

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

DEBORAH ANN PULLEY,)	
)	
Plaintiff,)	Case No. 1:19-cv-05574-AT
v.)	
)	
DARRELL THOMPSON, in his official capacity as President of the Georgia Board of Nursing,)	CONSENT
)	ORDER AND FINAL
)	JUDGMENT
)	
Defendant.)	

Plaintiff Deborah Ann Pulley and Defendant Darrell Thompson, in his official capacity as President of the Georgia Board of Nursing, having agreed and the Court being sufficiently advised, it is hereby ordered, adjudged, and decreed as follows:

1. On December 12, 2019, Ms. Pulley filed this civil rights action challenging Defendant’s enforcement of O.C.G.A. § 43-26-6 and Ga. Comp. R. & Regs. 511-5-1-.01 and .02 to the extent she is prohibited from describing herself as a “Certified Professional Midwife,” “CPM,” or “midwife.” After entering into a Cease and Desist Order alleging violations of these laws and regulations, Ms. Pulley filed this action, alleging that the enforcement of O.C.G.A. § 43-26-6 and Ga. Comp. R. & Regs. 511-5-1-.01 and .02 by Defendant violates her constitutional rights, facially and as

applied, to speak truthfully about her credentials. Doc. 1. Two days after initiating this action, Ms. Pulley requested a preliminary injunction enjoining these constitutional violations. Doc. 4.

2. Defendant opposed the motion for preliminary injunction and moved to dismiss the complaint. Doc. 12 and 13. No ruling has been made on either motion.

3. On June 12, 2020, the Board entered an Order to Vacate, attached hereto as Exhibit 1, which vacated the Cease and Desist Order that Plaintiff signed on December 2, 2019.

4. Defendant agrees to transmit the Order to Vacate to the National Practitioner Data Bank.

5. Defendant agrees that the Board will only pursue cases involving the unlicensed practice of nursing (including midwifery) in Georgia for cases involving unlicensed individuals unlawfully practicing midwifery or holding themselves out to the public as being able to practice nursing (midwifery) lawfully in the State of Georgia.

6. Defendant agrees that the Board will not pursue cease and desist actions against unlicensed individuals using the term “midwife,” “certified professional midwife,” and/or “CPM” in any setting where it is clear that the purpose of the use of those terms is not to advertise that such

person can legally provide midwifery services in the State of Georgia, and so long as the individual is not unlawfully engaged in the actual practice of nursing (midwifery).

7. When describing herself as a “Certified Professional Midwife,” “CPM,” or “midwife” on the website for Atlanta Birth Care, www.gamidwife.com, or other successor Georgia employer, Ms. Pulley agrees to include an appropriate disclaimer that she is not licensed in Georgia nor practicing midwifery in Georgia. Ms. Pulley will not hold herself out to the public as a “Certified Professional Midwife” and/or use the identifying title “midwife” for purposes of advertising that she provides midwifery services in the State of Georgia, until such time as she becomes properly licensed and authorized by the Georgia Board of Nursing or until such time as she is legally allowed to practice midwifery in the State of Georgia.

8. Pursuant to this Consent Order and agreement of the parties, Defendant shall pay the agreed amount of ten thousand dollars (\$10,000.00) towards Plaintiff’s attorney’s fees and costs, payable within thirty (30) days of the entry of this Order.

9. Defendant does not admit that any constitutional violation occurred in this case, and enters into this consent order for the purposes of


settlement and to clarify the Board's position on pursuing cease and desist cases in the future.

10. This Consent Order shall serve as the final judgment in this matter. All claims in this action are dismissed with prejudice.

11. All issues herein having been resolved, the Clerk of the Court shall remove this case from the Court's active docket.

12. This is a FINAL Order and there is no just cause for delay.

This 8th day of July, 2020.



AMY TOTENBERG
UNITED STATES DISTRICT JUDGE