

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

In the Disciplinary Matter of:

Alexa Moreno, CNM

Respondent

**Decision**

On October 24, 2013 the State of Florida Board of Nursing, Department of Health executed a Final Order according to a Settlement Agreement dated July 23, 2013 regarding the Respondent Alexa Kaitlyn Moreno, ARNP, CNM. The Settlement Agreement included payment of an administrative fine and investigative costs and 6 months license probation. Allegations against Ms. Moreno included violation of:

Section 464.018(1)(n) of the Florida Statutes (2010) that Ms. Moreno failed to meet the minimal standards of acceptable and prevailing nursing practice in her care of Patient Y.D. on or about August 3, 2010, including engaging in acts for which the licensee is not qualified by training or experience. The allegations further stipulated that Ms. Moreno's specific failures included:

1. Failing to order an examination of Patient Y.D.'s cervix; and/or
2. Failing to order a vaginal examination of Patient Y.D.; and/or
3. Failing to order the measurement of Patient Y.D.'s cervix with an obstetrical ultrasound; and/or
4. Discharging Patient Y.D. from PGH without a vaginal examination; and/or
5. Discharging Patient Y.D. from PGH without an examination of Patient Y.D.'s cervix.

A copy of the Final Order, Settlement Agreement, and Administrative Complaint were provided indicating that, for a period 6 months from July 23, 2013, the Respondent is required to:

- Not violate Chapter 456 or 464, Florida Statutes, the rules promulgated pursuant thereto, any other state or federal law, rule, or regulation relating to the practice or the ability to practice nursing.
- Report any change in address, telephone number, employment, employer's address or telephone number, or any arrests (or violations of probation or whatever impediment which may be on the license from another jurisdiction), in writing within 10 working days to the DOH-Compliance Management Unit..
- Whether employed as a nurse or not, the Respondent shall submit written reports to the Nursing Compliance Officer, which shall contain the Respondent's name, license number, and current address; the name, address, and phone number of each current employer; and a statement by the Respondent described her

employment. This report shall be submitted to the Nursing Compliance Officer every three (3) months.

- All current and future settings in which the Respondent practices nursing shall be promptly informed of the Respondent's probationary status. Within five days of the receipt of this Order, the Respondent shall furnish a copy to her nursing supervisor or supervisors, if there are multiple employers. If the respondent is enrolled in a nursing program, the Respondent's clinical instructors shall serve as the Respondent's supervisors in addition to any supervisors at the Respondent's place of employment. The supervisors must acknowledge this probation to the Nursing Compliance Officer in writing on employer letterhead within 10 days. Should the Respondent change employers, she must supply a copy of this Order to her new nursing supervisor within five days. The new employer shall acknowledge probation in writing on employer letterhead to the Nursing Compliance Officer within ten days. The Respondent shall be responsible for assuring that reports from nursing supervisors will be furnished to the Nursing Compliance Officer every three months. That report shall describe the Respondent's work assignment, work load, level of performance, and any problems. Any report indicating an unprofessional level of performance shall be a violation of probation.
- If the Respondent ceases to practice nursing, this probation shall be tolled until the Respondent returns to the active practice of nursing. Then the probationary period will resume. Unless this Order states otherwise, any fines imposed or continuing education required must be paid or completed within the time specified and are not tolled by this provision.

In accordance with AMCB procedures, these documents were reviewed by Dr. Cara Krulewitsch, President. In a certified letter dated November 27, 2013, AMCB notified Alexa Moreno that a Discipline Review Committee had been appointed in response to the charges by the State of Florida representing a possible violation under the following provisions of the AMCB's Discipline Policy:

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 notice requested that the Respondent submit a written answer to these charges within 30 days of receipt of the letter. AMCB received a letter of response to the notice of disciplinary proceeding from Alexa K. Moreno on January 13, 2013. Letters were also provided from Ms. Moreno's legal counsel in response to the State of Florida's investigation dated November 7, 2011 from Jeffrey R. Creasman and January 15, 2013

from Ariel D. Widlansky. A Disciplinary 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 Disciplinary Review Committee has now considered the charges against Ms. Moreno and the above described matters of record. On the basis of the factual findings and reasons set forth below, the Committee unanimously concluded that, while the Respondent's clinical decision-making represented practice in conflict with generally accepted standards of care for threatened preterm labor, the State of Florida Board of Nursing's sanctions and requirements were appropriate. We recommend no action in relationship to Ms. Moreno's AMCB Certification, although we found that she is due to recertify by December 31, 2014 and has not yet completed any of her required certificate maintenance program modules. Therefore, in addition to the probation imposed by the Board of Nursing, the committee recommends that specified continuing education be completed by Ms. Moreno within three (3) months as detailed in this letter's final paragraph.

### **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 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 December, 2003.
3. Respondent Alexa Moreno was initially certified by AMCB (formerly ACC) on April 4, 2006 and must re-certify by December 31, 2014.
4. Respondent is currently licensed as a Advanced Registered Nurse Practitioner (ARNP) and Certified Nurse-Midwife (CNM) within Florida, license number RN 9190671.
5. Respondent practices/practiced at New Life Ob/Gyn, L.L.C. in Hialeah, FL.
6. Respondent signed the Florida Board of Nursing's Settlement Order acknowledging that she accepted implementation of the terms of the agreement on July 3, 2013.

### **Discussion**

In this matter, we are called upon to decide whether and what discipline is warranted against a CNM Alexa Moreno who received a "Final Order" and "Settlement Agreement" from the Florida Board of Nursing. This order included, in a separate State of Florida Department of Health "Administrative Complaint," the description of Ms. Moreno's management by telephone of a patient Y.D. who was approximately 26 weeks pregnant and presented to Palmetto General Hospital in Hialeah, FL with "complaints of

a pinkish mucous discharge and pain at level two on a scale of one to 10.” Over the course of some 6 hours, Ms. Moreno talked with the hospital RN, ordered IV hydration and Zofran for nausea, and a complete ultrasound. Based on the RN’s report that Y.D. had no pain, no contractions, and no bleeding, Ms. Moreno agreed to discharge Y.D. The patient was discharged home at about 8 a.m., returned to the hospital some 2.5 hours later with spontaneous rupture of membranes, and gave birth to a very preterm baby girl at 11:11 a.m. Although the ultrasound report was “normal” no cervical length was assessed and no vaginal examination to establish cervical status was performed. In addition, Ms. Moreno did not come to the hospital to evaluate Y.D.’s signs and symptoms and did not consult with her collaborating physician.

The Review Committee is persuaded that the Respondent did not appropriately manage Y.D.’s signs and symptoms of threatened preterm labor (PTL). Specially, Ms. Moreno did not personally evaluate Y.D., discharged Y.D. without cervical assessment, and did not consult with her collaborating physician regarding Y.D.’s signs and symptoms. Although the Review Committee believes that a different course of action by Ms. Moreno was unlikely to have prevented the preterm birth, appropriate management and consultation may have provided adequate time to transfer Y.D. and her fetus in utero to an appropriate level of perinatal care. The Review Committee also is persuaded that the sanction of license probation rendered by the Florida Board of Nursing for a period of 6 months was appropriate.

The Review Committee concludes that Respondent engaged in conduct that violates the following Disciplinary Policies of the AMCB:

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 (1) 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.

Although the Committee is persuaded that the sanction of license probation for a period of 6 months by the Florida Board of Nursing is appropriate, the Committee also concludes that Ms. Moreno was not cognizant of how her care of Y.D. was below standard and showed no evidence of accepting responsibility for the deficiencies in her care. Therefore, we recommend that Ms. Moreno be required to complete within 3 months the following specific remedial continuing education activities in professional accountability, legal liability, preterm labor management, and general intrapartum care:

- Completion of the National Council of State Boards of Nursing (NCSBN) online course “Professional Accountability & Legal Liability for Nurses”, 5.4 contact hours available at:  
[http://learningext.com/nurses/p/professional\\_accountability.aspx](http://learningext.com/nurses/p/professional_accountability.aspx).

- Reading and study of the attached “Required Preterm Labor Self-Study Reading List” references and submission of up to a 5 page, type-written, referenced, double-spaced paper describing what she learned about the diagnosis and management of threatened preterm labor.
- Completion of AMCB’s current Intrapartum Module.

REVIEW COMMITTEE

Nancy K. Lowe, CNM, Chair  
Jan Kriebs, CNM  
Jane Houston, CNM

Cara Krulewitch, CNM, PhD, FACNM  
President, AMCB Board of Directors  
4-3-2014