

BEFORE THE ARKANSAS STATE BOARD OF HEALTH

ARKANSAS DEPARTMENT OF HEALTH,

PETITIONER,

VS.

LINDSEY FOSTER,

RESPONDENT.

ORDER AND NOTICE OF HEARING

The Arkansas State Board of Health has authority to license and regulate the practice of lay midwifery in the State of Arkansas pursuant to Ark. Code Ann. § 17-85-107. The Board may suspend or revoke any licenses issued under this chapter for violations of this chapter or regulations promulgated under this chapter. The Arkansas State Board of Health has promulgated rules regarding the practice of lay midwifery in the State.

Allegations of Fact

1. On September 14, 2010, Respondent was notified that her Lay Midwifery License expired on September 1, 2010. A meeting was held on November 9, 2010 at Respondent's request to discuss deficiencies involving incomplete audit responses and an unresolved complaint by a client that resulted in Respondent's suspension.
2. Respondent failed to follow the American Diabetes Association Clinical Practice recommendation for gestational diabetes mellitus testing of her clients.
3. Respondent failed to obtain the required Group B Streptococcus screening at 35-37 weeks estimated gestational age for clients.
4. Respondent failed to consult a physician with obstetric privileges as required for a client with prolonged labor.

5. Respondent failed to document baseline fetal heart rate for first hour of observation for client.
6. Respondent failed to provide a report of spontaneous rupture of membranes conflicting with information provided by the client reporting that Respondent ruptured the membranes to start labor because she was two weeks overdue.
7. Respondent failed to document fetal station, position, presentation, maternal heart rate and urinalysis on the initial labor assessment for client.
8. Respondent failed to assess fetal heart rate, contraction duration, interval and intensity, maternal blood pressure and temperature according to the frequency requirements for client.
9. Respondent failed to follow the treatment CDC guidelines for unknown Group B Streptococcus status in labor with prolonged ruptured membranes for client.
10. Respondent failed to document physician co-management assessment and plan for consultation required at 17 hours from 4 centimeters for client.
11. Respondent failed to perform the required postpartum follow-up visit at 12-24 hours for client.
12. Respondent failed to provide the receiving hospital with a copy of client's records.
13. Respondent denies that she attempted to start an intravenous therapy for the client in the home and failed after several attempts as reported by the client.
14. Respondent failed to document in the client record the receipt of a physician's orders and delivery of antibiotics to administer intravenous therapy during labor.

Allegations of Law Violated

1. Regulations Governing the Practice of Lay Midwifery in Arkansas (1992), provide at 302.04 that:

The Department may refuse to issue, may suspend or may revoke a permit for violation of State law or these Regulations.

2. The Respondent violated Regulations 402.02.10, 402.02.16, 403.01.1, 403.01.3, 403.02.1.a, 404.01.5, 406.02.2, 407.02.1.b, 600, and 700 as described above.

3. Further, ACA 17-85-107 provides as follows:

(a) The State Board of Health is empowered to license lay midwives in this state pursuant to regulations established by the board to include, but not limited to:

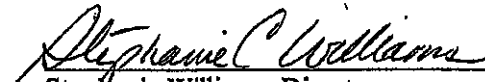
Standards of practice for prenatal, intrapartum, and postpartum care of mother and baby Physician supervision, physician consultation, licensed nurse midwife supervision or consultation, or physician and hospital backup.

(c) The board may suspend or revoke any license issued under this chapter for violations of this chapter or regulations promulgated under this chapter.

ORDER

WHEREFORE, the Arkansas Department of Health and the Arkansas State Board of Health have determined that a hearing should be conducted to determine whether the respondent's dormant license as a lay midwife should be revoked or suspended. According to the Administrative Procedure Act and these Regulations, **NOTICE IS HEREBY GIVEN** that a formal hearing regarding the charges and allegations set out herein will be held on Thursday, September 1, 2011, at 10:00 o'clock, a.m., at the Freeway Medical Building, 5800 West 10th Street, Suite 400, Little Rock, Arkansas. The Respondent may be heard in person or by counsel and may offer such witnesses, affidavits and documentary evidence in defense of the above charges as may be relevant to this matter. Respondent's failure to appear at the hearing will result in immediate revocation of her license.

IT IS SO ORDERED this ____ day of June 2011.

A handwritten signature in cursive script, reading "Stephanie Williams", written in black ink.

Stephanie Williams, Director
Center for Health Advancement