



# MEDICAL BOARD OF CALIFORNIA

Protecting consumers by advancing high quality, safe medical care.

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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, March 3, 2022 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  
Tesa Kurin, L.M.  
Monique Webster

### **Members Absent:**

### **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, March 3, 2022 at 1:08 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**

Ms. Rosanna Davis, Licensed Midwife (LM) and President of the California Association of Licensed Midwives (CALM), commented that a bill was introduced this year advocating for a California Board of Licensed Midwives.

Ms. Davis explained that this year, AB 1767 was introduced and it transfers administrative authority of the existing licensed midwife program and the licensed midwife fund from the Board to the California Board of Licensed Midwives. The bill, as introduced, does not propose any scope changes and CALM is advocating for a clean transition without scope changes. As a result of the outreach and education campaign led by CALM, support for this bill has occurred in key legislative offices. Talk has circulated that the cost to transfer the program from the Board to a Midwifery Board would be prohibitively high, however, on the contrary, CALM's report states that this move would be budget neutral.

Ms. Davis stated CALM has advocated for this transition because they feel that they have been blocked out of the investigations of complaints received by the Board. Ms. Davis stated that understandably the complaints are confidential. Ms. Davis went on to say that if a Midwifery Board was established, the new Board would be able to better address the needs of the midwives and complaint issues and have complaints reviewed by other LM's. Ms. Davis stated that currently the complaints are not reviewed by the profession. Ms. Davis also stated the MAC is not involved in disciplinary review, accusations, or decisions.

Ms. Davis stated CALM is thankful to the MAC and that CALM looks forward to achieving true midwifery autonomy with a Midwifery Board.

Ms. Davis stated that CALM supports the suspension of future MAC meetings while the proposed new Midwifery Board is considered and to conserve fiscal resources.

**Agenda Item 3      Approval of Minutes from the December 9, 2021, Midwifery Advisory Council Meeting**

Ms. Holzer asked if anyone in attendance had corrections to the December 9, 2021, meeting minutes.

No corrections were requested.

***Ms. Holzer made a motion to approve the December 9, 2021, meeting minutes; s/Ms. Kurin. Motion carried unanimously. 4-0***

**Agenda Item 4      Report from the Midwifery Advisory Council Chair**

Ms. Holzer stated this will be her last meeting as MAC chair. She recommended Ms. Breglia for the chair position and thanked Ms. Breglia and the MAC for their help.

Ms. Holzer stated that midwifery has changed tremendously over the last 30 years. She thanked Ms. Davis and CALM for working on moving the Midwifery Board forward. Ms. Holzer stated that she believes a Midwifery Board is needed.

Ms. Holzer thanked the Board staff, past and present, that have worked hundreds of hours on behalf of the MAC.

Ms. Rosanna Davis thanked Ms. Holzer for her service on the MAC and Board staff.

**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 Possible Action on Medi-Cal Related Issues**

Ms. Kurin stated she is currently working with a three-year midwifery collaborative that will advance midwifery care. The collaborative is a group of stakeholders here in California that are joined on a national level, to help advance midwifery care throughout the Medicaid system. Ms. Kurin stated there are still a lot of goals being established and the group is meeting monthly to iron out goals.

Ms. Kurin mentioned she has seen a lot of progress on narrowing down where efforts will be aimed and establishing lines of communication. Ms. Kurin stated she hopes this will make it easier for plans to reach out to midwives and establish those contracts. Ms. Kurin stated that another area the collaborative will be working on is making sure Medi-Cal is accessible across all lines of service, and all have access to Medi-Cal and getting fair payment.

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

Ms. O'Connor stated the proposed regulations are moving along and look good.

MAC authorized proposed regulatory language to add additional reporting requirements for licensed midwives to include race and ethnicity to the LMAR.

Ms. O'Connor stated that Board staff is working on submitting the rulemaking package for review and approval to move forward.

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

Mr. Bone stated the legislature reconvened on January 3, 2022. The Board submitted a memo stating it is appropriate for licensed midwives to be regulated by a separate Midwifery Board.

Mr. Bone stated that following their recess, the Board distributed a letter to the legislature and the administration that discusses the Board's legislative priorities and includes requests to help ensure that the board has the financial resources and enforcement tools appropriate to its mission. Mr. Bone stated in that memo, the board reaffirmed its view that because licensed midwives are independent practitioners and not supervised by physicians that it is appropriate for licensed midwives to be regulated by a separate Board. Mr. Bone went on to say however, the memo was clear that the Board has not endorsed any particular approach regarding the establishment of a new Board, as indicated earlier by Ms. Davis.

Mr. Bone stated Assembly Bill 1767 was introduced by assembly member Berner Horvath and was introduced on February 2, 2022, which would establish the California Board of Licensed Midwives under the Department of Consumer Affairs.

Mr. Bones stated under the rules of the legislature we can expect it to be heard in the assembly committee on business and professions sometime prior to the end of April. The Medical Board has not had the opportunity to discuss this bill and take a position upon it yet. The next scheduled Board meeting is May 19 and 20, 2022.

Mr. Bone stated that other bills that may be of interest to the MAC include AB 2176, which by current law states that a live birth must be registered with local authorities within 10 days of that birth. This bill would change that time frame to 21 days. AB 2659 by Patterson would require a Medi-Cal managed care plan to have within its provider network at least one licensed midwife or certified nurse midwife within each county where the Medi-Cal managed care plan provides services to medical beneficiaries. Mr. Bone stated the bill would exempt a managed care plan from that requirement if no licensed midwife or certified nurse midwife is available in a given county or if no licensed midwife or CNM in that county accepts Medi-Cal payments.

Mr. Bone stated SB 1440 by Roth updates a code section that was added in the Board's sunset review legislation last year. It clarifies the process surrounding midwifery quality of care complaints stating that if the Board does not receive certain requested documents or expert testimony in a timely manner, that it may still proceed to a field investigation when warranted. These additions conform to the requirements that exist for physician quality of care complaints.

### **Agenda Item 9      Program Update**

Ms. Morairty referred Council members to the Licensing Statistics, indicating in the 2nd quarter of the fiscal year (FY) 2021/2022, the Board received five new applications, issued four new licenses, and renewed 66 licenses.

Ms. Morairty reviewed the Transfer of Planned Out-of-Hospital Delivery forms for the 2nd quarter of FY 2021/2022 indicating the Board received 52 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 2nd quarter of FY 2021/2022 indicating the Board received eight complaints and none were referred for investigation.

The Board received one complaint in the 2<sup>nd</sup> quarter of FY 2021/2022 for unlicensed midwives.

Ms. Kurin asked about how the Board processes complaints against unlicensed midwives and whether they are the same as transfer of planned out-of-hospital delivery to hospital reporting forms. Ms. Webb explained that complaints against unlicensed midwives are triaged by the complaint intake unit, then may be referred to the Health Quality Investigation Unit for field investigation. Ms. Webb further explained these are not the same as transfer of planned out-of-hospital delivery to hospital reporting forms, but the Board does evaluate the reporting forms to determine if a complaints should be opened and if it requires further review.

### **Agenda Item 10      Discussion and Possible Action on LMAR Reminder Letter and Worksheet**

Ms. Kurin stated she has developed a worksheet that still needs to be reviewed by the MAC members and Board staff to finalize. Ms. Kurin stated she is hoping the worksheet can be mailed by the Board with the LMAR letter in the future. She stated the form will be helpful in completion of the LMAR.

Ms. Kurin will bring a draft of the worksheet to the next MAC meeting for discussion and review.

### **Agenda Item 11      Discussion and Possible Action on Midwifery Schools and Information on the Board's Website**

Ms. Abe stated there have been no new schools added and would like to see more information on the Board's website as to how schools can apply to be listed as a Board-approved midwifery school. Ms. Abe stated she would like to see steps or links added to the website to make it more user friendly for schools to apply.

Ms. Breglia stated a link with the approval process would be helpful.

Ms. O'Connor and Ms. Webb stated that the Board can add additional information to the website page to give more information for schools to apply.

Ms. Rosanna Davis, from CALM stated that CALM has commissioned a consultant to do a feasibility study for a California Community College Licensed Midwife Program.

## **Agenda Item 12 Discussion and Possible Action on Suspension of Further MAC Meetings**

Ms. Holzer stated the thought of suspending meetings was to help with budget costs in the event that a midwifery Board is established.

Ms. Kurin stated she believes the meetings should continue at this time because there is currently no line of sight of a Midwifery Board and the MAC has items they are currently working on that are important and should continue. Ms. Kurin stated there is no definite answer on when or if the Midwifery Board would be developed. Ms. Kurin stated especially if meetings could continue online, this would cost little to no money to occur.

Ms. Abe stated she agreed with continuing the MAC meetings.

Ms. Webster agreed the meetings should continue and hoped that the meetings would continue virtually in the future.

Ms. Breglia agreed the meetings should continue as well.

Ms. Webb stated AB 1733 has been proposed and would allow meetings to continue virtually, if passed.

Mr. Bone stated AB 1733 is awaiting its very first committee meeting and it is very early in the process. The bill would take effect upon signature by the governor. The Bill is receiving a lot of interest by the Board and many other entities in state government.

Ms. Holzer stated due to the interest in keeping meetings going and the MAC wanting to continue with meetings, the meetings will continue to take place as usual. Ms. Holzer mentioned she would also like to continue this topic at the next meeting.

## **Agenda Item 13 Consideration and Possible Action to Select Three New MAC Members, One Licensed Midwife, Once Public Member and One Licensed Physician**

Ms. Morairty stated no applications were received for the licensed midwife or the licensed physician positions. Those positions will be readvertised on the Board's website.

Ms. Morairty stated that two applications were received for the vacant public member position from Caitlyn Clark and Barbara Woodley.

Ms. Clark was not present at the meeting, therefore did not give a statement.

Ms. Woodley was present and gave a statement to the MAC as to why she believed she would be a good fit as a member of the MAC.

Ms. Woodley stated she is currently a stay-at-home mom and a small business owner in Tulare, California. Her background in education as a middle school teacher is on human development with an emphasis in child development.

Ms. Woodley stated she became passionate about midwifery care during the pregnancy of her first child. She believes education and access to midwifery care is very important.

Ms. Woodley was a volunteer for Visalia Birth Network for several years where she became passionate about midwifery education options and access to quality care for mothers and babies. She also volunteered at Cellular Birth Network, which is similar to a La Leche League.

***Ms. Kurin made a motion to nominate Ms. Woodley; s/Ms. Webster.***

***Motion to nominate Ms. Woodley carried. 4-0.***

#### **Agenda Item 14 Future Agenda Items**

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

- Approval of Minutes from the March 3, 2022, MAC meeting;
- Report from the MAC Chair;
- Establishing goals for the MAC;
- Report from the Task Force and possible action on Medi-Cal related issues;
- Update on proposed regulatory language for the Licensed Midwife Annual Report (LMAR);
- Update on midwifery related legislation;
- Update on the Midwifery Program;
- Discussion and possible action on LMAR reminder letter and worksheet;
- Discussion and possible action on midwifery schools and information on the Board's website;
- Selection and appointment of a New MAC Chair; and
- Selection of Two New MAC members, one licensed midwife and one licensed physician.

#### **Agenda Item 15 Adjournment**

Ms. Holzer adjourned the meeting at 2:46 p.m.