

**BEFORE THE REVIEW COMMITTEE
OF THE AMERICAN MIDWIFERY CERTIFICATION BOARD**

In the Disciplinary Matter of:

Carol Bunker, CNM

Respondent

DECISION

On or about 6/12/2012, the American Midwifery Certification Board (AMCB) was notified of a January, 2008 Consent Order between Respondent and the Oklahoma Board of Nursing in which the license to practice registered nursing was “severely reprimanded.” In addition, AMCB was notified on the same date that an Agreed Order between the Respondent and the Texas Board of Nursing. The fact of restrictions placed upon Respondent’s license represented possible violations by Respondent of AMCB’s Discipline Policy. Action on Respondent’s Oklahoma license was based upon findings that, while working as a Registered Nurse, she had entered birth data into an electronic medical record prior to the time of the patient’s birth. Action on the Respondent’s Texas license was based upon intrapartum care provided in a birth center to a patient with gestational diabetes. In accordance with AMCB procedures, the matter was reviewed by a Disciplinary Review Committee comprised of three individuals with no prior involvement with the matter. After review it was determined that the complaint considered by the Oklahoma Board of Nursing did not rise to the level of disciplinary consideration. However, sufficient evidence existed with regard to the complaint considered by the Texas Board of Nursing to warrant disciplinary action. The remainder of this report will address the Texas Board of Nursing complaint.

The Respondent accepted a settlement agreement in which her midwifery license was encumbered and she was not allowed to work outside the State of Texas without permission of the Board of Nursing “pursuant to a nurse licensure compact privilege.” She was required to complete a course in Texas nursing jurisprudence and ethics and a course in nursing documentation. It was further stipulated that 24 months of employment as a nurse or nurse-midwife required 1) employer notification of the stipulations of the order, and 2) monitoring by an Obstetrician or Nurse-Midwife. Upon completion of the requirements of the order, the encumbrances upon the Respondent’s licensure would be lifted.

By a letter dated 8/1/2012, AMCB notified Respondent that it had initiated a disciplinary proceeding to determine whether good cause existed for imposing discipline under the following provisions of the Disciplinary Policy:

A.7: Limitation or sanction by a federal, state or private licensing board, administrative agency, association or health care organization relating to public health or safety, or midwifery practice and/or;

A.9: Engaging in conduct which is inconsistent with professional standards, including but not limited to (i) any practice that creates unnecessary danger to a patient's life, health or safety; and (ii) any practice that is contrary to the ethical conduct appropriate to the profession that results in termination or suspension from practice. Actual injury to a patient or the public need not be shown under this provision.

AMCB requested that Respondent submit a written response to the charge within thirty days of receipt of the letter-notice. On 11/14/2012, AMCB received a response from the Respondent indicating that Respondent was 11 months into her probationary period and was in compliance with all aspects of the requirements of the Texas Board of Nursing. Additional documentation regarding the clinical situation was also submitted. The Respondent acknowledged the deficiencies noted by the Texas Board of Nursing and detailed areas in which she had endeavored to improve her practice.

The Review Committee has now considered the charges against Respondent and the above-described matters of record. On the basis of the factual findings and reasons set forth below, the Committee unanimously concludes that grounds for discipline against Respondent exist under sections A.7. and A.9 of the Discipline Policy.

FINDINGS

The Review Committee finds the following facts:

1. AMCB (previously known as ACC) was formed in 1991 by the American College of Nurse Midwives (ACNM) as an independent entity to carry on the existing program of ACNM for certifying the competency of individuals as entry-level nurse midwives.
2. AMCB assumed responsibility for discipline of ACNM/AMCB certificants through the Discipline Policy, the most recent version of which AMCB adopted in December 2003.
3. Respondent was certified by AMCB on 2/28/2003.
4. The Texas Board of Nursing cited Respondent for acts or omissions that violated the standard of care for a nurse-midwife, including:
 - a. Failure to evaluate the diabetic status and prior referral of patient to Diabetes Education Center.
 - b. Incorrect calculation of gestational age of fetus and scheduling a 37 week patient for induction without consultation

- c. Instructing patient to take Cytotec alone in a home setting
- d. Failure to evaluate fetal heart rate decelerations adequately
- e. Delivery of an infant that required transfer due to respiratory distress as a result of above actions.

5. Respondent's license to practice in the state of Texas was encumbered for two years commencing on 12/21/2012. During the period of encumbrance, Respondent was required to have her practice monitored twice monthly by another qualified practitioner and provide quarterly reports to the Board of Nursing. Respondent was further required to attend a course in nursing jurisprudence and ethics and a course in nursing documentation.

6. Respondent has shown documentation of compliance with the substantive requirements mandated by the Texas Board of Nursing.

7. Respondent has demonstrated the ability to assess her own practice, understands the circumstances in which improvement was required and has made changes consistent with the Standards of Practice for Midwifery.

8. Respondent has changed employment settings and finds that her current situation demonstrates an ethic of quality patient care.

DISCUSSION

In this matter we are called upon to decide whether and what discipline is warranted against a CNM whose license to practice nursing has been encumbered for failure to practice within the standard of care required of a CNM.

The Committee is persuaded that there is evidence that Respondent's practice was inconsistent with professional standards, reflecting practice that created unnecessary danger to a patient's life, health or safety. Respondent's practice resulted in sanction by a state licensing board.

Respondent has shown documentation of compliance with all requirements mandated by the Texas Board of Nursing.

SANCTIONS FOR VIOLATIONS

The Review Committee agrees with the sanctions imposed by the Texas Board of Nursing. The Committee does not recommend actions upon Respondent's certificate at this time. However, the Committee recommends that Respondent receive a letter of reprimand. The Committee recognizes the Respondent for her diligence in complying with recommendations and finding a practice environment that supports her efforts.

Effective: 4/8/2013

REVIEW COMMITTEE

Carol Howe, CNM, DNSc, FACNM, Chair
Nancy Jo Reedy, CNM, MSN, FACNM
Ellen Tilden, CNM, MSN

Cara Krulewitch, CNM, PhD, FACNM
AMCB President, Board of Directors