



Illinois Department of Financial and Professional Regulation
Division of Professional Regulation

JB PRITZKER
Governor

DEBORAH HAGAN
Secretary

CECILIA ABUNDIS
Acting Director
Division of Professional Regulation

Department of Financial and Professional Regulation
Division of Professional Regulation
Home Birth Maternity Care Crisis Study Committee Meeting¹

Date: December 19, 2019
Meeting Convened: 1:14 P.M.
Meeting Adjourned: 1:50 P.M.
Location: Chicago: JRTC CBD Room 9-040; Springfield: Stratton CBD 376

Roll Call: Senator Iris Martinez, Chairperson
Representative Anna Moeller, Vice Chairperson
Senator Neil Anderson (Absent)
Barbara Belcore, CPM
Douglas Carlson, MD (Springfield)
Karen Harris, JD
Debra Lowrance, CNM (Springfield)
Maura Quinlan, MD
Nadia N. Sawicki, JD (By WebEx)
Mike Tryon (Absent)
Jeanine Valrie-Logan, CNM (By WebEx)
Carrie Vickery
Rachel Wickersham, RN, CPM
Hunter Wiggins, JD, IDFPR
Cheryl Wolfe, MD (By WebEx)

Staff Present: Richard Schultz, IDFPR
Ciara Wagoner, IDFPR (Springfield)
Amanda Phelps (Springfield)

Guests Present: Andrea Bukiewicz, Stateline Midwives
Katie Davis, Illinois Trial Lawyers Association (“TLA”)
Tim McLean, TLA
Dan Hohl, Illinois State Medical Society (Springfield)
Destiny Lee, Senate Democrats (Springfield)

¹ The minutes for this meeting are only in draft form because this was the last meeting of the Home Birth Maternity Care Crisis Study Committee (“Committee”), so these minutes were never approved by the Committee.

Topic	Discussion	Action
Call to Order	<ul style="list-style-type: none"> • The meeting was called to order and an initial roll call was taken. As there were eight Members of the Home Birth Maternity Care Crisis Committee (the “Committee”) physically present in Chicago and two Members of the Committee physically present in Springfield, there was a quorum of the total fifteen Committee Members. All speakers and attendees then introduced themselves. Ms. Valrie-Logan, Ms. Sawicki and Ms. Wolfe connected via WebEx at off-site locations. Senator Martinez then stated that a quorum of Committee Members was physically present, and Ms. Valrie-Logan, Ms. Sawicki and Ms. Wolfe had previously requested to attend this meeting by telephone conference. Ms. Valrie-Logan and Ms. Wolfe were unable to attend in person due to work commitments, and Ms. Sawicki could not attend because she was ill. A motion was made by Ms. Wickersham and seconded by Ms. Vickery to allow Ms. Valrie-Logan, Ms. Wolfe and Ms. Sawicki to attend the meeting by audio conference. • As there was no further discussion, the matter was called for a vote. • Home Birth Maternity Care Crisis Study Committee votes: Ten votes in favor of the motion (Senator Martinez, Representative Moeller, Ms. Belcore, Mr. Carlson, Ms. Harris, Ms. Lowrance, Dr. Quinlan, Ms. Vickery, Ms. Wickersham, and Mr. Wiggins); no votes against the motion; no votes to abstain; and two Committee Members were absent (Senator Anderson, and Mr. Tryon). 	Ms. Valrie-Logan, Ms. Wolfe and Ms. Sawicki are permitted to participate by telephone conference.
Old Business	<ul style="list-style-type: none"> • The November 21, 2019 minutes, as revised, were reviewed by the Committee. • Mr. Schultz: Noted that he had received requested changes which were incorporated in the red-lined version of the minutes that were distributed to the Committee in Chicago and in Springfield. He also requested that the Committee Members pay close attention to the votes taken by the Committee shown on the Minutes to ensure that they are accurately reflected. • Ms. Lowrance: Noted that page 27 of the draft minutes, where it states that “providers have to submit prenatal records at six-weeks to the delivering facility,” and it should state that “providers have to submit prenatal records at thirty-six-weeks to the delivering facility.” • Ms. Belcore: Noted a misspelling on page 10 of the draft minutes, where it states that a patient “would be taken to the nearest hospital emergency room,” when it should have stated, “would be taken to the nearest hospital emergency room.” • As there were no other changes or comments regarding the draft minutes, Ms. Lowrance moved that the minutes be accepted by the Committee as amended and the motion was seconded by Representative Moeller. • The minutes, as corrected, were then unanimously approved by the Committee. 	Minutes approved as amended.
New Business	<p>1. Comments from the Chair</p> <ul style="list-style-type: none"> • Senator Martinez: Thanked everyone involved with the Committee for their participation over the past six-months. She believed that the Committee meetings have been very educational and enlightening. The meetings have provided a much more open perspective on what she and other members of the legislature have been attempting to accomplish regarding professionals who are attempting to come out into the light. She 	

hoped that the midwives can gain some type of recognition through licensing or some other permitting process in Illinois. She thanked all of the Committee Members who had given so much of their time to this process. She thanked the Trial Lawyers who have participated in the discussion to attempt to reach an agreement regarding a bill in the future. She also thanked the Committee Members who represent midwife organizations for bringing all of the witnesses to testify, because they provided a great deal of information which was very helpful to the Committee. She said that she is overwhelmed with the amount of information that was provided to the Committee and what she has learned about midwives. She was thankful because she worked with this very enlightened and educated Committee, which has taught her and many of the other Committee Members about the issues involving midwives. She also thanked the Committee for respecting everyone's perspective on the issues related to midwives and recognizing that all of the issues related to the safety of the mothers and babies. She also noted that home births are occurring in Illinois and the State must do something to make the process safer. She thanked everyone who has been part of the process for the past six months and wanted to particularly thank Mr. Schultz and the staff of IDFPR who have helped the Committee with the meetings and preparing the report. She admitted that she could not have prepared the report. She believed that when the Report is sent to the Governor's office, it would be given some consideration and maybe there will be a bill that recognizes individuals who are providing a service and protecting the mothers and babies.

- **Representative Moeller:** Thanked Senator Martinez for her leadership in convening the Committee. She knew that the issue has been considered for a long time and thought that it was the right step to ensure that the Committee was able to hear from all of the different stakeholders regarding this issue in a very formal and organized way. The legislators have not had that opportunity to hear from the stakeholders in the past. She appreciated Senator Martinez's foresight to pull the Committee together. She learned so much about this topic. Even though she feels very strongly that the State needs to create a licensure for midwives and knows that there are different opinions on this topic, she has a great deal of respect for the professionals who are on the Committee and the time that they provided in discussing this issue. She hoped that all parties will continue the spirit of collaboration going into the next session as the legislators work on a bill to move forward on the important issue of the licensure of midwives. She stated that it was a pleasure to work with everyone and looks forward to continuing to work with everyone. She stated that this was only the beginning and not the end.
- **Senator Martinez:** Stated that she hopes that they can come with a bill that could be passed and become a law. She said that is her ultimate dream, and that they will continue to work toward that end. Asked Mr. Schultz what the process is after the report has been submitted to the Governor's Office.
- **Mr. Schultz:** Explained that the draft report will be submitted to the Governor's Officer for review within a day after the meeting. Then prior to January 1, 2020, the final report will be sent to the General Assembly

for the Legislator's consideration. The Legislators would then have a month period before next year's Legislative Session begins to review and consider the report.

- **Ms. Wickersham:** Asked if in the meantime, they should be preparing a first draft of legislation.
- **Senator Martinez:** Responded that normally after a report is given to the General Assembly, she believed that a bill, based on the recommendations of the Committee, could be introduced in the Legislature. She knew that an issue that was not resolved was the liability issue and whether the Legislature will be able to reach a consensus on that issue. She recognized that the issue is very contentious issue, and she was not sure if language could currently be drafted regarding that issue based on what the Committee heard from TLA, doctor's organizations and other witnesses. She wanted to ask Mr. Schultz how to proceed with that issue because there was no final decision on the type of liability language which would be part of a bill that the TLA would accept. She stated that she has been part of a task force but has never seen the end when the report is issued.
- **Mr. Schultz:** Stated that he has never worked for the Legislature, so he is uncertain how language for a bill would be drafted from the report.
- **Mr. Wiggins:** Responded that the final report is just a piece of information that is meant to inform any legislative drafting that occurs from any party that offers language. It is simply another piece of the body of information that is available to whoever wants to make that a proposal. There is no automatic step which occurs from the issuance of the report to the drafting of legislation.
- **Senator Martinez:** Stated that there would be more discussions about the language regarding the issues which the Committee could not reach a conclusion during the Legislative Session. She also stated that she will maintain conversations with the Governor's office regarding the issues and proposed language as well, so that she can know where the Governor's Office stands on these issues and to resolve differences so that a final bill will be approved by the Governor. Therefore, there is more work to do regarding the resolution of some of the issues involving the licensure of midwives.
- **Ms. Wickersham:** Asked if there could be smaller group meeting to discuss the issues on which the Committee could not reach a consensus, while the language for a bill covering other issues which the Committee could reach an agreement would be drafted. She explained that her organization drafted a bill the last time that licensure was considered, and Dr. Quinlan submitted changes which they accepted. She suggested that they could begin working on drafting portions of a bill that are not in dispute.
- **Senator Martinez:** Stated that representatives of the TLA should be a party to the discussions because the liability issues continue to be a difficulty to passage of a bill. She wanted everyone to know that the bill is not going to go away, and if anything, it will move forward. She intends to work on the passage of the bill during the Spring Session, and hopefully they can have a much more productive meeting and prepare a bill that could be sent to the General Assembly and be approved by both

Legislative Houses and the Governor's Office. Asked if they would discuss the proposed changes to the Report.

2. Discussion About, and Final Approval of, the Report of the Home Birth Maternity Care Crisis Study Committee

- **Mr. Schultz:** Stated that the initial draft of the report was circulated to the Committee Members with a request that they provide any changes to the report. He stated that he received suggested changes, incorporated those changes as a redlined version of the report that was distributed to the Committee Members, and sent an email which noted the pages that contain changes prior to the meeting. He also stated that copies of the version with the recent changes were available to the public at the meeting in Chicago and Springfield. He also highlighted that the Committee's recommendation (on page 64 of the report) involving home births that were assisted by individuals who were not licensed was changed from the discussion topic amount of "about 50%" to "about 40%," which was changed to conform to the evidence which was submitted by Ms. Pfeiffer. He also requested that the Committee grant IDFPR Staff authorization to correct any non-substantive typographical errors prior to the issuance of the final report and requested the Committee to inform him of any other typographical errors or other changes.
- **Senator Martinez:** Stated that the Committee Members would be given an opportunity to make statements about the draft report, which would include any additional changes or comments about the report. She added that the comments could be about the work that the Committee has done.
- **Ms. Vickery:** Thanked the Committee for taking the time to hear from the various witnesses, including several individuals representing consumers or other professionals. She believed that hearing those voices is important for the Legislature to understand that it is not just midwives who are seeking licensure, but consumers and others who want midwives to be licensed as well.
- **Ms. Belcore:** Stated that on behalf of midwives, she appreciated that the Committee heard from a number of groups and that their voices were heard. She noted that midwives, consumers, doctors, lawyers, and hospitals were able to share their thoughts and opinions. She stated that a state which does not license and regulate midwives creates a situation where mothers who want home births must go underground and use unregulated health care providers. She explained that this creates an unsafe environment for mothers, babies and birthing families. She was glad that the Committee is taking steps to remedy that situation, and that for the most part there is general agreement that licensure of midwives is a step in the right direction.
- **Ms. Wickersham:** Stated that on behalf of all of people who have been working this issue for a very long time including the National Association of Certified Professional Midwives, which has been working on the licensure of Certified Professional Midwives ("CPMs") across the nation for over 40 years, she wanted to thank all of the individuals involved with the Committee. She also thanked Senator Martinez and Representative Moeller, who she described as the champions in supporting the licensure of CPMs. She deeply appreciated the amount of time that they both spent on this issue. She also appreciated the efforts of Dr. Quinlan, which has

spanned several years, to encourage her community of doctors to support the licensure of CPMs. She also appreciated the assistance provided by all others to the Committee.

- **Ms. Harris:** Thanked everyone as well, and noted the work of the leadership of the Committee and Mr. Schultz for their efforts. She appreciated that the Illinois Hospital Association was permitted to participate in these proceedings and be part of these conversations. She also appreciated that the Committee listened to their concerns and looks forward to continuing to work with the legislators and organizations on these issues.
- **Senator Martinez:** Responded that she looks forward to working with the Hospital Association regarding the issues and thanked Ms. Harris for participating with the Committee.
- **Dr. Quinlan:** Also thanked the Staff in assisting the Committee. She believed that the hearings have been helpful compared to other proceedings in the past. She explained that she started working on this matter eleven years ago with a licensure bill, and believe that they have come very far from that point. She noted that at that time physician groups were always opposed to the licensure of CPMs because of safety concerns. She mentioned that the liability issue was the final hurdle the last time that a licensure bill was considered. She is aware that Wisconsin and Minnesota have passed bills licensing CPMs without the support of trial lawyer groups. She said that she was sorry that they have all come together in agreement except for that same sticking point and hopes that there is some way to get around that issue.
- **Senator Martinez:** Asked whether the TLA would like to make a comment about the process.
- **Audience/Tim McLean:** Thanked the Committee for the opportunity to provide information for their consideration and for previous opportunities to provide information.
- **Senator Martinez:** Thanked the TLA for participating in the process over the last six months.
- **Dr. Carlson:** Thanked the Committee for being able to participate in the process and for his organization for nominating him to participate in the process. He believed that the integrity of the process has been good. He explained that he was at a meeting of Children’s Hospital leadership last evening, and that the pediatric medicine organizations will still have significant concerns about any proposed legislation licensing CPMs. He also warned that even though the report is coming out of the Committee, it does not mean that there would be automatic support of the pediatric community within the State for legislation licensing CPMs. There will still need to be debate to convince that group to support such legislation. He stated that he cannot negotiate such legislation on behalf of the pediatric community, which would be negotiated by other individuals within the organization. He believed that there is still significant concern in the medical community about getting the right legislation passed.
- **Ms. Lowrance:** Thanked everyone for this process. She said that is has been a learning opportunity for her. She wanted to remind everyone that midwife means “with women.” She believed that there is a need for increased options for women in Illinois, and those options need to be

	<p>available especially in a health care system that is not serving women well either in Illinois or across the nation. She challenged each and every organization and Committee Member, especially those that oppose any section of a proposed bill, to put themselves, their egos, their organizations, and their politics aside, and work to improving and developing of a more collaborative system to improve care for mothers and babies across the State.</p> <ul style="list-style-type: none"> • Dr. Wolf: Apologized for not being available in person, but wanted to say that this has been a very enlightening opportunity for her. She said that she is proud that she was able to participate in the Committee. She explained that despite the differences of opinions among the members of the Committee, she believes that everyone is committed to maintaining the highest level of safety for patients to optimize the outcomes for patients. She believed that they have to think about the safety of the babies, and that everyone should want the mother and the baby to be as safe as possible. • Ms. Valerie-Logan: Apologized for not being available in person, but she was assisting with a birth so she was unable to attend in person. She wanted to emphasize the importance of the Committee’s work, so that women in Illinois have more options, and so that they can work to prevent birth outcomes that are not good for many of their communities. She stated that she is grateful for being part of the Committee and looks forward to the passage of a bill to license CPMs in Illinois. • Ms. Sawicki: Stated that she has been very honored to be part of the Committee, and thanked everyone for participating with the Committee. She hoped that the legislation licensing CPMs moves forward. She also noted that when the TLA are considering whether to oppose a proposed bill, they consider the perspective of women who want the assistance of CPMs in giving birth, rather than their attorneys’ perspective on whether having vicarious liability exclusion is acceptable to them. • Senator Martinez: Requested if there was any other comments or statements regarding the draft Report. As there was no further discussion, she asked for consideration of a motion by IDFPR whether Staff would be permitted to make any non-substantive grammatical changes to the Committee’s Report before it is finalized and submitted to the General Assembly. • Motion was made by Ms. Wickersham and seconded by Dr. Quinlan. • As there was no further discussion on the motion, the Committee Members were asked to vote on the motion. • Committee Vote: Thirteen Committee Members voted in favor of permitting the IDFPR Staff to make non-substantive grammatical changes to the Committee’s Report before it is finalized and submitted to the General Assembly (Senator Martinez, Senator Anderson, Ms. Belcore, Dr. Carlson, Ms. Harris, Ms. Lowrance, Dr. Quinlan, Ms. Sawicki, Ms. Valrie-Logan, Ms. Vickery, Ms. Wickersham, Mr. Wiggins and Dr. Wolfe); no Committee Members voted against the motion; no Committee Members abstained from voting; and two Committee Members were absent (Senator Anderson and Mr. Tryon). • Senator Martinez: Stated that the next order of business was the Committee’s final vote to approve its final report as amended with 	<p>Motion to permit IDFPR Staff to make non-substantive grammatical changes to the Committee’s Report prior to submission to the General Assembly is approved.</p>
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	<p>corrections that were distributed to the Committee and that the Report will be submitted to the Governor’s Office by the close of business on Friday, December 20, 2019, for final approval.</p> <ul style="list-style-type: none"> • The motion to approve the final report as amended and direct that it will be submitted to the Governor’s Office and once finally approved to the General Assembly was made by Ms. Wickersham and seconded by Ms. Harris. • Senator Martinez: Opened the floor for any additional discussion. • Ms. Wickersham: Asked Ms. Lowrance about her vote at the last meeting about a particular issue, and whether it was representing the Illinois Society for Advanced Practice Nurses (“ISAPN”) or her personal view. • Ms. Lowrance: Responded that she believed all of her votes were representing ISAPN. • Ms. Wickersham: Asked Ms. Lowrance specifically about her vote regarding the discussion topic involving the educational requirements for CPMs. • Ms. Lowrance: Responded that her vote regarding that issue reflected ISAPN’s stance regarding the educational requirements for CPMs. • Ms. Wickersham: Asked whether ISAPN reversed its position regarding the requirements of CPMs’ educational requirements. • Ms. Lowrance: Responded that she was not aware of a reversal of the ISAPN’s stance, but did know that her conversations revolved around the “Bridge” education concept for CPMs who did not receive a didactic education. She said that she was not aware of any change of ISAPN’s position, but she was just asked by ISAPN to vote in the manner that she voted. • As there was no further discussion on the motion, the Committee Members were asked to vote on the motion. • Committee Vote: Twelve Committee Members voted in favor of motion to approve the Final Report of the Committee as permitting the IDFPR Staff to make non-substantive grammatical changes to the Committee’s Report before it is finalized and submitted to the General Assembly (Senator Martinez, Senator Anderson, Ms. Belcore, Dr. Carlson, Ms. Harris, Ms. Lowrance, Dr. Quinlan, Ms. Sawicki, Ms. Valrie-Logan, Ms. Vickery, Ms. Wickersham and Dr. Wolfe); no Committee Members voted against the motion; one Committee Member abstained (Mr. Wiggins); and two Committee Members were absent (Senator Anderson and Mr. Tryon). • Senator Martinez: Noted that the Committee’s Report has been approved and it will be submitted to the Governor’s Office and the General Assembly. Stated that the Committee’s work is completed. She thanked everyone involved with the Committee again and entertained a motion to adjourn the final meeting of the Committee. • The Meeting was adjourned by unanimous consent. 	<p>Final Report, as amended, was approved.</p>
<p>Adjournment</p>	<ul style="list-style-type: none"> • Adjourned 1:50 p.m. 	