



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, January 5, 2023 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:

Claudia Breglia, L.M., Vice Chair
Tesa Kurin, L.M.
Monique Webster
Barbara Woodley

Staff Present:

Katherine Agbayani, Staff Services Manager II
Sean Eichelkraut, Information Technology Manager I
Tonya Morairty, Associate Governmental Program Analyst
Marina O'Connor, Chief of Licensing
Kathryn Taylor, Staff Services Manager I
Kerrie Webb, Staff Counsel

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

Ms. Breglia called the meeting of the Midwifery Advisory Council (MAC) of the Medical Board of California (Board) to order on Thursday, January 5, 2023, at 1:04 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 regarding items not on the agenda.

Agenda Item 3 Approval of Minutes from the March 3, 2022, Midwifery Advisory Council Meeting

Ms. Breglia asked if anyone in attendance had corrections to the March 3, 2022, meeting minutes.

No additions or corrections were requested.

Ms. Kurin made a motion to approve the March 3, 2022, meeting minutes; s/Ms. Webster. Motion carried unanimously. 4-0

Agenda Item 4 Report from the Midwifery Advisory Council Vice Chair

Ms. Breglia welcomed Ms. Woodley to the Midwifery Advisory Council (MAC) and thanked her for joining, as this was her first official meeting as a member of the MAC.

Ms. Breglia mentioned that Ms. Holzer is no longer a member of the MAC after serving two terms and stated she was a wonderful chair.

Agenda Item 5 Establishing Goals for the Midwifery Advisory Council

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

Ms. Breglia went over the goals the MAC is currently working on.

Agenda Item 6 Report from the Task Force and Possible Action on Medi-Cal Related Issues

Ms. Kurin stated the task force is closely following the Institute for Medicaid Innovation (IMI). The California initiative is working on developing new billing codes, specifically for midwifery model of care so that they can bring to insurance companies for reimbursement at a reasonable rate. It may be a couple of years before it is implemented. Many insurance companies are stakeholders and are open to the changes.

Ms. Kurin stated she has personally heard from other midwives that Medi-Cal in California is not contracting with midwives right now. Ms. Kurin also said some practices are not doing well with Medi-Cal reimbursement. Ms. Kurin stated there was an announcement by Department of Health Care Services that said fee for service was going to go away and all Medi-Cal beneficiaries would fall under medical plans, so it puts midwives in a position of having to negotiate with medical care plans instead of going directly to Medi-Cal for reimbursement directly. Ms. Kurin explained several insurance plans are slow with reimbursement because they are not aware of what midwives do and not sure how to go about reimbursing midwives for their services.

Agenda Item 7 Update and Possible Action on Proposed Regulatory Language for the Licensed Midwife Annual Report (LMAR)

Ms. Webb stated that Board staff submitted the proposed draft language requiring additional reporting requirements of race and ethnicity to the LMAR to the Department of Consumer Affairs (DCA) in August for review. Ms. Webb stated that DCA came back with some proposed modifications and that she will work through the modifications and bring more information to the next MAC meeting for review and approval or additional suggestions.

Agenda Item 8 Update on Midwifery Related Legislation and Sunset Review

Ms. O'Connor stated that Mr. Bone provided a written statement as materials to the MAC members, and it has been posted as such for this meeting.

Ms. Webb pointed out that the Board still supports the midwives having their own licensing board and that it is part of the Sunset Report.

The complete statement from Mr. Bone is posted and included as meeting materials for this meeting.

Ms. Wisner stated she had the pleasure of attending the Board meeting in December. She stated there were no updates on the midwifery program; however, there were updates on legislation. Ms. Wisner stated an author had been secured to write a licensed midwife bill but it did not go through and the California Association of Licensed Midwives is continuing to work on a different legislative strategy.

Agenda Item 9 Program Update

Ms. Morairty referred Council members to the Licensing Statistics, indicating in the 2021/2022 fiscal year, the Board received a total of 31 new applications, issued 31 new licenses, and renewed 206 licenses.

Ms. Morairty stated as of October 1, 2022, there were 494 renewed and current midwifery licenses.

Ms. Morairty stated in the first quarter of fiscal year 2022/2023, the Board received nine new applications, issued 11 new licenses, and renewed 53 licenses.

Ms. Morairty reviewed the Transfer of Planned Out-of-Hospital Delivery to Hospital Reporting forms for licensed midwives for the fiscal year 2021/2022 indicating the Board received a total of 206 Transfer of Planned Out-of-Hospital Delivery to Hospital Reporting forms for licensed midwives.

Ms. Morairty stated in the first quarter of fiscal year 2022/2023, the Board received 56 Transfer of Planned Out-of-Hospital Delivery to Hospital Reporting forms for licensed midwives.

Ms. Morairty reviewed the enforcement statistics for licensed midwives indicating in the 2021/2022 fiscal year, the Board received a total of 14 complaints and referred two for investigation.

Ms. Morairty stated in the first quarter of fiscal year 2022/2023, the Board received six complaints and referred none for investigation.

In fiscal year 2021/2022, the Board received a total of nine complaints for unlicensed midwives and referred one for investigation.

The Board received zero complaints in the first quarter of fiscal year 2022/2023 for unlicensed midwives.

Ms. Morairty reviewed the enforcement statistics for Transfer of Planned Out-of-Hospital Delivery to Hospital Reporting forms for licensed midwives.

In fiscal year 2021/2022, a total of 206 reporting forms were received and none were referred for investigation.

Ms. Morairty stated in the first quarter of the 2022/2023 fiscal year, 56 Transfer of Planned Out-of-Hospital Delivery to Hospital Reporting forms were received and none were referred for investigation.

For the 2021/2022 fiscal year, the Board received a total of two Transfer of Planned Out-of-Hospital Delivery to Hospital Reporting forms for unlicensed midwives and none were referred for investigation.

In the first quarter of the 2022/2023 fiscal year, the Board received two Transfer of Planned Out-of-Hospital Delivery to Hospital Reporting forms for unlicensed midwives and none were referred for investigation.

Ms. Morairty also provided an overview of the 2021 LMAR summary.

Ms. Morairty stated for 2021, there were 569 midwives expected to report, of those the Department of Health Care Access and Information received 421 reports. Leaving 148 licensed midwives that did not report as of July 29, 2022.

Ms. Morairty noted the total number of clients served during this calendar year was 7,976, an increase of 623 from last year. The number of clients who left care was 413, compared to 366 last year, an increase of 47.

Ms. Morairty stated three sets of multiples were delivered out of hospital in 2021.

Ms. Morairty referred to the number of planned out-of-hospital births at the onset of labor was 5,354 compared to 4,776 last year, an increase of 578 and the number of completed births in an out-of-hospital setting was 4,511 compared to 4,050 last year, an increase of 461.

Ms. Morairty summarized the final portion of the update to the council and the entire LMAR report has been posted on the Board's website as materials.

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

Ms. Kurin suggested if anyone would like to make a worksheet and share it with the midwives, they could do so. Ms. Kurin suggested removing this item from the agenda as it has been an ongoing item for some time. Ms. Kurin stated if any midwives would like the worksheet they can obtain it from her once she develops it.

Ms. Kurin indicated once a worksheet is developed, she would like to get feedback from other midwives to determine if the form was useful.

Ms. Breglia asked if the worksheet is developed, can it be presented at the next MAC meeting, and if the midwives adopt it, if it can be included on the Board's website and placed in the LMAR reminder letter that the Board sends out to the LMs.

Ms. Webb replied affirmatively and indicated that the worksheet can be placed on the Board's website for use by the midwives if the MAC votes to do so.

Ms. Breglia added that the best course of action would be to leave it on the agenda for now.

Ms. Kurin added that the LMAR is currently open for those that would like to get a head start.

Ms. Breglia encouraged all midwives to complete the LMAR and commented how useful the LMAR information is.

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

Ms. Breglia stated at the March 2022 MAC meeting, the council members requested more information be made available on the Board's website regarding how midwifery schools obtain Board approval.

Ms. Morairty stated the draft website content was submitted as materials for review by the MAC during this meeting.

Ms. Kurin went over the information from the documents posted as materials.

Ms. Breglia stated she would like to see additional information added to the website for the Challenge Mechanism process as well. Ms. Breglia added that she noticed the Board is down to one Challenge Mechanism program that has been approved by the Board.

Ms. Breglia stated she would like to add discussion on the Challenge Mechanism process to the future agenda items.

Ms. Kurin asked if there was a form to fill out with the documentation that was submitted. Ms. Kurin also asked what the Challenge Mechanism is.

Ms. Morairty stated the materials are a rough draft presented for the MAC to discuss and the Board is currently also working on a matrix to be added to the website with the requirements of documentation for a school to apply.

Ms. Breglia stated she would like more information on the actual process of how to apply to become a Board-approved midwifery school.

Ms. O'Connor stated the materials provided are a start to what the Board would like to put on the web page for midwifery school requirements to apply for Board approval and added that Board staff will work on more information to be provided on the website. Ms. O'Connor asked if the Board is on the right track as to what the MAC would like to see posted on the website and stated more information, along with links and a check list will be added to the website in the future and is looking for feedback from the MAC as to what would be helpful.

Ms. Kurin stated that the documentation looks adequate thus far.

Ms. Breglia agreed that the documentation looked adequate as well and it gave her more information than she has received in the past.

Ms. Rosanna Davis thanked the Board for the work that is being put into adding this information to the website.

The MAC stated it would like to add this item to the next MAC meeting agenda for further discussion.

Agenda Item 12 Appointment of Officers Pursuant to Administrative Manual

After discussion among the MAC, Ms. Breglia stated she would like to take on the Chair position for the remainder of her time on the MAC.

Ms. Woodley made a motion to nominate Ms. Breglia as Chair.

Motion to nominate Ms. Breglia carried unanimously. 4-0.

Ms. Breglia made a motion to nominate Ms. Kurin as Vice Chair.

Motion to nominate Ms. Kurin carried unanimously. 4-0.

Agenda Item 13 Selection of two new MAC members, one licensed midwife, and one licensed physician

Ms. Morairty stated the Board received two applications for the licensed midwife position. The two applications were received from Mason Wilson-Tanev and Madeleine Wisner. The Board did not receive any applications for the licensed physician position on the MAC and would re-advertise for this position after the meeting.

Both Ms. Wilson-Tanev and Ms. Wisner were present for the meeting and both applicants provided a statement regarding their background history.

Ms. Wisner stated in part that she has been a licensed midwife in California for over five years and currently administers a free-standing birth center and home birth practice. She is also a current Board member of the California Association of Licensed Midwives.

Ms. Wilson-Tanev stated in part that she has been a licensed midwife in California for over 20 years and is currently a staff midwife at the San Francisco Birth Center. She is also a member of the California Association of Midwives and the Midwives Alliance of North America.

After statements were concluded, Ms. Kurin made a motion to approve Ms. Wisner for the vacant licensed midwife position on the MAC.

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

Motion to nominate Ms. Wisner carried unanimously. 4-0.

Agenda Item 14 Discussion and Possible Action on 2023 Midwifery Advisory Council Meeting Dates

The MAC discussed the dates and decided on March 30, 2023, and September 14, 2023, as the two remaining MAC meeting dates for 2023. The MAC voted to accept those dates.

Ms. Kurin made a motion to choose March 30, 2023, September 14, 2023, for the 2023 MAC meeting dates; s/Ms. Webster.

Motion carried unanimously. 4-0.

Agenda Item 15 Future Agenda Items

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

- Approval of minutes from the January 5, 2023, MAC 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 and possible action 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 and possible action on LMAR reminder letter and worksheet;
- Discussion and possible action on midwifery school information listed on the Board's website;
- Selection of three new MAC members, two licensed midwives, and one licensed physician;
- Appointment of officers on the MAC;
- Discussion on New Notice to Consumer Requirements under Title 16 of the California Code of Regulations section 1379.4.

Agenda Item 16 Adjournment

Ms. Breglia adjourned the meeting at 2:47 p.m.

DRAFT