

MEDICAL BOARD STAFF REPORT

DATE REPORT ISSUED: March 22, 2023
ATTENTION: Members, Midwifery Advisory Counsel
SUBJECT: Update on Regulation Requiring Notice to Consumers
FROM: Kerrie Webb, Attorney III

REPORT SUMMARY

This report is intended to provide the Midwifery Advisory Council (MAC) with an update on recently enacted regulations requiring all of the Medical Board of California's (Board) licensees and registrants to provide notice to their patients and clients on the Board's role in licensing and regulating its licensees, as well as on how to check up on a license and to file a complaint.

REGULATORY UPDATE

Pursuant to Business and Professions Code (BPC) [section 2026](#), the Board was required to develop regulations to require its licensees and registrants to provide notice to their patients or clients that the practitioner is licensed or registered by the Board, that the practitioner's license can be checked, and that complaints against the practitioner can be made through the Board's website or by contacting the Board.

In response to BPC section 2026, the Board added Title 16 of the California Code of Regulations (CCR) [section 1379.4](#) applicable to licensed midwives.¹

As of **January 1, 2023**, all licensed midwives must provide notice to each client that they are licensed and regulated by the Board, and their license can be checked and complaints against their license can be made through the Board's website or by contacting the Board.

The notice shall include a quick response (QR) code that leads to the Board's [Notice to Consumer webpage](#).

Licensed midwives may comply with this requirement by doing one of the following:

1. Post the notice in an area visible to clients on the premises where the licensee provides the professional services in at least 38-point type in Arial font (see attached sample sign).
2. Include the notice and an acknowledgement of receipt and understanding in a written statement in a language understood by the client or their representative, signed and dated by the client or their representative and retained in that client's medical records. The notice and acknowledgement of receipt and understanding may be provided and

¹ As part of the same rulemaking, the Board amended 16 CCR [section 1355.4](#) (applicable to physicians and surgeons) and [section 1379.58](#) (applicable to polysomnographic technologists, technicians, and trainees), and added 16 CCR [section 1378.5](#) (applicable to research psychoanalysts).

maintained in an electronic format (see attached sample notice and acknowledgement of receipt and understanding); or

3. Include the notice in a language understood by the client or their representative in a statement on letterhead, discharge instructions, or other document given to a client or their representative, where the notice is placed immediately above the signature line for the client in at least 14-point type.

The Board has posted the notice template with the QR code in the following languages on its Notice to Consumers webpage: English, Spanish, Chinese, Vietnamese, Tagalog, Korean, Armenian, Farsi, Arabic, Russian, Japanese, Punjabi, and Khmer.

If the licensed midwife chooses to post a sign to comply with the notice requirement, and the sign is not in a language understood by the client or their representative, then the notice must be provided under option 2 or 3 above, so long as the Board has provided a translated notice understood by the client or their representative on its Notice to Consumers webpage.

A licensed midwife will be deemed to be in compliance with this section if the practice location where they are practicing posts the notice on its premises in an area visible to clients consistent with the requirements of the regulation.

With regard to care provided in a home, the posting can be achieved with a portable sign placed in a location visible to the client during the visit.

NOTICE TO CLIENTS

Licensed midwives are licensed and regulated by the Medical Board of California.

To check up on a license or to file a complaint go to

www.mbc.ca.gov,

email: licensecheck@mbc.ca.gov,

or call (800) 633-2322.



NOTICE AND ACKNOWLEDGMENT OF RECEIPT AND UNDERSTANDING

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Date

Client's Name (Type or Print)

Client's Signature

Date

Client Representative's Name
and Relationship (Type or Print)

Client Representative's
Signature