



MEDICAL BOARD OF CALIFORNIA

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Gavin Newsom, Governor, State of California | Business, Consumer Services and Housing Agency | Department of Consumer Affairs

MIDWIFERY ADVISORY COUNCIL WebEx Meeting Thursday, December 3, 2020 MEETING MINUTES

Due to timing for invited guests to provide their presentations, the agenda items below are listed in the order they were presented.

Members Present:

Diane Holzer, L.M., Chair
Claudia Breglia, L.M., Vice Chair
Donyale Abe
Anne Marie Adams, M.D.

Members Absent:

Tesa Kurin, L.M.

Staff Present:

Aaron Bone, Chief of Legislation and Public Affairs
Natalie Lowe, Information Technology Specialist I
Tonya Morairty, Associate Governmental Program Analyst
Marina O'Connor, Chief of Licensing
Regina Rao, Associate Governmental Program Analyst
Elizabeth Rojas, Staff Services Analyst
William Prasifka, Executive Director
Lisa Toof, Staff Services Manager I
Reji Varghese, Deputy Director
Kerrie Webb, Staff Counsel

Agenda Item 1 Call to Order/Roll Call/Establishment of a Quorum

Ms. Holzer called the meeting of the Midwifery Advisory Council (MAC) of the Medical Board of California (Board) to order on Thursday, December 3, 2020 at 1:10 p.m. A quorum was present and due notice was provided to all interested parties.

Agenda Item 2 Public Comments on Items not on the Agenda

There were no public comments on items not on the Agenda.

Agenda Item 3 Approval of Minutes from the August 20, 2020 Midwifery Advisory Council Meeting

Ms. Holzer asked if anyone in attendance had corrections to the August 20, 2020 meeting minutes.

Ms. Breglia stated she would like a correction made to agenda item number 13. Ms. Breglia stated her comment made was as follows, "Currently there's no time stated for the provision of postpartum care and that specifying a limit could actually lead to further restrictions and prevent midwives from being hired for provision of postpartum care".

Ms. Abe made a motion to approve the August 20, 2020 meeting minutes, with the correction mentioned; s/Ms. Breglia. Motion carried unanimously. 4-0

Agenda Item 4 Report from the Midwifery Advisory Chair

Ms. Holzer stated she would like to welcome the new MAC member, Tesa Kurin. Ms. Holzer stated Ms. Kurin was on vacation and not able to join in the meeting today. Ms. Holzer expressed she was excited to have another midwife as a representative from Southern California.

Ms. Holzer stated she attended the Medical Board (Board) quarterly meeting in November and presented three items to the Board. The first item presented was appointment of the new MAC member, Ms. Kurin, which was approved by the Board.

Ms. Holzer stated the second item she presented to the Board were the edits the MAC made to the midwifery guidelines. Ms. Holzer indicated the Board did not approve this item and instead asked that the MAC hold an interested parties meeting to discuss the guidelines.

Ms. Holzer stated the third item she presented was the agenda items for the March MAC meeting, which was approved by the Board with the exception of the discussion of removing the guidelines from the website.

Ms. Holzer expressed how pleased she was regarding the sunset review and the prospect of developing a Midwifery Board in the near future.

Agenda Item 5 Establishing Goals for the Midwifery Advisory Council

Ms. Holzer stated that the MAC has several goals that they are currently working on. She added that she would like to work on bringing the MAC membership to full capacity before recommending any additional goals.

Agenda Item 6 Report from the Task Force and Discussion Regarding Medi-Cal Related Issues

Ms. Holzer recommended tabling this item to the March 2021 MAC meeting since Ms. Kurin was unable to attend today's meeting. She stated that the two Task Force members, Ms. Breglia and Ms. Kurin, would continue to work on this issue.

Agenda Item 7 Report from the Task Force on the Licensed Midwife Annual Report and Discussion on Proposed Regulatory Language

Ms. Abe presented some of the changes she would like made to the Licensed Midwife Annual Report (LMAR) and expressed the difficulties in making these changes.

Ms. Webb stated the changes being presented would require a statutory change. Ms. Webb explained the differences between a statutory change and a regulatory change.

Ms. Holzer stated the MAC would need to determine whether a statutory change or a regulatory change would be best.

Ms. Abe stated she would like to take the quickest and simplest route to get these changes implemented. It was determined by the MAC that the regulatory changes would be best.

Ms. Abe stated she will need some assistance with the specific language to be used.

Dr. Adams stated she would be willing to work with Ms. Abe on drafting the regulatory language.

The members discussed the possibility of a legislative proposal and CALM's ability to carry the legislative proposal, but the current agenda item does not allow the MAC to take action on a legislative proposal.

After discussion among the MAC and public members, it was decided to bring this item back as an agenda item for the March 2021 MAC meeting. At the March 2021 meeting, the MAC will pursue regulatory language.

Agenda Item 8 Update on Midwifery Related Legislation

Mr. Bone gave an update on two bills related to midwifery. Senate Bill 1237, which allows certified nurse midwives to attend low-risk pregnancies and provide prenatal intrapartum and postpartum care without the supervision of a physician. He stated the bill defines low-risk pregnancies as one where there is a single fetus, a cephalic presentation at the onset of labor, there is a gestational age of the fetus greater than or equal to 37 weeks and no more than 42 weeks at the time of delivery, that labor is spontaneous or induced and that the patient has no pre-existing disease or condition that adversely affects the pregnancy and that the certified nurse midwife is not qualified to independently address.

Mr. Bone also presented Senate Bill 1474. He stated this bill includes a section that prohibits anyone regulated by a licensing board from including, within a contract for consumer services, a provision that prevents the patient from filing a complaint or participating in an investigation of that licensing board. The Bill defines consumer services as any service obtained for use primarily for personal, family, or household purposes. A violation of the section would constitute unprofessional conduct and subject that licensee to discipline.

Mr. Bone also provided a status update on the Board's Sunset Review Report. During the Medical Board's meeting last month, the members approved the Board's draft sunset report, which included the Board Members' support for the creation of a Midwifery Board, as long as there is an appropriate scope of practice and related statutory consumer protections. The Board did not endorse a particular approach to creating a new Board or state what an appropriate scope of practice might look like. However, there was some discussion about incorporating certain provisions of Senate Bill 1237 into that scope.

Staff are making the final adjustments to the report before submitting it to the Legislature no later than January 4, 2021.

Agenda Item 9 Discussion on Sunset Review

Ms. Holzer asked Ms. Davis from the California Association of Licensed Midwives (CALM) to give an update on this item.

Ms. Davis thanked the Board for working on the Sunset Review with CALM and specifically thanked Mr. Bone. Ms. Davis stated the Board approved the draft Sunset Review Report in November and that it will now go to the Legislature to write the bill language.

Mr. Bone stated that once the report is issued to the Legislature, it would be published on the Board's website. He added that the Legislature typically holds a Sunset Review hearing in late February or early March and that it is open for public comment. Mr. Bone stated this is an informational hearing for the Legislature to get clarification on certain matters.

Agenda Item 10 Program Update

Ms. Morairty referred Council members to the Licensing Statistics, stating that in the 1st quarter of the fiscal year (FY) 2020/2021, the Board received 14 new applications, issued five new licenses, and renewed 60 licenses.

Ms. Morairty reported the Transfer of Planned Out-of-Hospital Delivery forms for the 1st quarter of FY 2020/2021, indicating that the Board received 68 Transfer of Planned Out-of-Hospital Delivery to Hospital Reporting forms for licensed midwives.

Ms. Morairty reported the enforcement statistics for licensed midwives, stating that in the 1st quarter of FY 2020/2021, the Board received five complaints and referred two for investigation.

The Board received one complaint in the 1st quarter of FY 2020/2021 for unlicensed midwives and there were none referred for investigation.

Agenda Item 11 Discussion and Possible Action Regarding Legislative Solution to Address Stalemate on Creating Regulations for Licensed Midwives

After discussion among the MAC, Ms. Holzer stated this item would be tabled and that the MAC would assist CALM in developing a Midwifery Board. Ms. Holzer indicated that regulations would be created once a Midwifery Board is established.

Agenda Item 12 Discussion and Possible Action on Draft Letter to the Birth Certificate Clerks and Social Security Offices

Ms. Holzer discussed a draft letter to be sent to the Social Security offices throughout California. Some edits were requested by public members and by the MAC. The MAC voted to accept the proposed letter with the suggested edits and to work with Board staff to the present to the full Board at its next meeting.

Dr. Adams made a motion to accept the proposed draft letter with edits; s/Ms. Abe. Motion carried unanimously. 4-0

Agenda Item 13 Discussion and Possible Action on Selection of One Midwifery Advisory Council Member

Ms. Holzer stated this position had not yet been advertised, however, one public member, and an additional licensed midwife position would be advertised by the Board and would be voted on at the March 2021 MAC meeting.

Agenda Item 14 Discussion and Possible Action on 2021 Midwifery Advisory Council Meeting Dates

Ms. Holzer suggested March 11, 2021, August 12, 2021, and December 9, 2021, as dates for the 2021 MAC meetings. The MAC voted to accept those dates.

Ms. Holzer made a motion to choose March 11, 2021, August 12, 2021 and December 9, 2021 for the 2021 MAC meeting dates; s/Ms. Abe. Motion carried unanimously. 4-0.

Agenda Item 15 Future Agenda Items

Ms. Holzer recommended the following agenda items for the next board meeting:

- Establishing goals for the MAC;
- Update on midwifery related legislation and sunset review;
- Report from the MAC Chair;
- Update on the Midwifery Program;
- Discussion and possible action on proposed regulatory language for the Licensed Midwife Annual Report (LMAR);
- approval of minutes from the December 3, 2020 MAC meeting;
- Selection of two new MAC members: one licensed midwife position and one public member position;
- Report from the Task Force and discussion regarding Medi-Cal related issues.

Agenda Item 16 Adjournment

Ms. Holzer adjourned the meeting at 3:19 p.m.