

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

In the Disciplinary Matter of :
 :
Bonnie Jean Mackinnon, CNM :
 :
Respondent :
 :
 :

DECISION

On March 21, 2007, the American Midwifery Certification Board (AMCB) was notified by Respondent, Bonnie Jean Mackinnon of the indefinite suspension of her license to practice nurse-midwifery in the Commonwealth of Massachusetts on February 21, 2007. The fact of suspension and the underlying conduct represented possible violations by Respondent of the AMCB Disciplinary Policy.

In accordance with AMCB procedures, the matter was reviewed by an AMCB Board Member, who determined that the matters alleged in the notice of possible violation, if true, could constitute grounds for disciplinary action.

Accordingly, by letter dated May 2, 2007, 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.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.

The letter-notice requested that Respondent submit a written answer to these charges within 30 days of receipt of the May 2, 2007 notice. Respondent submitted answer to charges on May 21, 2007. Additional information was requested from respondent on June 4, 2007. Respondent submitted a letter on June 13, 2007. On August 11, 2007 additional information was again requested from Respondent. Additional information was finally received from respondent on September 4, 2007.

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.7. 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 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 June 26, 1998 and retook and passed the exam on July 18, 2007.
4. On or about August 1, 2005 Respondent:
 - a. failed to perform an adequate clinical assessment of a 35-week pregnant patient ("Patient A");
 - b. failed to consult with her supervising physician regarding the patient's condition;
 - c. failed to have the necessary emergency equipment and resources immediately available when she performed an external version on Patient A;
 - d. made a decision to initiate, in the thirty-fifth week of Patient A's pregnancy, an external version of Patient A's fetus, that was inappropriate and improper given (i) the patient's clinical condition, (ii) the gestational age of the fetus, (iii) the lack of adequate information regarding Patient A's obstetrical status, condition, progress and history, (iv) the absence of necessary and readily available emergency equipment and resources;
 - e. failed to take appropriate actions in response to significant changes in fetal condition when she attempted an external version on Patient A, including (i) failing to contact emergency medical assistance and (ii) failing to provide appropriate emergency arrangements and transportation for Patient A to a facility capable of providing emergency obstetrical treatment to Patient A

- and the fetus;
- f. failed to obtain appropriate oral or written informed consent from Patient A prior to initiating the external version of the fetus; and
 - g. Failed to have nurse midwifery practice guidelines that met the requirements of 244 CMR 4.22(1), (2) and 3(a), (b) and (c) and 4.26(1), and failed to demonstrate that her practice of nurse midwifery was performed in accordance with existing practice guidelines that met the requirements of 244 CMR 4.22(1), (2) and 3(a), (b) and (c) and 4.26(1), including her performance of the external version.
4. Respondent's license to practice as a nurse midwife was suspended indefinitely by order of the Board of Registration in Nursing in Massachusetts on February 21, 2007.
 5. Respondent has completed all requirements mandated by the Consent Agreement between Respondent and the Massachusetts Board of Registration in Nursing.

DISCUSSION

In this matter we are called upon to decide whether and what discipline is warranted against a CNM whose license has been suspended for negligence in professional work, and/or engaging in unprofessional conduct.

The Committee is persuaded that Respondent understands her error in judgment and has taken steps to improve her knowledge and skills for the future. Respondent is committed to being a good nurse midwife and is willing to take whatever steps necessary to remain as one.

Respondent has shown documentation of successful completion of all requirements mandated by the Massachusetts Board of Registration in Nursing, including academic courses, contact hours, continuing education, and retaking and passing the AMCB Certification Examination. The Massachusetts Board of Registration also requires that Respondent's Nurse Midwifery license shall remain on probation for a period of time determined by the Board of Registration at the time of reauthorization.

SANCTIONS FOR VIOLATIONS

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

1. Official Reprimand. Respondent is hereby officially reprimanded for her actions and warned that such actions in the future may result in further, more serious sanctions.
2. Notification of Discipline Imposed. The Massachusetts Board of Nursing shall be notified of the AMCB's official reprimand of Respondent.

Effective: October 22, 2007

REVIEW COMMITTEE

Carol Howe, CNM, DNSc, FACNM, Chair
Jan Kriebs, CNM, FACNM
Karen Hays, CNM

Mary Barger, CNM, MPH, FACNM
AMCB Board of Directors