

MEDICAL BOARD OF CALIFORNIA

DATE REPORT ISSUED: August 5, 2021
ATTENTION: Midwifery Advisory Council (MAC)
SUBJECT: Update on Proposed Regulatory Language for the
Licensed Midwife Annual Report (LMAR)
CONTACT: Marina O'Connor, Licensing Chief

Purpose:

To update the Midwifery Advisory Committee (MAC) on the proposed regulatory language for the LMAR.

BACKGROUND:

Pursuant to Business and Professions Code (BPC) section 2516, a licensed midwife who assists or supervises a childbirth that occurs in an out-of-hospital setting, must report to the Office of Statewide Health Planning and Development (OSHPD) by March 30th of each calendar year specific data elements. OSHPD is required to maintain the confidentiality of the licensed midwife and report only aggregate information to the Medical Board of California (Board) by July 30th of each year. Assembly Bill 1308 amended BPC section 2516 to allow the Board, along with input from the MAC, to adjust the report data elements to better coordinate with other reporting systems.

In collaboration with the MAC, Board staff presented proposed regulatory language to the Board at its May 12-14, 2021, quarterly meeting. The Board voted to allow staff to move forward with preparing the rulemaking documents to submit to the Department of Consumer Affairs (DCA) for approval. The Board authorized staff to make non-substantive changes to the language and respond to non-substantive comments during the rulemaking process without returning to the Board.

STATUS UPDATE:

Board staff are currently working on the documents needed to file the rulemaking with the Office of Administrative Law, including the Initial Statement of Reasons and Notice of Proposed Action, for submission to DCA.

MEDICAL BOARD STAFF REPORT

DATE REPORT ISSUED: April 13, 2021
ATTENTION: Members, Medical Board of California
SUBJECT: Proposed Regulatory Language for the Licensed
Midwife Annual Report
STAFF CONTACT: Kerrie Webb, Staff Counsel

ACTION REQUESTED:

After review and discussion, determine if the Board should approve the attached proposed regulatory language for the Licensed Midwife Annual Report (LMAR).

If the Board approves the attached language, make a motion to direct staff to proceed with the following:

- 1) Prepare the necessary regulatory documents to submit to the Department of Consumer Affairs (DCA) and the Business, Consumer Services and Housing Agency (Agency).
- 2) Upon DCA and Agency approval, submit the documents to the Office of Administrative Law (OAL) to notice the proposed regulatory language to add Section 1379.35, Chapter 4, Article 6, Division 13, of Title 16 of the California Code of Regulations (CCR).
- 3) Authorize staff to make non-substantive changes to the language and respond to non-substantive comments during the rulemaking process without returning to the Board.

BACKGROUND:

Pursuant to Business and Professions Code (BPC) section 2516, a licensed midwife who assists or supervises a childbirth that occurs in an out-of-hospital setting, must report to OSHPD by March 30th of each calendar year specific data elements. OSHPD is required to maintain the confidentiality of the licensed midwife and report only aggregate information to the Medical Board of California (Board) by July 30th of each year. Assembly Bill 1308 amended BPC section 2516 to allow the Board, along with input from the Midwifery Advisory Committee (MAC), to revise the data elements to better coordinate with other reporting systems and to collect data that fits the needs of the midwifery community.

The MAC created a task force to research data gathered by other reporting systems and draft proposed regulatory language. The task force found that other systems collected client's race and ethnicity, which are not currently captured on the LMAR.

Based on the information collected and with help from Board staff, proposed regulatory language was developed and presented to the MAC at its March 11, 2021, quarterly

meeting. The MAC voted to present the proposed regulatory language to the full Board for review and approval.

STAFF RECOMMENDATION:

Staff recommends the Board grant staff authorization to proceed with preparing the necessary rulemaking documents to submit to DCA and Agency for approval, prior to sending the documents to OAL to notice the proposed amendments. Staff further recommends the Board authorize staff to make non-substantive changes to the language and respond to non-substantive comments during the rulemaking process without returning to the Board.

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. MEDICAL BOARD OF CALIFORNIA
PROPOSED REGULATORY LANGUAGE
LICENSED MIDWIFE ANNUAL REPORT

Legend: Added text is indicated with an <u>underline</u> .

1. Add Section 1379.35, Chapter 4, Article 6, Division 13, of Title 16 of the California Code of Regulations to read as follows:

Article 6. Licensed Midwife Annual Report

§ 1379.35. License Midwife Annual Report Requirements.

In addition to the information required to be reported under Business and Professions Code section 2516, each licensed midwife who assists, or supervises a student midwife in assisting, in childbirth that occurs in an out-of-hospital setting shall report each client's race and ethnicity as identified by the client as part of the Licensed Midwife Annual Report.

Note: Authority cited: Sections 2018 and 2516, Business and Professions Code.
Reference: Sections 2516, Business and Professions Code.