

Licensing Division

Staff Report for the Midwives Advisory Board

August 24, 2021

Statistics

	TOTAL FY2020	1ST Quarter FY2021	2ND Quarter FY2021	3RD Quarter FY2021
New Licenses Issued	32	8	7	9
Renewed Licenses Issued	122	1	67	67
Online Renewals	122	1	66	63
% Renewed Online	100%	100%	99%	94%
Total Population	322	333	244	308

Licensing Workgroup:

The Midwives Licensing Workgroup meet on December 14, 2020, to update licensing standards and other clean up.

Emergency License Extension Update:

For the emergency extension we are making sure our licensees aware of the following:

- Under this emergency authorization, if license expired between August 1, 2020 and September 18, 2021, you will still be able to work for up to 120 days after your expiration date while your renewal is being processed. If TDLR makes a final determination that your renewal application is denied, you will no longer be able to work under the emergency license.
- Due to COVID-19, TDLR is facing an unprecedented challenge with processing paper renewals and applications. **We strongly encourage everyone who can renew online to take advantage of this option.** TDLR's online renewal portal accepts all major credit cards, including MasterCard and Visa branded gift cards.

- We are working as quickly as possible to process all payments that are included with your application. Please be advised that stopping payment through your financial institution will delay and/or stop your application from processing.

We are referring customers to the website for their extension information and to check for any updates.

Customer Service Division

Staff Report for the Midwives Advisory Board

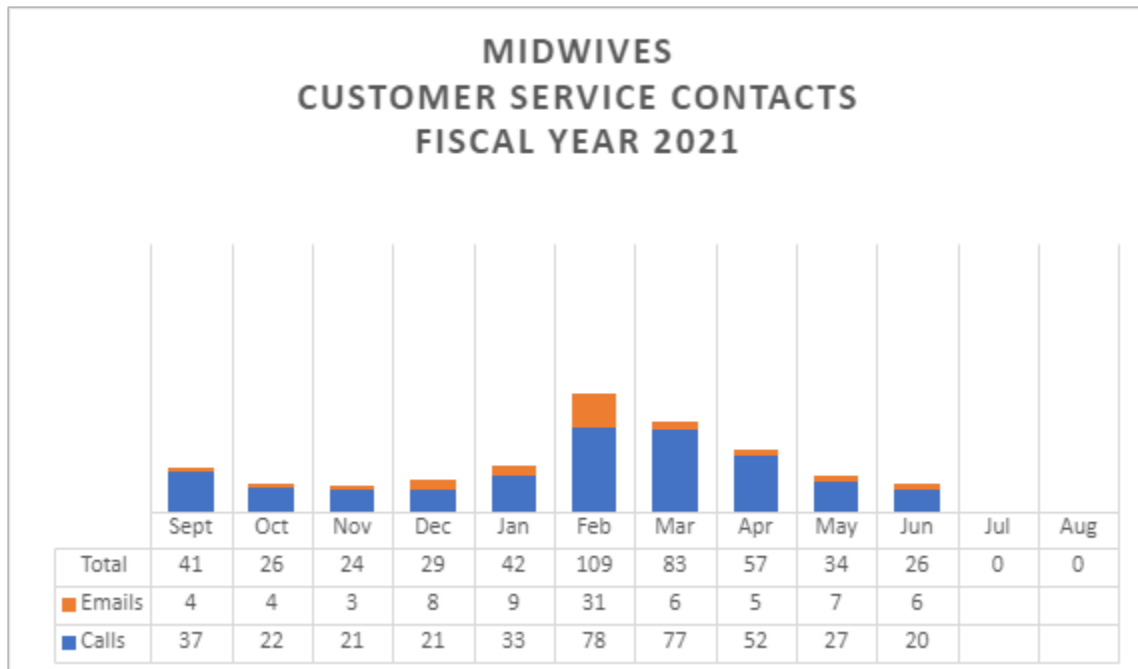
August 24, 2021

Personnel Updates

After 20 years of state service, 15 of those at TDLR, our Director of Customer Service Trey Seals has moved on to pursue other endeavors and we wish him the best of luck in his pursuits. The impact that he has had on the division and the agency cannot be overstated and we will miss him.

The new Director of Customer service is Tuan Nguyen. Tuan has been with TDLR for almost seven years, previously Tuan was one of the Managers in the Customer Service Division. Tuan has a very strong analytical background, and we are very excited to see where he will take the Division in the future.

Statistics



Enforcement Division

Staff Report for the Midwives Advisory Board

August 24, 2021

Personnel Updates:

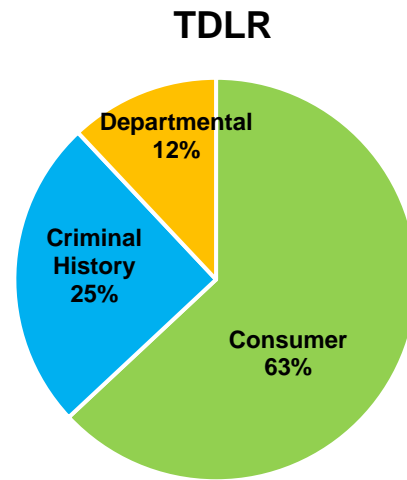
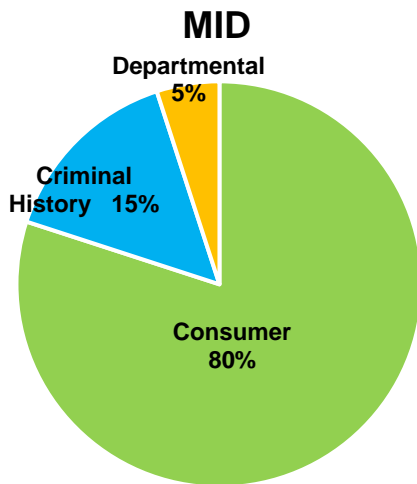
- Three attorneys, Sara McKinney, Rachel Seshan, and Hunter McKinley were hired as Attorney II positions to fill the vacancies created by promotions in the Enforcement Division. These three attorneys will be working our inspections cases and our unlicensed air conditioning and electrical cases. Their hiring's were effective April 15, 2021.
- On August 1, 2021, Cynthia Marple was hired as an Attorney III. She joins TDLR from the Department of Public Safety's office of Regulatory Counsel Division where she prosecuted compliance and enforcement cases. Cynthia is a member of the Transportation Team, which focuses on cases related to Tow, Vehicle Storage Facilities, Driver's Education and Motor Fuels.

Statistics Fiscal Year 2021:

Shown below are the Enforcement Performance Measures and key statistics for the Midwives (MID) program and for all TDLR programs combined through June of **Fiscal Year 2021**:

Key Statistic	MID	TDLR
Cases opened	20	8,146
Cases closed	12	7,734
Average time to close (days)	229.50	204.79
% of cases resolved within 6 months	33.33%	60.58%
% of cases resulting in disciplinary action	25.00%	14.61%
Cases pending at end of June 2021	21	6,260

Source of cases opened through June of Fiscal Year 2021



Case Outcomes	MID	TDLR
Commission Orders	1	33
Default Orders	1	417
Agreed Orders	1	649
Penalties Assessed	\$16,500.00	\$2,376,591.00
Penalties Collected	\$3,000.00	\$1,028,246.00
Licenses Revoked (Disciplinary)	1	86
Licenses Suspended	0	7
Licenses Denied/Revoked (Criminal History)	0	210
Cease & Desist Orders	0	19
Informally Resolved	9	6,508

MID Alleged Violations at Opening through June of Fiscal Year 2021

Alleged Violation:	Count
No, incomplete or wrong protocols	9
Lack of personal or professional character	4
Failed to provide information to client	3
Failed to follow instructions in an emergency	2
Criminal History	2
Unlicensed	1
No, incomplete or wrong records	1
Failed to maintain prescription standing order	1
Failed to comply with an order	1

MID Violations Resulting in Disciplinary Action through June of Fiscal Year 2021

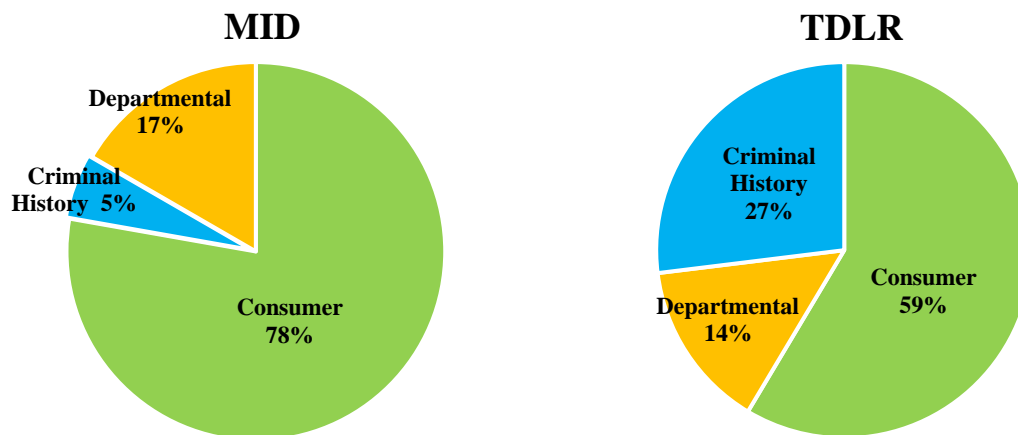
Violation:	Count
Transfer violation	1
No, incomplete or wrong protocols	1
Expired license	1

Statistics Fiscal Year 2020:

Shown below are the Enforcement Performance Measures and key statistics for the Midwives (MID) program and for all TDLR programs combined for **Fiscal Year 2020**:

Key Statistic	MID	TDLR
Cases opened	18	10,465
Cases closed	13	9,763
Average time to close (days)	240.23	157.58
% of cases resolved within 6 months	53.85%	68.64%
% of cases resulting in disciplinary action	23.08%	13.48%
Cases pending at end of FY2020	13	5,850

Source of cases opened for Fiscal Year 2020



Case Outcomes	MID	TDLR
Commission Orders	0	28
Default Orders	0	339
Agreed Orders	3	853
Penalties Assessed	\$4,375.00	\$2,360,451.00
Penalties Collected	\$4,375.00	\$1,296,792.16
Licenses Revoked (Disciplinary)	0	62
Licenses Suspended	0	3
Licenses Denied/Revoked (Criminal History)	0	240
Cease & Desist Orders	1	46
Informally Resolved	10	8,364

MID Alleged Violations at Opening for Fiscal Year 2020

Alleged Violation:	Count
Lack of personal or professional character	9
Failed to assess	4
Unlicensed	3
Lacks honesty, trustworthiness and integrity	2
Failed to submit records/investigation	2
No, incomplete or wrong protocols	2
Criminal History	1
Failed to provide information to client	1
Unsafe or unclean environment	1

MID Violations Resulting in Disciplinary Action for Fiscal Year 2020

Violation:	Count
No, incomplete or wrong protocols	2
Referral violation	1
Transfer violation	1
Unlicensed	1

Case Highlights

MID20190002364, Linda Turner:

On December 22, 2020, the Commission issued a final order revoking Respondent Linda Turner's Midwife license and imposing a \$10,000 fine. The Commission found that Respondent had used a mechanical device to advance labor and failed to issue an emergency transfer when required by the mother's Group B strep infection and Intrahepatic Cholestasis of Pregnancy, ("ICP"). The baby died shortly after birth as a result of a massive Strep B infection.

MID20200007368, Leah Hernandez:

On September 1, 2020, Executive Director Brian Francis signed a Default Order imposing a \$3,500 penalty on Respondent for practicing midwifery when her license was expired.

MID20200003814, Hannah Davis

On August 28, 2020, the Executive Director signed an Agreed Order imposing a \$3,000 fine on Respondent for failing to recommend referral and transfer when there was a condition that could adversely affect the mother or fetus. Respondent failed to order a test for Intrahepatic Cholestasis of Pregnancy when the pregnant client had symptoms of this condition and failed to perform standard tests when the mother later complained of decreased fetal movement. The baby was stillborn. Respondent paid the penalty in full.

MID20180002983, Patricia Ghaly

On January 16, 2020, the Executive Director signed an Agreed Order imposing a \$1,500 fine for failing to keep accurate and legible records of midwifery care. Respondent has paid the penalty in full.

MID20190001413, Elizabeth Overton.

On March 24, 2020, the Executive Director signed an Agreed Order imposing a \$1,000 fine on the Respondent for failing to keep accurate and legible records of midwifery care. Respondent has paid the penalty in full.



Education and Examination Division

Staff Report for the Midwives Advisory Board

August 24, 2021

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 June 30, 2021)

FY 2021	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
Completed	7	4	3	14	7	17	36	60	13	5	5	23	3			3	100
FY 2020	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
Completed	2	0	3	5	3	17	36	56	15	3	4	22	1	4	3	8	91

Midwife School Curriculum

(As of June 30, 2021)

FY 2021	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	0			0	0
Total Curriculum Count	3	3	3	3	3	3	3	3	3	3	3	3	3			3	3
FY 2020	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	0	0	0	0	0
Total Curriculum Count	4	4	4	4	4	4	4	4	3	3	3	0	3	3	3	3	3

Regulatory Program Management Staff Report for the Midwives Advisory Board August 24, 2021

Personnel Updates

The Medical and Health Professions Section has two new staff members. Angela Sanders and Shawn O'Neal joined our section on February 1, 2021. Angela has worked for TDLR since 2017 and Shawn has been with TDLR since 2005. We are happy to welcome them to our team and look forward to working with them.

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 February. It is also available on the TDLR webpage under Agency Reports.

Staff have been working on rule review projects for six of the Medical and Health Profession programs. Program rule reviews occur every four years.

Staff have been working on bill implementation teams to implement statutory changes from the 87th Regular Legislative Session.

Staff have been assisting TDLR's Office of General Counsel with emergency draft rules related to emergency waivers granted by the Office of the Governor.

Staff have been involved in the development of the new Texas Licensing System.

MHP staff, Stewart Myrick and Steve Uecker, continue to work with the Texas Division of Emergency Management's State Operations Center as TDLR liaisons and health professions subject matter experts in support of the state's COVID-19 pandemic response. These duties are being performed remotely.

Outreach

TDLR staff held the fourth Midwives Educational Summit virtually on November 6, which was attended by over 130 people (the largest attendance yet).

RPM staff will be attending the Association of Texas Midwives Conference in San Antonio November 5-6.

TDLR will host the fifth Midwives Educational Summit virtually on December 10, 2021.

FIELD INSPECTIONS DIVISION

Staff Report for the Midwives Advisory Board

August 24, 2021

Personnel Updates

Since the Midwives Advisory Board last met, the following personnel changes have occurred:

We welcomed our new Lead Facilitator Colleen Cloudy on February 3, 2020.

Tanya Gauthreaux, who was the long serving director of Field Inspections, retired effective October 30, 2020. Tanya began her career with TDLR 36 years ago as a part-time employee while attending the University of Texas here in Austin. Since then, Tanya has moved up the ranks within the agency. Congratulations on your retirement, Tanya!

Inspector Ramon Rodriguez accepted the Inspector V position for the East Region, effective November 1, 2020. Congratulations, Ramon!

Congratulations to Eric Beverly, who accepted the position as the new Director of the Field Inspections division. Eric comes from TDLR's Office of Strategic Communication where he served as Senior Government Relations Officer. Eric joined the Field Inspections division on February 1, 2021.

Effective February 1, 2021, Angela Sanders and Shawn O'Neal moved to the Regulatory Program Management (RPM) Health Professions team. Angela is the lead for the Style and Wellness Team; Shawn is the Senior Program Specialist for the Style and Wellness Team. Congratulations to you both!

Field Inspections has posted two positions: 1) a Liaison; and 2) a Field Inspector in the East Region. Both positions are open until filled.

Statistics

Schools	Midwives Schools	
	FY 2020	FY 2021 (YTD)
Sept	1	0
Oct	0	0
Nov	0	0
Q1	1	0
Dec	0	0
Jan	0	0
Feb	0	0
Q2	0	0
Mar	0	0
Apr	0	0
May	0	0
Q3	0	0
Jun	0	0
Jul	0	0
Aug	0	0
Q4	0	0
YTD/Year End	1	0

Current Projects

COVID-19 Response:

- On March 17, 2020, TDLR suspended all inspections in response to the COVID-19 pandemic.
- On May 19, 2020, TDLR returned to limited inspections.
- On April 6, 2021, all counties were removed from the COVID-19 suspended county list and are open for inspection activity.