TEXAS DEPARTMENT OF STATE HEALTH SERVICES

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DAVID L. LAKEY, M.D.
COMMISSIONER

June 28, 2013

Re: Texas Department of State Health Services (DSHS) Advisory Committee/Council/Board Appointments

Dear Stakeholder:

The Commissioner of DSHS requests your assistance in identifying applicants for membership on the Texas Midwifery Board. The purpose and tasks of this board are stated in the rules enclosed with this letter. Additional information about this board may be found at <http://www.dshs.state.tx.us/midwife/>. It is anticipated that the board will meet twice during the next twelve months.

The positions requiring appointment are for two members to serve the remainder of a term of six years. To qualify, one applicant must be an obstetrician or gynecologist who will serve a partial term through January 31, 2015, and one applicant must be a licensed midwife who will serve a partial term through January 31, 2017. The terms of these positions begin upon appointment. A list of the current membership is also enclosed.

We are currently authorized to reimburse members of the Texas Midwifery Board for allowable expenses while on board business.

All people who wish to be considered as a nominee must complete the enclosed Application for Appointment. All applications will remain on file for twelve (12) months. Completed applications, including two letters of recommendation, should be mailed to the following address by September 1, 2013:

DSHS Midwifery Program, Mail Code 1982
P.O. Box 149347
Austin, Texas 78714-9347
Telephone: 512-834-4523
Fax: 512-834-6677

Please note that the application requires the submission of two signed and dated letters of recommendation. ***Applications without two signed and dated letters of recommendation will be deemed incomplete and will not be forwarded for consideration.*** Résumés, curriculum vitae, and additional supporting documentation not specifically requested in this letter **will not be considered**.

In selecting members to serve on a board, the Commissioner of DSHS considers the individual's qualifications for the position, background, and interest in serving on the board. The Commissioner of DSHS also attempts to achieve diversity by consideration of ethnicity, gender, and geographic location (when applicable) in order for boards to represent the diversity of all Texas citizens.

Sincerely,

Yvonne Feinleib
Midwifery Program Director

cc: Consumer Affairs Unit

Excerpt from Texas Midwifery Act
Excerpt from Program Rules
List of Current Board Members

Texas Midwifery Act – Texas Occupations Code Chapter 203 Subchapter B Midwifery Board

Sec. 203.051. MIDWIFERY BOARD. The commissioner shall appoint a midwifery board that reports directly to the commissioner.

Sec. 203.052. APPOINTMENT OF MIDWIFERY BOARD. (a) The midwifery board consists of nine members appointed as follows:

(1) five licensed midwife members each of whom has at least three years' experience in the practice of midwifery;

(2) one physician member who is certified by a national professional organization of physicians that certifies obstetricians and gynecologists;

(3) one physician member who is certified by a national professional organization of physicians that certifies family practitioners or pediatricians; and

(4) two members who represent the public and who are not practicing or trained in a health care profession, one of whom is a parent with at least one child born with the assistance of a midwife.

(b) Appointments to the midwifery board shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointee.

Sec. 203.053. ELIGIBILITY OF PUBLIC MEMBERS. A person is not eligible for appointment as a public member of the midwifery board if the person or the person's spouse:

(1) is registered, certified, or licensed by an occupational regulatory agency in the field of midwifery;

(2) is employed by or participates in the management of a business entity or other organization regulated by the midwifery board or receiving funds from the midwifery board;

(3) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization regulated by or receiving funds from the midwifery board; or

(4) uses or receives a substantial amount of tangible goods, services, or funds from the midwifery board, other than compensation or reimbursement authorized by law for midwifery board membership, attendance, or expenses.

Sec. 203.054. MEMBERSHIP AND EMPLOYEE RESTRICTIONS. (a) In this section, "Texas trade association" means a cooperative and voluntarily joined statewide association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

(b) A person may not be a midwifery board member, an employee of the midwifery board, or a department employee employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.) if:

(1) the person is an officer, employee, or paid consultant of a Texas trade association in the field of health care; or

(2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of health care.

(c) A person may not be a midwifery board member or act as the general counsel to the midwifery board or the department if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of the midwifery board.

Sec. 203.055. TERMS. Members of the midwifery board serve for staggered terms of six years. The terms of three members expire on January 31 of each odd-numbered year.

Sec. 203.056. OFFICERS. The commissioner shall designate a public member of the midwifery board as the presiding officer of the midwifery board to serve in that capacity at the pleasure of the commissioner. The midwifery board shall elect one of the other members of the midwifery board as vice presiding officer.

Sec. 203.057. GROUNDS FOR REMOVAL. (a) It is a ground for removal from the midwifery board that a member:

(1) does not have at the time of taking office the qualifications required by Section 203.052;

(2) does not maintain during service on the midwifery board the qualifications required by Section 203.052;

(3) is ineligible for membership under Section 203.053 or 203.054;

(4) cannot, because of illness or disability, discharge the member's duties for a substantial part of the member's term; or

(5) is absent from more than half of the regularly scheduled midwifery board meetings that the member is eligible to attend during a calendar year without an excuse approved by a majority vote of the midwifery board.

(b) The validity of an action of the midwifery board is not affected by the fact that it is taken when a ground for removal of a midwifery board member exists.

(c) If the program coordinator has knowledge that a potential ground for removal exists, the program coordinator shall notify the presiding officer of the midwifery board of the potential ground. The presiding officer shall then notify the commissioner that a potential ground for removal exists. If the potential ground for removal involves the presiding officer, the program coordinator shall notify the next highest ranking member of the midwifery board, who shall then notify the commissioner that a potential ground for removal exists.

Sec. 203.058. REIMBURSEMENT. A midwifery board member may receive reimbursement for travel expenses as provided by the General Appropriations Act.

Sec. 203.059. MEETINGS. (a) The midwifery board shall meet at least semiannually.

(b) The midwifery board shall meet at other times at the call of the midwifery board or the commissioner.

Sec. 203.060. TRAINING. (a) A person who is appointed to and qualifies for office as a member of the midwifery board may not vote, deliberate, or be counted as a member in attendance at a meeting of the midwifery board until the person completes a training program that complies with this section.

(b) The training program must provide the person with information regarding:

(1) this chapter and the programs, functions, rules, and budget of the midwifery board;

(2) the results of the most recent formal audit of the midwifery board;

(3) the requirements of laws relating to open meetings, public information, administrative procedure, and conflicts of interest; and

(4) any applicable ethics policies adopted by the midwifery board or the Texas Ethics Commission.

(c) A person appointed to the midwifery board is entitled to reimbursement, as provided by the General Appropriations Act, for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

Program Rules - 22 Texas Administrative Code §831.3 Midwifery Board

(a) Membership. Members are appointed by the Commissioner in accordance with the composition specified by the Act. A record of attendance shall be kept at each meeting. If a member misses two consecutive meetings, written notice shall be given to the member. A third consecutive unexcused absence from a regularly scheduled meeting shall be grounds for membership termination by the board.
(b) Officers. Midwifery Board officers shall consist of a chair from one of the public interest members and vice-chair from any of the other members. The chair is designated by the Commissioner. The vice-chair is selected by the Midwifery Board as the term of appointment expires or a vacancy otherwise created. The chair shall serve at the pleasure of the Commissioner. The vice-chair shall serve a two-year term and shall be eligible for re-election for one additional term. The chair shall be the presiding officer of the Midwifery Board. The vice-chair shall assume the authority and duties of the chair in his/her absence.
(c) Terms of office. The members of the Midwifery Board serve for staggered terms of six consecutive years, with the terms of three members expiring on January 31st of each odd numbered year.
(d) Meetings.
(1) Frequency. The Midwifery Board shall meet at least semi-annually and at other times when called by the Midwifery Board or the Commissioner. Notice of the time, date, place and purpose of regular meeting shall be provided to the members by mail; by e-mail; or by telephone, at least seven days in advance of each meeting.
(2) Quorum. A majority of the Midwifery Board's members constitutes a quorum for the transaction of business at any meeting. A majority is defined as more than one-half of the membership. The Midwifery Board may act only by majority vote of its members present and voting. Each member shall be entitled to one vote. Proxy votes shall not be allowed.
(3) Subcommittees. The subcommittees of the Midwifery Board shall be appointed only from the membership by the chair with such powers and responsibilities as shall be delegated to them by the chair.
(4) The Midwifery Board chair may convene ad hoc working groups consisting of board members, licensed midwives, consumers, and other stakeholders, as necessary.
(5) Parliamentary procedure. Parliamentary procedures for all Midwifery Board or subcommittee meetings shall be conducted in accordance with the latest edition of Robert's Rules of Order. In case of a tie vote, the chair's vote will be the tie breaker.
(6) Minutes. Minutes of all Midwifery Board meetings shall be prepared and transmitted to the members for their review prior to subsequent meetings.
(7) Public participation. All requests from the public to participate in Midwifery Board meetings shall be submitted to the chair. He or she may approve participation and may limit, as necessary, the time for each participant to address the Midwifery Board. Written comments are encouraged, and may be submitted to the Midwifery Board for its consideration.
(8) Travel Reimbursement. Each Midwifery Board member is entitled to receive regular per diem and travel allowances as authorized for state employees in accordance with the rate established in the current general appropriations act.
(9) Texas Open Meetings Act. All meetings of the Midwifery Board shall be announced and conducted in accordance with the Texas Open Meetings Act, Government Code, Chapter 551.

Current Members of the Texas Midwifery Board

Charleta Guillory, M.D.
Pediatrician/Family Physician
Jan. 2007 to Jan. 2019

Helen Nelson
Midwife
Jan. 20011 to Jan. 2017

Meredith Rentz- Cook, Chair
Public Member
Jan. 2009 to Jan. 2015

Janet Dirmeyer
Midwife
Jan. 2005 (9/05) to Jan. 2017

Laurie Fremgen
Midwife
Jan. 2007 to Jan. 2019

Thalia Hufton, CPM
Midwife
Jan. 2003(2/03) to Jan. 2015

Vacant
Midwife
Jan. 20011 to Jan. 2017

James Schue
Consumer/Public Member
Jan. 2013 (2/13) to Jan. 2019

Vacant.
Obstetrician/Gynecologist
Jan. 2009 to Jan. 2015