

Licensing Division

Staff Report for the Midwives Advisory Board

October 30, 2023

Statistics

Midwives

| | TOTAL FY 2022 | TOTAL FY 2023 | 1 ST Quarter FY2024 |
|---------------------------------|------------------|------------------|-----------------------------------|
| New Licenses Issued | 43 | 28 | 6 |
| Renewed Licenses Issued | 142 | 101 | 0 |
| Online Renewals | 132 | 101 | 0 |
| % Renewed Online | 93% | 100% | 0 |
| Total License Population | 341 | 352 | 358 |

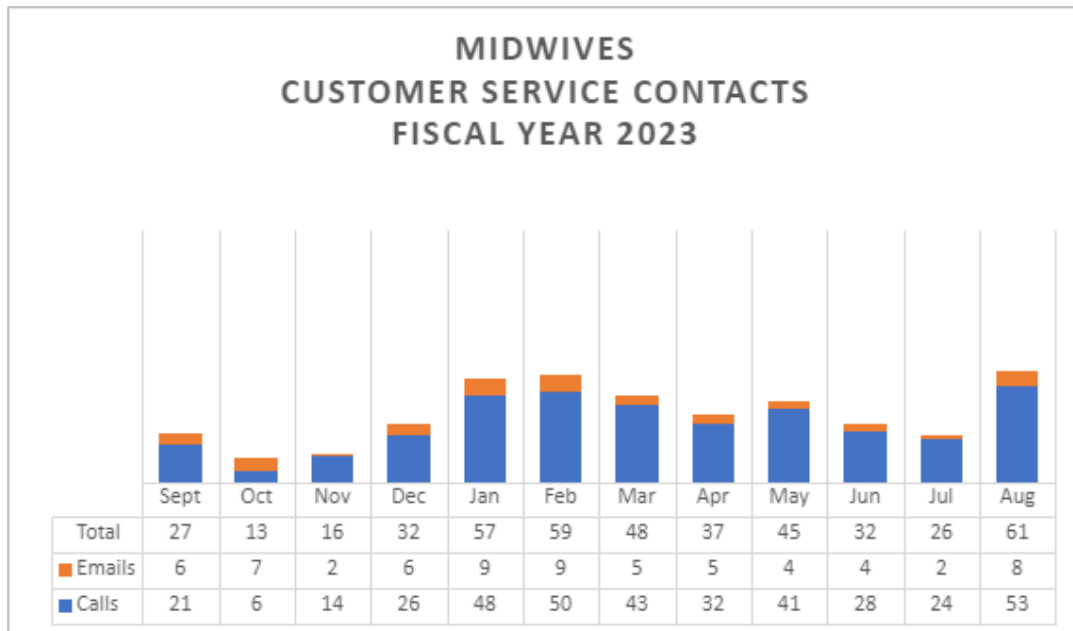
Texas Midwifery Manual Updates:

- The Education & Examination Division is currently updating the Texas Midwifery Manual as requested by the Midwife Board meeting on June 12, 2023. Thank you to the board members who provided feedback.

CUSTOMER SERVICE DIVISION

Staff Report for the Midwives Advisory Board
October 30, 2023

Statistics



Enforcement Division

Staff Report for the Midwives Advisory Board

October 30, 2023

Statistics:

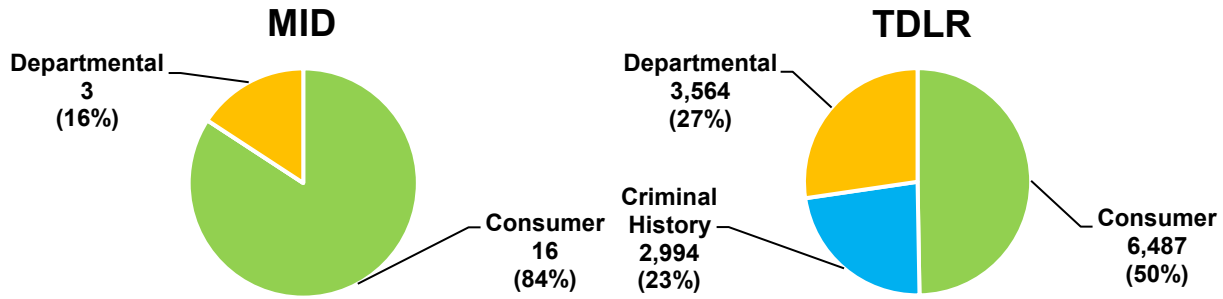
Shown below are notable statistics for the Midwives (MID) program and for all TDLR programs for **Fiscal Year (FY) 2022** and **Fiscal Year 2023**:

| Performance Measures | FY 2022 | | FY 2023 | |
|--|---------|--------|---------|--------|
| | MID | TDLR | MID | TDLR |
| Number of complaints opened | 17 | 11,663 | 19 | 13,045 |
| Number of complaints closed | 18 | 11,754 | 22 | 11,284 |
| Average time for closing complaint (days) | 351.83 | 215.79 | 176.86 | 215.01 |
| Percent of complaints closed within 6 months (%) | 33.33% | 57.64% | 59.09% | 55.52% |
| Percent of complaints resulting in disciplinary action (%) | 27.78% | 10.81% | 9.09% | 12.46% |

| Criminal History Review (CHR) | FY 2022 | | FY 2023 | |
|--|---------|--------|---------|--------|
| | MID | TDLR | MID | TDLR |
| Applications (new & renewal) with a criminal history reviewed by Enforcement | 1 | 47,852 | 30 | 89,419 |
| Complaints opened due to CHR | 0 | 2,710 | 0 | 2,994 |
| Licenses denied/revoked after CHR | 0 | 182 | 0 | 145 |
| Percent of denied/revoked after CHR (%) | 0.00% | 0.38% | 0.00% | 0.16% |
| Restricted license granted | 0 | 10 | 0 | 4 |
| Criminal History Evaluation Letter (CHEL) requests received | 0 | 632 | 0 | 909 |
| CHELs issued – Eligible | 0 | 568 | 0 | 719 |
| CHELs issued – Ineligible | 0 | 64 | 0 | 133 |
| CHELs pending | 0 | 0 | 0 | 57 |

| Complaints Received by Source | FY 2022 | | FY 2023 | |
|-----------------------------------|-----------|---------------|-----------|---------------|
| | MID | TDLR | MID | TDLR |
| Consumer | 14 | 14,098 | 16 | 14,240 |
| Departmental (TDLR-all divisions) | 5 | 2,368 | 3 | 3,535 |
| Total | 19 | 16,466 | 19 | 17,775 |

Cases Opened by Source for Fiscal Year 2023



| Caseloads in Enforcement | FY 2022 | | FY 2023 | |
|--|---------|--------|---------|--------|
| | MID | TDLR | MID | TDLR |
| Beginning of FY | 18 | 6,627 | 17 | 6,540 |
| Number of complaints opened | 17 | 11,663 | 19 | 13,045 |
| Number of complaints closed | 18 | 11,754 | 22 | 11,284 |
| Cases pending at end of reporting period | 17 | 6,540 | 14 | 8,304 |

| Orders Issued | FY 2022 | | FY 2023 | |
|--------------------------------|----------|--------------|----------|--------------|
| | MID | TDLR | MID | TDLR |
| Agreed Orders | 3 | 749 | 2 | 843 |
| Commission Orders | 0 | 27 | 0 | 12 |
| Default Orders | 3 | 384 | 0 | 472 |
| Denial by Operation of Law | 0 | 13 | 0 | 2 |
| Revocation by Operation of Law | 0 | 95 | 0 | 75 |
| Cease & Desist Orders | 0 | 17 | 1 | 8 |
| Recovery Fund Order | 0 | 0 | 0 | 2 |
| Vacated Order | 0 | 8 | 0 | 9 |
| Emergency Order | 0 | 0 | 0 | 0 |
| Total | 6 | 1,293 | 3 | 1,423 |

| Penalties & Consumer Remedies | FY 2022 | | FY 2023 | |
|-------------------------------|----------|-------------|---------|-------------|
| | MID | TDLR | MID | TDLR |
| Penalties Assessed | \$26,250 | \$2,588,310 | \$1,875 | \$2,947,160 |
| Penalties Collected | \$6,250 | \$1,322,420 | \$1,875 | \$1,451,668 |
| Average Penalty Assessed | \$4,375 | \$2,231 | \$938 | \$2,218 |
| Restitution | \$0.00 | \$390,012 | \$0.00 | \$272,187 |

| Licenses with Disciplinary Sanctions | FY 2022 | | FY 2023 | |
|--------------------------------------|----------|-----------|----------|-----------|
| | MID | TDLR | MID | TDLR |
| Revoked | 1 | 50 | 0 | 58 |
| Suspended | 0 | 4 | 0 | 4 |
| Total | 1 | 54 | 0 | 62 |

| Cases Closed Without Disciplinary Action | FY 2022 | | FY 2023 | |
|--|-----------|---------------|-----------|--------------|
| | MID | TDLR | MID | TDLR |
| Insufficient Evidence | 11 | 3,501 | 17 | 3,221 |
| Warning Letter | 0 | 3,378 | 0 | 2,757 |
| Complaint Withdrawn | 0 | 120 | 1 | 148 |
| Informally Resolved | 1 | 470 | 0 | 610 |
| Other (wrong owner, business closed, EAB/ELE compliance, unable to locate, deceased, etc.) | 0 | 3,017 | 2 | 3,142 |
| Percent of Cases Closed Without Disciplinary Action (%) | 66.67% | 89.21% | 90.91% | 87.54% |
| Total | 12 | 10,486 | 20 | 9,878 |

**Top MID Alleged Violations at Opening
for Fiscal Year 2022 and Fiscal Year 2023**

| Alleged Violation: | FY22 | FY23 |
|---|------|------|
| Failed to follow instruction or emergency protocols | 4 | 6 |
| No, incomplete, or wrong protocols | 6 | 6 |
| Expired license | 1 | 6 |
| Unlicensed | 7 | 3 |
| Transfer violation | 1 | 1 |
| Unsafe or unclean environment | 0 | 1 |
| Failed to provide information to client | 1 | 1 |
| Lack of personal or professional character | 2 | 1 |

**Top MID Violations Resulting in Disciplinary Action
for Fiscal Year 2022 and Fiscal Year 2023**

| Violation: | FY22 | FY23 |
|---|------|------|
| Expired license | 2 | 1 |
| Failed to submit records or investigation | 1 | 1 |
| Failed to assess | 0 | 1 |
| Failed to comply with an order | 1 | 0 |
| No, incomplete, or wrong records | 1 | 0 |
| Referral violation | 1 | 0 |

Case Highlights:

- Case No. MID20220005643 - April Bland

On July 5, 2023, the Executive Director signed an Agreed Order that finalized the settlement agreement between the Department and Respondent April Bland. As part of this negotiated settlement, Respondent admitted liability for her failure to assess a client on an ongoing basis for factors (specifically, elevated blood pressure) that might preclude a client from midwifery care. Respondent was also assessed and agreed to pay an administrative penalty of \$1,125, now paid in full.

- Case No. MID20220016727- Brittany Thornton

On June 22, 2023, the Executive Director signed an Agreed Order that finalized the settlement agreement between the Department and Respondent Brittany Thornton. As part of this negotiated settlement, Respondent admitted liability for her failure to submit midwifery records in connection with the investigation of a complaint. Respondent was also assessed and agreed to pay an administrative penalty of \$750, now paid in full.

Compliance Division

Staff Report for the Midwives Advisory Board

October 30, 2023

Current Projects

Compliance staff are working with the Education and Examination Division on reviewing and updating the Texas Midwifery Basic Information and Instructor Manual.

Staff have been assisting the Office of General Counsel on proposed rules changes.

Staff continues to assist Enforcement, Field Inspections, Licensing, Education & Examination, and Customer Service with questions that arise during investigations and inspections, as well as addressing daily industry questions and emails.

Outreach

Staff just completed the last edition of the *TDLR Health Monitor* newsletter. It was released late October. Links to previous editions can be found under Agency newsletters on the main TDLR page.

If you have any outreach opportunities that you would like us to attend and/or give a presentation, please contact Mary Hoffman.

FIELD INSPECTIONS DIVISION

Staff Report for the Midwives Advisory Board

October 30, 2023

Statistics

| Schools | Midwifery Education Courses | | |
|-----------------------|-----------------------------|---------|---------|
| | FY 2022 | FY 2023 | FY 2024 |
| Q1 | 0 | 0 | 0 |
| Q2 | 0 | 1 | |
| Q3 | 0 | 0 | |
| Q4 | 1 | 0 | |
| Year To Date/Year End | 1 | 1 | |