

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

In the Disciplinary Matter of:

Kathy M. Deol, CNM

Respondent

**DECISION**

On November 15, 2007, the American Midwifery Certification Board (AMCB) was notified of an October 2007 Consent Agreement between Respondent and the Iowa Board of Nursing in which restrictions were placed on Respondent's Registered Nurse license. The fact of restrictions placed upon Respondent's license represented possible violations by Respondent of AMCB's Discipline Policy. Action on Respondent's Registered Nurse license was based upon findings that she had been practicing as a midwife without licensure or certification, exceeding the scope of her basic nursing licensure. In accordance with AMCB procedures, the matter was reviewed by a Disciplinary Review Committee comprised of three individuals with no prior involvement with the matter. After review it was determined that as the Respondent was not a Certified Nurse-Midwife (CNM) at the time of the violation of Iowa statute, the Committee concluded that no grounds for discipline existed. Committee did recognize that Respondent had practiced illegally as a Direct Entry Midwife prior to certification and believed that if evidence of future practice violations was brought to AMCB's attention, action upon her CNM certificate should be considered.

On 11/8/2008, AMCB received notification from an Iowa CNM that Respondent had been involved in a birth that resulted in the death of an infant. Concern regarding standard of care was expressed. Further, AMCB was notified that on 7/1/2010 sanction was placed upon Respondent's license as a nurse-midwife by the Board of Nursing of the State of Iowa. Respondent was cited for "committing an act or omission which may adversely affect the physical or psychological welfare of a patient, and deviation from the standards of learning, education or skill ordinarily possessed and applied by other nurses in the state of Iowa acting in the same or similar circumstances."

Allegations against the Respondent included:

- 1) "failed to provide adequate care to a client when she failed to assure timely notification of emergency response when appropriate."
- 2) "failed to provide adequate care, including antenatal testing, to clients who had reached or surpassed 42 weeks gestation"
- 3) "failed to provide adequate care when she failed to refer a client who had reached or surpassed 42 weeks gestation to a health care provider who could provide an in hospital delivery."

The Respondent accepted a settlement agreement suspending her license for 6 months

followed by a 24-month period of probation. During the period of probation, the Respondent was required to complete a course in advanced fetal monitoring, notify AMCB of action upon her license, identify a practice monitor and pay a fee. Monthly reports to an assigned case manager were required.

On August 17, 2010, Respondent notified AMCB of the actions of the Iowa Board of Nursing. Accordingly, by a letter dated August 1, 2012, AMCB notified Respondent that it had initiated a disciplinary proceeding to determine whether good cause existed for imposing discipline under the following provisions of the Disciplinary Policy:

A.7: Limitation or sanction by a federal, state or private licensing board, administrative agency, association or health care organization relating to public health or safety, or midwifery practice and/or;

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.

AMCB requested that Respondent submit a written response to the charge within thirty days of receipt of the letter-notice. On 9/6/2012, AMCB received a response from Respondent's attorney indicating that Respondent was 18 months into her probationary period and was in compliance with all aspects of the requirements of the Iowa Board of Nursing.

A Review Committee that was formed that included three individuals with no prior involvement with the matter and two members who had considered the previous complaint.

The Review Committee has now considered the charges against Respondent and the above-described matters of record. On the basis of the factual findings and reasons set forth below, the Committee unanimously concludes that grounds for discipline against Respondent exist under sections A.7. and A.9 of the 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 (ACNM) 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 assumed responsibility for discipline of ACNM/AMCB certificants through the Discipline Policy, the most recent version of which AMCB adopted in December 2003.

3. Respondent was certified by AMCB on 7/27/2007.
4. The Iowa Board of Nursing cited Respondent for acts or omissions that violated the standard of care for a nurse-midwife
5. Respondent's license to practice as nursing in the state of Iowa was suspended for 6 months commencing on 7/21/2010, followed by a 24 month period of probation. During the period of probation, Respondent was required to have her practice monitored by another practitioner and provide monthly reports to the Board of Nursing. Respondent was further required to attend an advanced fetal monitoring conference and to pay a fine.
6. Respondent has shown documentation of compliance with the substantive requirements mandated by the Iowa Board of Nursing.

### **DISCUSSION**

In this matter we are called upon to decide whether and what discipline is warranted against a CNM whose license to practice nursing has been placed on probation for failure to practice within the standard of care required of a CNM.

The Committee is persuaded that there is evidence that Respondent's practice was inconsistent with professional standards, reflecting practice that created unnecessary danger to a patient's life, health or safety. Respondent's practice resulted in sanction by a state licensing board.

Respondent has shown documentation of compliance with all requirements mandated by the Iowa Board of Nursing.

### **SANCTIONS FOR VIOLATIONS**

The Review Committee agrees with the sanctions imposed by the Iowa Board of Nursing and recommends that Respondent receive a letter of reprimand.

Respondent is also required to:

1. Identify a CNM in good standing and submit CNM's CVs to AMCB Executive Committee for Discipline for approval within 90 days of receipt of this Decision.

2. An approved CNM will review Respondent's practice guidelines and policies regarding transfer of care and will submit a letter attesting to the adequacy of those guidelines and policies to AMCB President, Cara Krulewitch.
3. Respondent will participate in peer review for 36 months by an approved CNM. The peer review tool must be submitted along with CNM's CV for approval to AMCB President within 90 days of receipt of this Decision. During the 36 month process, quarterly reports must be submitted to AMCB President.
4. Both the review of practice guidelines and policies as well as the peer review may be performed by the same CNM.
5. Respondent will pay a fine of \$500 within 90 days receipt of this Decision.

Effective: 4-8-13

#### REVIEW COMMITTEE

Carol Howe, CNM, DNSc, FACNM, Chair  
Lynette Ament, CNM, PhD, FACNM  
Michele Megregian, CNM, MSN

Cara Krulewitch, CNM, PhD, FACNM  
AMCB President, Board of Directors