



State of California
 Medical Board of California
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Memorandum

Date: December 2, 2011
 To: Midwifery Advisory Council Members
 From: Curt Worden, Chief of Licensing
 Subject: Amendment of Title 16 CCR, Section 1379.2 to Add a Definition of "Enrolled"

The Medical Board of California has recently received several inquiries regarding the provisions of Section 2514 of the Business and Professions Code and the practice of midwifery by a student.

Section 2514 provides:

"Nothing in this chapter shall be construed to prevent a bona fide student who is enrolled or participating in a midwifery education program or who is enrolled in a program of supervised clinical training from engaging in the practice of midwifery in this state, as part of his or her course of study, if both of the following conditions are met:

- (a) The student is under the supervision of a licensed midwife, who holds a clear and unrestricted license in this state, who is present on the premises at all times client services are provided, and who is practicing pursuant to Section 2507, or a physician and surgeon.
- (b) The client is informed of the student's status." (Emphasis added.)

Most of these inquiries involve individuals who may have executed a formal agreement to be supervised by a licensed midwife but are not enrolled in any approved midwifery education program. In some cases, the individual represents that he or she is "studying midwifery on his or her own". In either of these circumstances, the individual is not a bona fide student because he or she is not formally enrolled in a midwifery educational institution. A student must be formally enrolled at an educational institution in order to participate in a program of supervised midwifery clinical training that is offered by that educational institution. A written agreement between a licensed midwife and a "student" does *not* qualify as a "program of supervised clinical training". Accordingly, these types of arrangements are not consistent with the provisions of section 2514.

Staff, with the assistance of legal counsel, has determined that section 1379.2 in Chapter 4 of Division 13, Title 16 California Code of Regulations should be amended to add a definition of "enrolled" in order to clarify the intent of section 2514.

**Midwifery Program
Specific Language of Proposed Changes
Draft 11/28/2011**

Amend section 1379.2 in Chapter 4 of Division 13, Title 16 Cal.Code Regs. to read as follows:

1379.2. Definitions.

For the purposes of the regulations contained in this chapter and for purposes of Article 24 of Chapter 5 of Division 2 (commencing with section 2505) of the code:

(a) "Accrediting organization approved by the board," as used in section 2515 of the code, means either an accrediting organization that is recognized by the United States Department of Education, Division of Accreditation, or an accrediting organization that is equivalent thereto.

(b) "Board" means the Division of Licensing of the Medical Board of California.

(c) "Code" means the Business and Professions Code.

(d) "Enrolled," as used in Section 2514 of the code, means registered in a formal program of midwifery or supervised clinical training at an academic institution.

~~(d)~~ (e) "Midwifery education program" includes but is not limited to nurse midwifery education programs.

Note: Authority cited: Section 2514.5, Business and Professions Code. Reference: Sections 2505 through 2521, Business and Professions Code.