

## TITLE 16. MEDICAL BOARD OF CALIFORNIA

**NOTICE IS HEREBY GIVEN** that the Medical Board of California (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Embassy Suites San Francisco Airport – South San Francisco, 250 Gateway Blvd., South San Francisco, CA 94080, at 9:00 a.m., on July 29, 2016.

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office no later than 5:00 p.m. on July 19, 2016, or must be received at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 2018 and 2516.5 of the Business and Professions Code, and to implement, interpret or make specific section 2516.5 of said Code, the Board is considering adding Sections 1379.01, 1379.02, 1379.03, 1379.04, 1379.05, 1379.06, 1379.07, 1379.08, and 1379.09 to Division 13 of Title 16 of the California Code of Regulations as follows:

### INFORMATIVE DIGEST

#### A. Informative Digest

Currently, Business and Professions Code (BPC) section 2516.5 provides for the definition of a midwife assistant, as well as a description of some of the duties a midwife assistant may perform. This statute became effective on January 1, 2016, and there are currently no implementing regulations in the California Code of Regulations (CCR) regarding midwife assistants, their training, nor certification.

This rulemaking proposes to add Title 16, Division 13, Chapter 3, Article 6, CCR sections 1379.01, 1379.02, 1379.03, 1379.04, 1379.05, 1379.06, 1379.07, 1379.08, and 1379.09 to further define BPC section 2516.5 regarding the minimum requirements for midwife assistants, their training, and certification.

These new proposed regulations will do the following:

Section 1379.01 specifies who may supervise midwife assistants.

Section 1379.02 specifies each midwife assistant shall have a Neonatal

Resuscitation Certification from the American Academy of Pediatrics.

Section 1379.03 specifies each midwife assistant shall maintain certification in basic life support from the American Heart Association or the American Safety and Health Institute.

Section 1379.04 specifies each midwife assistant shall have received training in Center for Disease Control “Guidelines for Infection Control in Health Care Personnel” and must demonstrate to the supervisor that he or she understands infection control.

Section 1379.05 specifies the minimum training a midwife assistant shall complete.

Section 1379.06 specifies how midwife assistant training shall be administered.

Section 1379.07 specifies the minimum requirements certifying organizations for midwife assistant training must meet to receive Board approval.

Section 1379.08 specifies the changes that Board approved certification agencies must report to the Board, and timeframes for reporting the changes to the Board.

Section 1379.09 – specifies process times for the Board to review an application from a certification organization.

B. Policy Statement Overview/Anticipated Benefits of Proposal

The proposed CCR sections 1379.01, 1379.02, 1379.03, 1379.04, 1379.05, 1379.06, 1379.07, 1379.08, and 1379.09 will further define BPC section 2516.5 that created midwife assistants in statute, and will further define the minimum training requirements for midwife assistants, the minimum requirements for the administration of training, and the requirements for approved certifying organizations, thereby furthering the Board’s mission of consumer protection by ensuring that midwife assistants have the proper training and supervision.

C. Consistency and Compatibility with Existing State Regulations

During the process of developing these regulations and amendments, the Board has conducted a search for any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500 - 17630 Require Reimbursement: None

Business Impact:

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Representative Private Person or Business:

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs:

None

### EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulation would not adversely affect small businesses, since the proposed CCR sections 1379.01, 1379.02, 1379.03, 1379.04, 1379.05, 1379.06, 1379.07, 1379.08, and 1379.09 will further define BPC section 2516.5 that created midwife assistants in statute, and allows for recognition of new education programs and certifying organizations.

### RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS:

The Board has made the initial determination that this regulatory proposal will have the following impact:

- It is not likely to eliminate jobs within the State of California. It is likely to create jobs for midwife assistants, instructors, and employees of certifying organizations. This initial determination is based on the fact that prior to January 2016, midwife assistants were not permitted by statute or regulation. Under BPC section 2516.5, midwife assistants are now permitted under the law, and the regulations will set forth minimum requirements for midwife assistants, instructors, educational programs, and certifying organizations, and create new job opportunities in the state.
- It is not likely to eliminate existing businesses within the State of California. In fact, existing businesses may expand to meet demand for this new position. This

initial determination is based on the fact that prior to January 2016, midwife assistants were not authorized by statute or regulation. Under BPC section 2516.5, midwife assistants are now allowed under the law, and the regulations will set forth minimum requirements for midwife assistants, instructors, educational programs, and certifying organizations. It is likely that educational programs and certifying organizations will expand to fill the need to train and certify midwife assistants.

- It will likely result in the expansion of businesses currently doing business within the State of California. This initial determination is based on the fact that prior to January 2016, midwife assistants were not authorized by statute or regulation. Under BPC section 2516.5, midwife assistants are now allowed under the law, and the regulations will set forth minimum requirements for midwife assistants, instructors, educational programs, and certifying organizations. It is likely that educational programs and certifying organizations already familiar with medical assistant requirements will expand to fill the need to train and certify midwife assistants.
- It will benefit the health and welfare of California residents, because the regulations will set forth minimum requirements for midwife assistants, instructors, educational programs, and certifying organizations to further consumer protection.
- It will have a positive impact on worker safety, because the proposed regulations will set forth minimum requirements for midwife assistants, which include infection control.
- It will not have an impact on the state's environment, because the regulations will simply set forth minimum requirements for midwife assistants, instructors, educational programs, and certifying organizations.

### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Board must determine that no reasonable alternative considered or brought to the attention of the Board would be more effective in carrying out the purpose for which this regulatory action is proposed or would be as effective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an Initial Statement of Reasons for the proposed action and all the information upon which the proposal is based is available upon request.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the person designated in the Notice under Contact Person, below, or by accessing the Board's website at [http://www.mbc.ca.gov/About Us/Laws/Proposed Regulations](http://www.mbc.ca.gov/About_Us/Laws/Proposed_Regulations).

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the Final Statement of Reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Curtis Worden  
Address: Medical Board of California  
2005 Evergreen St., Ste. 1200  
Sacramento, CA 95815  
Telephone No.: (916) 274-2986  
Fax No.: (916) 263-2387  
E-Mail Address: [regulations@mbc.ca.gov](mailto:regulations@mbc.ca.gov)

The backup contact person is:

Name: Kevin A Schunke, Regulations Manager  
Address: Medical Board of California  
2005 Evergreen St, Ste. 1200  
Sacramento, CA 95815  
Telephone No.: (916) 263-2368  
Fax No.: (916) 263-8936  
E-Mail Address: [regulations@mbc.ca.gov](mailto:regulations@mbc.ca.gov)

Website Access Materials regarding this proposal can be found at [http://www.mbc.ca.gov/About Us/Laws/Proposed Regulations](http://www.mbc.ca.gov/About_Us/Laws/Proposed_Regulations).

**MEDICAL BOARD OF CALIFORNIA  
MIDWIFE ASSISTANTS  
Specific Language of Proposed Changes**

Legend

Underlined text: Indicates new proposed language.

Add Sections 1379.01, 1379.02, 1379.03, 1379.04, 1379.05, 1379.06, 1379.07, 1379.08, and 1379.09, Article 6, of Chapter 3, Division 13, of Title 16 of the California Code of Regulations to read as follows:

**§ 1379.01 Licensed Midwife Supervisor**

The supervising licensed midwife or certified nurse midwife authorizes the midwife assistant to perform the services referenced in section 2516.5(b)(1) of the code, and shall be responsible for the patient's treatment and care.

**§ 1379.02 Certification in Neonatal Resuscitation**

Each midwife assistant shall maintain current certification in Neonatal Resuscitation. Certification shall be obtained from the American Academy of Pediatrics.

**§ 1379.03 Certification in Basic Life Support**

Each midwife assistant shall maintain current certification in Basic Life Support. Certification shall be obtained from the American Heart Association or the American Safety and Health Institute.

**§ 1379.04 Training in Infection Control**

Each midwife assistant shall receive training in the Center for Disease Control "Guidelines for Infection Control in Health Care Personnel" and shall demonstrate to the satisfaction of the supervising licensed midwife or instructor that he or she understands the purposes and techniques of infection control.

**§ 1379.05 Training to Perform Services**

In order to perform the services of a midwife assistant, the individual shall have completed the minimum training as prescribed herein pursuant to subsections (a), (b), (c), and (i). In order to place a device used for auscultation of fetal heart tones during labor, administer medications by intramuscular, subcutaneous, or intradermal injection, perform skin tests, or perform venipuncture or skin puncture for the purpose of withdrawing blood, a midwife assistant shall have completed the minimum training prescribed herein for the service to be performed pursuant to subsections (d), (e), (f), (g), (h) and (i). Training shall be for the duration required for the midwife assistant to demonstrate to the supervising instructor, supervising licensed midwife, or certified nurse midwife, as referenced in section 2516.5(a)(1) of the code, proficiency in the

procedures to be performed as authorized by section 2516.5(b) of the code, where applicable, but shall include no less than:

- (a) Five (5) clock hours of midwifery didactic training.
- (b) Two (2) clock hours of training in administering oxygen by inhalation.
- (c) Ten (10) clock hours of satisfactory demonstration of immediate newborn care.
- (d) Five (5) clock hours and ten (10) demonstrations of satisfactory placement of the device used for auscultation of fetal heart tones during labor or by simulation.
- (e) Ten (10) clock hours of training in administering injections and performing skin tests.
- (f) Ten (10) clock hours of training in venipuncture and skin puncture for the purpose of withdrawing blood.
- (g) Satisfactory performance of ten (10) each of intramuscular, subcutaneous, and intradermal injections.
- (h) Satisfactory performance of ten (10) each of skin tests, venipunctures and skin punctures.
  - (i) Training in (a) through (h) above, shall include instruction and demonstration in:
    - (1) pertinent anatomy and physiology appropriate to the procedures;
    - (2) choice of equipment;
    - (3) proper technique including sterile technique;
    - (4) hazards and complications;
    - (5) patient care following treatment or test;
    - (6) emergency procedures;
    - (7) California law and regulations for midwife assistants.

**§ 1379.06 Administration of Training**

- (a) Training required in section 1379.05 may be administered in either of these settings:
  - (1) Under a supervising licensed midwife or certified nurse midwife, who shall ascertain the proficiency of the midwife assistant and shall be responsible for determining the content of the training and the proficiency of the midwife assistant; or
  - (2) In a secondary, postsecondary, or adult education program in a public school authorized by the Department of Education, in a community college program provided for in Part 48 of Division 7 of the Education Code, or a postsecondary institution accredited by an accreditation agency recognized by the United States Department of Education or approved by the Bureau for Private Postsecondary Education under sections 94885 and 94887 of the Education Code and any regulations adopted pursuant to those sections. A licensed midwife or certified nurse midwife shall serve as advisor to the midwife assistant training program. The instructor in a public school setting shall possess a valid teaching credential issued by the Commission on Teacher Credentialing. The instructor in a private postsecondary institution shall meet the requirements of section 94885(a)(5) of the Education Code and any regulations adopted pursuant that section.
- (b) The supervising licensed midwife or certified nurse midwife, pursuant to subsection (a)(1) or the instructor pursuant to subsection (a)(2) shall certify in writing the place and date such training was administered, the content and duration of the training, and that the midwife assistant was observed by the supervising licensed midwife, certified nurse midwife, or instructor, to demonstrate competence in the performance of each such task or service, and shall sign and date the certification. More than one task or service may



be certified in a single document; separate certifications shall be made for subsequent training in additional tasks or services.

**§ 1379.07 Approved Certifying Organizations**

(a) An organization that certifies midwife assistants may apply to the Board for approval. This application shall include the following information:

(1) Name and address of the applicant;

(2) Applicant's federal employee identification number (FEIN), social security number (SSN), or Individual Taxpayer Identification Number (ITIN);

(3) Name, address and telephone number of a contact person for the applicant;

(4) Name, address and telephone number of the accrediting organization that accredited the applicant;

(5) Name, address and telephone number of the organization that validated the applicant's certifying examination;

(6) Information sufficient to establish that the certifying organization meets the standards set forth in subsection (b).

(b) For purposes of section 1379.06, an organization that certifies midwife assistants shall be approved if it meets all of the following standards:

(1) Is a non-profit, tax-exempt organization;

(2) Requires all applicants for certification to successfully complete a psychometrically valid examination that is secure, is occupationally relevant and tests for the skills and procedures outlined in section 2516.5 of the code;

(3) Has a requirement for certification of a midwife assistant in one or more of the following:

(A) Graduation from a midwife assistant training program accredited by an accreditation agency recognized by the United States Department of Education;

(B) Graduation from a midwife assistant training program in a postsecondary institution accredited by an accreditation agency recognized by the United States Department of Education or an institution approved by the Bureau for Private Postsecondary Education;

(C) A minimum of two (2) years of experience as a practicing midwife assistant within five (5) years immediately preceding the date of examination;

(D) Military training or schooling equivalent to that described in subsections (A) or (B) above;

(E) Employment at the time of certification as an instructor in an accredited midwife assistant program or institution.

(4) Requires its certificate holders to obtain a minimum of 60 hours continuing education related to the practice of midwife assistants over a 5 year period.

**§ 1379.08 Report of Changes by Certifying Organization; Review by Board**

(a) An approved certifying organization shall notify the Board within thirty (30) days thereafter of any changes related to the standards contained in section 1379.07.

(b) The Board shall review each approved certifying body at least once every five (5) years for compliance with the standards set forth in section 1379.07. The Board may, in its discretion, review any certifying organization that has submitted a notice of changes as required by subsection (a).

**§ 1379.09 Permit Processing Times - Approved Certifying Organizations**

(a) Within sixty (60) working days of receipt of an application pursuant to section 1379.07 for an approved certifying organization registration, the Board shall inform the applicant in writing whether it is complete and accepted for filing or that it is deficient and what specific information or documentation is required to complete the application. An application is considered complete if it is in compliance with the requirements of section 1379.07.

(b) Within 100 calendar days from the date of filing of a completed application, the Board shall inform the applicant in writing of the decision regarding the application for an approved certifying organization registration.

Note: Authority cited: Sections 2018 and 2516.5, Business and Professions code.  
Reference: Sections 2069 and 2516.5, Business and Professions Code.

**MEDICAL BOARD OF BOARD**  
**INITIAL STATEMENT OF REASONS**

**Hearing Date:** July 29, 2016

**Subject Matter of Proposed Regulations:** Midwife Assistants

**Section(s) Affected:** Division 13, Title 16, Chapter 3, Article 6, California Code of Regulations (CCR) add sections: 1379.01, 1379.02, 1379.03, 1379.04, 1379.05, 1379.06, 1379.07, 1379.08, and 1379.09.

**Specific Purpose of each adoption, amendment, or repeal:**

1. Problem Being Addressed:

The Legislature adopted Business and Professions Code (BPC) section 2516.5 to permit licensed midwives and certified nurse-midwives to use midwife assistants in their practices. BPC section 2516.5 sets forth some minimum requirements for midwife assistants, references standards for medical assistants established by the Board pursuant to BPC section 2069, and indicates under subsection (a)(1) that the “midwife assistant shall be issued a certificate by the training institution or instructor indicating satisfactory completion of the required training.” The section, however, does not specify such details as what the training entails, who can conduct the training, and who can certify that a midwife assistant meets the minimum requirements. These details have been left to the Medical Board of California (Board) to establish via regulations. Additionally, subsection (b)(4) authorizes midwife assistants to “[p]erform additional midwife technical support services under regulations and standards established by the board.”

Accordingly, the purpose of this proposed rulemaking is to further define BPC section 2516.5 to make specific the requirements for midwife assistants, the administration of training of midwife assistants, and the requirements for certifying organizations. These regulations are necessary for consumer protection to ensure that midwife assistants have the proper training and supervision.

2. Anticipated Benefits from this Regulatory Action:

This proposed rulemaking will further define BPC section 2516.5 to make specific the requirements for midwife assistants, the administration of training of midwife assistants, and the requirements for certifying organizations. The minimum requirements set forth in the proposed regulations are necessary to further the Board’s mission of consumer protection by ensuring that midwife assistants have the proper training and supervision.

### 3. Specific Purpose of Each Proposed New Section:

Section 1379.01 specifies that licensed midwives and certified nurse midwives may supervise midwife assistants and authorize midwife assistants to perform the services referenced in BPC section 2516.5(b)(1). This section further indicates that the supervising licensed midwife or certified nurse midwife is responsible for the patient's treatment and care. This section is necessary for consumer protection to ensure proper supervision of midwife assistants, to provide a limit on the types of services midwife assistants may be authorized to perform, and to clearly state that the supervising licensed midwife or certified nurse midwife is responsible for the care and treatment of his or her patient.

Section 1379.02 specifies each midwife assistant shall have a Neonatal Resuscitation Certification from the American Academy of Pediatrics. This section is necessary for consumer protection to ensure that midwife assistants are properly trained in neonatal resuscitation by a reputable agency.

Section 1379.03 specifies each midwife assistant shall maintain certification in basic life support from the American Heart Association or the American Safety and Health Institute. This section is necessary for consumer protection to ensure that midwife assistants are properly trained in basic life support by a reputable agency.

Section 1379.04 specifies each midwife assistant shall have received training in Center for Disease Control "Guidelines for Infection Control in Health Care Personnel" and must demonstrate to the supervisor that he or she understands infection control. This section is necessary for consumer protection to ensure that midwife assistants are properly trained in infection control using guidelines from a reputable agency. This section is modelled after the Board's regulations for medical assistants pursuant to 16 CCR section 1366.4.

Section 1379.05 specifies the minimum training a midwife assistant shall complete. This section is necessary for consumer protection to ensure that midwife assistants have met a minimum level of didactic and hands-on training, and demonstrate satisfactory performance of tasks they will be authorized to do, before they begin performing the services with patients. This section is modelled after the Board's statutes and regulations for medical assistants pursuant to BPC sections 2069 and 2070, and 16 CCR section 1366.1, as directed by BPC section 2516.5(a)(1) and (b)(2).

Section 1379.06 specifies how midwife assistant training shall be administered and certified. This section is necessary for consumer protection to ensure that training of midwife assistants is administered and certified by a licensed midwife or certified nurse midwife, or by an appropriate secondary, postsecondary, or adult education program. This section is modelled after the Board's regulations for medical assistants relating to the administration of training pursuant to 16 CCR section 1366.3, as generally directed by BPC section 2516.5(a)(1) (stating, the midwife assistant is a person who "has had at least the minimum amount of

hours of appropriate training pursuant to standards established by the board for a medical assistant pursuant to Section 2069.”).

Section 1379.07 specifies the minimum requirements certifying organizations for midwife assistant training must meet to receive Board approval. This section is necessary for consumer protection to ensure that certifying organizations meet minimum standards in requirements for training and competence of midwife assistants before they will grant them certification or recertification. This section is modelled after the Board’s regulations for approved certifying organizations for medical assistants pursuant to 16 CCR section 1366.31, as generally directed by BPC section 2516.5(a)(1) (stating, the midwife assistant is a person who “has had at least the minimum amount of hours of appropriate training pursuant to standards established by the board for a medical assistant pursuant to Section 2069.” Further, section 2516.5(a)(1) references “certificates,” so the Board is defining minimum requirements for certifying organizations based on requirements for medical assistants consistent with the statute.).

Section 1379.08 specifies changes Board approved certification agencies must report to the Board and timeframes for reporting the changes to the Board. This section is necessary for consumer protection to ensure that certifying organizations keep the Board informed of changes to their standards, so that the Board may ensure the organizations continue to meet the minimum requirements set forth in proposed section 1379.07. This section also indicates that the certifying organizations are subject to review every five years by the Board to ensure compliance with the standards. This section is modelled after the Board’s regulations regarding certifying organizations for medical assistants pursuant to 16 CCR section 1366.32, as generally directed by BPC section 2516.5(a)(1) (stating, the midwife assistant is a person who “has had at least the minimum amount of hours of appropriate training pursuant to standards established by the board for a medical assistant pursuant to Section 2069.” Further, section 2516.5(a)(1) references “certificates,” so the Board is defining minimum requirements for certifying organizations based on requirements for medical assistants consistent with the statute.).

Section 1379.09 – specifies process times for the Board to review an application from a certifying organization. This section is necessary to ensure that applications from certifying organizations are processed in a timely fashion by the Board. This will help to foster access to certified midwife assistants in an efficient manner. This section is modelled after the Board’s regulations for approved certifying organizations for medical assistants pursuant to 16 CCR section 1366.33.

### **Factual Basis/Rationale**

BPC section 2516.5 became effective on January 1, 2016, permitting licensed midwives and certified nurse-midwives to use midwife assistants in their practices. BPC section 2516.5 sets forth some minimum requirements for midwife assistants, references standards for medical assistants established by the Board pursuant to BPC section

2069, and indicates under subsection (a)(1) that the “midwife assistant shall be issued a certificate by the training institution or instructor indicating satisfactory completion of the required training.” The section, however, does not specify such details as what the training entails, who can conduct the training, and who can certify that a midwife assistant meets the minimum requirements. Additionally, subsection (b)(4) authorizes midwife assistants to “[p]erform additional midwife technical support services under regulations and standards established by the board.”

The responsibility for making BPC section 2516.5 more specific lies with the Board through this rulemaking process.

### **Underlying Data**

The Board held an interested parties meeting on February 3, 2016, to get input on drafting the proposed regulations for midwife assistants. On March 10, 2016, the proposed draft midwife assistants regulations were presented to the Midwifery Advisory Council (MAC) for discussion, and were approved with amendments for presentation to the Board.

Staff prepared a report for the May 6, 2016 Medical Board of California meeting (agenda item 18) regarding the need to add CCR sections 1379.01, 1379.02, 1379.03, 1379.04, 1379.05, 1379.06, 1379.07, 1379.08, and 1379.09.

At the May 6, 2016 Board meeting, the Board adopted a motion directing staff to begin the regulatory process to add CCR sections 1379.01, 1379.02, 1379.03, 1379.04, 1379.05, 1379.06, 1379.07, 1379.08, and 1379.09 to further define BPC section 2516.5 to provide clarification regarding the training requirements and scope of practice for midwife assistants.

### **Business Impact**

The addition of CCR sections 1379.01, 1379.02, 1379.03, 1379.04, 1379.05, 1379.06, 1379.07, 1379.08, and 1379.09 will not have a significant adverse economic impact on businesses. This initial determination is based on the fact that these regulations will likely have a positive economic impact for the state, since licensed midwives and certified nurse midwives will now be permitted to hire midwife assistants meeting the qualifications as set forth in these proposed regulations and pursuant to BPC section 2516.5.

### **Economic Impact Assessment**

The Board has made the initial determination that this regulatory proposal will have the following impact:

- It is likely to create jobs for midwife assistants, instructors, and employees of certifying organizations. It is not likely to eliminate jobs within the State of California. This initial determination is based on the fact that prior to January 2016, midwife assistants were not permitted by statute or regulation. Under BPC

section 2516.5, midwife assistants are now permitted under the law, and the regulations will set forth minimum requirements for midwife assistants, instructors, educational programs, and certifying organizations, and create new job opportunities in the state.

- It is not likely to create or eliminate existing businesses within the State of California, however, existing businesses may expand to meet demand for this new position. This initial determination is based on the fact that prior to January 2016, midwife assistants were not authorized by statute or regulation. Under BPC section 2516.5, midwife assistants are now allowed under the law, and the regulations will set forth minimum requirements for midwife assistants, instructors, educational programs, and certifying organizations. It is likely that educational programs and certifying organizations will expand to fill the need to train and certify midwife assistants, but the number of individuals interested in becoming midwife assistants is not expected to be great enough to anticipate the creation of new businesses.
- It will likely result in the expansion of businesses currently doing business within the State of California. This initial determination is based on the fact that prior to January 2016, midwife assistants were not authorized by statute or regulation. Under BPC section 2516.5, midwife assistants are now allowed under the law, and the regulations will set forth minimum requirements for midwife assistants, instructors, educational programs, and certifying organizations. It is likely that educational programs and certifying organizations already familiar with medical assistant requirements will expand to fill the need to train and certify midwife assistants.
- It will benefit the health and welfare of California residents, because the regulations will set forth minimum requirements for midwife assistants, instructors, educational programs, and certifying organizations to further consumer protection.
- It will have a positive impact on worker safety, because the proposed regulations will set forth minimum requirements for midwife assistants, which include infection control.
- It will not have an impact on the state's environment, because the regulations will simply set forth minimum requirements for midwife assistants, instructors, educational programs, and certifying organizations.

### **Specific Technologies or Equipment**

This regulation does not mandate the use of specific technologies or equipment.

### **Consideration of Alternatives**

No reasonable alternative to the regulatory proposal would be either more effective in

carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.

Set forth below are the alternatives which were considered and the reasons each alternative was accepted or rejected:

1. Do not proceed with the rulemaking to add the sections identified. This alternative was rejected because BPC section 2516.5 needs to be made more specific to support the Board's mission of consumer protection by identifying the minimum requirements for midwife assistant training, the minimum requirements for instructors and training programs, and the minimum requirements for certifying organizations.
2. Adopt the proposed regulatory amendments. This alternative was determined to be the most appropriate, because it supports the Board's mission of consumer protection by identifying the minimum requirements for midwife assistant training, the minimum requirements for instructors and training programs, and the minimum requirements for certifying organizations.