

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

In the Disciplinary Matter of:

Tracy L. Gibson

DECISION

In September, 2014, the American Midwifery Certification Board (AMCB) was notified that actions had been taken on Respondent's CNM license in Idaho and upon Respondent's RN license in Indiana. These actions were as follows:

- November 2012: Respondent voluntarily surrendered her Idaho advance practice license after allegations were made that she did not meet the standard of care by:
 - Inserting a cervical ripening balloon after rupture of membranes
 - Delaying institution of oxytocin for approximately 27 hours
 - On other occasions allowing a patient to labor "too long" and not providing continuous fetal monitoring in the course of deliveryReinstatement of Idaho licensure requires Respondent to qualify for certification as a nurse-midwife, as well as to provide a medical provider statement of current medical status and an outline of employment since surrender. Respondent is further required to complete a period of monitored practice for a minimum of 4 months and 15 births. The period of monitored practice includes monthly performance summaries and audits. Following reinstatement, Respondent is required to submit monthly self-evaluations for a period of 2 years. No action was taken upon Respondent's RN license
- November 2013: Respondent's Indiana RN license was placed on "Indefinite Probation" based upon the disciplinary action taken by the Idaho Board of Nursing. Indiana rules do not permit advanced practice licensure to be considered separately from RN licensure. Thus a nursing license at any level under sanction in another state is considered grounds for discipline by the Indiana State Board of Nursing.

In accordance with AMCB procedures, the matter was reviewed by the President of AMCB. It was determined that Respondent's behavior constituted grounds for disciplinary review. Accordingly, by a letter dated September 2, 2014, 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.

A Disciplinary Review Committee comprised of three individuals with no prior involvement with the matter was constituted. AMCB requested that Respondent submit a written response to the charge within thirty days of receipt of the letter-notice. In September 2014, AMCB received a response from Respondent.

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 November 2012.
3. Respondent was initially certified as a CNM by AMCB (formerly ACC) on 6/27/97.
4. The Idaho Board of Nursing raised allegations of failing to meeting the standard of care as described above.
5. Respondent surrendered her Idaho advanced practice license on November 2, 2012.
6. No action was taken against Respondent's RN license by the Idaho State Board of Nursing
7. Respondent contends that voluntary surrender was advised as she was moving to Indiana, did not plan to practice as a nurse-midwife and would have difficult meeting the Idaho Board requirements in another state.
8. The Indiana State Board of Nursing placed Respondent's RN license on "Indefinite Probation" on 11/25/13 after being informed that Respondent's advanced practice license had been surrendered.

9. Respondent cannot practice as an RN in Indiana until her license as an advanced practice nurse is reinstated in Idaho.

10. Respondent is attempting to meet the requirements for reinstatement of her advance practice license by the Idaho State Board of Nursing with the stated intent of being allowed to practice as an RN in Indiana.

DISCUSSION

In this matter we are called upon to decide whether and what discipline is warranted against a CNM who has surrendered her license to practice nurse-midwifery for failure to meet the standards of practice for nurse-midwifery.

The Committee is persuaded that there is evidence that Respondent's nurse-midwifery practice was inconsistent with professional standards, reflecting practice that created unnecessary danger to a patient's life, health or safety.

Respondent has responded to the Committee with explanations for her behavior. Respondent agreed to surrender her Idaho license voluntarily, stipulating that the allegation against her, if proven true in a full disciplinary hearing, would constitute grounds for discipline,

Of note, the Disciplinary Review Committee supports the actions of the Idaho State Board of Nursing with regard to the allegations of placing a cervical ripening balloon after rupture of membranes and allowing 27 hours to pass prior to the institution of oxytocin. The allegation regarding allowing a patient to labor "too long" is too vague for consideration and the routine requirement of continuous monitoring at the time of delivery is not a national standard for midwifery.

Further, the Disciplinary Review Committee fails to understand why action upon an advanced practice license for allegations specific to the practice of midwifery would preclude licensure as an RN. If allegations are focused upon issues that cross disciplines (e.g. violation of ethical standards, substance abuse and the like), disciplinary action should apply to any professional license. Respondent, however, was found to have made clinical decisions specific to an advanced practice provider role that did not meet the standard of care for the discipline of midwifery. Those decisions are not within the scope of an RN license.

SANCTIONS FOR VIOLATIONS

The Review Committee agrees with the sanctions imposed by the Idaho State Board of Nursing. The Review Committee recommends that a letter of reprimand be placed in Respondent's file. In light of the fact that Respondent does not intend to practice midwifery, no further sanctions are recommended at this time. The Idaho State Board of Nursing requirements for reinstatement are deemed a sufficient response to the allegations made. If Respondent completes those requirements, no further disciplinary action is required.

Respondent is also required to:

1. Notify AMCB at such time as her Idaho advance practice license is reinstated.
2. Notify AMCB at such time if she resumes nurse-midwifery practice.
3. Pay a \$500 fine to AMCB within 30 days of receipt of this Decision

Effective: 1-13-2016

REVIEW COMMITTEE

Carol Howe, CNM, DNSc, FACNM, Chair
Michele Megregian, MSN, CNM

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