

Byron Mallott  
Lieutenant Governor  
State Capitol  
Juneau, Alaska 99811  
907.465.3520 465.5400 Fax  
WWW.LTGOV.ALASKA.GOV



530 West 7<sup>th</sup> Ave, Suite 1700  
Anchorage, Alaska 99501  
907.269.7460 269.0263  
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**MEMORANDUM**

**TO:** Jun Maiquis  
Department of Commerce, Community and Economic Development

**FROM:** Scott Meriwether, Office of the Lieutenant Governor  
465.4081

A handwritten signature in blue ink, appearing to be "S. Meriwether".

**DATE:** January 12, 2017

**RE:** Filed Permanent Regulations: Board of Certified Direct-Entry Midwives

Board of Certified Direct-Entry Midwives Regulation re: certification by examination, certification by credentials, continuing education, and screening of newborns for congenital heart defects (12 AAC 14.110(c); 12 AAC 14.120; 12 AAC 14.300(c); 12 AAC 14.430(b),(c); 12 AAC 14.530(g))

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Attorney General File:	JU2016200386
Regulation Filed:	January 12, 2017
Effective Date:	February 11, 2017
Print:	221, April 2017

cc with enclosures:

Linda Miller, Department of Law  
Micaela Fowler, Department of Commerce, Community & Economic  
Development  
Dianne Blumer, Administrative Regulation Review Committee  
Judy Herndon, LexisNexis

ORDER CERTIFYING THE CHANGES TO REGULATIONS  
OF THE BOARD OF CERTIFIED DIRECT-ENTRY MIDWIVES

The attached four pages of regulations, dealing with certification requirements, review of an apprentice permit application, examination, approved continuing education programs, and infant care, are hereby certified to be a correct copy of the regulation changes that the Board of Certified Direct-Entry Midwives adopted at its June 3, 2016 teleconference meeting, under the authority of AS 08.65.030, AS 08.65.050, AS 08.65.060, AS 08.65.070, AS 08.65.080, AS 08.65.090, AS 08.65.140, and AS 08.65.190 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

Although no public comments were received, the Board of Certified Direct-Entry Midwives paid special attention to the cost to private persons of the regulatory action being taken.


The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

DATE: June 3rd 2016  
Wasilla, Alaska

  
Deborah Schneider, CDM, Chair  
Board of Certified Direct-Entry Midwives

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on January 12, 2016 at 1125A.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.

  
Byron Mallott, Lieutenant Governor

Effective: February 11, 2017

Register: 221, April 2017

7

**Chapter 14. Board of Certified Direct-Entry Midwives.**

12 AAC 14.110(c) is amended to read:

(c) In order to be scheduled for review by the board at its next regularly scheduled meeting, a complete application for certification and all supporting documents, including the requirements of (b) of this section, must be received by the division's Juneau office [AT LEAST 30 DAYS] before the [DATE OF THE NEXT REGULARLY SCHEDULED MEETING OF THE] board will review the application.

(Eff. 5/11/94, Register 130; am 4/4/2002, Register 162; am 3/2/2003, Register 165; am 5/2/2004, Register 170; am 8/19/2004, Register 171; am 4/29/2006, Register 178; am 6/29/2013, Register 206; am 2 / 11 / 2017, Register 221)

**Authority:** AS 08.65.030 AS 08.65.050

12 AAC 14.120(a) is amended to read:

(a) The board may [WILL] issue a certificate by credentials to practice as a direct-entry midwife to an applicant who meets the requirements of AS 08.65.070 and this section.

12 AAC 14.120(c) is amended to read:

(c) In order to be scheduled for review by the board at its next regularly scheduled meeting, a complete application for certification and all supporting documents, including the requirements of (b) of this section, must be received by the division's Juneau office [AT LEAST 30 DAYS] before the [DATE OF THE NEXT REGULARLY SCHEDULED MEETING OF THE] board will review the application.

12 AAC 14.120 is amended by adding a new subsection to read:

(e) In addition to the requirements of this section, the board may request that the applicant be interviewed by the board, or provide additional information relating to the applicant's previous practice, including additional records and written explanations. (Eff. 5/11/94, Register 130; am 4/4/2002, Register 162; am 8/19/2004, Register 171; am 4/29/2006, Register 178; am 2/11/2017, Register 221)

Authority: AS 08.65.030 AS 08.65.070

*“(Publisher: Existing 12 AAC 14.130, including 12 AAC 14.130(g), is unchanged.)”*  
~~12 AAC 14.130(g) is amended to read:~~

~~(g) In this section, "apprenticeship program preceptor" means an individual who meets the supervisory requirements of AS 08.65.090(b); **has a license in good standing and is not under notice of investigation for a significant delivery of care issue.**~~

~~(Eff. 5/11/94, Register 130; am 12/26/2003, Register 168; am 8/19/2004, Register 171; am 8/19/2009, Register 191; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)~~

~~Authority: AS 08.65.030 AS 08.65.090~~

*Withdrawn 1/10/2017  
SPP XCD*

The introductory language of 12 AAC 14.300(c) is amended to read:

(c) In order to be scheduled for an examination, the following items must be received by the division's Juneau office from the applicant [NO LATER THAN 60 DAYS BEFORE THE SCHEDULED DATE FOR THAT EXAMINATION]:

...

(Eff. 2/18/94, Register 129; am 1/1/2000, Register 152; am 12/9/2001, Register 160; am



⑦

3/2/2003, Register 165; am 8/19/2004, Register 171; am 2/23/2007, Register 181; am

2 / 11 / 2017, Register 221)

**Authority:** AS 08.65.030 AS 08.65.050 AS 08.65.060

The introductory language of 12 AAC 14.430(b) is amended to read:

(b) A continuing education program sponsored **or approved** by any of the following organizations that meets the requirements of (a) of this section is considered approved by the board:

...

12 AAC 14.430(c) is amended to read:

(c) A self-study continuing education program sponsored **or approved** by one of the organizations listed in (b) of this section that meets the requirements of (a) of this section is considered approved by the board.

(Eff. 5/11/94, Register 130; am 12/9/2001, Register 160; am 4/4/2002, Register 162; am

2 / 11 / 2017, Register 221)

**Authority:** AS 08.65.030 AS 08.65.080

*« Publisher: Existing introductory language of 12 AAC 14.530(a) is unchanged; retain "physician". »*

~~The introductory language of 12 AAC 14.530(a) is amended to read:~~

(a) A certified direct-entry midwife shall consult with a **pediatric care provider**

[PHYSICIAN] concerning an infant who

...

Disapproved 1/10/2017  
KCK  
SPP

12 AAC 14.530(e) is amended to read:

(e) A certified direct-entry midwife shall recommend to the client an evaluation of the infant by a **pediatric care provider** [PHYSICIAN] within one week of birth or sooner if it becomes apparent that the infant needs medical attention.

*"Publisher: Existing 12 AAC 14.530(e) is unchanged; retain 'physician'")*

12 AAC 14.530 is amended by adding a new subsection to read:

(g) A certified direct-entry midwife shall ensure that, as close to 24 hours after the birth as feasible, screening for congenital heart defects through pulse oximetry equipment and methods appropriate for use on a newborn is performed on the newborn, unless <sup>(a parent refuses)</sup> screening is refused by one or both parents. (Eff. 5/11/94, Register 130; am 3/2/2011, Register 197; am 2 / 11 / 2017,

Register 221.)

**Authority:** AS 08.65.030

AS 08.65.140

AS 08.65.190

# MEMORANDUM


## State of Alaska Department of Law


To: The Honorable Byron Mallott  
Lieutenant Governor

Date: January 10, 2017

File No.: JU2016200386

Tel. No.: 465-3600

From: Susan R. Pollard   
Chief Assistant Attorney General  
and Regulations Attorney  
Legislation and Regulations Section

Steven C. Weaver   
Sr. Assistant Attorney General  
and Assistant Regulations Attorney  
Legislation and Regulations Section

Re: Board of Certified Direct-Entry  
Midwives regulations re: certification  
by examination, certification by  
credentials, continuing education, and  
screening of newborns for congenital  
heart defects (12 AAC 14.110(c);  
12 AAC 14.120; 12 AAC 14.300(c);  
12 AAC 14.430(b), (c); 12 AAC  
14.530(g))

We have reviewed the attached regulations from the Board of Certified Direct-Entry Midwives against the statutory standards of the Administrative Procedure Act. The regulations update requirements regarding certification by examination, certification by credentials, continuing education, and screening of newborns for congenital heart defects.

We have received confirmation from agency staff to defer our review of amendments to 12 AAC 14.130(g) to another regulations project, pending additional board work on those provisions. Except for the amendments proposed for 12 AAC 14.530(a) and (e), we find no legal problems with the rest of the regulations. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations.

We have disapproved the amendments proposed for 12 AAC 14.530(a) and (e). Currently, 12 AAC 14.530(a) requires a certified direct-entry midwife to consult a physician if an infant has health difficulties listed under that subsection, and 12 AAC 14.530(e) requires that a certified direct-entry midwife recommend to a client that a physician evaluate the infant within one week of birth or sooner if the infant's need for medical attention is apparent. The proposed amendments to 12 AAC 14.530(a) and (e) would replace "a physician" with "a pediatric care provider". But a definition or substantive provision addressing a "pediatric care provider" does not appear in the current regulations or the proposed amendments, and the term does not appear anywhere else in the Alaska Statutes or Alaska Administrative Code. Without a definition or substantive clarification, the term could include not only physicians but also, for example,

nurses, paraprofessionals, and dentists. Some of these professionals may be qualified to consult with a certified direct-entry midwife or the midwife's client with respect to the infant's issues; others may not. But because the Board of Certified Direct-Entry Midwives proposes the term "pediatric care provider" without additional details, the proposed amendments unintentionally could put an infant's health at risk, should a provider lack the skills and qualifications appropriate to address the infant's issues. Accordingly, we have disapproved proposed 12 AAC 14.530(a) and (e).

The April 23, 2016 public notice and the June 3, 2016 certification of adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

We have made a technical correction to conform the rest of the regulations in accordance with AS 44.62.125. The correction is shown on the attached copy of the regulations.

SCW

cc w/enc: (via email)

Deborah Schneider, CDM, Chair (via email through Jun Maiquis)  
Board of Certified Direct-Entry Midwives

Micaela Fowler, Regulations Contact  
Department of Commerce, Community, and Economic Development

Janey Hovenden, Director  
Division of Corporations, Business, and Professional Licensing  
Department of Commerce, Community, and Economic Development

Sara Chambers, Operations Manager  
Division of Corporations, Business, and Professional Licensing  
Department of Commerce, Community, and Economic Development

Jun Maiquis, Regulations Specialist  
Division of Corporations, Business, and Professional Licensing  
Department of Commerce, Community, and Economic Development

Renee Hoffard  
Division of Corporations, Business, and Professional Licensing  
Department of Commerce, Community, and Economic Development

Harriet Dinegar Milks, Assistant Attorney General  
Commercial and Fair Business Section



**NOTICE OF PROPOSED CHANGES TO CERTIFICATION BY EXAMINATION AND CREDENTIALS, APPRENTICE PERMIT, EXAMINATION, APPROVED CONTINUING EDUCATION PROGRAMS, AND INFANT CARE IN THE REGULATIONS OF THE BOARD OF CERTIFIED DIRECT-ENTRY MIDWIVES**

**BRIEF DESCRIPTION:** The Board of Certified Direct-Entry Midwives proposes to update various regulations including requirements for applying by examination and credentials, apprentice permit, approved continuing education programs, and infant care performed by a certified direct-entry midwife.

The Board of Certified Direct-Entry Midwives (Board) proposes to adopt regulation changes in Title 12, Chapter 14, of the Alaska Administrative Code, dealing with certification requirements, review of an apprentice permit application, examination, approved continuing education programs, and infant care, including the following:

1. **12 AAC 14.110, Certification by examination**, is proposed to be changed to alter the requirements for a certification by examination.
2. **12 AAC 14.120, Certification by credentials**, is proposed to be changed to alter the requirements for a certification by credentials.
3. **12 AAC 14.130, Review of an apprentice direct-entry midwife permit application**, is proposed to be changed to alter the requirements for obtaining a permit to practice as an apprentice direct-entry midwife.
4. **12 AAC 14.300, Examination**, is proposed to be changed to alter the requirements for applying by examination.
5. **12 AAC 14.430, Approved continuing education programs**, is proposed to be changed to alter the provisions related to approved continuing education programs.
6. **12 AAC 14.530, Infant care**, is proposed to be changed to alter the requirements for infant care by a certified direct-entry midwife.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Marilyn Zimmerman, Paralegal, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806. Additionally, the Board will accept comments by facsimile at (907) 465-2974, and by electronic mail at [marilyn.zimmerman@alaska.gov](mailto:marilyn.zimmerman@alaska.gov). Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system at <http://notice.alaska.gov/181201>, and using the comment link. **The comments must be received not later than 4:30 p.m. on May 24, 2016.**

You may submit written questions relevant to the proposed action to Marilyn Zimmerman, Paralegal, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806, or by e-mail at [marilyn.zimmerman@alaska.gov](mailto:marilyn.zimmerman@alaska.gov). **The questions must be received at least 10 days before the end of the public comment period.** The Board will aggregate its response to substantially similar questions and make the questions and responses available on the Board's website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/Midwives.aspx> or on the Alaska Online Public Notice System. The Board may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Marilyn Zimmerman at (907) 465-2532 or [marilyn.zimmerman@alaska.gov](mailto:marilyn.zimmerman@alaska.gov) not later than May 17, 2016 to ensure that any necessary accommodations can be provided.

For a copy of the proposed regulation changes, contact Marilyn Zimmerman at the address or phone number above, or go to <https://www.commerce.alaska.gov/web/portals/5/pub/MID-0416.pdf>.

After the public comment period ends, the Board will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. **You should comment during the time allowed if your interests could be affected.** Written comments and questions received are public records and are subject to public inspection.

**Statutory Authority:** AS 08.65.030; AS 08.65.050; AS 08.65.060; AS 08.65.070; AS 08.65.080; AS 08.65.090; AS 08.65.140; AS 08.65.190

**Statutes Being Implemented, Interpreted, or Made Specific:** AS 08.65.030; AS 08.65.050; AS 08.65.060; AS 08.65.070; AS 08.65.080; AS 08.65.090; AS 08.65.140; AS 08.65.190

**Fiscal Information:** The proposed regulation changes are not expected to require an increased appropriation.

DATE: \_\_\_\_\_

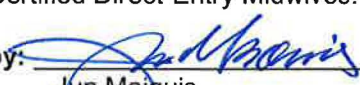
4/22/16



Jun Maiquis, Regulations Specialist  
Division of Corporations, Business and  
Professional Licensing

For each occupation regulated under the Division of Corporations, Business and Professional Licensing, the Division keeps a list of individuals or organizations who are interested in the regulations of that occupation. The Division automatically sends a Notice of Proposed Regulations to the parties on the appropriate list each time there is a proposed change in an occupation's regulations in Title 12 of the Alaska Administrative Code. If you would like your address added to or removed from such a list, send your request to the Division at the address above, giving your name, either your e-mail address or mailing address (as you prefer for receiving notices), and the occupational area in which you are interested.

**ADDITIONAL REGULATION NOTICE INFORMATION**  
**(AS 44.62.190(d))**

1. **Adopting agency:** Board of Certified Direct-Entry Midwives – Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing.
2. **General subject of regulation:** Certification by examination, certification by credentials, review of an apprentice direct-entry midwife permit application, examination, approved continuing education programs, and infant care.
3. **Citation of regulation:** 12 AAC 14.110, 12 AAC 14.120, 12 AAC 14.130, 12 AAC 14.300, 12 AAC 14.430, and 12 AAC 14.530.
4. **Department of Law file number:** To be assigned.
5. **Reason for the proposed action:** Update and clarification of current regulations, and compliance with state statute.
6. **Appropriation/Allocation:** Corporations, Business and Professional Licensing – #2360.
7. **Estimated annual cost to comply with the proposed action to:**  
A private person: None.  
Another state agency: None.  
A municipality: None.
8. **Cost of implementation to the state agency and available funding (in thousands of dollars):**  
No costs are expected in FY 2016 or in subsequent years.
9. **The name of the contact person for the regulations:**  
Jun Maiquis, Regulations Specialist  
Division of Corporations, Business and Professional Licensing  
Department of Commerce, Community, and Economic Development  
Telephone: (907) 465-2537  
E-mail: jun.maiquis@alaska.gov
10. **The origin of the proposed action:** Board of Certified Direct-Entry Midwives.
11. **Date:** 4/22/16      **Prepared by:**   
Jun Maiquis  
Regulations Specialist  
(907) 465-2537

STATE OF ALASKA                     )  
FIRST JUDICIAL DISTRICT        ) ss.

**AFFIDAVIT OF NOTICE OF PROPOSED ADOPTION OF REGULATIONS  
AND FURNISHING OF ADDITIONAL INFORMATION**

I, Jun Maiquis, Regulations Specialist, of the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 12 AAC 14.110, 12 AAC 14.120, 12 AAC 14.130, 12 AAC 14.300, 12 AAC 14.430, and 12 AAC 14.530, dealing with certification requirements, review of an apprentice permit application, examination, approved continuing education programs, and infant care, has been given by being:

1. published in a newspaper or trade publication;
2. furnished to interested persons;
3. furnished to appropriate state officials;
4. furnished to the Department of Law, along with a copy of the proposed regulations;
5. electronically transmitted to incumbent State of Alaska legislators;
6. furnished to the Legislative Affairs Agency, Legislative Legal and Research Services;
7. posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1);
8. furnished electronically, along with a copy of the proposed regulations, to the Legislative Affairs Agency, the chair of the Labor and Commerce Committee of the Alaska Senate and House of Representatives, the Administrative Regulation Review Committee, and the legislative council.


As required by AS 44.62.190(d), additional regulations notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulations notice information also has been posted on the Alaska Online Public Notice System.

DATE: 9/30/16  
Juneau, Alaska

  
Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 30 day of September, 2016.



  
Notary Public in and for the  
State of Alaska  
My commission expires: with office



STATE OF ALASKA

## FIRST JUDICIAL DISTRICT

**SS.**

## AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Jun Maiquis, Regulations Specialist for the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, being duly sworn, state the following:


The Board of Certified Direct-Entry Midwives did not receive any factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Board of Certified Direct-Entry Midwives regulations on dealing with certification requirements, review of an apprentice permit application, examination, approved continuing education programs, and infant care.

DATE: 9/30/14  
Juneau, Alaska

  
Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 30 day of September, 2016.



  
 Notary Public in and for the  
 State of Alaska  
 My commission expires: with office

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\$448.22

RECEIVED  
Juneau  
MAY 02 2016  
CBPL

# AFFIDAVIT OF PUBLICATION

STATE OF ALASKA  
THIRD JUDICIAL DISTRICT

Emma Dunlap  
being first duly sworn on oath deposes and  
says that he/she is a representative of the  
Alaska Dispatch News, a daily newspaper.  
That said newspaper has been approved  
by the Third Judicial Court, Anchorage,  
Alaska, and it now and has been published  
in the English language continually as a  
daily newspaper in Anchorage, Alaska, and  
it is now and during all said time was  
printed in an office maintained at the  
aforesaid place of publication of said  
newspaper. That the annexed is a copy of  
an advertisement as it was published in  
regular issues (and not in supplemental  
form) of said newspaper on

April 23, 2016

and that such newspaper was regularly  
distributed to its subscribers during all of  
said period. That the full amount of the fee  
charged for the foregoing publication is not  
in excess of the rate charged private  
individuals.

Signed Emma Dunlap

Subscribed and sworn to before me  
this 25th day of April, 2016

Britney Thompson

Notary Public in and for  
The State of Alaska.  
Third Division  
Anchorage, Alaska  
MY COMMISSION EXPIRES

2/23/2019  
Notary Public  
BRITNEY L. THOMPSON  
State of Alaska  
My Commission Expires Feb 23, 2019

## NOTICE OF PROPOSED CHANGES TO CERTIFICATION BY EXAMINATION AND CREDENTIALS, APPRENTICE PERMIT, EXAMINATION, APPROVED CONTINUING EDUCATION PROGRAMS, AND INFANT CARE IN THE REGULATIONS OF THE BOARD OF CERTIFIED DIRECT-ENTRY MIDWIVES

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4. **12 AAC 14.300, Examination**, is proposed to be changed to alter the requirements for applying by examination.
5. **12 AAC 14.430, Approved continuing education programs**, is proposed to be changed to alter the provisions related to approved continuing education programs.
6. **12 AAC 14.530, Infant care**, is proposed to be changed to alter the requirements for infant care by a certified direct-entry midwife.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Marilyn Zimmerman, Paralegal, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806. Additionally, the Board will accept comments by facsimile at (907) 465-2974, and by electronic mail at [marilyn.zimmerman@alaska.gov](mailto:marilyn.zimmerman@alaska.gov). Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system at <http://notice.alaska.gov/181201>, and using the comment link. The comments must be received not later than 4:30 p.m. on May 24, 2016.

You may submit written questions relevant to the proposed action to Marilyn Zimmerman, Paralegal, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806, or by e-mail at [marilyn.zimmerman@alaska.gov](mailto:marilyn.zimmerman@alaska.gov). The questions must be received at least 10 days before the end of the public comment period. The Board will aggregate its response to substantially similar questions and make the questions and responses available on the Board's website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/Midwives.aspx> or on the Alaska Online Public Notice System. The Board may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Marilyn Zimmerman at (907) 465-2532 or [marilyn.zimmerman@alaska.gov](mailto:marilyn.zimmerman@alaska.gov) not later than May 17, 2016 to ensure that any necessary accommodations can be provided.

For a copy of the proposed regulation changes, contact Marilyn Zimmerman at the address or phone number above, or go to <https://www.commerce.alaska.gov/web/portals/5/pub/MID-0416.pdf>.

After the public comment period ends, the Board will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected. Written comments and questions received are public records and are subject to public inspection.

Statutory Authority: AS 08.65.030; AS 08.65.050; AS 08.65.060; AS 08.65.070; AS 08.65.080; AS 08.65.090; AS 08.65.140; AS 08.65.190  
Statutes Being Implemented, Interpreted, or Made Specific: AS 08.65.030; AS 08.65.050; AS 08.65.060; AS 08.65.070; AS 08.65.080; AS 08.65.090; AS 08.65.140; AS 08.65.190

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: 4/22/16

\_\_\_\_\_/s/ \_\_\_\_\_  
Notary Public

14. 2015 Jeep Grand Cherokee Limited 4  
MSRP \$40,155  
Stock # 211330



STATE OF ALASKA

**FIRST JUDICIAL DISTRICT**

SS.

## AFFIDAVIT OF BOARD ACTION

I, Renee Hoffard, Licensing Examiner for the Board of Certified Direct-Entry Midwives, being duly sworn, state the following:

The attached motion dealing with certification requirements, review of an apprentice permit application, examination, approved continuing education programs, and infant care was passed by the Board of Certified Direct-Entry Midwives during its June 3, 2016 teleconference meeting.

Date:

August 5, 2016  
Juneau, Alaska

2nd of 2

Renee Hoffard, Licensing Examiner

SUBSCRIBED AND SWORN TO before me this 5 day of August, 2016.



Notary Public in and for the  
State of Alaska  
My commission expires: with office

Notary Public in and for the  
State of Alaska

My commission expires: with office

My commission expires: with office

STATE OF ALASKA  
DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT  
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING

BOARD OF CERTIFIED DIRECT-ENTRY MIDWIVES

333 Willoughby Ave, 9<sup>th</sup> Floor, Commissioner's Conference Room  
Juneau, AK

June 3, 2016

**These DRAFT minutes were prepared by the staff of the Division of Corporations, Business and Professional Licensing. They have not been reviewed or approved by the Board.**

By the authority of AS 08.065.020 and in compliance with the provision of AS 44.62, Article 6, a scheduled teleconference meeting of the Board of Certified Direct-Entry Midwives was held July 20, 2015; 333 Willoughby Ave, 9<sup>th</sup> Floor Commissioner's Conference Room Juneau, AK.

**Agenda Item 1 - Call to Order/Roll Call**

Chair Schneider called the meeting to order at 9:09 am. There were no ethics to disclose.

The board moved to agenda item #6, Regulations project. No written comments were received on the proposed regulation changes during the comment period.

On a motion made by Kathryn Roberts, seconded by Jennifer Swander the following regulation amendments were approved as written:

12 AAC 14.110(c) Certification by Examination

12 AAC 14.120 Certification by Credentials

12 AAC 14.130(g) Review of an apprentice Direct-entry Midwife permit application

12 AAC 14.300(c) Examination

12 AAC 14.430 Approved Continuing Education programs

12 AAC 14.530 Infant care

On a motion made by Kathryn Roberts, seconded by Jennifer Swander it was resolved to enter in executive session in accordance with the provisions of Alaska Statute 44.62.310(c) for the purpose of discussing subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion. Board staff Renee Hoffard and Investigators Brian Howes and Al Kennedy to remain in the room.

Off the record at 9:16

Back on record at 9:37

On a motion made by Jennifer Swander, seconded by Kathryn Roberts, it was resolved to accept the Consent Agreement for Kristen Gerrish.



On a motion made by Kathryn Roberts, seconded by Jennifer Swander it was resolved to enter in executive session in accordance with the provisions of Alaska Statute 44.62.310(c) for the purpose of discussing matters which by law, municipal charter, or ordinance are required to be confidential. Board staff Renee Hoffard to remain in the room.

Back on record at 9:51

Division Director Janey Hovenden joined the meeting to discuss the program's fee analysis in preparation of the program's upcoming renewal. Director Hovenden explained that the fees for the program are set by the division in regulation and that each program's licensure fees are used to pay the administrative costs of the licensing program. The Direct-Entry Midwife program has run in a deficit for the past several renewal cycles and it is imperative that they resolve that debt. All costs of the licensing program are the responsibility of licensees of the program and therefore must be paid from license and renewal fees. At this time the division feels that the best way to reduce the program debt is to increase all fees for the program and to charge a one-time special assessment or surcharge to licensed Direct-Entry Midwives. The one-time fee will be \$4,000.00.

Jennifer Swander had to leave the conference call at 10:05 am.

Director Hovenden and Chair Schneider both expressed their concern regarding licensees being able to pay such a large sum at one time since the renewal of their license would be dependent upon paying that as well as an increased renewal fee. After discussion with the board it was determined that the division would recommend the one-time surcharge be due December 31, 2018 for the 2018 renewal cycle. Should a Direct-Entry Midwife not pay the fee by then, their license would not be renewed for the next licensing cycle. This would allow CDM's that need to pay the \$4,000.00 in payments that meet the needs of their budget and allow them to continue their practice.

The board agreed to vote on agreeing with the division's fee assessment via email due to Ms. Swander's excused absence. Renee was tasked with emailing the proposed plan to the board no later than 2:00 pm June 3, 2016.

Director Hovenden asked that board members should include any specific points they want included in the cover letter that will be sent to licensees with the proposed regulations changes regarding the fee increases.

Chair Schneider recommended that the meeting adjourn as only she and Kathryn Roberts were still in attendance. The meeting ended at 10:29 am.

Respectfully Submitted:

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Renee Hoffard, Licensing Examiner

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Deborah Schneider, CDM Chair

\_\_\_\_\_  
Date