

**MIDWIVES ADVISORY COMMITTEE**  
Professional & Vocational Licensing Division  
Department of Commerce & Consumer Affairs  
State of Hawaii

MINUTES OF MIDWIVES ADVISORY COMMITTEE MEETING

The agenda for this meeting was filed with the Office of the Lieutenant Governor as required by section 92-7(b), Hawaii Revised Statutes.

Date: Wednesday, November 16, 2022

Time: 10:00 a.m.

In-Person Meeting Location: Queen Liliuokalani Conference Room  
Kalakaua Building, 1st Floor  
335 Merchant Street  
Honolulu, Hawaii 96813

Virtual: Virtual Videoconference Meeting – Zoom Webinar (use link below)  
<https://dcca-hawaii-gov.zoom.us/j/98549953300>

Zoom Phone Number: (253) 215 8782  
Meeting ID: 985 4995 3300

Virtual Meeting Instructions: The Executive Officer Teshima provided information on internet and phone access for today’s virtual meeting and a short video regarding virtual meetings was played for attendees.

For purposes of this virtual meeting, the EO will take roll call of the Committee members to establish quorum and for motions that require a vote of the Committee members.

Members Present: Sky Connelly (Reyly), CPM  
Sheena Kristie Duarte, Public Member  
Leah Hatcher, CPM  
Rachel Lea Curnel Struempf, CPM  
Pua O Eleili Pinto, Public Member

Staff Present: Lee Ann Teshima, Executive Officer (“EO Teshima”)  
Chelsea Fukunaga, Executive Officer (“EO Fukunaga”)  
Ahlani Quiogue, Licensing Administrator  
Shari Wong, Deputy Attorney General (“DAG”)  
Marc Yoshimura, Secretary

Attendees: Pahnelopu Mckenzie  
Whitney Herrelson  
Pi'ilani Schneider-Furuya  
Jmelee Lewis  
Kiana Rowley  
Yvonne Gray  
Alexandrine  
Daniela Martinez  
Dr. Lori Kimata  
Melissa Danielle

Call to Order: The agenda for this meeting was filed with the Office of the Lieutenant Governor, as required by section 92-7(b), Hawaii Revised Statutes ("HRS").

EO Teshima took roll call and asked the Committee members if they were alone in a non-public location. The meeting was called to order at 10:06 a.m.

EO's Report: **Introductions**  
EO Teshima introduced the Committee members, Ms. Quiogue, Licensing Administrator and staff.

#### **Announcements**

EO Teshima welcomed the Committee and had no further announcements.

Review and Discussion of Section 457J Powers and Duties of the Director: **Advisory Committee**  
EO Teshima explained that the establishment of this Committee is pursuant to HRS 457J-4 Powers and duties of the Director that states:

- [§457J-4] Powers and duties of the director.** In addition to any other powers and duties authorized by law, the director shall have the power and duties to:
- (1) Grant permission to a person to use the title of "midwife" or "licensed midwife" and engage in the practice of midwifery in this State pursuant to this chapter and the rules adopted pursuant thereto;
  - (2) Adopt, amend, or repeal rules pursuant to chapter 91 to carry out the purposes of this chapter;
  - (3) Administer, coordinate, and enforce this chapter and rules adopted pursuant thereto;
  - (4) Discipline a licensee for any cause described by this chapter or for any violation of rules or refuse to license a person for failure to meet the licensing requirements or for any cause that would be grounds for disciplining a licensee;
  - (5) Appoint an advisory committee to assist with the implementation of this chapter and the rules adopted pursuant thereto. The advisory committee shall consist of the following:

- (A) Three midwives who are certified professional midwives or certified midwives;
  - (B) Two members of the public; and
  - (C) A certified nurse midwife; and
- (6) Add, remove, or otherwise modify the authorized non-controlled legend drugs and legend devices listed in [section] 457J-11 by rule under chapter 91.

EO Teshima then called on the Committee members to see if they had any recommendations of other state midwifery regulations that they would like to see adopted in Hawaii's scope of practice for midwives and called on Ms. Connelly.

Ms. Connelly mentioned Oregon, Minnesota and Wisconsin as potential options to look at for potential options.

Ms. Struempf stated that she whole heartedly agrees that Oregon has the best language and longest standing licensure program for non-nurse midwives and as for language and policy, she believes Oregon is decades ahead of most of the other states in regard to their laws for midwives.

Ms. Hatcher stated that she is a license midwife in Wisconsin and would recommend their laws.

Ms. Duarte stated that she likes Utah because they seem to have a good transfer system between midwives and the collaborative care with the hospital system which is what we want, everyone working together and they have good resources on how to build this working relationship. She also stated that the language also allows for choices for different types of care and that also she likes Oregon's language as well.

Ms. Pinto stated that she would like to look at language from a more global perspective including New Zealand's language that is more normalized for more home birth support and paid by health insurance.

Ms. Connelly also asked if the Committee can review the scope of practice that was developed by the Legislative working group as she feels that would be helpful since it was already researched.

EO Teshima asked if anyone attending the meeting would like to add to this discussion.

Attendee Pannelopi Mckenzie was promoted to panelist and stated that she thinks Oregon's law is fantastic as it incorporates traditional midwifery as a part of it and that the Utah law is open to midwifery and that New Zealand is an exceptional

place that we should be looking towards to appropriate care and what it looks like to have midwifery as normalized care in society.

Ms. Mckenzie also wanted to address the Committee on Act 32:

*“Thank you to the Midwifery Advisory Committee for holding this important meeting today addressing essential issues that support Reproductive Justice here in Hawai’i.*

*I come to you as a community member and home birth mother. In my life I have seen how Full Scope Midwifery support trickles out to the family, community, and larger society. In July 2023, Midwifery law Act 32 is set to criminalize Traditional Midwives and other qualified practicing Midwives in Hawai’i. This law would make one pathway for Midwives confined to only MEAC accredited schools in America. If a healthy society is the goal, looking at how we care for life from the womb matters. ACT 32 must include Traditional Midwives and those to be unlicensed due to their cultural and religious practices and we want the PEP (portfolio evaluation process) process as a pathway. We must be united in bringing solutions to the health and well being of society. The deadly tragedies of birth and postnatal outcomes are not based on Midwife practice, they are based on systemic Obstetrical neglect, disregard of human physiology, and capitalist interests. ACT 32 and the lack of investigation to the normalized harm in the MIC is something we must all be concerned about.*

*Hawai’i must support Traditional Midwives and apprenticeship models to keep the bridge of Polynesia and other cultures' brilliance alive, while being welcomed to the table of birth professionals. Hawai’i cultural relationships exist within a scope of various cultures. Act 32 without exemptions is closing the door to the collaborations of Traditional cultural practices that are unified in impeccable care to their people. Why are we debating about a law that allows only Certified Midwifery credentials from a nation (America) that had illegally occupied Hawai’i. Why would we want any maternal health certification from a nation that has the worst outcomes and the least amount of midwives, and explicit harm to Humanity. Why would we want to perpetuate laws that foundation and execution is based in racism and erasure? Act 32 will barricade the Gates of Midwifery while criminalizing wisdom and training coming from the nations of Oceania and around the world. In laws like ACT 32, which are a continuation of laws such as the Sheppard Towner act 1921, and presented under the guise of safety. ‘Western’ Education and Medical System concerning Reproductive health foundation is cultural genocide, ethnocide, normalized negligence, and eugenic violence. Why would Hawai’i ban the collaboration of nations such as New Zealand which is an amazing model we could be looking towards, not America? Midwifery must be protected and expanded in every way outside of White Supremacy rule. Hawai’i had extensive health care protocol and collaborative care for the birthing person. We honor cultural traditions as a strength of a people and the rights of land revitalization within culture as a continual process. ACT 32 must include*

*Traditional Midwives and those to be unlicensed due to their cultural, religious and human practices and we want the PEP process as a pathway within the law.*

*Act 32 to be removed as law or Act 32 with exemptions is the answer to creating safe pregnancy, restoration, and revitalization while decreasing Maternal mortality and morbidity. Midwives belong in the Hospital, Home, and Birth center with insurance coverage for clients. Moving out of the current dark ages of Maternal harm is the future so let us not go backwards in establishing laws such as ACT 32. Indigenous solutions to Indigenous physiology should be established equally as standard of care in all systems for a sustainable future. ACT 32 must include Traditional Midwives and those to be unlicensed due to their cultural and religious practices and we want the PEP process put back in.*

*Act 32 without exemptions will continue to enforce assimilation of culture and lack of healthcare standards for birthing people.*

*Thank you for your time and dedication, Pannelopi McKenzie”*

Attendee Whitney Herrelson was promoted to panelist and stated that she supports both Oregon and Utah’s set-up for midwifery licensure and specifically their opt out for traditional midwives. She also expressed her concerns with the barriers of becoming a licensed midwife in Hawaii, specifically the MEAC requirement and how difficult and expensive it may be for some to complete this requirement in order to qualify for a midwife license and the difficulty in finding a preceptor, especially on the neighbor island(s) and therefore had to seek clinical experience on the mainland.

EO Teshima stated that before we start the discussion on the next agenda item, she wanted to know if the Committee members or attendees were aware of any Legislation for the 2023 session.

2023 Legislative Session:

Ms. Duarte stated that the Hawaii Home Birth Collective is working on introducing a bill that would recognize birth attendants or Traditional midwives to be able to continue to be able to practice and asked if there was a way to check with the Department of Health (“DOH”) to see if they could assist with this proposal.

EO Teshima asked if they had a draft of the bill and if the Hawaii Home Birth Collective seeking to see should the exempt birth attendants be repealed in July 2023 is DOH willing to oversee the Traditional midwives or birth attendant that they should reach out to the DOH directly and that she is not comfortable for this new Committee to get involved because it would be between two departments.

Being no further discussion or testifiers, EO Teshima called upon the DAG to lead the discussion on the following agenda item.

Advisory Committee References:

The DAG explained and gave examples on the following chapters for the Committee in regard to applicable laws and administrative procedures that would apply to them as they serve and conduct business on this Committee.

Hawaii Revised Statutes (“HRS”) Chapter 457J Midwives

EO Teshima previously informed the Committee of section 457J-4 that establishes the Midwives Advisory Committee and their tasks.

HRS Chapter 91 Guide

The DAG highlighted sections in chapter 91 pertaining to the rules adoption process.

HRS Chapter 92 Guide

The DAG highlighted sections of chapter 92 pertaining to public meetings and what can be shared outside of the meeting.

HRS Chapter 92F Guide

The DAG highlighted sections of chapter 92F pertaining to the sunshine law and member interaction.

Rulemaking Flowchart

The rulemaking flowchart was distributed to the members for their information.

The members had questions for the DAG regarding the sunshine law in regard to being affiliated with an organization, discussing and/or sharing information discussed at a Committee meeting, discussing Committee business outside of a public noticed Committee meeting between other Committee members.

Next Meeting: TBA

Adjournment: The meeting was adjourned at 11:01 a.m.

Taken by:

/s/ Lee Ann Teshima  
Lee Ann Teshima  
Executive Officer

LAT

1/31/23

[ ] Minutes approved as is.

[ X ] Minutes approved with changes; see minutes of October 30, 2023