

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

In the Disciplinary Matter of:

Linda Rose Stobinski-Johnson

Respondent

Decision

On 8/31/2009, Ms. Stobinski-Johnson contacted AMCB with regard to her certification status. She was informed at that time she was no longer certified. Ms. Denise Smith reviewed the instructions for recertification, including the necessity of retaking the national certification examination and submitting documentation of CEUs. Ms. Stobinski-Johnson indicated that she would submit an application for examination.

On 3/1/2011 AMCB received a call from a pharmaceutical company asking if Ms. Stobinski-Johnson was allowed to prescribe. AMCB reported that Ms. Stobinski-Johnson's certification had lapsed and she was not currently certified.

4/20/2011 Ms. Stobinski-Johnson called AMCB again. Ms. Smith explained that as of 1/1/2011, a graduate degree was required to be eligible for certification as a nurse-midwife. Ms. Stobinski-Johnson, who was originally certified in 1992 when graduate education was not required, was upset that she was not informed of this change in the requirement. An appeal was submitted to Ms. Carrie Bright, Executive Director of AMCB, requesting the BOD allow her to retake the examination without having a graduate degree. Her appeal was granted in a letter from Ms. Barbara Graves dated 4/22/2011. The Respondent was granted one year in which she could retake the national certification examination without having to obtain graduate education. It was also stipulated that, should she pass the examination, a contingency would also apply. Since it appeared that Ms. Stobinski-Johnson had represented herself as a CNM and had been practicing continuously since her lapse in certification, once recertified the Respondent could be subject to disciplinary review based upon "rebuttable violation of the Discipline Policy," section A.4 (misrepresentation of certificate). Respondent was further ordered not to represent herself as a CNM until such a time as fulfilled the requirements for recertification.

A letter from AMCB dated 4/18/2011 was sent to the Michigan Board of Nursing informing the Board that Ms. Stobinski-Johnson's certification as a nurse-midwife had lapsed on 12/31/05.

The Respondent successfully passed the certification examination in October, 2011. Subsequently, at the request of the President of AMCB, a Disciplinary Review Committee was constituted. A response from Ms. Stobinski-Johnson was requested and received on 6/11/2012.

Ms. Stobinski-Johnson's response of 6/11/12 indicated that her continued use of the CNM credential was "based on the mistaken belief" that use of the credential "signified completion of the coursework, passing the board exam, participating in the continuing competence program and completing more than the required CEUs for each year since graduation." The Respondent further stated that the failure to complete Certificate Maintenance Program (CMP) requirements was related to an error in communication by AMCB and that AMCB had used an address related to previous employment. Respondent indicated that once she was "made aware of this lapse" she took "steps to remedy the situation." Lastly, Respondent indicated that there was "no intent to deceive or misrepresent myself as a CNM."

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 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 concluded that good grounds for discipline against Respondent exists under section A.4 of the Disciplinary Policy and 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 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 1997.
4. Respondent initially complied with CMP requirements, including completion of required modules and returned CMP Activity Reports for the years 1999, 2001, 2002 and 2003. These Reports were signed by Respondent.
5. CMP Activity Reports explicitly inform certificants that they are required to "Report any future address and telephone number changes as they occur."
6. In addition to materials provided at initial certification, Respondent was informed of the requirements for maintenance of certification on 7/9/1999, as documented by an email from Respondent to ACC (now AMCB) in which she thanks Grace Kelly (staff person) for "clarifying CMP requirements."
7. Requirements for CMP were again provided to Respondent on 8/31/2009 by Denise Smith (AMCB staff person).

8. There is irrefutable evidence that Respondent knew recertification was required and knew the requirements of the certificate maintenance program.
9. Ms. Stobinski-Johnson's statement that her continued use of the credential due to her "mistaken belief" is acknowledgement of continued practice while not duly certified.
10. National certification by AMCB is required for licensure to practice as a nurse-midwife in the State of Michigan. Therefore, practicing while not certified is a violation of her licensure requirements.
11. There is no evidence that the Respondent reported to the State of Michigan that her certification as a nurse-midwife had lapsed.

Discussion

In this matter, we are called upon to decide whether and what discipline is warranted against a CNM who has allowed her certification to lapse, but continued to practice and represent herself as a CNM for a period of seven years.

The Review Committee is persuaded that the Respondent accepts no responsibility for her conduct in the matter of her lapse in certification. Of concern is that in Respondent's letter there is no acknowledgement of her role in the failure to recertify. Further, although documented evidence exists that she was informed that her certification was no longer current, she denies having deliberately misrepresented her status as a CNM. While no evidence is available to the Committee that Respondent's patient care is in question, her professional behavior is not consistent with the standard expected of a CNM.

The Review Committee is persuaded that the Respondent's behavior represents a violation of AMCB's Disciplinary Policy. Specifically, the Review Committee concludes that Respondent has engaged in conduct that violates the following Disciplinary Policies of the AMCB: A.4. As a result, the following sanctions are recommended.

SANCTIONS FOR VIOLATIONS

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

1. Respondent shall receive a letter of Reprimand Censure, to be placed in her file at AMCB. This letter shall specifically state that further evidence of misrepresentation of certification or any other violation of the AMCB Disciplinary Process will result in action upon her certificate, either suspension or revocation.
2. Respondent is fined \$200.

The Executive Committee for Discipline Review has adopted the recommended sanction 1 and amended sanction 2, as follows:

Respondent is fined \$1000, to be paid within 90 days of the effective date.

Effective: December 17, 2012

REVIEW COMMITTEE

Carol Howe, CNM, DNSc, FACNM, Chair

Barbara Lannen, CNM, MSN

Erica Schwartz, CNM, MSN

EXECUTIVE COMMITTEE FOR DISCIPLINE REVIEW

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