

**BEFORE THE REVIEW COMMITTEE
OF THE AMERICAN MIDWIFERY CERTIFICATION BOARD**

In the Disciplinary Matter of:

Sheryl R. Puderbaugh, CNM

Decision

The State of Iowa Board of Nursing took action against Sheryl R. Puderbaugh, CNM in 2019. Ms. Puderbaugh was licensed to practice and was recognized as a Registered Nurse and Certified Nurse Midwife with prescriptive authority in the State of Iowa. The Iowa Board of Nursing issued a Notice of Hearing and Statement of Charges on May 8, 2019; the factual circumstances were amended and the charged counts amended on October 9, 2019. The allegations were based on the complaint of a patient under Ms. Puderbaugh's care in 2018. The Iowa State Board of Nursing submitted information to the AMCB on 12-9-2021.

The Iowa Board of Nursing's initial specifications of unprofessional conduct were cited on May 8, 2019 as:

1. Count I: Respondent charged with willful or repeated departure from or failure to conform to the minimum standards of acceptable and prevailing practice of nursing in the State of Iowa.
2. Count II: Respondent charged with committing an act or omission which may adversely affect the physical or psychosocial welfare of the patient or client.
3. Factual Circumstances that were cited:
 - a. Respondent founded a women and children's health center in May 1999, and has served as a CNM and the Director since its inception.
 - b. Respondent was the attending midwife on March 15, 2018, in the care of a 29-year-old laboring client.
 - c. While caring for the patient, Respondent failed to assess and document fetal heart tones every 15-30 minutes.
 - d. Respondent pressured the patient to rupture her membranes and relocate delivery primarily because of Respondent's extraneous personal issues that were unrelated to the patient's health.
4. The Count and Factual Circumstances were amended on October 9, 2019, with a disciplinary contested case hearing held on October 10, 2019, to include:
 - a. Count I: Respondent charged with committing an act or omission which may adversely affect the physical or psychosocial welfare of the patient/client.
 - b. Factual Circumstances:
 - i. Respondent founded a women and children's health center in May 1999, and has served as a CNM and the Director since its inception.

- ii. Respondent was the attending midwifery on March 15, 2018, in the care of a 29-year-old laboring client.
- iii. While caring for the patient, Respondent discussed extraneous personal issues that were unrelated to the patient's health.

5. Settlement with the Iowa Board of Nursing included the following:

- a. Respondent's license to practice nursing in the State of Iowa was placed on probation. Ms. Puderbaugh was to immediately return any license renewal cards so that they could be stamped with 'probation' to indicate the license is conditional. Only those months in which the Respondent maintained a minimum of 48 hours of nursing employment were acceptable toward completion of this requirement. The Respondent was to fulfill the obligation prior to 24 months from the issuance of the Order. Any future licenses that may have been issued by the Iowa Board of Nursing during the term of the sanction were also subject to the conditions.
- b. Respondent to contact the case manager within 10 days of receiving the probation notice, and each month thereafter until probation requirements have been completed.
- c. Within 30 days of being placed on probation, Respondent to meet in person with her case manager at the Iowa Board of Nursing office, and upon the case manager's request.
- d. Respondent to provide out-of-office patient services within 60 driving miles from the Respondent's home.
- e. Respondent to complete a two-day, in-person PBI course, *Elevating Civility and Communication in Health Care*. Upon completion of the course and the Board receiving proof, Respondent's probation will immediately terminated and the license returned to its appropriate status.
- f. Respondent to provide a copy of the Order to all future nursing employers.
- g. Respondent to immediately provide a Copy of this Order to her national certifying organization and any other national certifying bodies to which she belongs.
- h. Respondent to submit to a medical, mental health, and/or substance abuse evaluation when deemed appropriate by the case manager – within 30 days of written notification and completed by a Board-approved evaluator.
- i. Respondent to sign all necessary release forms required to obtain information related to case monitoring and/or compliance with Order provisions.
- j. Respondent to assume responsibility for all expenses incurred in order to comply with the Order.
- k. Respondent to lose her multi-state RN privilege to practice under the Nurse Licensure Compact until Respondent's license is unencumbered.

- I. Respondent had full knowledge of the allegations and expressly waived the right to a disciplinary hearing and voluntarily entered into the Order with the Board to resolve the matter. The Respondent did not admit the allegations and entered into the Order for the sole purpose of resolving the matter.

The American Midwifery Certification Board (AMCB) was notified by the Iowa Board of Nursing that an action had been taken against Ms. Puderbaugh's license in 2019. In accordance with AMCB procedures, Dr. Linda Hunter, President, reviewed the documents from the Iowa Board of Nursing. In a certified letter dated August 2, 2022, the AMCB notified Ms. Puderbaugh that a Discipline Review Committee had been appointed. The formation of this committee was in response to the Iowa Board of Nursing complaint and the Consent Order which required the Respondent to notify AMCB that action had been taken against her license. When notified by the Iowa Board of Nursing of action against Ms. Puderbaugh, AMCB President Hunter reviewed available documents which suggested a possible violation of the AMCB's Discipline Policy:

A.7 Limitation or sanction by federal, state or private licensing board, administrative agency, association or health care organization related to public health or safety or midwifery practice.

A.9 Engaging in conduct which is inconsistent with professional standards, including but not limited to (i) any practice that creates unnecessary danger to a patient's life, health or safety; and (ii) any practice that is contrary to the ethical conduct appropriate to the profession that results in termination or suspension from practice. Actual injury to a patient or the public need not be shown under this provision.

The AMCB notice requested that the Respondent submit a written answer to these charges within 30 days of receipt of the letter, along with a copy of her CV. AMCB received an undated letter of response to the notice of disciplinary proceeding from Ms. Puderbaugh on October 18, 2022. Ms. Puderbaugh's letter of response detailed her account of events in a 6-page letter and reiterated her denial of the validity of the charges. She stated that she elected to settle the charges from the Iowa Board of Nursing on the advice of legal counsel (unable to prove her account of events). On November 21, 2022, the AMCB Discipline Committee met and requested additional information. Specifically, on November 28, 2022, the Discipline Committee requested:

1. Respondent's most current CV
2. Practice Guidelines which were in effect in 2018.
3. De-identified medical records for the patient who was the focus of the Iowa Board of Nursing Case No. 18-180.

Ms. Puderbaugh did not provide a copy of her current CV though her letter (received October 18, 2022) provided a very brief summary of her professional involvement and further stated that she was "no longer practicing." She confirmed she "no longer had an active practice" but that she "desired to at least continue to have the ability to do that (provide care)." The Respondent stated that she had not endangered the health or well-being of the patient involved in the complaint. She also acknowledged that she had never notified AMCB of the Iowa Board of Nursing Order, as required. Ms. Puderbaugh offered no explanation for failure to notify AMCB other than to state "...I was so involved with this entire process..." and "...I simply did not recall this requirement."

AMCB did not receive the requested documents, nor was there further correspondence from the Respondent.

The AMCB Discipline Committee met again on March 6, 2023, for additional discussion and determination of violation of the AMCB Discipline Policy.

Findings

The Review Committee finds the following facts:

1. AMCB (previously known as ACC) was formed in 1991 by the American College of Nurse-Midwives as an independent entity to carry on the existing program of ACNM for certifying the competency of individuals as entry-level nurse-midwives.
2. AMCB has assumed responsibility for discipline of ACNM/ACC/AMCB certificants through the Disciplinary Policy, the most recent version of which AMCB adopted in November 2018.
3. Respondent Sheryl R. Puderbaugh was initially certified by AMCB (formerly ACC) on 6/25/1999 and is currently certified through 12/31/2025 (certification #9497).
4. It is unclear when the initial complaint was received by the Iowa Board of Nursing though they were the notifying body to AMCB.
5. The Iowa Board of Nursing, following review of the complaint, amended charges against Ms. Puderbaugh with Iowa Board of Nursing Standards and brought a Disciplinary Proceeding against the Respondent that was approved on October 9, 2019. The specification in the Order was as follows:
 - The Respondent (Sheryl R. Puderbaugh), in 2018, provided care for a patient where she was charged with committing an act or omission which may adversely affect the physical or psychosocial welfare of the patient or client. The complainant to the Iowa Board of Nursing was a 29-year-old laboring patient who claimed the Respondent discussed extraneous personal issues that were unrelated to the patient's health.
 - The settlement agreement and final order with the Iowa Board of Nursing required probation status with a minimum of 48 hours of nursing employment each month to be completed within 24 months of the issuance of the Order.
 - Engage with an Iowa Board of Nursing case manager until probation requirements are completed.
 - Provide out-of-office patient service within 60 driving miles from Respondent's home.
 - Complete a 2-day, in-person course, *Elevating Civility and Communication in Health Care* (PBI Inc. offering).
 - Provide a copy of the Iowa Board of Nursing Order to all future nursing employers, as well as immediately notifying the AMCB.

The Respondent did not contest the amended Consent Order and signed the document on September 22, 2019.

Discussion

In this matter, we were called upon to decide whether and what discipline is warranted against the CNM, Cheryl R. Puderbaugh, regarding the patient complaint and the Iowa Board of Nursing Final Order.

Regarding the patient's complaint, there was insufficient evidence to confirm violation of A9 of AMCB's Discipline Policy. Little evidence was provided by the Iowa Board of Nursing regarding violation of professional standards. The Respondent's response to the Discipline Committee, as well as information from the Iowa Board of Nursing, did not document any practice that created unnecessary danger to the patient's life, health, or safety, nor did it document any practice that was contrary to ethical conduct. There was no actual injury to the patient or the public.

There is evidence, by the Respondent's own admission, that she was responsible for not notifying AMCB as required in the Iowa Board of Nursing Final Order. Thus, the Review Committee determined that A7 of the AMCB Discipline Policy was violated. Specifically, the Respondent was sanctioned by the Iowa Board of Nursing and failed to notify AMCB, as specified in the Order.

In summary, it was the Discipline Committee's unanimous decision that the Respondent violated A7 of AMCB's Discipline Policy (2018). Specifically, there was clear evidence of failure to report the Order to the AMCB. The Respondent concurred with this allegation.

Therefore, the Disciplinary Review Committee recommends AMCB reprimand and impose a penalty of \$300 to the certificant, Sheryl R. Puderbaugh, for her failure to notify AMCB.

REVIEW COMMITTEE

Marie Hastings-Tolsma, PhD, CNM, FACNM, Chair
Laura Dellos, CNM, MS, FACNM
L. Amy Giles, CNM, DNP

Effective date: 4-21-23