county commissioners, the state's attorney shall take one of the following actions:

(1) Prosecute the case pursuant to Title 23A;

(2) Determine that there is no merit to prosecuting the case. The attorney general shall use the information for statistical purposes and may publish abstracts of the information as provided by § 1-25-6;

(3) Send the complaint and any investigation file to the South Dakota Open Meetings Commission for further action; or

(4) Refer the complaint to another state's attorney or to the attorney general for action pursuant to § 1-25-6.

1-25-7. REFERRAL TO OMC. Upon receiving a referral from a state's attorney or the attorney general, the South Dakota Open Meetings Commission shall examine the complaint and investigatory file submitted by the state's attorney or the attorney general and shall also consider signed written submissions by the persons or entities that are directly involved. Based on the investigatory file submitted by the state's attorney or the attorney general and any written responses, the commission shall issue a written determination on whether the conduct violates this chapter, including a statement of the reasons therefor and findings of fact on each issue and conclusions of law necessary for the proposed decision. The final decision shall be made by a majority of the commission members, with each member's vote set forth in the written decision. The final decision shall be filed with the attorney general and shall be provided to the public entity and or public officer involved, the state's attorney,

PERTINENT S.D. OPEN MEETINGS STATUTES
(other specific provisions may apply depending on the public body involved)

1-25-1. OPEN MEETINGS. An official meeting of a public body is open to the public unless a specific law is cited by the public body to close the official meeting to the public.

It is not an official meeting of one public body if its members provide information or attend the official meeting of another public body for which the notice requirements of § 1-25-1.1 or 1-25-1.3 have been met. It is not an official meeting of a public body if its members attend a press conference called by a representative of the public body.

For any event hosted by a nongovernmental entity to which a quorum of the public body is invited and public policy may be discussed, but the public body does not control the agenda, the public body may post a public notice of a quorum, in lieu of an agenda. The notice of a quorum must meet the posting requirements of § 1-25-1.1 or 1-25-1.3 and must contain, at a minimum, the date, time, and location of the event.

The public body shall reserve at every official meeting a period for public comment, limited at the public body's discretion as to the time allowed for each topic and the total time allowed for public comment, but not so limited as to provide for no public comment.

Public comment is not required at an official meeting held solely for the purpose of meeting in executive session, an inauguration, presentation of an annual report to the public body, or swearing in of a newly elected official, regardless of whether the activity takes place at the time and place usually reserved for an official meeting.

If a quorum of township supervisors, road district trustees, or trustees for a municipality of the third class meets solely for purposes of implementing previously publicly adopted policy; carrying out ministerial functions of that township, district, or municipality; or undertaking a factual investigation of conditions related to public safety; the meeting is not subject to the provisions of this chapter.

A violation of this section is a Class 2 misdemeanor.

1-25-1.1. PUBLIC NOTICE OF POLITICAL SUBDIVISIONS. Each political subdivision shall provide public notice, with proposed agenda, that is visible, readable, and accessible for at least an entire, continuous twenty-four hours immediately preceding any official meeting, by posting a copy of the notice, visible to the public, at the principal office of the political subdivision holding the meeting. The proposed agenda shall include the date, time, and location of the meeting. The notice shall also be posted on the political subdivision's website upon dissemination of the notice, if a website exists. For any special or rescheduled meeting, the information in the notice shall be delivered in person, by mail, by email, or by telephone, to members of the local news media who have requested notice. For any special or rescheduled meeting, each political subdivision shall also comply with the public notice provisions of this section for a regular meeting to the extent that circumstances permit. A violation of this section is a Class 2 misdemeanor.

1-25-1.3. PUBLIC NOTICE OF STATE. The state shall provide public notice of a meeting by posting a copy of the proposed agenda at the principal office of the board, commission, or department holding the meeting. The proposed agenda shall include the date, time, and location of the meeting, and be visible, readable, and accessible to the public. The agenda shall be posted at least seventy-two hours before the meeting is scheduled to start according to the agenda. The seventy-two hours does not include Saturday, Sunday, or legal holidays. The notice shall also be posted on a state website, designated by the commissioner of the Bureau of Finance and Management. For any special or rescheduled meeting, the information in the notice shall be delivered in person, by mail, by email, or by telephone, to members of the local news media who have requested notice. For any special or rescheduled meeting, the state shall also comply with the public notice provisions of this section for a regular meeting to the extent that circumstances permit. A violation of this section is a Class 2 misdemeanor.

1-25-1.5. TELECONFERENCE MEETING. Any official meeting may be conducted by teleconference. A teleconference may be used to conduct a hearing or take final disposition regarding an administrative rule pursuant to § 1-26-4. A member is deemed present if the member answers present to the roll call conducted by teleconference for the purpose of determining a quorum. Each vote at an official meeting held by teleconference may be taken by voice vote. If any member votes in the negative, the vote shall proceed to a roll call vote.

1-25-1.6. TELECONFERENCE PARTICIPATION. At any official meeting conducted by teleconference, there shall be provided one or more places at which the public may listen to and participate in the teleconference meeting. For any official meeting held by teleconference, that has less than a quorum of the members of the public body participating in the meeting who are present at the location open to the public, arrangements shall be provided for the public to listen to the meeting via telephone or internet. The requirement to provide one or more places for the public to listen to the teleconference does not apply to official meetings closed to the public pursuant to specific law.

Q: WHO ARE LOCAL NEWS MEDIA?

A: There is no definition of "local news media" in SDCL ch. 1-25. "News media" is defined in SDCL 13-1-57 generally as those personnel of a newspaper, periodical, news service, radio station, or television station regardless of the medium through which their content is delivered. The Attorney General is of the opinion that "local news media" is all news media – broadcast and print – that regularly carry news to the community.

Q: IS A PUBLIC COMMENT PERIOD REQUIRED AT PUBLIC MEETINGS?

A: Yes. Public bodies are required to provide at every official meeting a period of time on their agenda for public comment. SDCL 1-25-1. Each public body has the discretion to limit public comment as to the time allowed for each topic commented on, and as to the total time allowed for public comment. Public comment is not required at meetings held solely for an executive session, inauguration, presentation of an annual report, or swearing in of elected officials.

Q: CAN PUBLIC MEETINGS BE RECORDED?

A: Yes, SDCL 1-25-11 requires public bodies to allow recording (audio or video) of their meetings if the recording is reasonable, obvious, and not disruptive. This requirement does not apply to those portions of a meeting confidential or closed to the public.

Q: WHEN CAN A MEETING BE CLOSED TO THE PUBLIC AND MEDIA?

A: SDCL 1-25-2 allows a public body to close a meeting for the following purposes: 1) to discuss personnel issues pertaining to officers or employees; 2) consideration of the performance or discipline of a student, or the student's participation in interscholastic activities; 3) consulting with legal counsel, or reviewing communications from legal counsel about proposed or pending litigation or contractual matters; 4) employee contract negotiations; 5) to discuss marketing or pricing strategies of a publicly-owned competitive business; or 6) to discuss information related to the protection of public or private property such as emergency management response plans or other public safety information. The statute also recognizes that executive session may be appropriate to comport with other laws that require confidentiality or permit executive or closed meetings. Federal law pertaining to students and medical records will also cause school districts and other entities to conduct executive sessions or conduct meetings to refrain from releasing confidential information. Meetings may also be closed by cities and counties for certain economic development matters. SDCL 9-34-19.

Note that SDCL 1-25-2 and SDCL 9-34-19 do not require meetings be closed in any of these circumstances.

Any official action based on discussions in executive session must, however, be made at an open meeting.

Q: WHAT IS THE PROPER PROCEDURE FOR EXECUTIVE SESSIONS?

A: Motions for executive sessions must refer to the specific state or federal law allowing for the executive session i.e. "pursuant to SDCL 1-25-2(3)." Also, best practice to avoid public confusion would be that public bodies explain the reason for going into executive session. For example, the motion might state "motion to go into executive session pursuant to SDCL 1-25-2(1) for the purposes of discussing a personnel matter," or "motion to go into executive session pursuant to SDCL 1-25-2(3) for the purposes of consulting with legal counsel."

Discussion in the executive session must be strictly limited to the announced subject. No official votes may be taken on any matter during an executive session. The public body must return to open session before any official action can be taken.

Q: WHAT HAPPENS IF THE MEDIA OR PUBLIC IS IMPROPERLY EXCLUDED FROM A MEETING OR OTHER VIOLATIONS OF THE OPEN MEETING LAWS OCCUR?

A: Excluding the media or public from a meeting that has not been properly closed subjects the public body or the members involved to: (a) prosecution as a Class 2 misdemeanor punishable by a maximum sentence of 30 days in jail, a $500 fine or both; or (b) a reprimand by the Open Meeting Commission ("OMC"). The same penalties apply if the agenda for the meeting is not properly posted, or other open meeting violations occur.

Also, action taken during any meeting that is not open or has not been properly noticed could, if challenged, be declared null and void.

Q: HOW ARE ISSUES REFERRED TO THE OPEN MEETINGS COMMISSION ("OMC")?

A: Persons alleging violations of the open meetings laws must make their complaints with law enforcement officials in the county where the offense occurred. After a signed and notarized complaint is made under oath, and any necessary investigation is conducted, the State's Attorney may: (a) prosecute the case as a misdemeanor; (b) find that the matter has no merits and file a report with the Attorney General for statistical purposes; or (c) forward the complaint to the OMC for a determination. The OMC is comprised of five State's Attorneys or Deputy State's Attorneys appointed by the Attorney General. The OMC examines whether a violation has occurred and makes written public findings explaining its reasons. If you have questions on the procedures or status of a pending case, you may contact the Attorney General's Office at 605-773-3215 to talk to an assistant for the OMC. Procedures for the OMC are posted on the website for the Office of Attorney General. http://atg.sd.gov/.

Q: WHAT DOES THE TERM "SOVEREIGN POWER" MEAN?

A: The open meetings laws do not define this term, but it generally means the power to levy taxes, impose penalties, make special assessments, create ordinances, abate nuisances, regulate the conduct of others, or perform other traditional government functions. The term may include the exercise of many other governmental functions. If an entity is unclear whether it is exercising "sovereign power" it should consult with legal counsel.

Q: MAY AGENDA ITEMS BE CONSIDERED IF THEY ARE ADDED LESS THAN 24 HOURS BEFORE A MEETING?

A: Proposed agendas for public meetings must be posted at least 24 hours in advance of the meeting. The purpose of providing advance notice of the topics to be discussed at a meeting is to provide information to interested members of the public concerning the governing body's anticipated business. Typically, the public body adopts the final agenda upon convening the meeting. At the time the final agenda is adopted, the governing body may add or delete agenda items and may also change the order of business. See In re Yankton County Commission, Open Meetings Commission Decision # 20-03, December 31, 2020. New items cannot be added after the agenda has been adopted by the governing body.

Public bodies are strongly encouraged to provide at least 24 hours' notice of all agenda items so as to be fair to the public and to avoid dispute.

For special or rescheduled meetings, public bodies are to comply to the extent circumstances permit. In other words, posting less than 24 hours in advance may be permissible in emergencies.

Q: ARE EMAIL DISCUSSIONS "MEETINGS" FOR PURPOSES OF THE OPEN MEETINGS LAWS?

A: The definition of an "official meeting" in SDCL 1-25-12(1) specifically includes meetings conducted by "electronic means, including electronic mail, instant messaging, social media, text message, or virtual meeting platform[.]" A quorum of a public body that discusses official business of that body via electronic means is conducting an official meeting for purposes of the open meetings laws. Electronic communications made solely for scheduling purposes do not fall within the definition of an official meeting.

Q: WHAT RECORDS MUST BE AVAILABLE TO THE PUBLIC IN CONJUNCTION WITH PUBLIC MEETINGS?

A: SDCL 1-25-1.4 requires state boards, commissions, or departments to make public meeting materials available on http://boardsandcommissions.sd.gov. SDCL 1-27-1.16 requires that any other public body must post meeting materials on the public body's website or make those materials available to the public at least twenty-four hours prior to the hearing or when made available to the members of the public body, whichever is later. Finally, SDCL 1-27-1.17 requires that draft minutes of public meetings must be made available to the public at the principal place of business for the public body within 10 business days after the meeting (or any audio and visual recording must be made available on the website for the public body within five business days).

These laws are in addition to any specific requirements for public bodies (i.e., publication requirements in state laws pertaining to cities, counties, or school districts). Enforcement of public records laws contained in SDCL Ch. 1-27 are handled by separate procedures found in SDCL 1-27-35, et. seq. rather than the open meeting procedures described above. Violations of SDCL 1-27-1.16 and 1-27-1.17 are also Class 2 misdemeanors.

Q: WHAT REQUIREMENTS APPLY TO TASK FORCES, COMMITTEES AND WORKING GROUPS?

A: Task forces and committees that exercise "sovereign power," and are created by statute, ordinance, or proclamation are required to comply with the open meetings laws. SDCL 1-25-12(1). Task forces, committees, and working groups that are not created by statute, ordinance, or proclamation, or are advisory only, may not be subject to the open meetings laws, but are encouraged to comply to the extent possible when public matters are discussed. Ultimately, if such advisory task forces, committees and working groups present any reports or recommendations to public bodies, the public bodies must wait until the next meeting (or later) before taking final action on the recommendations. SDCL 1-27-1.18.

Q: ARE PUBLIC BODIES REQUIRED TO REVIEW THE OPEN MEETINGS LAWS?

A: Public bodies must annually review an explanation of the open meetings laws provided by the Attorney General, along with any other material pertaining to the open meetings laws made available by the Attorney General. SDCL 1-25-13. Each public body must report in its minutes that the annual review of the open meetings laws was completed.

SOUTH DAKOTA BOARD OF CERTIFIED PROFESSIONAL MIDWIVES
27705 460th Avenue, Chancellor, SD 57015
Phone: 605-743-4451 Email: cpmsdlicense@gmail.com
Home Page: doh.sd.gov/boards/midwives/

Protocols for Issuing Licenses to Qualified Applicants

1) Applications for midwives received will be reviewed by the Executive Secretary. If requirements listed below are met, the criminal background check shows no or very minor criminal history (such as traffic tickets, minor misdemeanors, ect), and the application contains no other unusual or questionable information, the Executive Secretary may issue the license.
    a. Checklist for Midwife Applicants
        i. Completed application form
        ii. Official transcript
        iii. Official copy of diploma
        iv. Letter of good standing from each state where the applicant is currently licensed.
        v. CPM certificate from NARM
        vi. Criminal background check
        vii. Fee - $1000
    b. Checklist for Student Midwife Applicants
        i. Completed Student Midwife Provisional License and Preceptor Agreement Form
        ii. Letter of proof of enrollment from MEAC approved program
        iii. Criminal background check
        iv. Fee - $500
2) If there is unusual or questionable information on an application, the Executive Secretary shall send the application to Board Member appointed by the Board to assist the Executive Secretary in such matters.
If the Executive Secretary and Board Member appointed to review applications cannot agree to grant the license, they shall seek legal counsel and/or refer the application to the full Board to be voted upon.

CHAPTER 36-1D
LICENSURE BY ENDORSEMENT

36-1D-1 Eligibility--Licensure by endorsement.
36-1D-2 Provisional license--Duration.
36-1D-3 Application of chapter.
36-1D-4 Affected professions.

36-1D-1. Eligibility--Licensure by endorsement.

Notwithstanding any existing provisions related to licensure by endorsement or licensure by reciprocity in any applicable licensing statute, a licensing board or a department secretary, if the secretary is responsible for issuing the license, shall issue a license, certificate, registration, or permit to an applicant to allow practice in this state if, upon application to the licensing board, the applicant satisfies all of the following conditions:

(1) Holds a current license, certificate, registration, or permit from another state, territory, or country and the licensing board determines that state's, territory's, or country's requirements are substantially equivalent to or exceed the requirements established in this state;
(2) Demonstrates competency in the profession or occupation through methods determined by the licensing board or a department secretary, if the secretary is responsible for issuing the license;
(3) Has not committed any act that constitutes grounds for refusal, suspension, or revocation of a license, certificate, registration, or permit to practice that profession or occupation in this state unless the licensing board determines, in its discretion, that the act should not be an impediment to the granting of a license, certificate, registration, or permit to practice in this state;
(4) Is in good standing and has not been disciplined by the jurisdiction that issued the license, certificate, registration, or permit unless the licensing board determines, in its discretion, that the discipline should not be an impediment to the granting of a license, certificate, registration, or permit to practice in this state; and
(5) Pays any fees established by the licensing board by rules promulgated pursuant to chapter 1-26.

Source: SL 2021, ch 169, § 1; SL 2023, ch 133, § 1.

36-1D-2. Provisional license--Duration.

A licensing board or a department secretary, if the secretary is responsible for issuing the license, may issue a provisional license, certificate, registration, or permit to an applicant for licensure by endorsement while the applicant is satisfying remaining requirements for the licensure by endorsement as determined by the board. The holder of a provisional endorsement license issued under this section may practice until any of the following occurs:

(1) A license, certificate, registration, or permit is denied by the licensing board under this section;
(2) The expiration of the provisional endorsement license as established by the board by regulation; or
(3) The holder of the provisional endorsement license fails to comply with the terms of the provisional license.

Source: SL 2021, ch 169, § 2; SL 2023, ch 133, § 2.

36-1D-3. Application of chapter.

Nothing in this chapter may be construed to override, supersede, or invalidate any compact or agreement already in place with regard to the regulation of any profession listed under § 36-1D-4.

Source: SL 2021, ch 169, § 3; SL 2023, ch 133, § 3.

36-1D-4. Affected professions.

The provisions of this chapter apply to any of the following:

(1) Any occupation licensed pursuant to title 36;
(2) Water and wastewater operators licensed pursuant to chapter 34A-3;
(3) Teachers, administrators, and other educational professionals licensed pursuant to chapter 13-42; and
(4) Commercial pesticide applicators licensed pursuant to chapter 38-21.

Source: SL 2021, ch 169, § 4; SL 2023, ch 133, § 4; SL 2025, ch 150, § 1, eff. Feb. 18, 2025.

2025 Delaware Code
Title 24 - Professions and Occupations
Chapter 17. MEDICAL PRACTICE ACT
Subchapter XIII. Midwifery Practitioners
§ 1799II. Licensure.

§ 1799II. Licensure.

(a) To be eligible for licensure by the Board as a certified professional midwife, an applicant shall:

(1) Possess a valid CPM credential or another valid credential from an accrediting organization as recommended by the Council and approved by the Board; however; applicants who obtain the CPM credential after December 31, 2019, are required to also have obtained an education accredited by the Midwifery Education and Accreditation Council (MEAC), or another midwifery education accreditation organization as recommended by the Council and approved by the Board, and training and education which meet the International Confederation of Midwives (ICM) standards and guidelines as applicable to the scope of midwives licensed under this subchapter;

(2) Be at least 21 years of age;

(3) Shall not have been assessed any administrative penalties regarding the applicant's practice of midwifery, including but not limited to fines, formal reprimands, license suspension or revocation — except for license suspension or revocation for nonpayment of license renewal fee or unlicensed practice penalties assessed prior to the establishment of the Council — and/or probationary limitations;

(4) Shall not have been convicted of or may not have admitted under oath to having committed a crime substantially related to the practice of midwifery.

(5) Be a graduate of a high school or its equivalent;

(6) Meet minimum educational requirements as required for attainment of the CPM credential, including prepartum, prenatal, intrapartum, and postpartum care of the mother and baby, and risk assessment for the mother and baby during this period;

(7) Notwithstanding the time limitation set forth in § 8735(x)(4) of Title 29, may not have a conviction of a felony sexual offense; and

(8) Shall have completed a course in pharmacology and intravenous therapy recommended by the Council and approved by the Board.

(b) To be eligible for licensure by the Board as a certified midwife, an applicant shall:

(1) Possess a valid CM credential, or another valid credential from an accrediting organization as recommended by the Council and approved by the Board;

(2) Be at least 21 years of age;

(3) Shall not have been assessed any administrative penalties regarding the applicant's practice of midwifery, including but not limited to fines, formal reprimands, license suspension or revocation — except for license suspension or revocation for nonpayment of license renewal fee or unlicensed practice penalties assessed prior to the establishment of the Council — and probationary limitations;

(4) Not have been convicted of or shall not have admitted under oath to having committed a crime substantially related to the practice of midwifery.

(5) Be a graduate of a high school or its equivalent;

(6) Meet the minimum educational requirements as required for attainment of the CM credential including successful completion of a midwifery education program accredited by the Accreditation Commission for Midwifery Education (ACME) or meet the education standards approved by the International Confederation of Midwives (ICM);

(7) Notwithstanding the time limitation set forth in § 8735(x)(4) of Title 29, may not have a conviction of a felony sexual offense; and

(8) Shall have completed a course in pharmacology and intravenous therapy recommended by the Council and approved by the Board.

(c) The Council may waive the requirements of paragraphs (a)(3), (a)(4), (b)(3), and (b)(4) of this section if its finds all of the following by clear and convincing evidence:

(1) The applicant's education, training, qualifications, and conduct have been sufficient to overcome the deficiency or deficiencies in meeting the requirements of this section;

(2) The applicant is capable of practicing midwifery in a competent and professional manner;

(3) The granting of the waiver will not endanger the public health, safety, or welfare; and

(4) For waiver of a conviction if, after consideration of the factors set forth in § 8735(x)(3) of Title 29, the Council determines that granting a waiver would not create an unreasonable risk to public safety, the Coucil shall grant a waiver.

(5) [Repealed.]

(d) Any termination, revocation, or suspension of a certification from NARM, AMCB, or other midwifery certifying organization, or discipline from the same must be promptly reported to the Council.

(e) Licensure must be renewed every 2 years.

(f) An applicant for licensure to practice midwifery shall submit a certified criminal background check pursuant to § 1720(b)(6) of this title. An applicant may not be certified until the applicant's criminal history reports have been produced. An applicant whose record shows a prior criminal conviction that is substantially related to the practice of midwifery pursuant to paragraphs (a)(4) or (a)(7) of this section or paragraphs (b)(4) or (b)(7) of this section may not be certified by the Board unless a waiver is granted pursuant to subsection (c) of this section. The State Bureau of Identification may release any subsequent criminal history to the Board and Council.

(g) Except for unlicensed practice of midwifery established prior to June 30, 2016, the information obtained thereby may be used by the Board and Council to determine the applicant's eligibility for licensing under this chapter.

(h) It shall be unlawful for any person to engage in the practice of midwifery after June 30, 2016, unless such person is licensed under the provisions of this chapter.
80 Del. Laws, c. 33, § 1; 80 Del. Laws, c. 258, §§ 5, 6; 83 Del. Laws, c. 433, § 11;

SOUTH DAKOTA CODIFIED LAW

36-9C-11. Application for licensure--Issuance.

An applicant for licensure as a certified professional midwife or certified professional midwife student shall file with the board an application, verified by oath, on a form prescribed by the board and accompanied by the prescribed fee. If the board finds that the applicant satisfies the requirements for licensure in § 36-9C-4, passes a background check required by § 36-9C-12, and is not otherwise disqualified pursuant to § 36-9C-22, the board shall issue the applicant a license to practice as a certified professional midwife or certified professional midwife student.

Source: SL 2017, ch 172, § 11.

36-9C-4. Qualifications for certified professional midwife.

No person may be licensed to practice as a certified professional midwife unless the person:

(1) Has obtained the certified professional midwife credential;

(2) For licensure of a person who obtains certification after December 31, 2019, has completed an educational program or pathway accredited by MEAC; or

(3) For a person who obtained certification through an educational program or pathway not accredited by MEAC:

(a) If certified before January 1, 2020, through a nonaccredited pathway, has obtained the midwifery bridge certificate issued by the North American Registry of Midwives before applying for licensure in this state; or

(b) Has maintained licensure in a state that does not require an accredited education and has obtained the midwifery bridge certificate regardless of the date of certification before applying for licensure in this state.

Source: SL 2017, ch 172, § 4.

36-9C-12. Criminal background check.

Each applicant for licensure as a certified professional midwife or certified professional midwife student in this state shall submit to a state and federal criminal background investigation by means of fingerprint checks by the Division of Criminal Investigation and the Federal Bureau of Investigation. Upon application, the board shall submit completed fingerprint cards to the Division of Criminal Investigation. Upon completion of the criminal background check, the Division of Criminal Investigation shall forward to the board all information obtained as a result of the criminal background check. This information shall be obtained before permanent licensure of the applicant. Failure to submit or cooperate with the criminal background investigation is grounds for denial of an application. The applicant shall pay for any fees charged for the cost of fingerprinting or the criminal background investigation.

Source: SL 2017, ch 172, § 12.

36-9C-22. Denial, revocation, or suspension for misconduct.

The board may deny, revoke, or suspend any license or application for licensure to practice as a certified professional midwife or certified professional midwife student in this state, and may take such other disciplinary or corrective action as the board deems appropriate upon proof that the license holder or applicant has:

(1) Committed fraud, deceit, or misrepresentation in procuring or attempting to procure a license;

(2) Aided or abetted an unlicensed person to practice as a certified professional midwife;
(3) Engaged in practice as a certified professional midwife under a false or assumed name and failed to register that name pursuant to chapter 37-11, or impersonated a license holder of a like or different name;
(4) Committed an alcohol or drug related act or offense that interferes with the ability to practice midwifery safely;
(5) Negligently, willfully, or intentionally acted in a manner inconsistent with the health and safety of those entrusted to the license holder's care;
(6) Had authorization to practice as a certified professional midwife denied, revoked, or suspended or had other disciplinary action taken in another state;
(7) Practiced in this state as a certified professional midwife without a valid license;
(8) Engaged in the performance of certified professional midwifery beyond the scope of practice authorized by § 36-9C-13;
(9) Violated any provision of this chapter or rule promulgated pursuant to this chapter;
(10) Been convicted of a felony. The conviction of a felony means a conviction of any offense which, if committed in this state, would constitute a felony under state law; or
(11) Engaged in substandard, unprofessional, or dishonorable conduct.

Source: SL 2017, ch 172, § 22.