

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

In the Disciplinary Matter of:

Carol A. Green, CNM

On April 2, 2015, AMCB President Cara Krulewitch informed you in a letter that, since on April 18, 2013 your Texas registered nurse license was suspended based on “mental illness,” an AMCB Discipline Review Committee had been established. We note that, according to the Texas Board of Nursing website, your nurse-midwife recognition has been inactive since 11/30/2012 and your AMCB certification will expire on 12/31/2016. According to AMCB’s records you have not completed many of your requirements for re-certification.

President Krulewitch informed you that in accordance with AMCB’s Disciplinary Policy, a Discipline Review committee had been appointed to review your certification status related to the orders from the Texas Board of Nursing. The Disciplinary Review Committee was asked to determine whether good cause existed for imposing discipline under the following provisions of the Disciplinary Policy.

A.5 Habitual use of alcohol or any other substance of abuse, or any physical or mental condition that impairs competent and objective professional performance.

A.7 Limitation or sanction by federal, state or private licensing board, administrative agency, association or health care organization related to public health or safety or midwifery practice.

A.9 Engaging in unprofessional conduct, 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 Disciplinary Review Committee, comprised of the three individuals, was convened. The Disciplinary Review Committee has now considered the documents and the above described matters of record. On the basis of the factual findings and reasons set forth below, the Committee unanimously recommends to the AMCB Board of Directors that the AMCB Certification of Carol A. Green be suspended unless and until evidence is provided that she has met all the requirement of the Stayed Order of the Texas Board of Nursing.

Findings

The 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 has assumed responsibility for discipline of ACNM/ACC/AMCB certificants through the Disciplinary Policy, the most recent version of which AMCB adopted June 2007 and Revised 2012.

3. Respondent was initially certified by AMCB (formerly ACC) on 2/8/1986 and her certification will expire December 31, 2016. Respondent has paid only one annual maintenance fee and passed one certificate maintenance module for re-certification.

Initial Findings: Initial materials submitted to the Committee resulted in the following initial findings.

1. On October 9, 2012, an Administrative Hearing was held before Administrative Law Judge (ALJ) Sarah Starnes at the request of the staff of the Texas Board of Nursing which sought to “revoke or suspend the registered nurse license and nurse-midwife certification of Carol A. Green based on allegations that, due to mental illness, Respondent has engaged in conduct that demonstrates a lack of fitness to practice as a nurse.” On December 3, 2012, ALJ Starnes recommended that “the Board suspend Respondent’s registered nurse and CNM certification until Respondent provides reliable and certifiable evidence to the Board establishing that she has functioned competently for at least the previous twelve months.”
2. On April 18, 2013, the Board of Nursing considered the ALJ’s findings of fact and conclusions of law, and ordered that “Registered Nurse License Number 243459, previously issued to Carol A. Green, to practice nursing in Texas is hereby SUSPENDED and said suspension is ENFORCED until Respondent is able to present reliable and verifiable evidence to the Board of Nursing of having functioned in a manner consistent with the behaviors required of nurses under the Nursing Practice Act and Board rules for at least the previous twelve (12) months.”
3. On April 16, 2015, the Texas Board of Nursing issued an Agreed Order signed by Ms. Green, Respondent on March 9, 2015, that the Respondent’s APRN and RN licenses were “hereby SUSPENDED with the suspension STAYED and Respondent is hereby placed on PROBATION, in accordance with the terms of this Order, for a minimum of two (2) years AND until Respondent fulfills the requirements of this Order.” This agreed order specified remedial education requirements, employment requirements, and therapy with a psychiatrist requirements during the period of probation.

In addition to these orders, the Committee reviewed the psychological evaluation by forensic psychiatrist Dr. Larry Nahmias on July 7, 2011 and a psychological evaluation of Carol Green conducted by Joyce M. Gayles, PhD, Clinical Psychologist on December 31, 2014 for the Texas BON. In her summary and recommendations, Dr. Gayles stated, “Based on the results of this evaluation, I recommend that Ms. Green participate in psychotherapy with a seasoned therapist who can help her to resolve her anger and self-recrimination about her past experiences, support

her to develop healthy boundaries and strategies for interpersonal relating, and develop her critical thinking skills.”

Subsequent Findings: Based upon the initial findings, the Committee requested additional materials from the Respondent resulting in the additional findings.

1. In Respondent’s reply of April 29, 2015 to President Krulewitch’s letter, Ms. Green stated “I have never been ‘mentally ill’. I have never taken drugs for any ‘mental illness’ at any time in my life.”
2. On May 28, 2015, AMCB requested on behalf of the Committee that Ms. Green “Provide all of the details in connection with the accusations outlined in the Proposal for Decision dated December 3, 2012 and the Subsequent Order filed April 18, 2013” by the Texas Board of Nursing. Ms. Green’s response on June 17, 2015, stated, “Please refer to the Texas Board of Nursing website for an update to my license which is now current. My license number is 243459. I would greatly appreciate your compassion and understanding in this situation realizing that sometimes people, such as I, can be falsely accused of things which can cause great loss in their life. I am complying with all of the Board’s requirements as I pursue employment as a CNM.” However, in an email dated August 31, 2015 to AMCB’s Discipline Director, Ms. Green indicated that she was not participating in any therapy because she was not mentally ill and did not need it.
3. In a communication dated February 19, 2016, Jolene Zych, PhD, RN, WHNP-BC, Nurse Consultant – Advanced Practice for the Texas Board of Nursing indicated that Ms. Green’s RN license is in current status, but encumbered by the April 2015 order, and is due to expire on November 30, 2016. Further, her nurse-midwifery license is currently on inactive status. The Board’s records reflect that Ms. Green is unemployed in nursing or midwifery at this time.

Discussion

In this matter we are called upon to decide whether and what discipline is warranted against a CNM who has evidence of mental instability that caused the Texas BON to initially suspend her RN license.

The Disciplinary Review Committee is persuaded that based on Ms. Green’s apparent non-compliance with the requirements of the Stayed Order of April 2015, particularly her resistance to complying with the required psychiatric therapy, we remain concerned about her mental health fitness to practice midwifery as a CNM. We have not received independent evidence that Ms. Green’s mental health issues have been satisfactorily resolved through recommended therapy.

Sanctions For Violations

The Discipline Review Committee recommends to the AMCB Board of Directors that, consistent with AMCB’s mission to protect and serve the public, Carol Green’s certification as a nurse-midwife be immediately suspended unless and until evidence is provided that she has met all the requirements of the Stayed Order of the Texas Board of Nursing.

Effective: 4/9/2016

REVIEW COMMITTEE

Nancy Lowe, CNM, PhD, FACNM, FAAN, Chair

Barbara Graves, CNM, MN, MPH, FACNM

Nancy Reedy, CNM

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