

# Licensing Division

## Staff Report for the Midwives Advisory Board

March 29, 2023

### Statistics

#### Midwives

	<b>TOTAL FY 2022</b>	<b>1st Quarter FY 2023</b>
New Licenses Issued	43	5
Renewed Licenses Issued	142	1
Online Renewals	132	1
% Renewed Online	93%	100%
<b>Total License Population</b>	341	348



# Education and Examination Division

## Staff Report for the Midwives Advisory Board

March 29, 2023

### Statistics

Because Midwives take a Written National Examination, we will not have those statistics, we will have the number of Jurisprudence Examinations taken by month.

#### Jurisprudence Examinations

(As of February 28, 2023)

FY 2023	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
Completed	3	1	3	7	5	16	34	55									62
FY 2022	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
Completed	1	4	9	14	8	17	12	37	5	1	4	10	7	2	3	12	73

## Midwife School Curriculum

(As of February 28, 2023)

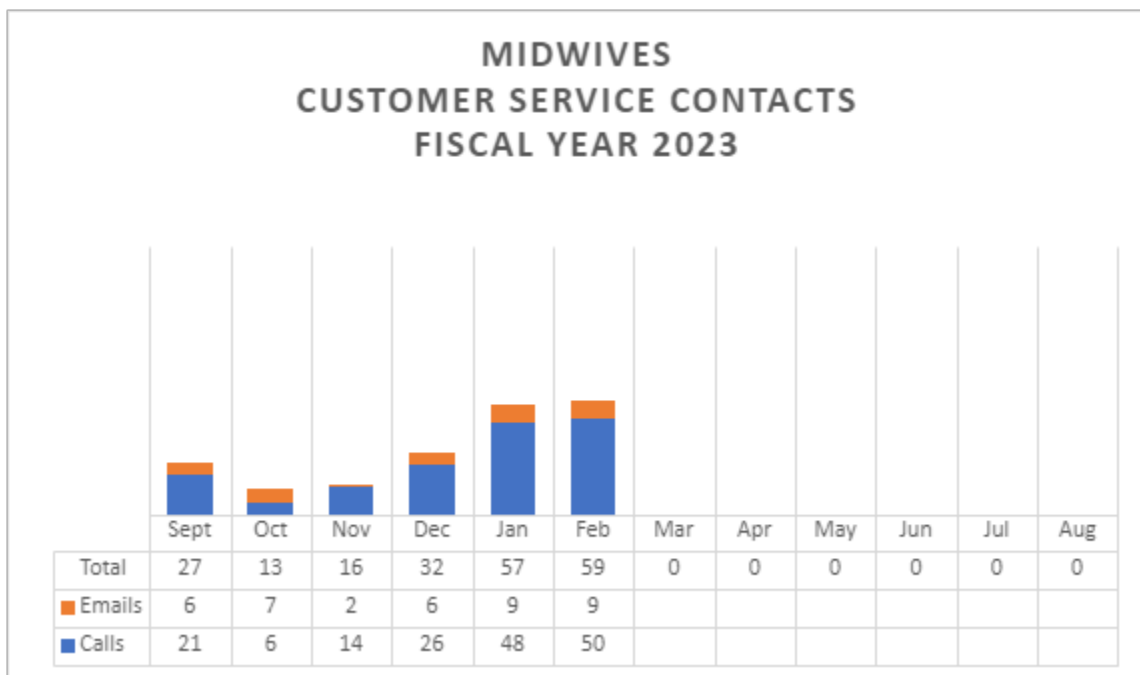
FY 2023	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
New Curriculum Approved	1	0	0	1	0	0	0	0									1
Total Curriculum Count	4	4	4	4	4	4	4	4									4
FY 2022	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
New Curriculum Approved	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	1
Total Curriculum Count	2	2	2	2	2	2	2	2	2	2	2	2	3	3	3	3	3

# Customer Service Division

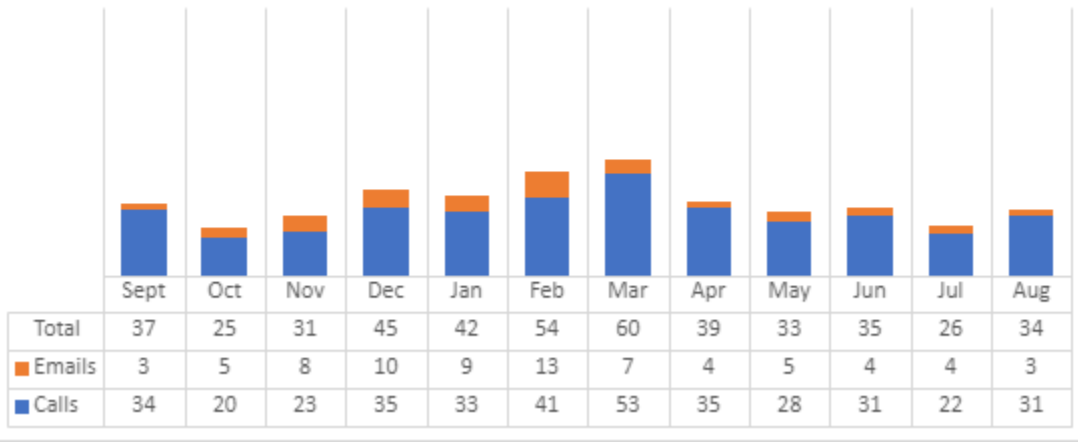
Staff Report for the Midwives Advisory Board

March 29, 2023

## Statistics



**MIDWIVES  
CUSTOMER SERVICE CONTACTS  
FISCAL YEAR 2022**



# Enforcement Division

## Staff Report for the Midwives Advisory Board

March 29, 2023

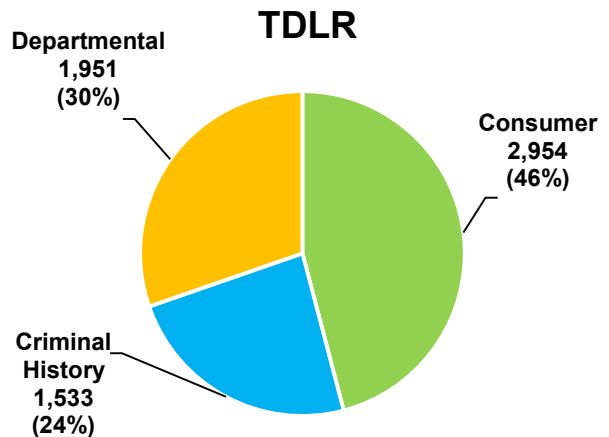
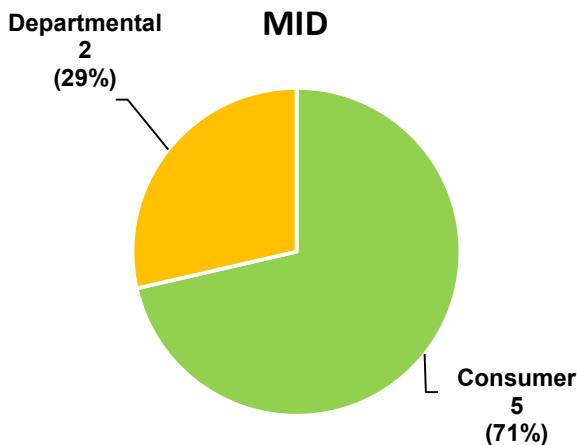
### Statistics

Shown below are the Complaints Received, Enforcement Performance Measures and Key Statistics for the Midwives (MID) program and for all TDLR programs combined through **February of Fiscal Year 2023**:

Complaints Received by Source	MID	TDLR
Consumer complaints	5	6,648
Department initiated complaints	2	1,902
Criminal History Records reviewed for licensure	7	38,472
<b>Total Complaints Received</b>	<b>14</b>	<b>47,022</b>

Key Statistic	MID	TDLR
Cases opened	7	6,438
Cases closed	12	5,363
Average time to close (days)	174.67	203.84
% of cases resolved within 6 months	58.33%	58.77%
% of cases resulting in disciplinary action	0.00%	10.54%
Cases pending at end of February 2023	12	7,623

### Source of cases opened through February of Fiscal Year 2023



<b>Case Outcomes</b>	<b>MID</b>	<b>TDLR</b>
Commission Orders	0	6
Default Orders	0	189
Agreed Orders	0	330
Penalties Assessed	\$0.00	\$1,176,825.00
Penalties Collected	\$0.00	\$502,845.00
Licenses Revoked (Disciplinary)	0	26
Licenses Suspended	0	2
Licenses Denied/Revoked (Criminal History)	0	55
Cease & Desist Orders	0	5
Informally Resolved	12	4,798

### **Top 10 MID Alleged Violations at Opening through February of Fiscal Year 2023**

<b>Violation:</b>	<b>Count</b>
No, incomplete, or wrong protocols	3
Expired license	3
Unlicensed	2
Transfer violation	1
Failed to follow instructions or emergency protocols	1
Lack of personal or professional character	1

### **Top 10 MID Violations Resulting in Disciplinary Action through February of Fiscal Year 2023**

<b>Violation:</b>	<b>Count</b>
There were no violations resulting in Disciplinary Action through February of Fiscal Year 2023 for the MID program.	N/A

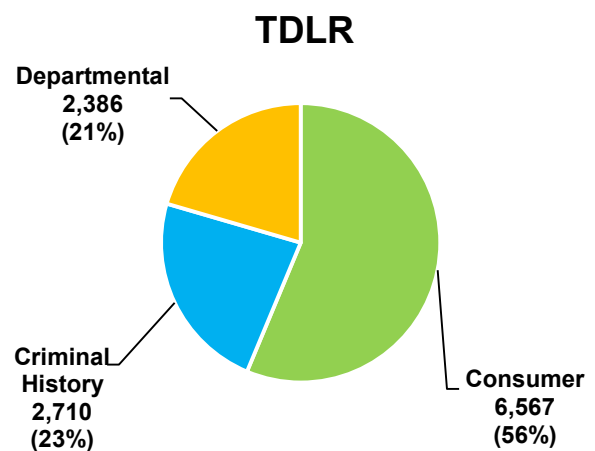
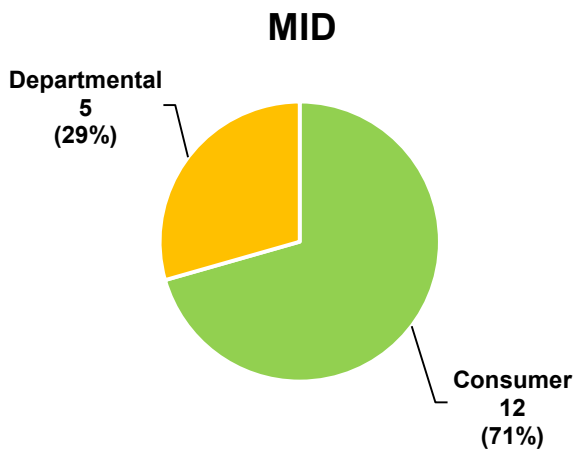
## **Statistics Fiscal Year 2022:**

Shown below are the Complaints Received, Enforcement Performance Measures and Key Statistics for the Midwives (MID) program and for all TDLR programs combined for **Fiscal Year 2022:**

<b>Complaints Received by Source</b>	<b>MID</b>	<b>TDLR</b>
Consumer complaints	14	14,098
Department initiated complaints	5	2,368
Criminal History Records reviewed for licensure	1	48,488
<b>Total Complaints Received</b>	<b>20</b>	<b>64,954</b>

Key Statistic	MID	TDLR
Cases opened	17	11,663
Cases closed	18	11,754
Average time to close (days)	351.83	215.79
% of cases resolved within 6 months	33.33%	57.64%
% of cases resulting in disciplinary action	27.78%	10.81%
Cases pending at the end of Fiscal Year 2022	17	6,540

### Source of cases opened for Fiscal Year 2022



Case Outcomes	MID	TDLR
Commission Orders	0	27
Default Orders	3	384
Agreed Orders	3	749
Penalties Assessed	\$26,250.00	\$2,588,310.00
Penalties Collected	\$6,250.00	\$1,322,419.50
Licenses Revoked (Disciplinary)	1	50
Licenses Suspended	0	4
Licenses Denied/Revoked (Criminal History)	0	182
Cease & Desist Orders	0	17
Informally Resolved	12	10,486



## MID Alleged Violations at Opening for Fiscal Year 2022

Violation:	Count
Unlicensed	7
No, incomplete, or wrong records	6
Failed to follow instructions or emergency protocols	4
Lack of personal or professional character	2
Transfer violation	1
Failed to pay dishonored check	1
Failed to provide information to client	1
Expired license	1
Referral violation	1

## MID Violations Resulting in Disciplinary Action for Fiscal Year 2022

Violation:	Count
Expired license	2
Failed to comply with an order	1
No, incomplete, or wrong records	1
Failed to submit records or investigation	1
Referral violation	1

## Case Highlights

- **Case Number MID20190009292 – Leah Hernandez**

On February 28, 2019, Respondent's midwife license expired, and remained expired until Respondent renewed it on December 2, 2019. On or about March 28, 2019, Respondent provided midwifery care to a client during the client's home delivery. On or about April 10, 2019, Respondent provided midwifery care to a second client during that client's home delivery.

In October 2019, a Notice of Alleged Violations was issued to Respondent to notify her of two separate unlicensed activity violations pending against her. Respondent requested a hearing, and after several continuances, the hearing was set for September 2021. Respondent failed to appear. The Court found Respondent had sufficient notice of the hearing to authorize default resolution and released its jurisdiction over the case and back to the Department. In November 2021, our Executive Director granted the Department's Motion for Default Order and assessed a \$7,000 administrative penalty against Respondent.

- **Case Number MID20200013901 – Leah Hernandez**

While investigating a complaint alleged against Respondent, the Department Investigator attempted multiple times and by various means to obtain client medical records from Respondent. Respondent never responded to any of these requests and never provided any of the requested records.

In July 2021, a Notice of Alleged Violations was issued to Respondent that notified her she was found liable for failing to cooperate with a Department investigation. Despite receiving notice, Respondent did not respond. Thus, in November 2021, our Executive Director granted the Department's Motion for Default Order and assessed a \$3,500 administrative penalty against Respondent.

- **Case Number MID20200016028– Leah Hernandez**

On February 28, 2019, Respondent's midwife license expired, and remained expired until Respondent renewed it on December 2, 2019. Beginning in February 2019 and continuing until September 21, 2019, Respondent provided prenatal midwifery care to her client.

In July 2021, a Notice of Alleged Violations was issued to Respondent to notify her of a new unlicensed activity violation pending against her. Despite receiving notice, Respondent did not respond. Thus, in November 2021, our Executive Director granted the Department's Motion for Default Order and assessed a \$3,500 administrative penalty against Respondent.

- **Case Number MID20210010446 – Leah Hernandez**

To resolve MID20190000706, in June 2019, the Department issued an Agreed Order of the executive director on that assessed Respondent an administrative penalty of \$4,000. Respondent paid \$500, but no more and still owed the Department \$3,500.

To resolve MID20200007368, in September 2019, the Department issued an Agreed Order of the executive director on that assessed Respondent an administrative penalty of \$3,500. Respondent made no payments, and still owed the Department \$3,500.

After negotiations between the parties, in October 2021, Respondent agreed to pay the total of \$7,000 still owed for both cases and since has paid in full.

## Regulatory Program Management Division

### Staff Report for the Midwives Advisory Board

March 29, 2023

#### **Current Projects**

The TDLR Health Occupations Annual Report was submitted to the Chairs of the House Licensing and Administrative Procedures Committee, House Public Health Committee, Senate Business and Commerce Committee and Senate Health and Human Services Committee on Feb 1. The report is statutorily required and contains programmatic license and complaint data. The report was emailed to advisory board members earlier in March. It is also available on the [TDLR webpage](#) under Agency Reports.

RPM staff is assisting the Office of Strategic Communications with webpage redesign and content layout.

Staff has assisted Licensing with making updates to online renewal applications.

Staff has assisted Field Inspections with Basic Midwife Education Course site visits.

RPM began a time-tracking data project to provide data driven analytics for programs as part of implementation of TDLR's Sunset Review.

RPM staff will be working with a team to update the continuing education review process for programs which use an audit system.

#### **Outreach**

Mary Hoffman will be attending the Association of Texas Midwives Annual Conference in San Marcos on May 4-6.

Staff has produced 20 issues of the TDLR Health Monitor! The latest issue was distributed late February and can be found on program webpages. Links to previous editions can be found under Agency newsletters on the main [TDLR page](#).

# FIELD INSPECTIONS DIVISION

Staff Report for the Midwives Advisory Board

March 29, 2023

## Statistics

Schools	Midwifery Education Courses	
	FY 2022	FY 2023
Sept	0	0
Oct	0	0
Nov	0	0
<b>Q1</b>	<b>0</b>	<b>0</b>
Dec	0	0
Jan	0	1
Feb	0	0
<b>Q2</b>	<b>0</b>	<b>0</b>
Mar	0	0
Apr	0	0
May	0	0
<b>Q3</b>	<b>0</b>	<b>0</b>
Jun	0	0
Jul	0	0
Aug	1	0
<b>Q4</b>	<b>0</b>	<b>0</b>
<b>Year To Date/Year End</b>	<b>1</b>	<b>1</b>

## Current Projects

To implement Legislative and Sunset Commission direction, Midwifery inspections are now conducted using eInspections. This electronic inspection system will improve our data validity and increase our ability to monitor and analyze compliance history.