

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

In the Disciplinary Matter of:  
Carey Ann Dugan-Ryan

Respondent

**DECISION**

On July 20, 2010, AMCB was informed by attorneys for Carey Ann Dugan-Ryan, CNM, that a judgment against her license had been entered by the Iowa State Board of Nursing. Included in the letter was a copy of the judgment.

In accordance with AMCB procedures, these documents were reviewed by the AMCB President. In a letter dated September 28, 2010 AMCB notified Respondent that it initiated a disciplinary proceeding to determine whether good cause existed for imposing discipline under the following provisions of the Disciplinary Policy.

A.6 Gross or repeated negligence or malpractice in professional work.

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. In a letter dated December 20, 2010, Respondent provided a letter of explanation. In that letter Respondent denied all allegations and provided a response to each charge. In a letter to AMCB dated 10/27/10, Respondent indicated that she had decided to retire from the practice of midwifery for personal reasons, and had closed her midwifery practice.

The 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 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 concluded while the Respondent's clinical decision-making

represented a practice on the margin of generally accepted standards of care, her patients were well informed and consented and she consulted appropriately. Allegations regarding verbal abuse, while denied, were clearly perceived as such by clients. The committee found the Iowa Board of Nursing's sanctions and requirements appropriate. In light of Respondent's report that she had retired from the practice of midwifery, the committee found no need for further action upon Respondent's AMCB certificate.

A major consideration in the Review Committee's decision making process was that Respondent would no longer be practicing midwifery. Respondent was informed, as an element of the Review Committee's recommendation, that should she return to the practice of midwifery, this committee could reconvene and reconsider options for sanction on her midwifery certificate.

On 6/17/2013, AMCB was contacted by Respondent regarding her Certificate Maintenance status. She was informed that AMCB's record indicated that she had retired and she had therefore been removed from the Certificate Maintenance process. Respondent denied that she had stated she was retiring from the practice of midwifery, and indicated that her Iowa license was current and she continued to practice.

At the request of Dr. Krulewitch, President of AMCB, the Review Committee was reconvened to consider whether sanctions on Respondent's certificate were indicated. Relevant grounds for potential sanction include the following (AMCB Disciplinary Policy):

A.2. Fraud or deceit in an application, reapplication or other communication to the Corporation, including but not limited to providing a false or misleading statement.

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 (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 needs not be shown under this provision.

## **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/ACC/AMCB certificants through the Disciplinary Policy, the most recent version of which AMCB adopted December, 2003.

3. Respondent was initially certified by AMCB (formerly ACC) in 1995.

Findings of the Initial Review: .

1. On June 3, 2009, the Iowa Board of Nursing found probable cause to file a Notice of Hearing and Statement of Charges in a matter involving Carey Ann Ryan, CNM. Charges filed against the Respondent included:

- a. "Deviation from the standards of learning, education or skill ordinarily possessed and applied by other nurses...by accepting a client for vaginal birth after cesarean (VBAC) in a birthing center..."
- b. "Violation of Iowa Code...for committing an act or omission which may adversely affect the physical or psychosocial welfare of the patient or client." Specifically, the Respondent was accused of verbally and emotionally abusing two clients in her care.
- c. "Violation of Iowa Code...for falsifying records related to nursing practice or knowingly permitting the use of falsified information in those records.

2. On September 16, 2009, a second Notice of Hearing and Statement of Charges was filed against Respondent by the Iowa board of Nursing. The charge filed against the Respondent was unethical conduct related to the care of a client with thrombocytopenia. Specifically, Respondent was alleged to have inappropriately accepted a high-risk patient for home birth. That client also reported Respondent to be verbally and emotionally abusive.

3. On June 29, 2010, the Respondent entered in to a Stipulation and Order with the Iowa Board of Nursing in which she:

- a. Waived the right to disciplinary hearing
- b. Conceded to the jurisdiction of the Iowa Board of Nursing
- c. Voluntarily consented to the terms provided by State's counsel

4. The Respondent did not admit to the allegations and entered into the Stipulation and Order to avoid a contested case hearing.

5. Stipulations included that the Respondent would:

- a. Within 30 days contact the assigned case manager with current address, phone number and employment and notify of any change within 5 days.
- b. Within 4 months complete 60 hours of continuing education in 1) professional ethics, 2) legal responsibilities and 3) advanced assessment
- c. Pay a fine of \$1,000
- d. Within 30 days, notify the appropriate certification body of the sanctions imposed.

6. AMCB was notified of the sanctions by a letter dated July 20, 2010.

7. Respondent currently held an unrestricted license to practice midwifery in the State of Iowa, having completed the stipulations of the Iowa Board of Nursing.

### Findings of the Current Review:

1. Respondent is currently employed at Gentle Birth Clinic. Respondent states that this clinic is “not providing any maternity services for any clients at this time.” Respondent indicates that she provides “occasional well-woman care, breastfeeding support, preconceptual [sic] care, guideline [sic] & review of birth plans.” Respondent also stipulates that she provides “on-call” coverage both short-term and long-term for colleagues as requested. Respondent also intends to volunteer services at Holy Family Birth Center in winter and spring. (handwritten letter received by AMCB on 9/11/13)
2. In a letter received by AMCB on 10/28/10, Respondent stated “For personal and family reasons, I decided to retire from nurse midwifery and closed my midwife practice in July 2008. I am not actively practicing or seeing patients.”
3. In a letter received by AMCB on 12/20/10, Respondent stated “For personal and family reasons entirely unrelated to the IBON action, I decided to retire.”
4. Respondent, in a handwritten letter received by AMCB on 9/11/13, refers to the “confusion related to the misinterpretation [sic] regarding my ‘retirement.’” In that same letter she states “I ‘retired’ from birth center births not from nurse-midwifery care.”
5. Although Respondent provided extensive written guidelines for the Almost Home Birth Center, she reports that in her “private practice” (Gentle Birth Midwife) she is “not required to have any written guidelines and by my choice since I am not required to have policies or guidelines, this experience has encouraged me to put in writing [sic] only those things required specifically by my license.”

### **DISCUSSION**

In this matter we are called upon to decide whether and what discipline is warranted against a CNM whose license was sanctioned by the Board of Nursing in her jurisdiction and who after completing the stipulations of the Board of Nursing continued to practice after informing AMCB that she had retired.

The Review Committee in its initial review was persuaded that although the Respondent’s practice was at the margin of acceptable standards of care, she did not clearly go beyond boundaries of safety. Respondent’s care of VBAC clients was within guidelines provided by the American College of Nurse-Midwives and the American Associate of Birth Centers. Her documentation of risk and consent was clear. Care of the patient with thrombocytopenia was conducted in the context of a Maternal-Fetal Medicine physician’s consultation and support. Delayed documentation was explained by transfer of records upon the patient’s admission to the hospital.

Of concern to the Review Committee were the repeated allegations on the part of clients regarding Respondent’s interactions, reported to be verbally and emotionally abusive. Although Respondent denied these allegations, the repetitive nature of the reports argues that her

interactions are perceived as abusive by some clients and thus do not meet an adequate standard of professional behavior. It is troubling that the Respondent does not seem to have insight into these interactions and it is appropriate that continuing education into professional behavior was mandated by the Iowa Board of Nursing.

Respondent successfully completed the requirements of the Board of Nursing, as documented by the fact that her license was current and unrestricted, and she cooperated with the requests for information of the Disciplinary Review Committee.

The Review Committee concluded that Respondent engaged in conduct that violates the following Disciplinary Policies of the AMCB: A.7, A.9. However, the sanctions imposed by the State of Iowa were deemed sufficient to address these behaviors and no further sanction on Respondent's AMCB certificate was recommended at that time.

After reconvening, the Review Committee considered documents submitted including a 27 page handwritten document in which Respondent repeatedly cited her perception of a hostile regulatory and health care environment and in which she indicated that she continued to practice in spite of her report to AMCB that she had retired. The Review Committee finds no evidence of misinterpretation of that statement and finds her in violation of Disciplinary Policy A.2.( Fraud or deceit in an application, reapplication or other communication to the Corporation, including but not limited to providing a false or misleading statement...). Further, Respondent indicates that she practices without written practice guidelines. Although not required by state law, written practice guidelines are a requirement of the American College of Nurse-Midwives (ACNM) Standards for the Practice of Midwifery (Standard V). Thus a violation of Disciplinary Policy A.9 exists. (Engaging in conduct which is inconsistent with professional standards...)

### **SANCTIONS FOR VIOLATIONS**

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

1. A Letter of Reprimand is hereby issued. This Disciplinary Report represents a reprimand by the AMCB, expressing significant concern regarding Respondent's professional behavior.
2. A fine of \$1,000 is hereby imposed, issued to the AMCB.
3. Respondent is to cease practicing without written practice guidelines. Respondent must submit to AMCB copies of written guidelines if she continues to practice.
4. Notification of action upon midwifery license. Respondent shall inform the Chief Executive Officer of AMCB in writing of any change in her status regarding her nurse-midwifery license including investigation or sanction by any federal, state or private licensing boards,

administrative agency, association or health care organization relating to public health, or safety or midwifery practice, within thirty days of such change. Failure to provide the same on a timely basis may result in revocation of Respondent's Certification. Any further evidence of behavior consistent with AMCB's Grounds for Disciplinary Action will result in suspension of Respondent's midwifery certificate.

Effective: 12-21-13

Review Committee  
Carol Howe, CNM, DNSc, FACNM  
Louise Alcott, CNM, MSN  
Lisa Kane Low, CNM, PhD, FACNM

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