



MEDICAL BOARD OF CALIFORNIA

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2005 Evergreen Street
Sacramento, CA 95815-5401
Phone: (916) 263-2382
www.mbc.ca.gov

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

MIDWIFERY ADVISORY COUNCIL WebEx Meeting Thursday, August 12, 2021 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
Dr. Anne Marie Adams, M.D.
Tesa Kurin, L.M.

Members Absent:

Donyale Abe

Staff Present:

Aaron Bone, Chief of Legislation and Public Affairs
Sean Eichelkraut, Information Technology Manager I
Tonya Morairty, Associate Governmental Program Analyst
Marina O'Connor, Chief of Licensing
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, August 12, 2021 at 1:03 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

Mr. Domingo with the California Department of Public Health (CDPH) spoke briefly about newborn screening requirements and compliance. Mr. Domingo stated all midwives should be performing the newborn screening.

Mr. Domingo stated the Newborn Screening Program is part of the Genetic Disease Screening Program that screens all babies for many serious diseases. California has a law that requires all babies to be screened for 80 different diseases. If not found and treated early, many of the diseases can cause serious and permanent health problems, severe developmental delay and even death.

Ms. Sparrevohn read a statement written by Ms. Davis. The statement thanked the Board for approving the recommendation to establish a Midwifery Board. The statement went on to say why Ms. Davis is in favor of developing a Midwifery Board and the advantages of separating midwifery from the Medical Board.

Agenda Item 3 Approval of Minutes from the March 11, 2021 Midwifery Advisory Council Meeting

Ms. Holzer asked if anyone in attendance had corrections to the March 11, 2021 meeting minutes.

No corrections were requested.

Ms. Holzer made a motion to approve the March 11, 2021 meeting minutes; s/Ms. Kurin. Motion carried unanimously. 4-0

Agenda Item 4 Report from the Midwifery Advisory Council Chair

Ms. Holzer stated she attended the Medical Board (Board) quarterly meeting in June. Ms. Holzer stated she presented the Board with Ms. Breglia's re-appointment to the MAC, which was approved by the Board. Ms. Holzer congratulated Ms. Breglia on her re-appointment.

Ms. Holzer stated the regulatory change for the LMAR was reviewed and approved by the Board.

Ms. Holzer stated the hearings with the Legislature regarding the development of a Midwifery Board are not going as positively as hoped, however, the California Association of Licensed Midwives (CALM) continues to work on the issue. Ms. Holzer thanked Ms. Davis from CALM on all of the hours they have put into this and Ms. Holzer remarked she looks forward to the day the MAC is no longer needed because a Midwifery Board was developed.

Agenda Item 5 Establishing Goals for the Midwifery Advisory Council

Ms. Holzer stated the MAC is currently working on several goals. She indicated she has no additional goals to add at this time. The other MAC members agreed.

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

Ms. Kurin stated she reviewed Ms. Dugan's report on this agenda item from the December 2, 2019, MAC meeting. Ms. Kurin stated the issues in Ms. Dugan's report are still issues that have not been addressed.

Ms. Kurin stated some managed health care plans are not knowledgeable about licensed midwives practice, which has inhibited midwives from completing the credentialing process through these managed health care plans. Ms. Kurin stated this also creates billing issues.

Ms. Kurin also stated that there are billing issues with licensed midwives not being paid because they are not able to contract with managed healthcare plans, which are denying claims because they don't understand the LM scope of practice of services provided to beneficiaries of Medi-Cal.

Ms. Breglia stated there are issues with medical physicians refusing to see patients due to the patient's choice to have a home birth or vaginal birth after cesarean (VBAC). Ms. Breglia stated this leaves the client unable to get emergency care or routine ultrasounds or lab work.

Ms. Kurin pointed out that if a provider terminates care, the client has coverage under the provider until the end of the month. If the client does not see the provider in the month, they can switch providers in 24-72 hours. If the client is in Medi-Cal, then any provider can order ultrasound or lab work, as referrals and authorizations cannot be a barrier under Medi-Cal rules.

Ms. Kurin, Ms. Holzer and Dr. Adams discussed the next steps, the possibility of reaching out to the Department of Healthcare Services and managed healthcare plans to provide additional education on the scope of LMs, and bringing these concerns to the Board.

Ms. Webb suggested first researching the statute and what the law allows or does not allow before bringing the issue to the Board.

Ms. Kurin and Ms. Breglia stated they will meet and continue to work on this task force.

Agenda Item 7 Update on Proposed Regulatory Language for the Licensed Midwife Annual Report

Ms. Webb stated the MAC authorized proposed regulatory language to add race and ethnicity to the Licensed Midwife Annual Report.

Ms. Webb stated the proposed regulatory language submitted to the Board was approved. Board staff will now prepare the rulemaking package and submit to DCA for review and approval, then to the Business, Consumer Services, and Housing Agency (Agency) for review and approval, then notice it with the Office of Administrative Law (OAL). The final statement of reasons will then be submitted to DCA, then Agency, then OAL, and finally with the Secretary of State for approval.

Agenda Item 8 Update on Midwifery Related Legislation and Sunset Review Process

Mr. Bone stated the Board had two sunset hearings before the legislature, the first on March 19, 2021, which focused on enforcement matters, and the second on May 5, 2021, which was centered on licensing and related administrative topics.

Mr. Bone stated following those hearings the Legislature amended Senate Bill 806, which will extend the sunset date for the Medical Board, Osteopathic Medical Board, Podiatric Medical Board and the Physician Assistant Board. Mr. Bone stated Senate Bill 806 authorizes the Board to end the use of paper-based initial licensure and renewal applications for all license types, including midwives. Mr. Bone added that the bill will also increase the initial licensure fee for licensed midwives from \$300 to

\$450 and the renewal fee from \$200 to \$300, effective January 1, 2022. Mr. Bone also stated that all licensees of the Board would be required to have an email address and report it to the Board no later than July 1, 2022. Mr. Bone stated the quality of care complaints involving midwives would require review by a medical consultant with education, training and expertise in midwifery. Mr. Bone indicated that unfortunately the bill does not provide for the creation of a Midwifery Board. The author of SB 806 stated he had concerns with the costs surrounding the creation of a Midwifery Board and the fee amounts that would be necessary to support a Midwifery Board.

Mr. Bone indicated he was optimistic that further opportunities for discussion of a Midwifery Board will be able to continue into the future and hopefully all concerns can be addressed.

Mr. Bone stated Senate Bill 806 is pending a hearing before the Assembly Appropriations Committee, which is scheduled for August 19, 2021. Mr. Bone expects the bill to be approved by the Assembly in the end of August or early September 2021, followed by final approval from the Senate no later than September 10, 2021.

Mr. Bone stated Senate Bill 65, which is referred to as the California Omnibus Act, would require the Office of Statewide Health Planning and Development to establish a program that contracts with training programs for certified nurse midwives and licensed midwives to increase the number of students receiving quality education and training. That agency must contract with programs that train midwives that have or intend to create a training component for medically underserved multicultural communities, lower socioeconomic neighborhoods, and rural communities. Mr. Bone stated those programs must be organized to prepare program graduates for service in those neighborhoods and communities or otherwise seek to recruit and retain racially and ethnically diverse students, underrepresented groups, or people from underserved or historically marginalized communities.

Agenda Item 9 Program Update

Ms. Morairty referred Council members to the Licensing Statistics, indicating in the 3rd quarter of the fiscal year (FY) 2020/2021, the Board received ten new applications, issued eight new licenses, and renewed 70 licenses.

In the 4th quarter of FY 2020/2021, the Board received 13 new applications, issued 15 new licenses, and renewed 56 licenses. As of July 1, 2021, there were 481 renewed and current midwifery licenses.

Ms. Morairty reviewed the Transfer of Planned Out-of-Hospital Delivery forms for the 3rd quarter of FY 2020/2021 indicating the Board received 71 Transfer of Planned Out-of-Hospital Delivery to Hospital Reporting forms for licensed midwives.

In the 4th quarter of FY 2020/2021, the Board received 67 Transfer of Planned Out-of-Hospital Delivery to Hospital Reporting forms for licensed midwives.

Ms. Morairty reviewed the enforcement statistics for licensed midwives, in the 3rd quarter of FY 2020/2021 indicating the Board received seven complaints and referred zero for investigation.

In the 4th quarter of FY 2020/2021, the Enforcement statistics show that the Board received ten complaints and referred two for investigation.

The Board received zero complaints in the 3rd quarter of FY 2020/2021 for unlicensed midwives and in the 4th quarter of FY 2020/2021 the Board received one complaint for unlicensed midwives.

Ms. Morairty also provided an overview of the 2020 LMAR summary.

Ms. Morairty stated for 2020, there were 545 midwives expected to report, of those, 387 reported, leaving 158 unreported. Ms. Morairty noted the total number of clients served during the calendar year was 7,353.

Ms. Morairty referred to the number of planned out-of-hospital births at the onset of labor was 4,776 compared to 3,833 last year, an increase of 943. The number of completed births in an out of hospital setting was 3,245 compared to 3,535 last year, a decrease of 290.

Agenda Item 10 Discussion and Possible Action on Selection of One Public Member Vacant Position on the Midwifery Advisory Council

Ms. Morairty stated one application was received for the public member position from Monique Webster.

Ms. Webster was not available to attend the MAC meeting, however she did submit a statement to be read on her behalf. The statement read by Ms. Holzer indicated that Ms. Webster was previously a member of the MAC from 2012 through 2015. Ms. Webster's statement also indicated she would love an opportunity to serve on the MAC again. She has a Master's in Public Health with an emphasis in maternal and child health and she has volunteered as a birth doula. She also stated she birthed her two children at home with licensed midwives and she strongly supports this profession.

Ms. Holzer made a motion to nominate Ms. Webster; s/Ms. Breglia.

Motion to nominate Ms. Webster carried. 3-0-1. Dr. Adams abstained.

Agenda Item 11 Discussion on Training for MAC Members

Ms. Holzer stated in Ms. Abe's absence, that Ms. Abe indicated she would like more training for MAC members. Ms. Holzer stated a packet or video may be helpful for future MAC members.

Ms. Kurin stated she would like a training video and more training on the Bagley-Keene Open Meeting Act.

Ms. Webb stated she did a presentation on the Bagley-Keene Open Meeting Act at a prior MAC meeting. Ms. Webb requested that Ms. Morairty forward that presentation to Ms. Kurin. Ms. Webb indicated that a staff member will reach out to Ms. Kurin to schedule training with her.

Ms. Holzer indicated she would like to put this topic back on the agenda for the December MAC meeting so that Ms. Abe can also comment or ask questions that she may have about MAC training.

Agenda Item 12 Future Agenda Items

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

- Report from the MAC Chair;
- Establishing goals for the MAC;
- Report from the Task Force and possible action regarding Medi-Cal related issues;
- Update on proposed regulatory language for the Licensed Midwife Annual Report (LMAR);

- Update on midwifery related legislation and sunset review;
- Update on the Midwifery Program;
- Discussion on LMAR compliance;
- Discussion on training for MAC members;
- Presentation by the California Department of Public Health regarding newborn screening requirements and compliance.

Public comment was made by Mr. Domingo with CDPH, indicating he would like to make a presentation on behalf of CDPH at the December 2021 MAC meeting. Mr. Domingo will be presenting more information on the newborn screening program requirements.

Agenda Item 13 Adjournment

Ms. Holzer adjourned the meeting at 2:40 p.m.

DRAFT