

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

In the Disciplinary Matter of:

Christine Campbell
Respondent

DECISION

On June 13, 2014, Respondent Christine Campbell contacted the American Midwifery Certification Board (AMCB) regarding sanctions on her RN and ARNP licenses to practice nurse-midwifery by the Washington State Department of Health Nursing Care Quality Assurance Commission (Washington Commission). These sanctions were imposed initially in 2001. However, Respondent indicated that she believed that the Washington Commission had informed all relevant institutions of the sanctions on her licenses and had only recently become aware of her obligation to report to AMCB. AMCB requested information of the Washington Commission, and upon receipt of such, initiated the process of determining possible violations by Respondent of AMCB's Disciplinary Policy. The alleged violations arose from a birth center delivery and subsequent neonatal death that occurred in February 2001 and from other violations that emerged in the subsequent Washington Commission investigation resulting in an EX PARTE ORDER OF SUMMARY ACTION (NOS 01-07-1017RN and 01-07-A-1018AP), and culminating in sanctions being imposed against Respondent for unprofessional conduct in the care of patients. Specifically, Respondent's RN license and ARNP license were summarily suspended on July 17, 2001. On September 24, 2010, as a result of Respondent's compliance with Commission's stipulations, Respondent's RN license was re-instated provisionally. On July 25, 2013, Respondent's RN license was fully reinstated.

In accordance with AMCB procedures, the complaint was reviewed by AMCB's President, who determined that the matters alleged in the notice of possible violation, if true, could constitute grounds for disciplinary action.

Accordingly, by letter dated September 2, 2014, AMCB notified Respondent that it had initiated a disciplinary proceeding to determine whether good grounds existed for discipline under the provisions of Section VI.A.7. 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.
- 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.

The notice requested that Respondent submit a written answer to these charges within 30 days of receipt of the September 2, 2014 notice. On September 24, 2014, attorneys for Respondent contacted AMCB's Executive Director and Discipline Director to request an extension of time in which to answer the charges, which was granted until November 28, 2014.

On December 11, 2014, attorneys for Respondent submitted a detailed response, with exhibits.

A Review Committee comprised of a Chair (Dr. Carol Howe, CNM) and two qualified members (Judy Lazarus, CNM, MS and Mary [Penni] Harmon, CNM, MSN), was duly convened.

On 9/28/2016, the AMCB review committee requested additional information, including a response to each individual allegation included in the Washington Commission summary suspension and the complete deposition of the Complainant.

On 10/27/2016, AMCB received the requested information.

The Review Committee has now considered the charges against Respondent and the above-described matters of record. Based on the factual findings and reasons set forth below, the Committee unanimously concludes that good grounds for discipline against Respondent exist under sections A.7. and A.9. of the Disciplinary Policy (rev 2012) and that the imposition of sanctions is warranted.

FINDINGS

The Review Committee finds the following facts:

1. AMCB (formerly the ACNM Certification Council) 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 has assumed responsibility for discipline of ACNM/ACC/AMCB certificants through the Disciplinary Policy, the most recent version of which AMCB adopted November, 2012.
3. Respondent was certified by ACC (now AMCB) on 3/11/1994.
4. On July 2, 2001 the Washington Commission received an Ex Parte Motion brought by the Department of Health requesting a summary suspension of all licenses (RN and ARNP) asserting the existence of an immediate danger to the public health, safety or welfare.

The motion was granted.

5. On September 9, 2010, the Washington Commission (M2003-62189, M2003-62132) issued an Agreed Order reinstating Respondent's RN license subject to completion of an RN refresher program, and subject to 2 years of probation after completion of the refresher program.

6. On July 25, 2013, the Washington Commission (M2003-62132, M2003-62189) terminated the probationary status of Respondent's RN license finding that Respondent had substantially complied with the terms and conditions of the 2010 agreed order.

7. Respondent has continued to seek reinstatement of her Washington APRN license. Respondent's plan for reinstatement includes the successful completion of an accredited nurse-midwifery education program. Respondent's response through her attorney indicated her intent to enroll in a program in 2015.

8. Multiple allegations were filed by the Washington Commission. These charges may be summarized in three categories:

- a. The initial complaint which involved a birth center birth and neonatal death. Among the charges related to this incident were complaints that the patient had been abandoned during a period of time in her labor, that evidence of fetal distress had been ignored and that Respondent had also ignored several patient requests for transfer to the hospital.
- b. As a part of the inquiry, the investigator searched the birth center/clinic and its records, identifying 9 additional patient care situations alleged that did not meet the standard of care.
- c. Further scrutiny of the clinic space resulted in additional allegations, including substandard protection of records, improper use and storage of Scheduled medication and possible improper sterilization of instruments because of inadequate autoclave equipment.

9. Respondent has submitted a response to AMCB, through her attorney, denying many of the multiple charges, acknowledging other allegations and disclosing extenuating circumstances that she asserts affected her actions. Respondent's assertions include:

- a. Respondent was not the midwife in charge of the birth that resulted in the initial complaint.
- b. Respondent was subject of false accusations by the Licensed Midwife (LM) who was in her employee. This LM was later found to be practicing without a license.
- c. Respondent admits to poor documentation of the events of the birth.
- d. Respondent denies allegations of improper care of other patients identified in Washington Commission review of birth center records.
- e. Respondent denies allegations of improper use of scheduled drugs, storage of drugs, and storage of medical records.

10. Respondent's attorney submitted exhibits in support of Respondent's statements. Among the exhibits were:

- a. Statements of two patients cited in the Washington Commission allegations in support of Respondent's care. These patients also indicated that they, as part of the investigative process, felt pressured to make negative assessments of their care.
- b. A summary of videotape footage from the birth resulting in the initial complaint.
- c. A copy of chart notes related to the birth resulting in the initial complaint.
- d. Chart notes related to other allegations of improper care of other patients identified in the Washington Commission review of birth center records.
- e. Respondent's response to allegations of improper use of scheduled drugs, storage of drugs and storage of medical records.

11. Respondent also submitted a copy of the deposition of the patient whose birth resulted in the initial complaint.

DISCUSSION

In this matter, we are called upon to decide whether and what discipline is warranted against a CNM who has been sanctioned for professional negligence or malpractice by a state licensing board.

Our decision is based upon extensive review of submitted documents, including the Respondent's reply through her attorney, the response to the numerous charges alleged by the Washington Commission and the exhibits that accompanied the response and the Complainant's deposition. While the review did identify several allegations that the Respondent was able to refute adequately, the majority of the allegations were either not satisfactorily addressed in a way that a determination could be made, or sufficient evidence existed to support the Washington Commission's sanctions upon Respondent's licenses. Two issues were particularly troubling to the Committee. First was evidence in the Complainant's deposition that she had requested transfer to the hospital several times and her request was not honored. Secondly, data from the Complainant's deposition and chart notes suggest that Respondent was the midwife actively managing the labor for the last hours prior to and through the birth. As a component of the Respondent's plea to AMCB through her attorney, Respondent has made assurances with regard to her intent to complete an ACME accredited nurse-midwifery education program beginning in 2015. Communication from the Respondent's attorney dated March 4, 2017 indicates that Respondent has awaited the outcome of this Disciplinary Review to submit her application.

Our decision is guided by the general principle that a private certification organization like AMCB will normally give full faith and credit to the disciplinary decisions of an expert public body such as a state licensing board. As a matter of policy, therefore, the Review Committee will presume that acts of a state licensing board taken pursuant to statutory authority are valid and worthy of respect. That is, absent some factual and compelling reason to believe that the licensing board's decision-making processes violated the licensee's rights to due

process, we will not attempt to decide *de novo* whether the state licensing board acted properly. It is the burden of a certificant charged with violation of the Disciplinary Policy to show that the agency acted improperly.

The Committee is persuaded that Respondent has not met her burden of showing some material irregularity in the Washington Commission's processes that would cast doubt on the fundamental correctness or fairness of its decisions. Employing a limited and deferential scope of review of the Washington decisions that resulted in the suspension of Respondent's license, the Committee is satisfied that the Washington Commission acted under lawful authority and valid procedures. Accordingly, we conclude that a basis exists for discipline under section A.9., namely, that Respondent has engaged in conduct which is inconsistent with professional standards.

Respondent was sanctioned by the Washington Commission, a fact that she obviously does not contest. Consequently, without more, a basis for discipline exists under section A.7. of the Disciplinary Policy, namely, that Respondent has been sanctioned by a state licensing board.

Finally, we are aware that the Respondent's intent is the successful completion of a nurse-midwifery education program in order to practice safely and to apply for reinstatement of her APRN license in the state of Washington. Respondent argues that her attempt to regain licensure will be harmed by sanctions upon her certificate and that since the matter has not been resolved and thus could be successful, both this proceeding and any sanctions that may result from it are premature.

The sanctions imposed by the Washington Commission on Respondent's APRN license, however, have not been stayed and thus are currently in effect. Consequently, the Committee believes that it is appropriate and necessary to decide this disciplinary matter notwithstanding. In the event that Respondent successfully completes a nurse-midwifery education program, we will entertain a request by Respondent to reopen this matter for reconsideration of this decision.

SANCTIONS FOR VIOLATIONS

The Review Committee determines that the following sanctions shall be imposed for the violations found:

1. **Suspension of AMCB Certification.** Respondent's Certification is hereby suspended pending her submission of documentation of completion of an accredited nurse-midwifery program. The program must be completed by the end of Respondent's current certification cycle ending 12/31/2021. If Respondent is unable to complete a program by this date, a one year extension until 12/31/2022 may be granted upon submission of a detailed explanation outlining why Respondent was unable to complete the program by the specified date. Documentation must consist of a signed letter from the Program Director attesting that Respondent has successfully completed all programmatic components of the program and is performing at the level of a safe practitioner. Upon submission of

that documentation, AMCB will entertain a request for expedited reinstatement of Respondent's Certification. Reinstatement of Certification would allow the State of Washington to consider Respondent's request for reinstatement of licensure. However, if Respondent's request for reinstatement as a licensed APRN in the State of Washington is denied, Respondent's Certification will be immediately suspended.

Respondent is on record acknowledging that "she must undergo a complete CNM Masters and DPN [sic] program to safely practice again." The review committee agrees and thus stipulates this requirement as a condition of reinstatement.

2. Notification of Appeal Status. Respondent shall furnish to the CEO of AMCB copies of final court and administrative orders and opinions relating to reinstatement of her license within 30 days of their receipt of them. Failure to provide the same on a timely basis may result in revocation of Respondent's Certification.

3. Submission of Additional Information. Respondent shall inform the CEO of AMCB in writing of any change in her status regarding her nurse-midwifery license including investigation or sanction by any federal, state or private licensing boards, administrative agency, association or health care organization relating to public health, or safety or midwifery practice, within thirty days of such change. Respondent must notify the CEO of AMCB immediately if Respondent applies, as a nurse-midwife, for a license or any other credential to practice in any federal, state or private licensing or regulatory board, administrative agency, association or health care organization relating to public health, or safety or midwifery practice. Failure to provide the same on a timely basis may result in revocation of Respondent's Certification.

Respondent shall be provided a letter from the AMCB President attesting to the intent of the Review Committee to provide an expedited review for reinstatement of the Certificate upon successful completion of an ACME accredited midwifery program. This letter may be submitted with Respondent's application for admission.

In the event that the Respondent provides written documentation of completion of an accredited nurse-midwifery program, the Committee will entertain a written petition by Respondent to reopen this proceeding for a determination of the appropriateness of continuing the foregoing sanctions.

Effective: 4-7-2017

REVIEW COMMITTEE

Carol Howe, CNM, DNSc, FACNM, FAAN, Chair

Penni Harmon CNM, MSN
Judy Lazarus, CNM, MSN

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