

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

In the Disciplinary Matter of:

Jennifer Kratzer, CNM

Respondent

DECISION

On 11/18/2021, Respondent contacted the American Midwifery Certification Board (AMCB) by telephone stating she was lapsed and wished to pay her annual maintenance fee but was unable to access a payment link to do so. AMCB Discipline Director, Denise Smith spoke with Respondent and explained submitting payment at that time was not an option because her certification had lapsed. Ms. Smith explained the necessity of retaking the national certification examination and submitting documentation of CEUs to become recertified as a CNM. The respondent further stated she needs to take the exam as soon as possible because she was working. Respondent was advised she cannot work as a CNM because she was no longer certified by AMCB.

Respondent subsequently submitted the required number of CEUs, applied and successfully passed the national certification examination on 12/1/2021 and is currently certified through 12/31/2026.

At the request of Dr. Linda Hunter, President of the AMCB Board of Directors, a Disciplinary Review Committee was constituted. A response from Ms. Kratzer was requested and her response was received on 6/29/2023.

In Ms. Kratzer's response of 6/29/2023 she acknowledges AMCB made numerous attempts to reach her and "I did open these emails and voice mails but thought them errors". The Respondent further requests forgiveness and indicates her actions were not malicious or intentional. The Respondent states she was under a large degree of stress during the COVID health crisis and was dealing with two terminally ill family members and she was the sole earner for her family.

The Disciplinary Review Committee, comprised of three individuals with no prior involvement with the matter or the individual against whom discipline is being considered, was duly convened.

The Disciplinary 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 concluded that good grounds for discipline against Respondent exists under sections A.4 and A.9 of the Disciplinary Policy and the imposition of sanctions is warranted.

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 revised April 2018.
3. Respondent was initially certified by AMCB on October 7, 2009.
4. There is irrefutable evidence that Respondent knew recertification was required and knew the requirements of the Certificate Maintenance Program by completing a portion of the requirements for the certification cycle of 1/1/2016-12/31/2020 and had completed all the CMP requirements for recertification in her previously certification cycle ending 12/31/2015.
5. By her own admission evidenced in her response, Ms. Kratzer does not contest the lapse in certification or her continuous midwifery practice as a CNM during the lapse in certification.
6. There is no evidence that the Respondent reported to the State of Washington that her certification as a nurse-midwife had lapsed.

Discussion

In this matter, we are called upon to decide whether and what discipline is warranted against a CNM who has allowed her certification to lapse but continued to practice and represent herself as a CNM for a period of over 11 months.

The Review Committee is persuaded that the Respondent accepts responsibility for her conduct in the matter of her lapse in certification. Evidence exists proving Respondent was informed that her certification was no longer current and therefore she misrepresented her status as a CNM. While no evidence is available to the Committee that Respondent's patient care is in question, her professional behavior is not consistent with the standard expected of a CNM.

The Review Committee is persuaded that the Respondent's behavior represents a violation of AMCB's Disciplinary Policy. Specifically, the Review Committee concludes that Respondent has engaged in conduct that violates the following Disciplinary Policies of the AMCB: A.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.) and 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.). As a result, the following sanctions are recommended.

SANCTIONS FOR VIOLATIONS

The Review Committee determines that the following sanctions should be imposed for the violations found:

1. Respondent shall receive a letter of Reprimand.
2. Respondent shall pay a \$500 fine.

REVIEW COMMITTEE

Nancy Jo Reedy, CNM, MPH, FACNM, Chair
Melissa Kitzman, CNM, MSN, APRN, WHNP-BC
Lucinda G. Manges, CNM

Effective Date: 11-10-2023