

WA State Health Professions Disciplinary Data Review Summary

Prepared for Washington Association of Responsible Midwifery (WARM) by ilumina consulting

Background¹:

Currently, in Washington State (WA), Licensed Midwives (LM) are regulated directly by the WA Department of Health (WADOH); though there is a Midwifery Advisory Committee, it does not have a role in the complaint and disciplinary process. If established, a Licensed Midwifery Board or Commission would assist the Department of Health in reviewing, investigating, or adjudicating complaints made against LMs in the state of WA. In late 2018, ilumina consulting reviewed WA state disciplinary data for all health professions to better understand how LM's indicators for compare to other similar professions. The overall objective of this review is to ascertain if the data support the need to form a Licensed Midwifery Board or Commission at the state level.

Methodology:

Sources for the data cited here include the 2015-2017 Uniform Disciplinary Act Biennial Report, additional detailed data for licensed Obstetricians and Certified Nurse Midwives obtained via email from the WADOH, and 2013-2018 WADOH complaint source data (also obtained via email). Data for LMs were compared to data from similar professions, which were selected based on criteria listed below. Data are presented in either raw number or percentage form to facilitate comparisons.

Criteria for Comparison Groups:

The following criteria were used to select the professions for comparison:

- Below 10k licensed providers in the state
- Providers who treat/address either more than one body system, or a major body system
- Providers who treat the physical body
- Providers who are decision makers for care (no assistants)

Comparison Groups:

The comparison professions selected are regulated by various Boards and Commissions (B&C), except one. Paramedics, like LMs, are also regulated directly by the DOH.

Profession	Regulated By	WA State Licenses in 2017
Licensed Midwife	DOH	175
Obstetrician	B&C	-
Certified Nurse Midwife (CNM)	B&C	483
Advanced Registered Nurse Practitioner (ARNP)	B&C	7276
Chiropractor	B&C	2534
Naturopathic Physician	B&C	1398
Osteopathic Physician	B&C	2194
Paramedic	DOH	2662

* Exact data unavailable

¹ This reports assumes familiarity with WA state terms and report discussed herein.

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Findings:

Licensed Midwife Detail FY2015-2017

Table 1. 2015-2017 Midwife Complaint Detail

Total Licensed Midwife Complaints	42
Carry Over Complaints	11
New Complaints	31
Closed Before Disciplinary Action	20
Closed before Investigation	7
Closed After Investigation	12
Complaint Withdrawn	1
Proceeded to Adjudication	6
Informal Disposition	2
Agreed Order	3
Default Order	1
Carried Over	16

Informal Disposition: “A Stipulation to Informal Disposition (STID) is an informal disciplinary resolution. If a healthcare provider agrees to the STID, he or she does not admit to unprofessional conduct, but does agree to corrective action.”

Agreed Order: “...is a negotiated settlement between the healthcare provider and representatives of the agency. This takes place in a formal disciplinary proceeding. It states the substantiated violations of law and the sanctions being placed on the healthcare provider’s credential. The healthcare provider agrees to the conditions in the order.”

Default Order: “A Default order is issued when the credentialed health care provider is given due notice, but either fails to answer the allegations or fails to participate in the adjudicative process as required by law.”

Source: 2015-2017 Uniform Disciplinary Act Biennial Report

Comparison Group Findings:

The tables and charts below show detailed complaint data for LMs and the comparison groups. Table 3 lists the number and percent of providers who were the subject of one or more complaints. Due to multiple complaints for some providers, these numbers are lower than total complaints. Some data for OBs were unavailable.

Table 2. Complaints Carried Over & Received (FY2015-2017)

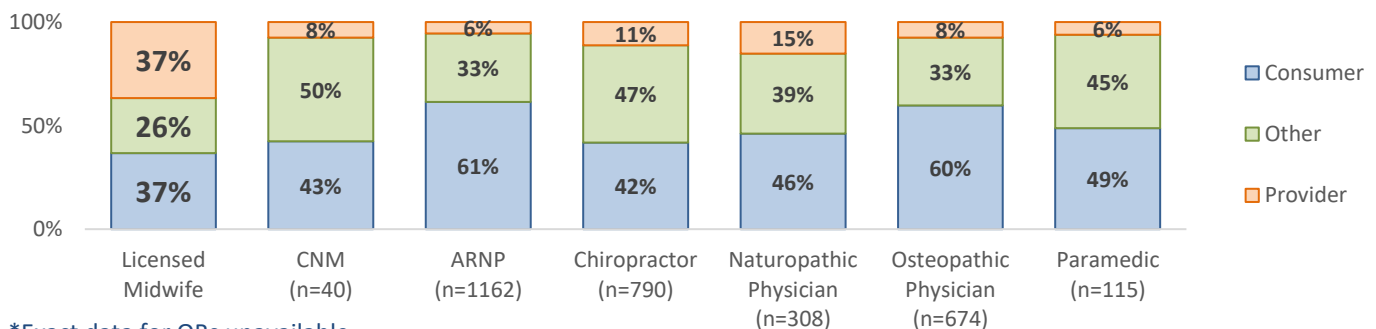
Profession	FY15 Carry-Over	Complaints Received	Total Complaints
Licensed Midwife	11	31	42
Obstetrician (OB)	6	66	72
CNM	0	11	11
ARNP	38	437	475
Chiropractor	125	251	376
Naturopathic Physician	57	118	175
Osteopathic Physician	85	219	304
Paramedic	13	30	43

Table 3. Providers Subject to a Complaint (FY2015-2017)

Profession	Licensed Providers (2017)	Providers subject to complaint	Percent subject to complaint
Licensed Midwife	175	20	11%
Obstetrician* ((OB)	-	57	-
CNM	483	9	2%
ARNP	7276	335	5%
Chiropractor	2534	181	7%
Naturopathic Physician	1398	78	6%
Osteopathic Physician	2194	166	8%
Paramedic	2662	23	1%

*Exact data for OBs unavailable

Chart 1. Source of Complaints (FY2013-2018)*



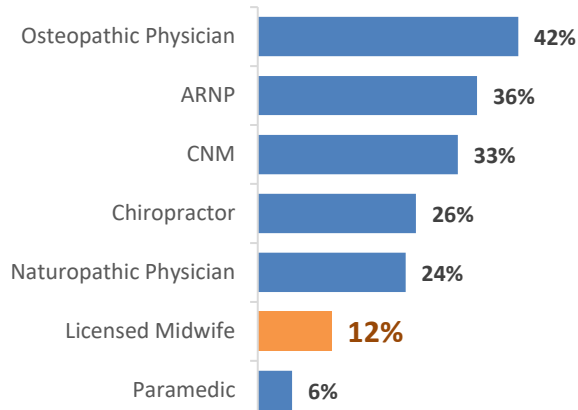
*Exact data for OBs unavailable

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Comparison Group Findings (cont):

Chart 2. Percent of Complaints from Patients/Clients (FY2013-2018)*



*Exact data for OBs unavailable

Chart 3. Average Length of Investigation (Days)

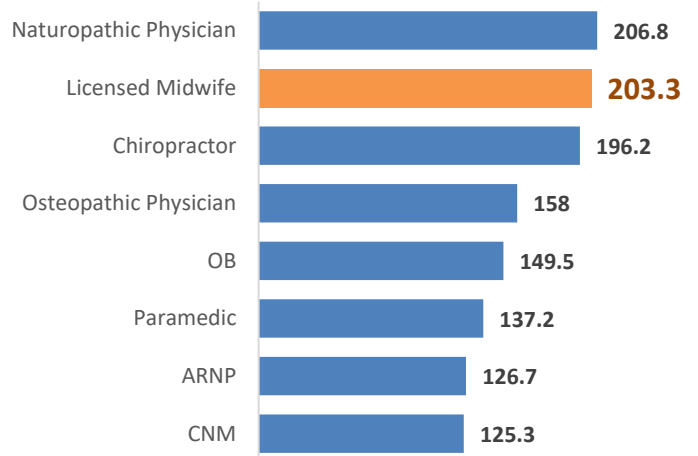


Chart 4. Percent of Complaints that are Carried-Over from Previous Years

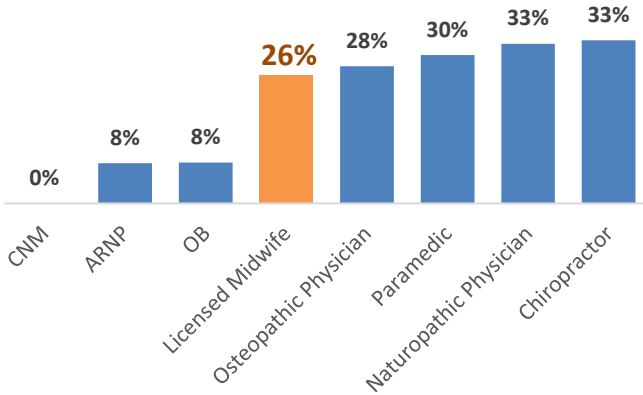


Chart 5. Percent Resolved after Adjudicative Proceedings

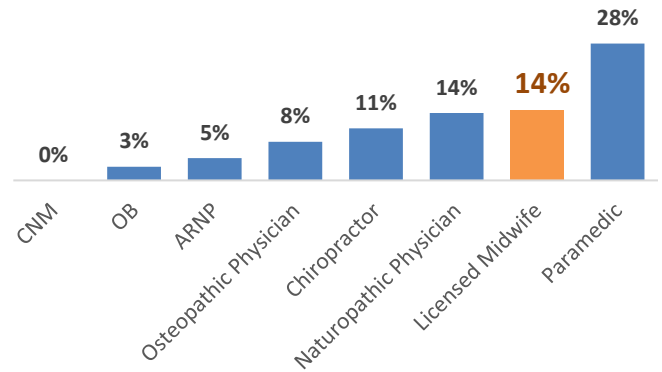
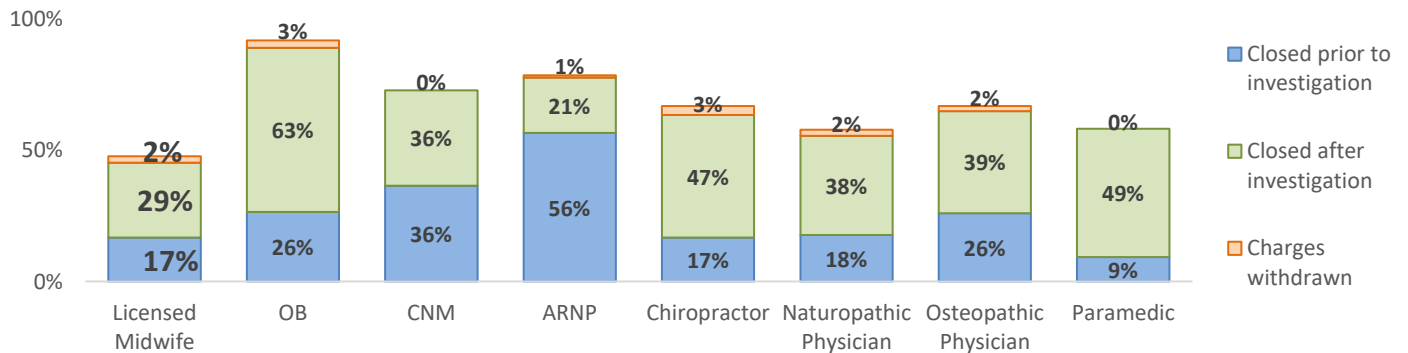


Chart 6. Percent of Complaints Closed Before Disciplinary Action (FY2015-2017)



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Discussion:

Disciplinary data for Licensed Midwives (LMs) appears to most closely resemble data for Chiropractors, Naturopathic Physicians, and to some extent, Osteopathic Physicians. It is notable that though their data are similar, these professions each have their own Board or Commission, rather than fall directly under the purview of the Department of Health (unlike LMs). The following key findings are noted:

- The source of complaints for LMs between 2013-2018 differ from that of the comparison professions:
 - Over a third (37%) of complaints came from another healthcare provider – more than twice the next highest percent (Naturopathic Physicians, at 15%).
 - Twelve percent of complaints came from patients, the second lowest number of all comparison professions.
- During FY2015-2017, LMs had a longer average number of investigation days, but a similar percentage of carry-over complaints as Paramedics (the only other group directly regulated by the DOH).
- During the FY2015-2017, fewer than 50% of the complaints for LMs were closed before disciplinary action, in contrast to all comparison professions.
- During FY2015-2017, 11% of LMs were the subject of a complaint, a percentage higher than all comparison professions.
- During FY2015-2017, 14% of complaints against LMs were resolved after Adjudicative Proceedings, a percent matched by Naturopathic Physicians and exceeded by Paramedics.

Care should be taken in interpreting these data, particularly percentages, as several categories contain very small numbers.

Additional Notes and Sources:

The WA statute which pertains to the establishment of boards and commissions is RCW 18.130.040.

(<http://app.leg.wa.gov/RCW/default.aspx?cite=18.130.040>)

The WA statutes which pertain to the establishment of the Midwifery Advisory Committee are RCW 18.50.140. and 18.50.150. (<http://app.leg.wa.gov/RCW/default.aspx?cite=18.50>)

The 2015-2017 UDA Biennial Report can be found here:

<https://www.doh.wa.gov/Portals/1/Documents/2000/UDARreport2015-2017.pdf> .

Further questions:

If you have additional questions, please contact:

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