

## TITLE 16. MEDICAL BOARD OF CALIFORNIA

**NOTICE IS HEREBY GIVEN** that the Medical Board of California (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Embassy Suites San Francisco Airport – South San Francisco, 250 Gateway Blvd., South San Francisco, CA 94080, at 9:00 a.m., on July 29, 2016.

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office no later than 5:00 p.m. on July 19, 2016, or must be received at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 2018 and 2516.5 of the Business and Professions Code, and to implement, interpret or make specific section 2516.5 of said Code, the Board is considering adding Sections 1379.01, 1379.02, 1379.03, 1379.04, 1379.05, 1379.06, 1379.07, 1379.08, and 1379.09 to Division 13 of Title 16 of the California Code of Regulations as follows:

### INFORMATIVE DIGEST

#### A. Informative Digest

Currently, Business and Professions Code (BPC) section 2516.5 provides for the definition of a midwife assistant, as well as a description of some of the duties a midwife assistant may perform. This statute became effective on January 1, 2016, and there are currently no implementing regulations in the California Code of Regulations (CCR) regarding midwife assistants, their training, nor certification.

This rulemaking proposes to add Title 16, Division 13, Chapter 3, Article 6, CCR sections 1379.01, 1379.02, 1379.03, 1379.04, 1379.05, 1379.06, 1379.07, 1379.08, and 1379.09 to further define BPC section 2516.5 regarding the minimum requirements for midwife assistants, their training, and certification.

These new proposed regulations will do the following:

Section 1379.01 specifies who may supervise midwife assistants.

Section 1379.02 specifies each midwife assistant shall have a Neonatal

Resuscitation Certification from the American Academy of Pediatrics.

Section 1379.03 specifies each midwife assistant shall maintain certification in basic life support from the American Heart Association or the American Safety and Health Institute.

Section 1379.04 specifies each midwife assistant shall have received training in Center for Disease Control "Guidelines for Infection Control in Health Care Personnel" and must demonstrate to the supervisor that he or she understands infection control.

Section 1379.05 specifies the minimum training a midwife assistant shall complete.

Section 1379.06 specifies how midwife assistant training shall be administered.

Section 1379.07 specifies the minimum requirements certifying organizations for midwife assistant training must meet to receive Board approval.

Section 1379.08 specifies the changes that Board approved certification agencies must report to the Board, and timeframes for reporting the changes to the Board.

Section 1379.09 – specifies process times for the Board to review an application from a certification organization.

B. Policy Statement Overview/Anticipated Benefits of Proposal

The proposed CCR sections 1379.01, 1379.02, 1379.03, 1379.04, 1379.05, 1379.06, 1379.07, 1379.08, and 1379.09 will further define BPC section 2516.5 that created midwife assistants in statute, and will further define the minimum training requirements for midwife assistants, the minimum requirements for the administration of training, and the requirements for approved certifying organizations, thereby furthering the Board's mission of consumer protection by ensuring that midwife assistants have the proper training and supervision.

C. Consistency and Compatibility with Existing State Regulations

During the process of developing these regulations and amendments, the Board has conducted a search for any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500 - 17630 Require Reimbursement: None

Business Impact:

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Representative Private Person or Business:

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs:

None

### EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulation would not adversely affect small businesses, since the proposed CCR sections 1379.01, 1379.02, 1379.03, 1379.04, 1379.05, 1379.06, 1379.07, 1379.08, and 1379.09 will further define BPC section 2516.5 that created midwife assistants in statute, and allows for recognition of new education programs and certifying organizations.

### RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS:

The Board has made the initial determination that this regulatory proposal will have the following impact:

- It is not likely to eliminate jobs within the State of California. It is likely to create jobs for midwife assistants, instructors, and employees of certifying organizations. This initial determination is based on the fact that prior to January 2016, midwife assistants were not permitted by statute or regulation. Under BPC section 2516.5, midwife assistants are now permitted under the law, and the regulations will set forth minimum requirements for midwife assistants, instructors, educational programs, and certifying organizations, and create new job opportunities in the state.
- It is not likely to eliminate existing businesses within the State of California. In fact, existing businesses may expand to meet demand for this new position. This

initial determination is based on the fact that prior to January 2016, midwife assistants were not authorized by statute or regulation. Under BPC section 2516.5, midwife assistants are now allowed under the law, and the regulations will set forth minimum requirements for midwife assistants, instructors, educational programs, and certifying organizations. It is likely that educational programs and certifying organizations will expand to fill the need to train and certify midwife assistants.

- It will likely result in the expansion of businesses currently doing business within the State of California. This initial determination is based on the fact that prior to January 2016, midwife assistants were not authorized by statute or regulation. Under BPC section 2516.5, midwife assistants are now allowed under the law, and the regulations will set forth minimum requirements for midwife assistants, instructors, educational programs, and certifying organizations. It is likely that educational programs and certifying organizations already familiar with medical assistant requirements will expand to fill the need to train and certify midwife assistants.
- It will benefit the health and welfare of California residents, because the regulations will set forth minimum requirements for midwife assistants, instructors, educational programs, and certifying organizations to further consumer protection.
- It will have a positive impact on worker safety, because the proposed regulations will set forth minimum requirements for midwife assistants, which include infection control.
- It will not have an impact on the state's environment, because the regulations will simply set forth minimum requirements for midwife assistants, instructors, educational programs, and certifying organizations.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Board must determine that no reasonable alternative considered or brought to the attention of the Board would be more effective in carrying out the purpose for which this regulatory action is proposed or would be as effective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

## INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an Initial Statement of Reasons for the proposed action and all the information upon which the proposal is based is available upon request.

## TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the person designated in the Notice under Contact Person, below, or by accessing the Board's website at [http://www.mbc.ca.gov/About\\_Us/Laws/Proposed\\_Regulations](http://www.mbc.ca.gov/About_Us/Laws/Proposed_Regulations).

## AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the Final Statement of Reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

## CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Curtis Worden  
Address: Medical Board of California  
2005 Evergreen St., Ste. 1200  
Sacramento, CA 95815  
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Fax No.: (916) 263-2387  
E-Mail Address: [regulations@mbc.ca.gov](mailto:regulations@mbc.ca.gov)

The backup contact person is:

Name: Kevin A Schunke, Regulations Manager  
Address: Medical Board of California  
2005 Evergreen St, Ste. 1200  
Sacramento, CA 95815  
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Website Access Materials regarding this proposal can be found at [http://www.mbc.ca.gov/About\\_Us/Laws/Proposed\\_Regulations](http://www.mbc.ca.gov/About_Us/Laws/Proposed_Regulations).