

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

In the Disciplinary Matter of :
 :
Janice Dorsey Dobbs Joiner, MSN :
 :
Respondent :
 :
 :

DECISION

On September 12, 2006, the American Midwifery Certification Board (AMCB) received a request for verification of certification from the South East Georgia Health System (Health System) for Janice Dorsey Dobbs Joiner. When AMCB notified Health System that Ms. Joiner had not been recertified, Health System produced a letter that Ms. Joiner had submitted to them. The contents of this letter reflect possible violations by Respondent Joiner of the AMCB Disciplinary Policy.

In accordance with AMCB procedures, these circumstances were 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 November 27, 2006, AMCB notified Respondent that it had initiated a disciplinary proceeding to determine whether good cause existed for imposing discipline under the following provision of the Disciplinary Policy:

- A.4. Misrepresentation of certification or violation of the Corporation's personal and/or intellectual property rights including but not limited to unauthorized access, possession of, use of, distribution of, or access to (i) the Corporation's exams, (ii) certificates, (iii) name, trade name or trademarks; and (iv) any of its other personal and/or intellectual property.

The letter-notice requested that Respondent submit a written answer to these charges within 30 days of the November 27, 2006 notice. Prior to receiving the written notification of possible violation, on September 29, 2006, Respondent had faxed to AMCB a document of explanation for the letter in question.

A Review Committee comprised of three individuals with no prior involvement with the matter or the individual against whom discipline is being considered was duly convened.

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 good grounds for discipline against Respondent exist under sections A.4. and A.9. of the Disciplinary Policy and that the imposition of sanctions is warranted.

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 has assumed responsibility for discipline of ACNM/AMCB certificants through the Disciplinary Policy, the most recent version of which AMCB adopted December 2003.
3. Respondent was certified by AMCB on October 10, 1997.
4. There is no evidence that Respondent completed the required Certificate Maintenance modules to qualify for recertification. No record exists at the AMCB of receipt of those modules and Respondent cannot provide documentation that they were completed or sent. As a result, Respondent's certification as a nurse midwife expired on December 31, 2005.
5. Respondent was advised on January 3, 2006 that her certification had lapsed and was given an extension to February 28, 2006 to complete her requirements. Documentation of this phone call is found in the AMCB Filemaker database, Activities Screen. Respondent was reminded again by phone message on February 13, 2006 that the deadline was approaching. Reference to this phone call is found in an email from Dr. Nancy Lowe to Carrie Bright, Trisha Farrell, Barbara Graves, Philip O'Neill and Leona VandeVusse in response to an email sent by Ms. Bright on September 13, 2006.

6. A representative of the South East Georgia Health System contacted AMCB on September 12, 2006 enclosing a copy of a letter submitted by Respondent to the health system on September 11, 2006. There is evidence that this letter is a forgery as it does not match the format of any of the templates used by AMCB currently or under its former name, the ACNM Certification Council (ACC).

7. A phone conversation dated September 19, 2006 is documented in the AMCB database informing Respondent that the letter appeared to be falsified and reiterating that she was not currently certified.

8. The Georgia Board of Nursing Rules (Chapter 290-5-15-09-.01) stipulate that “a midwife is a registered professional nurse who has completed educational preparation as a nurse-midwife and who is certified by the certifying agent of the American College of Nurse-Midwives (ACNM).” Respondent has not been certified since December 31, 2005. A verification of licensure on February 12, 2007 verifies that Respondent continues to have an active license in Georgia, indicating that she has not informed the Board of Nursing of the loss of her certification.

DISCUSSION

In this matter we are called upon to decide whether and what discipline is warranted against a CNM who has been sanctioned for misrepresentation of certification and/or engaging in unprofessional conduct by AMCB.

The Committee is persuaded that Respondent has not met her burden of showing proof that the documentation submitted by Respondent to the South East Georgia Health System is legitimate. Respondent cannot produce an original letter from AMCB verifying completion of her modules. The letter provided to the South East Georgia Health System is a photocopy and does not match the format of any of the templates used by AMCB currently or under its former name, the ACNM Certification Council. Specifically, none of the templates report the completion of two modules in the same letter. A separate letter is sent for each module completed. Further, the wording of the letter, while similar to some templates, is not consistent with the wording of the letter sent upon completion of CMP modules. The final paragraph (“I congratulate you on your accomplishment and wish you continued success in your professional endeavors. Please keep us informed of your current post and email addresses, phone number and/or name change [please include copy of legal documentation] for certificate maintenance purposes”) appears to be adapted from the template of the initial certification letter (“I welcome you to the ranks of nationally Certified Nurse-Midwives and wish you continued success in you professional endeavors. Please keep us informed of your current address for certificate maintenance purposes”). It is not clear from Respondent’s letter when she purports to have completed the modules, however, her letter includes reference to a module available from 2005-2007. Her letter appears on ACC letterhead which has not been used since July, 2005. Finally, there is no signature on the letter. Accordingly, we conclude that a basis exists for discipline under section A.4., namely, that Respondent has misrepresented certification.

The Georgia Board of Nursing Rules (Chapter 290-5-15-09-.01) stipulate that ‘a midwife is a registered professional nurse who has completed educational preparation as a nurse-midwife and who is certified by the certifying agent of the American College of Nurse-Midwives (ACNM).’ Respondent has not been certified since December 31, 2005. A verification of licensure on February 12, 2007 verifies that Respondent continues to have an active license in Georgia, indicating that she has not informed the Board of Nursing of the loss of her certification. Consequently, we conclude that a basis for discipline exists under section A.9. of the Disciplinary Policy, namely, that Respondent has engaged in “unprofessional conduct, including but not limited to...any practice that is contrary to the ethical conduct appropriate to the profession that results in termination or suspension from practice.”

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 for 6 months after the date of review by the AMCB Board of Directors. At that time she may apply for recertification under the current rules regarding lapsed certification.
2. Monetary Fine. Respondent shall be fined \$1,000 that shall be levied prior to recertification.
3. Notification of Certification Status. The Georgia Board of Nursing shall be notified of the status of Respondent’s certification.

Effective: February 20, 2007

REVIEW COMMITTEE

Carol Howe, CNM, DNSc, FACNM, Chair
Cecilia Jevitt, CNM, PhD
Patricia Burkhardt, CNM, DrPH

Barbara W. Graves, CNM, MN, MPH, FACNM
President