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Lieutenant Governor
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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Debbie Morgan
Department of Commerce Community and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor 465.4081 

DATE: August 30, 2019

RE: Filed Permanent Regulations: Board of Certified Direct-Entry Midwives
Board of Certified Direct-Entry Midwives Regulation re: Certified Direct-Entry
Midwives: Course of Study Requirements (12 AAC 14.200)

| | |
|------------------------|-------------------|
| Attorney General File: | 2018200767 |
| Regulation Filed: | 8/30/2019 |
| Effective Date: | 9/29/2019 |
| Print: | 231, October 2019 |

cc with enclosures: Harry Hale, Department of Law
Judy Herndon, LexisNexis

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

The attached one page of regulations, dealing with course of study requirements, is hereby certified to be a correct copy of the regulation changes that the Board of Certified Direct-Entry Midwives adopted at its June 5, 2019 videoconference meeting, under the authority of AS 08.65.030 and AS 08.65.050 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.

On the record, in considering public comments, 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: 7/16/19
Wasilla, Alaska

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

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on August 30, 2019 at 8:19 a.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.

Kevin Meyer for
Kevin Meyer, Lieutenant Governor

Effective: September 29, 2019

Register: 231, October 2019.

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

**I, KEVIN MEYER, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA,
designate the following state employees to perform the Administrative Procedures Act
filing functions of the Office of the Lieutenant Governor:**

**Josh Applebee, Chief of Staff
Kady Levale, Notary Administrator
April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have
signed and affixed the Seal of the State of
Alaska, in Juneau, on December 11th,
2018.**



K. Meyer
.....

**KEVIN MEYER
LIEUTENANT GOVERNOR**

Chapter 14. Board of Certified Direct-Entry Midwives.

12 AAC 14.200 is repealed and readopted to read:

12 AAC 14.200. Course of study requirements. (a) On or after January 1, 2020, the board will only approve a course of study ^(c.i.l) accredited by the Midwifery Education Accreditation Counsel (MEAC), or an equivalent course of study as approved by the United States Department of Education.

(b) Before January 1, 2020, the board will approve a course of study if the course of study was approved by the board before January 1, 2020, ^J or the course is accredited by MEAC, or ^S an equivalent course of study as approved by the United States Department of Education.

(c) An applicant shall document completion of a course of study that meets the requirements of ^J (a) of this section by submitting

(1) an official transcript, diploma, or certificate of graduation, sent directly to the department from a MEAC accredited institution where the applicant completed the course of study; or

(2) a notarized course of study certification form, provided by the department, signed by the course of study provider and the applicant's primary preceptor. (Eff. 2/18/94, Register 129; am 12/19/2001, Register 160; am 8/19/2004, Register 171; am 4/29/2006, Register 178; am 8/19/2009, Register 191; am 3/2/2011, Register 197; am 9/9/2016, Register 219; am 9 / 29 / 2019, Register 231)

Authority: AS 08.65.030 AS 08.65.050


MEMORANDUM

State of Alaska Department of Law

To: The Honorable Kevin Meyer
Lieutenant Governor

Date: August 22, 2019

File No.: 2018200767

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

Tel. No.: 465-3600

From: Samantha J. Weinstein
Assistant Attorney General
Legislation and Regulations Section

Re: Board of Certified Direct-Entry
Midwives Regulation re: 12 AAC
14.200: Certified Direct-Entry
Midwives: Course of Study
Requirements

The Department of Law has reviewed the attached regulations of the Board of Certified Direct-Entry Midwives against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. 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. The regulations were adopted by the Board of Certified Direct-Entry Midwives after the close of the public comment period. The regulations concern the course of study requirements for certification as a direct-entry midwife by eliminating detailed subject matter descriptions and condensing approved courses to courses approved by the midwifery Education Accreditation Council or the U.S. Department of Education.

The August 9, 2018, public notice and the July 16, 2019, certification of adoption 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 some technical corrections to conform the regulations in accordance with AS 44.62.125. The corrections are shown on the attached copy of the regulations.

SRP:sjw

cc: Honorable Julie Anderson, Commissioner
Department of Commerce, Community, & Economic Development
Amy Demboski, Assistant Commissioner
Department of Commerce, Community, & Economic Development
Glenn Hoskinson, Junior Special Assistant to the Commissioner
Department of Commerce, Community, & Economic Development
Deborah Schneider, CDM, Chair
Board of Certified Direct-Entry Midwives
(*via Jun Maiquis*)
Jun Maiquis, Regulations Specialist
Department of Commerce, Community, & Economic Development
Renee Hoffard, Records and Licensing Supervisor
Board of Certified Direct-Entry Midwives
Sher Zinn, Regulations Specialist
Department of Commerce, Community, & Economic Development
Harriet Milks, Assistant Attorney General
Department of Law, Commercial & Fair Business Section

NOTICE OF PROPOSED CHANGES REGARDING COURSE OF STUDY REQUIREMENTS IN THE REGULATIONS OF THE BOARD OF CERTIFIED DIRECT-ENTRY MIDWIVES

BRIEF DESCRIPTION: The Board of Certified Direct-Entry Midwives proposes to update the course of study requirements for certification as a 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 including the following:

12 AAC 14.200. Course of study requirements, is proposed to be changed to amend the course of study requirements for certification as a 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 Jun Maiquis, Regulations Specialist, 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 RegulationsAndPublicComment@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/191000>, and using the comment link. **The comments must be received not later than 5:00 p.m. on September 10, 2018.**

Oral comments relevant to the proposed action, including the potential costs to private persons of complying with the proposed action, may also be given at a hearing to be held on September 14, 2018, at the State Office Building, 333 Willoughby Avenue, 9th Floor Conference Room B, Juneau, Alaska. **Written comments will not be accepted at the hearing.** The hearing will begin at 1:30 p.m. and will end when those who have called in or signed up before 1:30 p.m. to give oral testimony have had the opportunity to comment. If you wish to give your comments via telephone, please call 1-800-315-6338 access code 52694. The chair of the Board may limit each participant's length of oral testimony, determined by the chair before the hearing begins, to allow enough time for all those who have called in or signed up and timely registered to give testimony.

You may submit written questions relevant to the proposed action to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806 or by e-mail at RegulationsAndPublicComment@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 Alaska Online Public Notice System and on the Board's website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/Midwives.aspx>. 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 Jun Maiquis at (907) 465-2537 or RegulationsAndPublicComment@alaska.gov not later than September 4, 2018 to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Jun Maiquis at (907) 465-2537 or RegulationsAndPublicComment@alaska.gov, or go to <https://www.commerce.alaska.gov/web/portals/5/pub/MID-0818.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

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.65.030; AS 08.65.050

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

DATE: _____

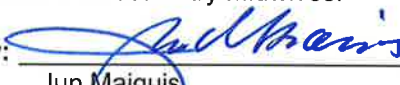
8/8/18



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:** Course of study requirements.
3. **Citation of regulation:** 12 AAC 14.200.
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 known.
Another state agency: None known.
A municipality: None known.
8. **Cost of implementation to the state agency and available funding (in thousands of dollars):**
No costs are expected in FY 2019 or in subsequent years.
9. **The name of the contact person for the regulation:**
Renee Hoffard, Licensing Supervisor
Division of Corporations, Business and Professional Licensing
Department of Commerce, Community, and Economic Development
Telephone: (907) 465-2525
E-mail: renee.hoffard@alaska.gov
10. **The origin of the proposed action:** Board of Certified Direct-Entry Midwives.
11. **Date:** 8/8/18 **Prepared by:** 
Jun Maiquis
Regulations Specialist
(907) 465-2537

STATE OF ALASKA

FIRST JUDICIAL DISTRICT

} ss.

**AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
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 14.200, dealing with course of study requirements, has been given by being

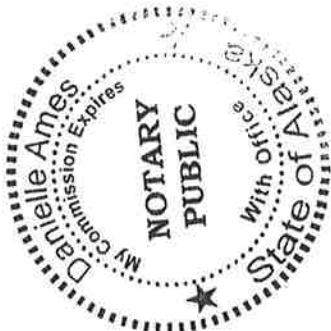
1. published in a newspaper or trade publication;
2. furnished to every person who has filed a request for notice of proposed action with the state agency;
3. furnished to appropriate state officials;
4. furnished to interested persons;
5. furnished to the Department of Law, along with a copy of the proposed regulation;
6. furnished electronically to incumbent State of Alaska legislators;
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).

As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to persons in (2), (4), and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

DATE: 7/2/19
Juneau, Alaska

Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 2 day of July, 2019.



Notary Public in and for the
State of Alaska

My commission expires: 09/01/16

FIRST JUDICIAL DISTRICT

} ss.

K. M. [Signature]
Notary Public in and for the
State of Alaska
My Commission Expires: with my office

STATE OF ALASKA)
FIRST JUDICIAL DISTRICT) ss.

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

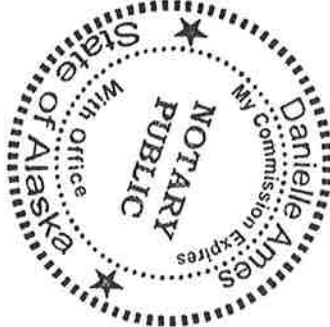
I, Jun Maiquis, Regulations Specialist for the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, being duly sworn, state the following:

In compliance with AS 44.62.215, the Board of Certified Direct-Entry Midwives has kept a record of its use or rejection of factual or other substantive information that was submitted in writing and orally 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 course of study requirements.

DATE: 7/2/19
Juneau, Alaska


Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 2 day of July, 2019.



Notary Public in and for the
State of Alaska
My commission expires: 4/01/2024

ANCHORAGE DAILY NEWS

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Placement

0300

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0301

STATE OF ALASKA THIRD JUDICIAL DISTRICT

Joleesa Stepetin

being first duly sworn on oath deposes and says that he/she is a representative of the Anchorage Daily 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

August 09, 2018

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

Joleesa Stepetin
Joleesa Stepetin

Subscribed and sworn to before me
this 9th day of August, 2018

Britney Thompson

Notary Public in and for
The State of Alaska
Third Division
Anchorage, Alaska

MY COMMISSION EXPIRES

6/02/2019
Notary Public
BRITNEY L. THOMPSON
State of Alaska
My Commission Expires Feb 23, 2019

NOTICE OF PROPOSED CHANGES REGARDING COURSE OF STUDY REQUIREMENTS IN THE REGULATIONS OF THE BOARD OF CERTIFIED DIRECT-ENTRY MIDWIVES

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Oral comments relevant to the proposed action, including the potential costs to private persons of complying with the proposed action, may also be given at a hearing to be held on September 14, 2018, at the State Office Building, 333 Willoughby Avenue, 9th Floor Conference Room B, Juneau, Alaska. **Written comments will not be accepted at the hearing.** The hearing will begin at 1:30 p.m. and will end when those who have called in or signed up before 1:30 p.m. to give oral testimony have had the opportunity to comment. If you wish to give your comments via telephone, please call 1-800-315-6338 access code 52694. The chair of the Board may limit each participant's length of oral testimony, determined by the chair before the hearing begins, to allow enough time for all those who have called in or signed up and timely registered to give testimony.

You may submit written questions relevant to the proposed action to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806 or by e-mail at RegulationsAndPublicComment@alaska.gov. **The comments must be received not later than 5:00 p.m. on September 10, 2018.**

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FIRST JUDICIAL DISTRICT

AFFIDAVIT OF BOARD ACTION

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

The attached motion dealing with course of study requirements was passed by the Board of Certified Direct-Entry Midwives during its June 5, 2019 videoconference meeting.

Date: July 1, 2019
Juneau, Alaska

Lacey Derr
Lacey Derr, Licensing Examiner

SUBSCRIBED AND SWORN TO before me this 1 day of July, 2019.



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

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

BOARD OF CERTIFIED DIRECT-ENTRY MIDWIVES

Videoconference
June 5, 2019

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 videoconference meeting of the Board of Certified Direct-Entry Midwives was held June 5, 2019; 333 Willoughby Ave, 9th Floor Commissioners Conference Room, Juneau, AK.

Agenda Item 1 – Call to Order/Roll Call

Chair Schneider called the meeting to order at 9:00 AM AKDT.

Members present: Dana Brown, Deborah Schneider, Dianna Kristeller, and Dr. Dana Espindola

Staff Present: Renee Hoffard - Records & Licensing Supervisor, Lacey Derr – Licensing Examiner

Agenda Item 2 – Review Agenda/Review Minutes

A motion was made to approve the draft agenda as written by D. Brown; seconded by D. Espindola, the motion passed unanimously.

A motion was made to approve the draft minutes as written for the February 22, 2019 meeting by D. Kristeller; seconded by D. Brown; the motion passed unanimously.

Agenda Item 3 – Ethics Report

No ethics to report.

Agenda Item 4 – Audit Review

The Board reviewed the 3 applicants that were selected for audit. After reviewing the information provided, it was decided as follows:

Via roll call vote, the following audits were reviewed and approved to be closed by the board.

Dana Brown
Holly Steiner
Kristen Gerrish

Agenda Item 5 – Law Letter Review & Regulations Update

The Board discussed the previous Regulations Project which was tabled due to needing additional and/or clarifying information. It was previously discussed to update the educational requirements of midwives to have educational programs be MEAC accredited. The main questions raised were can the Board make such a change or does it have to go through regulation and does that change still meet the legal requirements of education for the State of Alaska. It was determined yes it is both a regulations change requiring the regulations process and the verbiage used is corrected to remain within legal requirements.

A motion was made to approve the Regulations Amendment, 12 AAC 14.200 (a) & (b) Course of Study Requirements, to move forward with corrections to the date to be reflected as January 1, 2020. Motion by D. Kristeller; seconded by D. Brown, the motion passed unanimously by roll call vote.

The Board discussed the tabled application for an applicant whose license has been expired/lapsed for 5+ years. There were no guidelines written as to specifically how an applicant would be re-licensed and the Board be able to adequately assess their current knowledge of Midwifery after so many years of inactivity. As per the letter provided by the department of law, there was nothing to prevent the applicant from Re-Applying as a “new” midwife to the State of Alaska. The applicant ended up withdrawing their application. The Board decided to take up a new Regulations Change to add a section to 12 AAC 14.110, requiring additional items to become re-licensed after 5 years or more of a lapsed license.

A motion was made to add an amendment to 12 AAC 14.110 to add section (e) as discussed:

(e) If an applicant has a certification that has been lapsed for more than 5 years, the applicant must submit:

(1) documentation that complies with 12 AAC 14.470(b)(4)(A-D); and

(2) documentation that complies with 12 AAC 14.470(b)(5); and

(3) documents completion of

(A) at least 20 preceptor-supervised delivers in the 24 months immediately preceding the application for license in which the applicant was the primary or assisting midwife; in at least ten of the supervised deliveries, the applicant must have been the primary midwife; and
(B) at least 10 newborn examinations; and
(C) at least 30 prenatal examinations; and
(D) at least 10 postpartum examinations, and

(4) verification of passing the North American Registry of Midwives Examination (NARM) sent directly to the department from NARM within 12 months of the date of application submittal. Motion by D. Brown; seconded by D. Kristeller, the motion passed unanimously by roll call vote.

The Board discussed other potential issues they see in their regulations that may need to be addressed while taking on additional regulations projects. It was felt the regulations were in a good position with the addition of the other 2 regulations changes.

Agenda Item 6 – Public Comment

There was no one present in the room or on the phone to provide public comment.

Public Comment Closed at 11:10am.

Agenda Item 7 – Application Review

The Board discussed the application up for vote. It was decided to approve via Board Vote:

J. Newport

Agenda Item 8 – Annual Report

The Board reviewed the final draft of the Annual Report. After a brief review and discussion, a motion was made:

A motion was made to accept the Annual Report as written by D. Espindola; seconded by D. Brown, the motion passed unanimously via Roll Call Vote.

Item 8 – Division Update

A motion was made to postpone the Division Update to the October Meeting by D. Brown;

seconded by D. Kristeller, the motion passed unanimously.

Item 9 – Election of New Officers

A motion was made to postpone the Election of New Officers to the October Meeting by D. Brown; seconded by D. Kristeller, the motion passed unanimously.

Item 10 - Adjourn

A motion was made to Adjourn the Meeting by D. Brown; seconded by D. Kristeller, the motion passed unanimously.

Meeting Adjourned 11:45am

Respectfully Submitted:

Lacey Derr, Licensing Examiner

Deborah Schneider, CDM Chair

Date