

American Midwifery Certification Board (Corporation) Discipline Policy and Procedures

June 2007



I. Discipline Policy

- A. Grounds for Disciplinary Action. The Corporation may sanction an applicant for certification or recertification or a current certificant in the event of any of the following:
1. Ineligibility for certification or recertification or violation of the Corporation's Bylaws, policies or rules.
 2. Fraud or deceit in an application, reapplication or other communication to the Corporation including but not limited to providing a false or misleading statement, and/or knowingly assisting another to obtain or attempt to obtain the Corporation's certification or recertification by fraud or deception.
 3. Irregularity regarding an exam of the Corporation including but not limited to providing or receiving unauthorized assistance before, during, or after an exam, providing false information to gain admittance to an exam, or impersonating another.
 4. Misrepresentation of certification or violation of the Corporation's personal and/or intellectual property rights including but not limited to unauthorized access, possession of, use of, distribution of, or access to (i) the Corporation's exams, (ii) certificates, (iii) name, trade name or trademarks; and (iv) any of its other personal and/or intellectual property.
 5. Habitual use of alcohol or any other substance of abuse, or any physical or mental condition that impairs competent and objective professional performance.
 6. Gross or repeated negligence or malpractice in professional work.
 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.

8. Conviction of, plea of guilty to, or plea of nolo contendere to a crime directly relating to midwifery practice and/or public health and safety. Individuals convicted of a felony described in this section shall be ineligible to apply for certification or recertification for a period of three (3) years from the exhaustion of appeals, completion of probation or final release from confinement (if any), whichever is later.
 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.
- B. Sanctions. Sanctions for violation of the Disciplinary Policy may include one or more of the following:
1. Denial, suspension or revocation of certification;
 2. Non-renewal of certification;
 3. Reprimand; and/or penalty
 4. Other corrective actions such as, but not limited to: re-taking the certification examination, supervised clinical practice, repeating an ACME (Accreditation Commission for Midwifery Education) accredited education program.
- C. Notice of Possible Violation.
1. Notice of an alleged violation of the grounds of this Discipline Policy should be submitted in writing to the President.
 2. The notice to the President should:
 - a. Identify the person(s) involved.
 - b. Provide a detailed description of the pertinent facts or occurrences.
 - c. Include the name, address and telephone number of the person providing the notice to the Corporation and the person's relationship to the matter.
 3. The President may proceed in a matter with or without a complainant where there is reason to believe that a violation of the Discipline Policy has occurred.
- D. Procedure
1. The President shall develop disciplinary procedures in consultation with the BOD and legal counsel.
 2. These procedures shall be reviewed annually by the BOD.

II. Disciplinary Procedures

- A. Upon receipt of a complaint or notice of a possible violation of this Discipline Policy, the

President:

1. Shall investigate the matter in consultation with legal counsel, the Corporation's staff, and such others as may be appropriate.
 2. May request additional information or documentation from the candidate or certificant, or from third persons.
 3. Shall review the matter to determine whether the facts, if true, could constitute a violation of one or more of the grounds of this Discipline Policy.
 4. Shall close the matter if the facts, even if true, would not constitute a violation of the grounds identified in this Discipline Policy. The complainant, if any, shall be notified of this decision.
- B. Candidates or certificants who are the subject of a possible discipline violation are required to provide any information or documents requested by the President within thirty (30) days of the date of the notice.
- C. If a violation of the Disciplinary Policy is indicated, the President shall appoint a Chairperson of an Ad Hoc Review Committee and refer the matter to the Committee.
- D. The Review Committee shall be composed of the Chairperson and two members appointed by the Chairperson. Members of the Review Committee shall not have had prior involvement with the matter, the complainant, or the individual against whom discipline is being considered.
- E. Upon appointment of the Review Committee, the President shall send to the applicant/certificant a notice of the disciplinary proceeding by registered, certified or other traceable mail or delivery service.
1. If the individual is a certificant, the notice shall include:
 - a. The facts alleging a violation of the grounds for disciplinary action, and a copy of the complaint, if any.
 - b. That the matter has been referred to the Review Committee and a list of the names of the members of the Review Committee.
 - c. That the candidate must respond in writing to the allegations within thirty (30) days of receipt of the notice. The candidate's response must include a statement admitting, or explaining the facts identified in the allegations. Two (2) copies of all materials must be submitted to the office of the Corporation. Electronic, computer or other communications (such as facsimile or e-mail) will not be accepted.
 - d. The Review Committee may proceed to review the allegation if the certificant does not respond.
 2. If the individual is an applicant or candidate for certification, in addition to paragraphs a - c above, the notice shall include:
 - a. That a failure to respond to the allegations on the schedule determined by the

Corporation may result in suspension of any pending application until such time as the disciplinary action is decided, or in such other sanction as the Corporation may deem appropriate.

- b. The Review Committee may withhold decision and imposition of a sanction if any until a response is received from the individual and reviewed by the Review Committee.

F. The Review Committee shall:

1. Have broad power to correspond with any parties involved in the matter and any other individuals or consultants.
2. Decide the matter by majority vote.
3. Render a decision as to whether or not a violation of the Corporation's Discipline Policy has occurred and, if a violation occurred, shall recommend a sanction.
4. Render a written decision and recommended sanction, if any, to the President normally within ninety (90) days from the receipt of the individual's written response. The written decision will include findings of fact and a description of the Committee's decision and recommended sanction.

G. Review By the Board of Directors:

1. Within 30 days of receipt by the President of the decision of the Review Committee, the BOD shall meet by conference call to review the findings and recommendations of the Review Committee, or to impose lesser or greater sanctions.
2. The BOD shall vote to accept or reject the findings and recommended sanctions of the Review Committee.
3. The President shall send the decision of the BOD to the affected individual by registered or certified mail or other traceable delivery service.
4. The decision of the BOD including any sanction shall become effective immediately.

H. Appeal

1. If the decision of the BOD is to deny or limit a candidate's ability to obtain or retain certification by the Corporation, the individual may appeal the decision by submitting two (2) copies of a written appeal consisting of a maximum of 10 typed pages.
2. The BOD shall vote to accept or reject the findings and recommended sanctions of the Review Committee, or to impose lesser or greater sanctions.
3. The individual must also pay the current appeal fee published in the Corporation's current schedule of charges.
4. The appeal must be postmarked within thirty (30) days of the date of receipt of the notice of the BOD's decision.

I. The Appeal/Hearing Committee shall:

1. Be comprised of the members of the Executive Committee of the Corporation and

one additional member of the profession who does not sit on the Board of the Corporation.

2. Be chaired by the President.
3. Render a decision on the appeal normally within 30 days of receipt of the individual's appeal.
4. Send its decision to the individual by registered or certified mail or other traceable delivery service.

J. Publication of Adverse Disciplinary Decisions

1. The Corporation has the right to publish adverse decisions and the reasons for such decisions.
2. Disciplinary decisions that are adverse to the CNM/CM, applicant, or candidate will be communicated to ACNM and to the licensing authorities, and will be provided in response to inquiries into a person's certification status.

K. Reconsideration of revocation of certification or denial of eligibility due to noncompliance with the Corporation's Discipline Policy may occur on the following basis:

1. In the event of a felony or misdemeanor conviction, plea of guilty, or plea of nolo contendere directly related to public health or the provision of midwifery services, no earlier than three years from the exhaustion of appeals, release from confinement, or satisfactory completion of all terms and the entire length of parole or probation, whichever is later.
2. In any other case, no earlier than three years from the final decision of ineligibility or revocation.
3. Reconsideration shall include a review of the underlying matter and any additional evidence the Corporation receives or requests, including evidence of rehabilitation.
4. Reconsideration shall be conducted by a Review Committee as provided under paragraphs II.D and II.E.
5. Reconsideration decisions are final and not subject to internal appeal.
6. The candidate may reapply for reconsideration no more than once every three years.