



# MEDICAL BOARD OF CALIFORNIA

Protecting consumers by advancing high quality, safe medical care.

Agenda Item 3

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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, February 15, 2024 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:**

Madeleine Wisner, L.M., Chair  
Faith Freeman, L.M.  
Kenneth James, M.D.  
Tamara Robertson  
Mason Wilson-Tanev, L.M.

### **Staff Present:**

Sean Eichelkraut, Information Technology Manager II  
Tonya Morairty, Associate Governmental Program Analyst  
Marina O'Connor, Deputy Director  
Kathryn Taylor, Staff Services Manager I  
Kerrie Webb, Attorney III

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

Madeleine Wisner called the meeting of the Midwifery Advisory Council (MAC) of the Medical Board of California (Board) to order on Thursday, February 15, 2024, at 1:09 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**

Rosanna Davis President of California Association of Licensed Midwives (CALM) welcomed the new members of the MAC and thanked them for their service.

Rafael Newport stated she is a former doula turned midwife currently working towards licensure. Rafael Newport expressed concern regarding the Medical Board's website for the midwifery page as it pertains to the advisory council is sparse and she is hoping it can include more information about what the MAC does, who the members are, and what their roles are so that information can be easily distributed. Rafael Newport also expressed she would like to see increased diversity on the MAC and

more agenda items that look deeper into how midwifery practices and laws impact practicing midwives in California and ways to make improvements. Rafael also expressed concern that the MAC Chair may be living out of state. Rafael would also like a better understanding of how people are chosen for the MAC.

**Agenda Item 3      Approval of Minutes from the March 30, 2023, Midwifery Advisory Council Meeting**

Madeleine Wisner asked if anyone had corrections to the March 30, 2023, meeting minutes.

No additions or corrections were requested.

***Dr. Kenneth James made a motion to approve the March 30, 2023, meeting minutes; s/Madeleine Wisner.***

***Motion carried unanimously. 5-0***

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

Madeleine Wisner stated it has been a while since the last MAC meeting, she expressed she is grateful to everyone here today, and she welcomed the four new MAC members.

Madeleine Wisner expressed her gratitude to the Board staff working with the MAC.

Madeleine Wisner clarified her residency status. Ms. Wisner stated she looks forward to working with the MAC to center the needs of clients the midwives serve and midwives in the state. Additionally, she mentioned the Board does continue to be in support of establishing a Licensed Midwife Board and its active engagement with CALM to facilitate this process.

**Agenda Item 5      Establishing Goals for the Midwifery Advisory Council**

Madeleine Wisner asked if anyone had suggestions on goals for the MAC.

Tamara Robertson asked if the MAC had a list of previous goals.

Tonya Morairty stated the goals are listed in the meeting minutes from the March 30, 2023, meeting.

Madeleine Wisner welcomed discussion on goals for the MAC and asked Kerrie Webb if she could explain the purpose of the MAC.

Kerrie Webb stated the purpose of the MAC is to advise the Board on midwifery related issues, including taking positions on bills and sharing the MAC's position with the Board to help educate them on how a bill or proposed regulation could impact midwifery practice. There are also a number of issues listed on the agenda where the MAC could advise the Board on barriers and potential solutions, and the focus needs to be on consumer protection and access to care.

Madeleine Wisner clarified that the MAC is not a regulatory body, and its intention is to communicate the needs of midwifery stakeholders to the Board by way of the chair report at the quarterly Board meetings.

Madeleine Wisner asked what concepts the MAC wants to be communicating to the Board and asked if anyone had input.

Mason Wilson-Tanev asked how the information around enforcement of midwives is compared to the enforcement of non-midwives by the Board, if anyone has studied that, what conclusions can be drawn from that analysis, and if anyone has undertaken that in the last few years.

Madeleine Wisner stated that is a good question and asked if the MAC could get more information on where the licensure fees of midwives are going and what types of enforcement processes are being done. She stated CALM has some information about that as well. Madeleine Wisner is happy to add that item to the list of goals to clarify information from the Board as well as provide a recommendation to the Board from the MAC on how the enforcement processes are working.

Mason Wilson-Tanev agreed it would be vital information for the Board to have and vital information for the MAC to provide to the Board.

Madeleine Wisner also stated improving the License Midwife Annual Report (LMAR), the process by which data is collected by the midwives throughout the year and making the process more reliable and accurate.

Tonya Morairty listed the goals from the March meeting as Medi-Cal issues, LMAR reporting language, Issues with birth registration, where to go with the MAC, and access to newborn screening equipment.

Faith Freeman wanted to add to the goals access to care in California and ways that can be supported and improved.

Mason Wilson-Tanev stated she was curious how the hospital reporting statistics are used and if they are used in enforcement.

Mason Wilson-Tanev asked to include how the hospital reporting forms are used and if they are used in an enforcement capacity.

Tonya Morairty stated the MAC will have a report from Board enforcement at the May 2024 MAC meeting.

Mason Wilson-Tanev asked if the hospital reporting statistics will be included and how they are integrated into enforcement. Tonya Morairty replied that she did not have that information in front of her, but she would check on it.

Madeleine Wisner asked if it was in the scope of the MAC to have a stated charter that they vote on that lists out the goals, rather than resetting the goals every meeting. Kerrie Webb said they sound like future agenda items that come up regularly so the MAC should rethink this agenda item.

Madeleine Wisner asked if it would be helpful for Tonya Morairty to send out printed materials, a member orientation document. Tonya Morairty said she sent the new members the administrative procedure manual and that she will be scheduling new member orientation with the new members,

Andrea Feroni presented a public comment suggesting goals for the MAC. She suggested proactively identifying and addressing barriers to licensed midwife retention, working within the full scope of licensure, and ensuring licensed midwives are fully utilized by birthing people who choose them as their primary prenatal providers. Additionally, she emphasized the importance of communicating these barriers and making recommendations to state agencies capable of effecting change. Another goal she proposed, related to the LMAR, is to align data collection measures and methods for licensed midwives with nationally endorsed prenatal quality matrices used by other providers. This includes aligning data collection on transfers and transports with standard practices across provider types and levels of care, ensuring consistency in data reporting.

Rosanna Davis made a public comment to emphasize that the MAC operates as a council, requiring Board approval for agenda items. She stressed the importance of onboarding for MAC members. One proposed addition is to annually present to the Board about the practice of midwifery. This presentation would help the Board, which regulates and disciplines midwives and holds regulatory authority, gain a better understanding of the profession.

#### **Agenda Item 6      Discussion on Written Update on Midwifery Related Legislation and Sunset Review**

Aaron Bone provided a written statement that has been included as meeting materials.

Kerrie Webb stated there has been no midwifery related legislation introduced up to this point. The Board Sunset Bill, Senate Bill 815 was passed, which has extended the Boards sunset date for another four years. The Senate Bill did not include midwifery becoming an independent Board although the Board does support that item.

Faith Freeman questioned if the Board did support midwifery becoming an independent Board.

Kerrie Webb and Madeleine Wisner confirmed yes, the Board did support creating an independent midwifery Board.

Kerrie Webb stated this was a legislative change the Board requested that the legislature make, and the legislature declined.

There were no public comments on this item.

#### **Agenda Item 7      Report from the Task Force on Medi-Cal Related Issues**

Madeleine Wisner stated the task force needs members as she is the only current member and there can be a total of two members. Madeleine explained information to the MAC about the collaborative she has been working with regarding Medi-Cal related issues. The collaborative is a group of

stakeholders in California that are joined on a national level, to help advance midwifery care throughout the Medicaid system.

Madeleine Wisner stated the collaborative has been going very well and has made progress. The timeline is closing, and they are choosing to continue the experience. For licensed midwives, she would like to communicate the collaborative is working with the Department of Health Care Services regarding enrollment, as well as being able to bill for the full scope of practice for licensed midwives. Madeleine stated there has been a lot of improvement on the licensed midwife benefit for Medi-Cal.

Madeleine Wisner stated the amount of midwife businesses that have closed because they could not get reimbursed by Medi-Cal has been the force behind improvements in the Medi-Cal program for licensed midwives. She wants to encourage midwives and let them know there are resources available to help make a practice that serves Medi-Cal families sustainable. She believes the collaborative is the place for that. She stated if another MAC member would like to be a member of the task force, that member would need to defer to the collaborative and the MAC should communicate this information to the Board. Madeleine Wisner believes the root of this issue is midwives should not be regulated by doctors. If the MAC is to be pursuing Medi-Cal issues through the MAC, she does not believe that would be sufficient. Her recommendation is that there should not be a Medi-Cal task force on the MAC because she is the one person on it and has a lot of other work to do. Madeleine Wisner stated if anyone on the MAC is interested in being a member of the task force, she will give her full support.

Madeliene Wisner recommended to have the topic addressed by the midwife collaborative and have the collaborative present at the MAC as a future agenda item.

Carla Michael, a public member, asked the MAC to talk more about the task force and explain what its purpose is.

Madeleine Wisner stated the Medi-Cal task force through the MAC was developed by members that are no longer on the MAC and Madeleine is the only current member on the task force and would like to channel this topic to a more productive form. Madeleine confirmed this topic is not being abandoned. Rather the task force is more of a duplication of efforts, and it would be time saving and resource saving for the MAC to focus more on other consumer protection topics.

## **Agenda Item 8      Program Update**

Ms. Morairty referred Council members to the Licensing Statistics, indicating in the third quarter of the 2022/2023 fiscal year, the Board received seven new applications, issued seven new licenses, and renewed 60 licenses. In the fourth quarter of the 2022/2023 fiscal year, the Board received six new applications, issued 10 new licenses, and renewed 67 licenses.

In the first quarter of the 2023/2024 fiscal year, the Board received 11 new applications, issued 11 new licenses, and renewed 53 licenses. In the second quarter of the 2023/2024 fiscal year, the Board received five new applications, issued six new licenses, and renewed 72 licenses.

In the third quarter of the 2022/2023 fiscal year, the Board received 52 Transfer of Planned Out-of-Hospital Delivery to Hospital Reporting forms for licensed midwives and received 58 in the fourth Quarter.

In the first quarter of the 2023/2024 fiscal year, the Board received 54 Transfer of Planned Out-of-Hospital Delivery to Hospital Reporting forms for licensed midwives and received 48 in the second quarter.

Tonya Morairty reviewed the enforcement statistics for licensed midwives. In the third quarter of the 2022/2023 fiscal year, the Board received two complaints and referred zero for investigation. In the fourth quarter of the 2022/2023 fiscal year, the Board received five complaints and referred zero for investigation.

In the first quarter of the 2023/2024 fiscal year, the Board received eight complaints and referred two for investigation. In the second quarter of the 2023/2024 fiscal year, the Board received six complaints and referred one for investigation.

Tonya Morairty stated the Board received zero complaints in the third quarter and one complaint in the fourth quarter of the 2022/2023 fiscal year for unlicensed midwives and zero were referred for investigation.

In the first quarter of the 2023/2024 fiscal year, the Board received one complaint and in the second quarter the Board received one complaint for unlicensed midwives and zero were referred for investigation.

Tonya Morairty reviewed enforcement statistics for Transfer of Planned Out-of-Hospital Delivery to Hospital Reporting forms for licensed midwives. In the third quarter of the 2022/2023 fiscal year, two reporting forms were referred for investigation and in the fourth quarter zero were referred for investigation. In the first quarter of 2023/2024 fiscal year, two forms were referred for investigation and in the second quarter zero were referred for investigation.

Tonya Morairty stated for the third quarter of the 2022/2023 fiscal year, the Board received zero Transfer of Planned Out-of-Hospital Delivery to Hospital Reporting forms for unlicensed midwives and zero were referred to investigation. In the fourth quarter of the 2022/2023 fiscal year, the Board received one Transfer of Planned Out-of-Hospital Delivery to Hospital Reporting forms for unlicensed midwives and referred one for investigation.

Tonya Morairty stated for the first quarter of the 2023/2024 fiscal year, the Board received five Transfer of Planned Out-of-Hospital Delivery to Hospital Reporting forms for unlicensed midwives and referred two for investigation. In the second quarter of the 2023/2024 fiscal year, the Board received five Transfer of Planned Out-of-Hospital Delivery to Hospital Reporting forms for unlicensed midwives and referred zero for investigation.

Tonya Morairty reviewed the California Licensed Midwife Annual Report (LMAR) Summary For 2022. Tonya Morairty stated there were 592 midwives expected to report, of those, the Department of Health Care Access and Information (HCAI) received 465 reports, leaving 127 licensed midwives that did not report.

Tonya Morairty stated the total number of clients served as primary caregiver during this calendar year was 8,226, an increase of 250 from last year. The number of clients who left care for non-medical reasons was 453, compared to 413 last year, an increase of 40.

Tonya Morairty stated one set of multiples was reported and page four indicates the number of planned out-of-hospital births at the onset of labor was 5,550 compared to 5,354 last year, an increase of 196.

Tonya Morairty stated the number of completed births in an out-of-hospital setting was 4,697 compared to 4,511 last year, an increase of 186.

Tonya Morairty stated pages 11, 12 and 13 identify the outcomes per county in which birth, fetal demise or infant or maternal death occurred. The number of deaths for fetal demise reported in 2022 was 17, an increase of four. The number of infant deaths reported in 2022 was nine, an increase of five.

Tonya Morairty stated that on January 18, 2024, the Board mailed the LMAR reminder letter to all current licensed midwives. On January 22, 2024, the Board also emailed the LMAR reminder letter to the email addresses on file for all licensed midwives.

Tonya Morairty stated that on June 21, 2023, the Board mailed a letter to the current licensed midwives that did not have an email address on file reminding them to update their email address, as the Board will be transitioning to a paperless process soon and all notices will be emailed to the address on file, including renewal reminders and continuing education audit notifications. Per Business and Professions Code (BPC) section 2021(d), all applicants and licensees were required to provide an email address to the Board no later than July 1, 2022.

Madeleine Wisner asked if there was any information about the average processing time for complaints to get referred for investigation and if any data is being collected.

Tonya Morairty responded that her question can be asked at the Enforcement presentation at the next MAC meeting.

Rosanna Davis made a public comment asking if the Enforcement presentation can include information presented about the nature of complaints to see if there are quality improvement measures that can be made.

### **Agenda Item 9      Selection of One New MAC Member, for the Vacant Public Member Position**

Tonya Morairty stated the Board did not receive any applications for the public member position that met the requirements for consideration. This position will be readvertised on the Board's website after this meeting.

### **Agenda Item 10      Election of MAC Officers**

Madeleine Wisner nominated Mason Wilson-Tanev as the Vice Chair.

Tamara Robertson asked what the Vice Chair of the MAC entails.

Kerrie Webb stated if Madeleine Wisner was not available to lead the MAC meeting the Vice Chair would step in. If Madeleine Wisner was not available to present at the Medical Board meeting, the Vice Chair would handle that, as well.

Tamara Robertson nominated Faith Freeman as Vice Chair of the MAC.

Both Mason Wilson-Tanev and Faith Freeman stated they would be honored to serve as Vice Chair of the MAC, and each accepted their nomination.

A vote was taken.

***Motion to elect Faith Freeman as vice chair carried. 4-1.***

### **Agenda Item 11 Discussion on Birth Certificate and Social Security Registration Issues**

Madeleine Wisner stated it was her understanding it is still a mess particularly when it comes to obtaining birth certificates and social security numbers.

Mason Wilson-Tanev stated this continues to be an ongoing issue in the three counties she serves as different offices of vital records have different signatory requirements and it takes families several trips to present adequate identification to obtain birth certificates. She believes there needs to be some kind of statewide consistency as this has been an ongoing issue.

Madeleine Wisner stated this issue is also in Sacramento and surrounding counties as well; she has seen either how easy it can be or how difficult it is based on the race of the family and that is extremely disturbing. It is a statewide issue based on geography and different demographics in the clients we serve. The issues are increasing and not decreasing.

Rosanna Davis, of CALM made a public comment confirming midwives around the state completed a survey and the typical problems were stated by Madeleine Wisner and Mason Wilson-Tanev. Rosanna Davis did connect with the state registrar and now the registrar is aware of these issues. The registrar stated there are problems regarding underground regulations that each office decides what documentation they will accept. The registrar has put Rosanna in touch with others in the registrar's office so they can potentially work together and come up with solutions at the state registrar level. They confirmed they have no authority or sway with social security because it is a federal issue. Rosanna's recommendation is that as a profession we figure out a way as licensed midwives to be consistent from midwife to midwife as to how we help facilitate the social security enumeration. Rosanna Davis stated midwives should watch for CALM to come out with something in the future to distribute to midwives regarding this issue.

### **Agenda Item 12 Discussion on Midwife Access to Screening Equipment for Newborns**

Madeleine Wisner stated that there are a growing number of midwives considering offering hearing screening to newborns. She asked the MAC what their thoughts are on providing a recommendation to the Board to communicate to other state agencies that it is a good idea to be screening newborns for deafness and hearing loss.

The MAC members engaged in a discussion regarding hearing screening and licensed midwives' access to appropriate equipment to conduct the screening. Further research is necessary on this item and the topic may be set as a future agenda item.



### **Agenda Item 13 Discussion and Possible Action Regarding 2024 Midwifery Advisory Council Meeting Dates**

The MAC discussed dates and voted on May 30, 2024, and September 12, 2024.

***Madeleine Wisner made a motion to select May 30, 2024, and September 12, 2024, as the 2024 MAC meeting dates; s/Mason Wilson-Tanev.***

***Motion carried unanimously. 5-0.***

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

Madeleine Wisner recommended the following agenda items for the next board meeting:

- Approval of minutes from the February 15, 2024, MAC meeting;
- Report from the MAC Chair;
- Report from the Task Force 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;
- Selection of one new MAC member for the vacant public member position;
- Overview of the Enforcement process;
- Discussion on how MAC members are selected;
- Discussion on presentation by the midwifery learning collaborative;
- Discussion on presentation by CALM;
- Discussion on birth certificate and Social Security registration issues;
- Discussion and possible action on audiology screening equipment for newborns.

Rosanna Davis made a public comment to request to have a presentation from Melissa Chaney who was commissioned by CALM to do research and a report on the LMAR and make recommendations for improving it so that it could be used in research and/or for quality improvement.

Carla Michael made a public comment to request to review how MAC members are selected for the MAC.

### **Agenda Item 15 Adjournment**

Madeleine Wisner adjourned the meeting at 2:55 p.m.