

# Report Highlights

## Why DLA Performed This Audit

The audit was performed to determine if there is a continued need for the board and if its termination date should be extended. The board is set to sunset on June 30, 2023, and will have one year from that date to conclude its administrative operations.

## What the Legislative Auditor Recommends

1. DCCED's commissioner should work with policymakers to improve the recruitment and retention of investigators.
2. DCCED's commissioner should work with policymakers to improve the recruitment and retention of licensing staff, and board members should adequately review applications prior to approval.
3. DCBPL's director should work with the board to ensure the online licensing application is sufficient to monitor compliance with continuing education hours and that accurate regulatory references are included in the application.

(continued on following page)

# A Sunset Review of the Department of Commerce, Community, and Economic Development (DCCED), Board of Certified Direct-Entry Midwives (board)

October 14, 2022

Audit Control Number 08-20133-22

## REPORT CONCLUSIONS

Overall, the audit concludes that the board operated in the public's interest by conducting its meetings in an effective manner, by supporting statutory changes when deemed necessary, and by actively amending regulations. The audit also concludes that the board and Division of Corporations, Business and Professional Licensing (DCBPL) staff did not consistently certify midwives in accordance with statutes and regulations. Further, an investigation that concerned a threat to public safety was not addressed by DCBPL investigators in an efficient manner.

In accordance with AS 08.03.010(c)(8), the board is scheduled to terminate on June 30, 2023. We recommend the legislature extend the board's termination date four years, to June 30, 2027, which is half of the eight-year maximum allowed in statute. The reduced extension reflects the need for more timely oversight in recognition of the audit findings and in recognition that the board's draft regulations may significantly change its licensing function.

# Report Highlights (Continued)

4. The Office of the Governor, Boards and Commissions director should work with the board to identify potential applicants to fill board vacancies in a timely manner.

# ALASKA STATE LEGISLATURE

## LEGISLATIVE BUDGET AND AUDIT COMMITTEE

### Division of Legislative Audit



P.O. Box 113300  
Juneau, AK 99811-3300  
(907) 465-3830  
FAX (907) 465-2347  
legaudit@akleg.gov

October 25, 2022

Members of the Legislative Budget  
and Audit Committee:

In accordance with the provisions of Title 24 and Title 44 of the Alaska Statutes (sunset legislation), we have reviewed the activities of the Board of Certified Direct-Entry Midwives and the attached report is submitted for your review.

DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT  
BOARD OF CERTIFIED DIRECT-ENTRY MIDWIVES  
SUNSET REVIEW  
October 14, 2022

Audit Control Number  
08-20133-22

The audit was conducted as required by AS 44.66.050(a). Per AS 08.03.010(c)(8), the board is scheduled to terminate on June 30, 2023. We recommend the legislature extend the board's termination date to June 30, 2027.

The audit was conducted in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. Fieldwork procedures utilized in the course of developing the findings and recommendations presented in this report are discussed in the Objectives, Scope, and Methodology.

A handwritten signature in blue ink, appearing to read "Kris Curtis".

Kris Curtis, CPA, CISA  
Legislative Auditor

## ABBREVIATIONS

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AAC	Alaska Administrative Code
ACN	Audit Control Number
AS	Alaska Statute
CDM	Certified Direct-Entry Midwife
CISA	Certified Information Systems Auditor
COVID-19	Coronavirus Disease 2019
CPA	Certified Public Accountant
DCBPL	Division of Corporations, Business and Professional Licensing
DCCED	Department of Commerce, Community, and Economic Development
DLA	Division of Legislative Audit
FY	Fiscal Year

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# ORGANIZATION AND FUNCTION

## Board of Certified Direct-Entry Midwives

The Board of Certified Direct-Entry Midwives (board) was established under the provisions of AS 08.65.010. The board is composed of five members: two certified direct-entry midwives (CDM), one physician licensed by the State Medical Board,<sup>1</sup> one certified nurse midwife licensed by the Board of Nursing, and one public member.

Board members are approved by the governor to serve staggered four-year terms and may not serve more than two consecutive terms. The public member may not be engaged in the midwifery profession, have association by legal contract with a midwife, or have direct financial interest in the midwifery profession. Board members, as of June 30, 2022, are listed in Exhibit 1.

Alaska Statute 08.65.030(a) authorizes the board to:

- examine and issue certificates and permits to qualified applicants;
- establish regulations for certification and practice requirements;
- order disciplinary sanctions when a person violates midwifery related statutes or regulations;
- approve curricula and adopt standards for basic education, training, and apprentice programs; and
- review and approve education, training, and apprentice programs.

## Exhibit 1

### Board of Certified Direct-Entry Midwives Members as of June 30, 2022

Bethel Belisle, Chair  
*CDM*

Rachel Pugh  
*CDM*

Darcy Lucey  
*Certified Nurse Midwife*

Vacant  
*Physician/OB Practice*

Hanna St. George  
*Public*

Source: Office of the Governor, Boards and Commissions website.

<sup>1</sup> The physician must have an obstetrical practice or have specialized training in obstetrics.

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**The Department  
of Commerce,  
Community,  
and Economic  
Development's Division  
of Corporations,  
Business and  
Professional Licensing**

Further, AS 08.65.030(b) states the board may, by regulation, require CDMs undergo a uniform or random period of peer review to ensure the quality of care.

The Division of Corporations, Business and Professional Licensing (DCBPL) provides administrative and investigative assistance to the board. Administrative assistance includes providing budgetary services, collecting fees, maintaining files, receiving application forms, publishing notices for meetings, and assisting with board regulations. The Department of Commerce, Community, and Economic Development (DCCED) is required by AS 08.01.065 to adopt regulations that establish the amount and manner of payment of application, examination, license, permit, and investigation fees.

Alaska Statute 08.01.087 gives DCCED authority to act on its own initiative or in response to a complaint. DCBPL staff may:

- conduct an investigation to determine whether a person has violated a law;
- issue an order directing a person to stop an act or practice;
- bring an action in Superior Court to enjoin the act;
- examine or have examined the books and records of a person whose business activities require a business license or licensure by a board listed in AS 08.01.010, or whose occupation is listed in AS 08.01.010; and
- issue subpoenas for the attendance of witnesses and the production of records.



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# REPORT CONCLUSIONS

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In developing our conclusions regarding whether the Board of Certified Direct-Entry Midwives' (board) termination date should be extended, its operations were evaluated using the 11 factors set out in AS 44.66.050(c), which are included as Appendix A to this report. Under the State's "sunset" law, these factors are to be considered in assessing whether an entity has demonstrated a public policy need for continuing operations.

Overall, the audit concludes that the board operated in the public's interest by conducting its meetings in an effective manner, by supporting statutory changes when deemed necessary, and by actively working toward amending regulations. The audit also concludes that the board and Division of Corporations, Business and Professional Licensing (DCBPL) staff did not consistently certify midwives in accordance with statutes and regulations. Further, an investigation that concerned a threat to public safety was not addressed by DCBPL investigators in an efficient manner.

In accordance with AS 08.03.010(c)(8), the board is scheduled to terminate on June 30, 2023. We recommend the legislature extend the board's termination date four years, to June 30, 2027, which is half of the eight-year maximum allowed in statute. The reduced extension reflects the need for more timely oversight in recognition of the audit findings and in recognition that the board's draft regulations may significantly change its licensing function.

Detailed report conclusions are as follows.

## **The board operated effectively, except with carrying out its licensing function.**

The board conducted its meetings in an effective manner despite board vacancies during the audit period. From FY 21 through FY 22 the board held at least two meetings each year as required by statute. A review of five board meetings found public notices for two meetings were published less than five days before the meetings; however, emergency regulations allowed for a reduced public notice period during the COVID-19 pandemic. Public comment was

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solicited multiple times each year and licensing, regulations, and investigations were actively discussed.

The audit identified that at least one board position was vacant during the two-year audit period. For 20 months two board positions were vacant and for two months three positions were vacant. The board did not meet quorum in one of the meetings held. (See Recommendation 4)

No statutory changes were made during the audit period; however, the board did support legislation during 2022 that attempted to change board related statutes. Regulations were amended to add emergency courtesy licenses due to the pandemic. The change was intended to be temporary, but was made permanent in March 2021. Further, the board drafted several other regulatory amendments that were in the review stage at the time of the audit, including a change to its licensing process.

The audit determined that the board is the only agency authorized to license midwives in the state and, as such, does not duplicate the efforts of other agencies.

**Midwives were not consistently certified in accordance with statutes and regulations.**

Licensing midwives is referred to as “certifying”. As shown in Exhibit 2, there were 47 midwife certificates and permits as of June 30, 2022, which reflects a decrease of four when compared to the prior 2020 sunset audit.<sup>2</sup> The board issued nine new certificates and permits during the period FY 21 through FY 22.

Auditors reviewed a sample of three new certificates/permits and two renewed certificates issued during the audit period. Of the five certificates and permits reviewed, one application for a new certificate was missing information required by regulation. Further, the files for two certificates did not demonstrate that the applicant met continuing education requirements. (See Recommendation 2)

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<sup>2</sup> *Department of Commerce, Community, and Economic Development, Board of Certified Direct-Entry Midwives, Sunset Audit, June 19, 2020 (Audit Control Number: 08-20123-20).*

One of the errors was due to the online renewal application form, which did not require continuing education hours for pharmacology be separately identified. Auditors also found incorrect references to two other boards' regulations in the continuing education section of the online renewal application form. (See Recommendation 3)

**Exhibit 2**

Board of Certified Direct-Entry Midwives Certificates and Apprentice Permits FY 21 Through FY 22			
Certificate or Permit Type	New Issued (Exclusive of Renewals)		Total as of June 30, 2022
	FY 21	FY 22	
Certified Direct-Entry Midwives	1	4	40
Apprentice Direct-Entry Midwives	2	2	7
Totals	3	6	47

Source: DCBPL's licensing database.

**An investigation that concerned a threat to public safety was not addressed efficiently.**

The audit identified 14 board related cases were open or opened between July 2020 and June 2022, and four of the cases were open for over 180 days. Auditors reviewed the four cases open over 180 days and one additional case. Of the five cases tested, one was identified as having unjustified periods of inactivity greater than 60 days. This particular case was also identified during the prior sunset audit as having significant periods of inactivity. As of June 30, 2022, the case had been open for 2,004 days. During the audit period, the case was reassigned to an investigator, but no work was performed from March 31, 2021, to June 9, 2022 (435 days), even though the investigation concerned a threat to public safety. (See Recommendation 1)

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**DCBPL management, in consultation with the board, adjusted fees to cover the costs of regulating the profession.**

The board primarily receives its revenue from certification, permit, and renewal fees. Renewals are conducted on a biennial basis, creating a two-year cycle in board revenues. As shown in Exhibit 4, as of March 2022 the board had a surplus of approximately \$68,000. In response to the growing surplus, apprentice fees were reduced from \$1,275 to \$875 in July 2020. At that time, the board decided not to reduce midwife fees because the number of midwives was expected to decline, which would reduce future revenues. Exhibit 3 presents a schedule of board fees from FY 21 through FY 22.

**Exhibit 3**

**Board of Certified Direct-Entry Midwives  
Certificate and Permit Fees  
FY 21 Through FY 22**

Nonrefundable Midwife Application Fee	\$ 500
Midwife Initial Certification and Renewal Fee	3,800
Nonrefundable Apprentice Application Fee	250
Apprentice Permit and Renewal Fee	875
Nonrefundable Emergency Courtesy Application Fee	50
Emergency Courtesy Certificate Fee	950

Source: DCBPL management.

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**Exhibit 4**

**Board of Certified Direct-Entry Midwives  
Schedule of Revenues and Expenditures  
FY 21 Through March 31, 2022  
(Unaudited)**

	<b>FY 21</b>	<b>July 1, 2021 - March 31, 2022</b>
Revenues: Certification Fees	\$142,945	\$17,045
Direct Expenditures:		
Personal Services	12,504	11,493
Contractual	10,183	839
Total Direct Expenditures	<u>22,687</u>	<u>12,332</u>
Indirect Expenditures	<u>5,555</u>	<u>4,166</u>
Total Expenditures	<u>28,242</u>	<u>16,498</u>
Annual Surplus (Deficit)	114,703	547
Beginning Cumulative Surplus (Deficit)	<u>(47,374)</u>	<u>67,329</u>
Ending Cumulative Surplus (Deficit)	\$67,329	\$67,876

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Source: DCPBL management.

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# FINDINGS AND RECOMMENDATIONS

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The prior 2020 sunset audit made three recommendations:

- The Board of Certified Direct-Entry Midwives (board) should recommend statutory changes that benefit the public.
- The Division of Corporations, Business and Professional Licensing’s (DCBPL) chief investigator should ensure investigations are completed timely.
- The board should improve oversight of the peer review process.

The prior audit recommendation to ensure investigations are completed timely has not been resolved. One of the cases identified in the prior audit was not addressed timely during the current audit period and remained open as of June 30, 2022. The prior recommendation is reiterated below as part of Recommendation 1.

Prior recommendations for the board to recommend statutory changes that benefit the public and improve the peer review oversight process have been resolved. The board supported legislation during 2022 to align statutes with national standards and change board composition. Further, the board approved amendments to peer review regulations and forwarded the regulations to the Department of Law for review.

In addition to reiterating the recommendation to improve the efficiency of investigations, this audit makes three new recommendations.

## **Recommendation 1:**

**DCCED’s commissioner should work with policymakers to improve the recruitment and retention of investigators.**

One of five cases reviewed by auditors had unjustified periods of inactivity greater than 60 days. As of June 30, 2022, the case in question had been ongoing for approximately five and a half years. The same case was identified by the prior sunset audit as having periods of inactivity. It was also found that the midwife respondent potentially posed a risk to public safety. After the prior audit, the case was reassigned to a different investigator, but no work was performed from March 31, 2021, to June 9, 2022 (435

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days). According to DCBPL's chief investigator, the division's limited investigative resources were used for other, higher priority cases. The DCBPL director stated that the investigative unit had an untenable workload due to a high number of cases and a high number of vacant positions. Efforts to hire were not successful.

Per AS 08.01.050(a)(19), DCBPL is responsible for investigating licensing activity. Investigations and complaints that sit idle for extended periods increase the risk to public safety.

We recommend the Department of Commerce, Community, and Economic Development's (DCCED) commissioner work with policymakers to improve the recruitment and retention of investigators. As the recruitment and retention problem is pervasive across State government, the problem should be addressed at a statewide policy level.

## **Recommendation 2:**

**DCCED's commissioner should work with policymakers to improve the recruitment and retention of licensing staff, and board members should adequately review applications prior to approval.**

Auditors reviewed a sample of three new and two renewed certificates or permits issued during the audit period. Of the five certificates and permits reviewed, one certificate's Affidavit of Clinical Experience was incomplete. Further, documentation related to two certificates did not demonstrate the applicants complied with continuing education requirements. According to DCBPL management, vacancies in licensing and supervisor positions and insufficient board member review resulted in issuing certificates without ensuring applicants met statutory and regulatory requirements.

According to AS 08.01.050(a)(3), (9), and (14), DCBPL is responsible for overseeing the licensing activity for the board. Issuing certificates without ensuring applicants comply with the midwifery laws increases the risk to public safety.

We recommend DCCED's commissioner work with policymakers to improve the recruitment and retention of licensing staff. As the recruitment and retention problem is pervasive across State government, the problem should be addressed at a statewide policy



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level. Additionally, board members should adequately review application support prior to authorizing certificates or permits.

**Recommendation 3:**  
**DCBPL’s director should work with the board to ensure the online licensing application is sufficient to monitor compliance with continuing education hours and that accurate regulatory references are included in the application.**

Auditors identified that the online renewal application did not require applicants separately report continuing education hours for pharmacology versus other education. Auditors also found the online renewal application included incorrect references to other boards’ regulations.

The deficiencies were due to simple human errors, which were not identified and corrected, in part, due to DCBPL staff shortages and competing priorities. Board member review of the online renewal form was insufficient to identify the deficiencies. Failure to separately report the types of education impairs the board’s ability to monitor compliance with continuing education requirements, which increases the risk to public safety. Incorrect references to regulations contained in the online renewal application form may cause confusion, which impedes licensing functions.

Per AS 08.65.030(a)(1), the board shall issue certificates to those applicants it finds qualified. In accordance with 12 AAC 14.420(a)(1), an applicant for renewal of a certificate as a direct-entry midwife shall certify having completed 20 contact hours of continuing education approved by the board during the concluding license period. At least four hours of the required continuing education contact hours must be in pharmacology and no more than two hours of pharmacology continuing education may be in alternative medicine.

We recommend DCBPL’s director work with the board to ensure the online renewal licensing application is sufficient to monitor compliance with continuing education hours and that accurate regulatory references are included in the application.

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**Recommendation 4:**

**The Office of the Governor, Boards and Commissions director should work with the board to identify potential applicants to fill board vacancies in a timely manner.**

The audit identified extended board vacancies during the audit period. For 20 months the board had two positions vacant and for two months three positions were vacant. Due to turnover, the Boards and Commissions acting director was unable to explain why the positions remained vacant for an extended period.

Per AS 08.65.010, the board is statutorily required to consist of five members appointed by the governor. Two of the five board members must be certified in the state as direct-entry midwives. One member must be a physician licensed by the State Medical Board who has an obstetrical practice or specialized training in obstetrics. One member must be a certified nurse midwife licensed by the Board of Nursing. One member must be a public member. Vacant positions may limit the board from conducting business with the appropriate professional input and perspective. Vacancies may also result in the board's inability to efficiently conduct board business.

The Office of the Governor, Boards and Commissions section is responsible for actively recruiting, interviewing, and vetting board applicants. The board is in the unique position to help identify potential applicants.

We recommend the Office of the Governor, Boards and Commissions director work with the board to identify potential applicants to fill board vacancies in a timely manner.

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# OBJECTIVES, SCOPE, AND METHODOLOGY

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In accordance with Title 24 and Title 44 of the Alaska Statutes, we have reviewed the activities of the Board of Certified Direct-Entry Midwives (board) to determine if there is a demonstrated public need for its continued existence.

As required by AS 44.66.050(a), this report shall be considered by the committee of reference during the legislative oversight process in determining whether the board should be reestablished. Currently, under AS 08.03.010(c)(8), the board will terminate on June 30, 2023, and will have one year from that date to conclude its administrative operations.

## Objectives

The three central, interrelated objectives of the audit are to:

1. Determine if the termination date of the board should be extended;
2. Determine if the board is operating in the public's interest; and,
3. Determine the status of recommendations made in the prior sunset audit.

## Scope

The assessment of board performance was based on criteria set out in AS 44.66.050(c). Criteria set out in the statute relates to the determination of a demonstrated public need for the board. The board's activities were reviewed from July 1, 2020, through June 30, 2022. Financial information is presented, unaudited, from FY 21 through March 31, 2022.

## Methodology

During the course of our audit we reviewed and evaluated the following:

- The prior sunset audit report (ACN 08-20123-20) to identify issues affecting the board and to identify prior sunset audit recommendations.

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- Applicable statutes and regulations to identify board functions and responsibilities, determine whether statutory or regulatory changes enhanced or impeded board activities, and help ascertain if the board operated in the public's interest.
  - Board meeting minutes and annual reports to gain an understanding of board proceedings and activities, the nature and extent of public input, whether a quorum was maintained, and whether board vacancies impeded operations.
  - The State's Online Public Notices system to verify meetings were adequately public noticed.
  - Expenditures, revenues, and fee levels for the board to determine whether fee levels covered the costs of operations.
  - Various websites to identify complaints against the board or other board related concerns.
  - Board investigation data to assess the efficiency of the investigative process.

Internal controls over the licensing and investigative processes were assessed to determine if controls were properly designed and implemented. Additionally, interviews with State agency staff and the board chair were conducted to identify and evaluate board activities. Specific areas of inquiry included: board operations, regulations, duplication of efforts, fee levels, board and staff vacancies, and complaints against the board.

The audit utilized the following samples:

- Cases open for over 180 days from July 2020 through June 2022: four cases were identified as open for over 180 days. The audit reviewed all four cases, plus one additional case judgmentally selected based on the nature of the case. The five cases were reviewed for unjustified periods of inactivity. The results were not projected to the population.

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- Certificates or permits issued from July 2020 through June 2022: there were 47 total certificates and permits as of June 30, 2022. We tested 10 percent of the universe (three new and two renewal certificates or permits). Test results were not projected to the population.

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# APPENDIX SUMMARY

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**Appendix A** provides the sunset criteria used in developing the conclusion regarding whether the Board of Certified Direct-Entry Midwives' termination date should be extended.

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## APPENDIX A

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### **Analysis of Public Need Criteria AS 44.66.050(c)**

A determination as to whether a board or commission has demonstrated a public need for its continued existence must take into consideration the following factors:

1. the extent to which the board or commission has operated in the public interest;
2. the extent to which the operation of the board or commission has been impeded or enhanced by existing statutes, procedures, and practices that it has adopted, and any other matter, including budgetary, resource, and personnel matters;
3. the extent to which the board or commission has recommended statutory changes that are generally of benefit to the public interest;
4. the extent to which the board or commission has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service that it has provided;
5. the extent to which the board or commission has encouraged public participation in the making of its regulations and decisions;
6. the efficiency with which public inquiries or complaints regarding the activities of the board or commission filed with it, with the department to which a board or commission is administratively assigned, or with the office of victims' rights or the office of the ombudsman have been processed and resolved;
7. the extent to which a board or commission that regulates entry into an occupation or profession has presented qualified applicants to serve the public;

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## APPENDIX A (Continued)

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8. the extent to which state personnel practices, including affirmative action requirements, have been complied with by the board or commission to its own activities and the area of activity or interest;
9. the extent to which statutory, regulatory, budgetary, or other changes are necessary to enable the board or commission to better serve the interests of the public and to comply with the factors enumerated in this subsection;
10. the extent to which the board or commission has effectively attained its objectives and purposes and the efficiency with which the board or commission has operated; and
11. the extent to which the board or commission duplicates the activities of another governmental agency or the private sector.

# Agency Response from the Department of Commerce, Community, and Economic Development



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

## Department of Commerce, Community, and Economic Development

OFFICE OF THE COMMISSIONER  
Anchorage Office

550 West Seventh Avenue, Suite 1535  
Anchorage, Alaska 99501  
Main: 907.269.8100

November 21, 2022

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NOV 23 2022

LEGISLATIVE AUDIT

Kris Curtis  
Legislative Auditor  
Division of Legislative Audit  
PO Box 113300  
Juneau, AK 99811

Dear Ms. Curtis:

Thank you for the October 14, 2022, *Confidential Preliminary Report* regarding the Board of Certified Direct-Entry Midwives (board) Sunset Review. I concur with all conclusions of the report and have the following comments regarding the auditor's recommendations:

**Recommendation #1: DCCED's commissioner should work with the governor's office and policymakers to improve the recruitment and retention of investigators.**

The department concurs that recruitment and retention challenges exist throughout state government and will continue to engage with the Office of the Governor, Department of Administration, and other stakeholders to identify holistic solutions.

**Recommendation #2: DCCED's commissioner should work with the governor's office and policy makers to improve the recruitment and retention of licensing staff, and board members should adequately review applications prior to approval.**

The department is pursuing restructure of the professional licensing section to open promotional pathways and encourage retention within the division. This new job class progression will empower staff to remain with the division in increasingly complex roles, if desired. The division will continue to support the board in meeting its regulatory responsibilities.

**Recommendation #3: DCCED's director should work with the board to ensure the online licensing application is sufficient to monitor compliance with continuing education hours and accurate regulatory references are included in the application.**

The division will ensure the prior system of application review is in place when vacant positions are filled.

**Recommendation #4: The Office of the Governor, Boards and Commissions director should work with the board to identify potential applicants to fill board vacancies in a timely manner.**

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The department will continue to support the governor's office in filling vacant board seats, as appropriate.

Again, thank you for the opportunity for the department to provide input on this matter. Should you have any questions about the contents of this letter, please do not hesitate to contact me at 907-465-2500.

Sincerely,



Julie Sande  
Commissioner

CC: Sara Chambers, Division Director

# Agency Response from the Office of the Governor

STATE CAPITOL  
P.O. Box 110001  
Juneau, AK 99811-0001  
907-465-3500



550 West Seventh Avenue, Suite 1700  
Anchorage, AK 99501  
907-269-7450

Governor Mike Dunleavy  
STATE OF ALASKA

December 1, 2022

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DEC 02 2022

Ms. Kris Curtis, CPA, CISA  
Legislative Auditor  
Alaska Legislative Budget and Audit Committee  
Division of Legislative Audit  
P.O. Box 113300  
Juneau, AK 99811-3300

LEGISLATIVE AUDIT

Dear Ms. Curtis:

I have reviewed the October 14, 2022, Department of Commerce, Community, and Economic Development Board of Certified Direct-Entry Midwives Sunset Review. I agree that the Office of the Governor and the Boards and Commissions director should work with the board to identify potential applicants to fill vacancies in a timely manner. I understand that vacancies may limit the board from efficiently conducting business (Recommendation 4).

If you have any questions or need additional information, please contact my Boards and Commissions Deputy Director, Alan Marasigan, at 907-269-0035.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike Dunleavy".

Mike Dunleavy  
Governor

cc: The Honorable Julie Sande, Commissioner, Department of Commerce Community and Economic Development  
Tyson Gallagher, Chief of Staff, Alaska Office of the Governor  
Sara Chambers, Director, Division of Corporations, Business and Professional Licensing  
Alan Marasigan, Deputy Director of Boards and Commissions, Alaska Office of the Governor

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# Agency Response from the Board of Certified Direct-Entry Midwives

FROM THE DESK OF

**Bethel Belisle CDM, CPM**

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NOV 14 2022

LEGISLATIVE AUDIT

November 13, 2022

Alaska State Legislature  
Legislative Budget and Audit Committee  
P.O. Box 11330  
Juneau, AK 99811-330

Dear Audit Committee, Kris Curtis,

It has been my privilege to serve as Chair of the State of Alaska Board of Certified Direct Entry Midwives. The current board has worked so very hard to meet the findings of the 2020 Audit. We have changed Peer Review and submitted Statutory changes to protect public safety. We have had meetings in a timely manner and have been fiscally responsible. We have current regulatory changes passed by the board and those changes are currently in Legal for its final review. We are excited for the future of midwifery in Alaska and for the benefits midwifery care extends to the women and babies of this great State.

Thank you for your diligent work on our 2022 audit. Let me address the current recommendations.

Recommendation #1: Our board has had 5 cases with extended periods of inactivity. This is unacceptable. But the board has its hands tied in hiring and retaining investigators as this is not our job. We agree that the State DCCED should work hard to improve the recruitment and retention of investigators. The board will continue to work with the investigators we do have and towards a more streamlined process of closure to any open cases.

Recommendation #2: "DCBPL is responsible for overseeing licensing activity for the board." There have been vacancies in licensing and supervisor positions and there has been miscommunication with the board on how applications are submitted for approval. The board is now actively involved in vetting all applicants rather than depending on the licensing examiner. The Board has really stepped up in the past month to insure all applicants meet the minimum standard of the State of Alaska. We will continue to hold this position of greater oversight while the Commission seeks to recruit and fill vacancies.

BETHEL BELISLE CDM, CPM 12901 VON SCHEBEN DR., ANCHORAGE, AK 99516 907-444-3027

Recommendation #3: Due to “staff shortages and competing priorities” the Board did not adequately monitor compliance with online renewal applications. The board does not monitor renewal applications and compliance investigations have rested on the licensing examiner. Because of the nature of this concern, current regulatory changes will make this concern a moot point. The Board is moving to the National Standard of the Certified Professional Midwife, and by obtaining and maintaining that designation, the North American Registry of Midwives will be vetting each applicant every 3 years. Therefore, current midwives in Alaska will just need to submit the certification of current CPM to obtain a renewal license.

Recommendation #4: While our board has been without a physician we have, all but once, met quorum. The board does reach out to potential applicants but the Office of the Governor, Boards and Commission is ultimately responsible to fill vacancies. The board will continue to solicit board members but agree that the Director need to fill the board vacancies in a timely manner.

All 4 of the current recommendations listed in the audit are issues that the board has little ability to solve. We do not hire or retain employees for the government. We do not have the ability to force timelines of investigations or force applications to be submitted for board positions. What the board CAN do, we are. The board is finally operating in the black and have voted to not reduce midwifery licensure fees to safeguard against a potential reduction in licensed midwives in the next licensing cycle. We have discussed as a board how to truly look into a license application and are actively holding license applications to deeper scrutiny, while pursuing regulatory changes that would reduce the burden on the State licensing examiner. We are active in regulatory changes that promote public safety and access to midwifery care throughout the State of Alaska.

We are grateful that the Audit committee has recommended a termination date of 4 years but would respectfully ask that the termination date be extended to the full 8 years as allowed for in statute. It appears to me that the Board of Certified Direct Entry Midwives have met all the recommendations from the 2020 audit. We have been fiscally responsible. We have worked hard to make regulatory changes to better the health and safety of women in our care. We have met the Governors challenge from March 2022 to move to National Standards within our profession by moving forward with regulatory changes. The weight of these audit recommendations does not fall upon the Board but upon the governmental agencies, which is out of our control. I would humbly ask for the auditors to reconsider a 4 year extension to the full 8 years allowed by law.

Sincerely yours,



Bethel Belisle CDM, CPM

Chair, Board of Certified Direct Entry Midwives