MEDICAL BOARD OF CALIFORNIA
Licensing Operations

Midwifery Advisory Council
Hearing Room
2005 Evergreen Street
Sacramento, CA 95815

August 30, 2012
MINUTES

Agenda Item 1 Call to Order/Roll Call
The Midwifery Advisory Council (MAC) of the Medical Board of California (MBC) was called to order by Chair Carrie Sparrevohn, at 1:43 p.m. A quorum was present and Ms. Morrish provided roll call.

Members Present:
Carrie Sparrevohn, L.M., Chair
Faith Gibson, L.M.
Karen Ehrlich, L.M.
Barbara Yaroslavsky

Staff Present:
Diane Dobbs, Staff Counsel, DCA
Kurt Heppler, Legal Counsel
Susan Morrish, Analyst, Licensing Program
Anthony Salgado, Manager, Licensing Program
Anita Scuri, Legal Counsel
Kathryn Taylor, Manager, Licensing Program
Christina Thomas, Analyst, Licensing Program
Cheryl Thompson, Analyst, Licensing Program
Linda Whitney, Executive Director
Curt Worden, Chief of Licensing

Members of the Audience:
Janelle Bo, Future Midwives Alliance
Kate Bowland, Midwives of Santa Cruz
Molly Burke
James Byrne, M.D.
Brooke Casey, L.M.
Hollis Clark, California Assoc. of Midwives
Laurel Coates, Nova Midwifery
Mason Cornelius, Nova Midwifery
Frank Cuny, California Citizens for Health Freedom (CCHF)
Rosanna Davis, L.M.
Sarah Davis, California Assoc. of Midwives

Joanna Galvez, Birthroots MSP
Autum Gibson
Joscelyn Grote, C.M.
Corina Hall, Student Midwife
Edana Hall, L.M.
Renee Hanevold, C.N.M.
Rachel Hansen
Laurel Holmes, CPFL
Diane Holzer, L.M., M.A.N.A./I.C.M.
Jessica Johnson, L.M., CA Assoc. of Midwives
Tosi Marceline, LM
Param Matharu, public member
Todd Mathews, public member
Laura Maxson, L.M.
Laura Monroe, California Assoc. of Midwives
Kanita Noble, C.N.M.A.
Kelly Olmstead, L.M.
John Pecone, public member
Laura Perez, Sacred Birth Place
Cindy Pond, C.A.M.
Celesfa Ranvisi, L.M., Celebration of Birth
Gerri Ryan, Nizhoni Institute of Midwifery
Ronda Sherley, Nizhoni Institute of Midwifery
Vanessa Simmons, CA Assoc. of Midwives
Sonia Singhal, Nizhoni Institute of Midwifery
Lauren Slak, Nizhoni Institute of Midwifery
Jennifer Stover, Birth & Baby Resource Network
Racha Tahani Lawler, CA Assoc. of Midwives
Tiffany Talbott, public member
John Toth, M.D., CA Citizens for Health Freedom
Amy Tredway, Nizhoni Institute of Midwifery

(The above list identifies attendees who signed the meeting sign-in sheet.)

Agenda Item 2 Public Comments on Items Not on the Agenda
Note: The Council may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 11125.7(a)]

Ms. Sparrvohn provided guidelines for the Midwifery Advisory Council, (MAC) meeting:

- Ms. Sparrvohn welcomed public comment on the posted agenda items.
- She introduced Susan Morrish as the new Midwifery Analyst, and requested meeting attendees to route speaker slips to Ms. Morrish for public comment.
- Attendees were reminded to stay on agenda topic(s) and to limit speaking time to three minutes or less.

Ms. Scuri mentioned she will be retiring in June, 2012 and indicated this will be the last MAC meeting

she attends. She pointed out that Ms. Whitney, as well as herself, are the only two original staff members left since the inception of Midwifery licensing at the MBC. She sees public safety while providing the least number of barriers for midwives to practice, as an important goal of the Council. Ms. Scuri thanked the council members for listening to the recommendations she has made over the years, and for remaining open to the legal advice she has provided. Her hopes are that Licensed Midwives will be integrated into the health care system.

Ms. Scuri introduced her successor, Diane Dobbs, DCA Legal Counsel, to the MAC members and meeting attendees. Ms. Dobbs brings a wealth of experience to the position based on her legal experience. She has been the Senior Staff Counsel with the Department of Consumer Affairs (DCA) since 2007. Prior to her employment at DCA, she was a family probate and juvenile law trial attorney. Going forward, Ms. Dobbs and Mr. Heppler will provide legal counsel for the Midwifery Program.

Ms. Sparrevohn attributed the advancement of the midwifery profession to the invaluable advice and legal services Ms. Scuri has provided over the years.

Ms. Sparrevohn requested public comment on items not on the agenda. There were no comments from public members or staff.

Agenda Item 3 Midwifery Advisory Council Membership

A. Ms. Sparrevohn asked Mr. Worden to outline the processes involved in filling the vacancies and to seat new members on the MAC.

Mr. Worden provided the following information. At the February 2012 full Board Meeting, there was a call to fill MAC vacancies. The Licensing Unit solicited applications for (3) vacant MAC positions;

- Licensed midwife, 3-Year Term (expires June 30, 2015).
- Public Member, to be filled by a California licensed physician practicing in obstetrics, to a 3-Year Term (expires June 30, 2015).
- Public member, to be filled by a non-licensee, to a 3-Year Term (expires June 30, 2015).

Three applications were received for the public member, Physician/Ob-gyn vacancy, seven applications were received for the public member, non-licensee vacancy, and three applications were received to fill the licensed midwife vacancy on the MAC.

Council recommendations were made from the list of applications submitted. The names of the nominees will be voted on and approved/disapproved at the May 3-4, 2012 full Board meeting.

Ms. Sparrevohn asked for a motion to consider a late application from Ashley Weinert, M.D., who showed interest in serving on the Advisory Council.

Ms. Yaroslavsky made a motion to consider approving Dr. Weinert's application; s/ Sparrevohn; carried.

Ms. Sparrevohn asked if there were any public comments; none were provided. She requested a

vote be taken to consider the late application.

Mr. Heppler clarified, that the vote is to consider whether to add the late application as an eligible candidate. Ms. Yaraslovsky explained that it was her attempt to be inclusive by allowing the acceptance of the late application from someone who has identified an interest in serving on the MAC. She invited comment from Council members to discuss whether to move forward on the recommendation, or not. Another MAC member suggested the Council consider outlining guidelines on the acceptance of late applications.

Council members and public attendees did not oppose the consideration of Dr. Weinert's application.

1. Ms. Sparrevohn asked each applicant applying to individually address the council;

(a) Tosi Marseline, L.M., indicated she did not have additional information to add since her application outlined her midwifery experience and her interest in the field of midwifery.

(b) Karen Ehrlich, L.M., informed the Council that she is committed to continuing the work that is necessary to make improvements in the field, and is committed to improving the process. She added she will not apply again after this term.

(c) Deborah Bartle, the third applicant applying for the licensed midwife position, was not present at this meeting.

Ms. Sparrevohn asked if there were public comments; none were provided. She recommended future discussion should occur regarding MAC term limits. Additional comments were not provided by other Council members.

Ms. Sparrvohn motioned to nominate Karen Ehrlich for the licensed midwife position on the MAC; s/Yaroslavsky; Ms. Yaroslavsky nominated Tosi Marseline for the licensed midwife MAC position;

Ms. Scuri clarified that only one person can be nominated for a position, at which point, Ms. Marseline withdrew her application.

Ms. Sparrvohn motioned to nominate Karen Ehrlich to the licensed midwife position on the MAC; s/ Yaroslavsky; carried.

Ms. Sparrevohn asked for public comments; none were provided.

2. Two applicants for the public member, physician position were present at this meeting: James Byrne, M.D., and Ashley Weinhart, M.D. Due to a prior commitment, Dr. Klikoff was unable to attend the MAC meeting.

Dr. Byrne was asked to speak to the Advisory Council. He touched upon his experience working to improve public policy, his work with midwives and his efforts to improve discourse between lay midwives and administrators. He expressed interest in contributing his expertise to this endeavor. When asked by Ms. Gibson, Dr. Byrne confirmed that the time commitment to serve on the MAC was not an issue for him.

Dr. Weinhert, was also provided an opportunity to speak to Council Members. She is a Board certified physician and works with midwives at a Santa Rosa birthing center. Dr. Weinhert sits on the State Legislative ACOG Committee. She apologized for the late submittal of her application, explaining she did not receive notification concerning the MAC vacancy until just after the March 15, 2012 deadline. Dr. Weinhert mentioned, Dr. Haskins asked her to apply for the physician member position.

Dr. Klikoff, the third applicant, previously notified the MBC she was unable to attend the March 29, 2012 MAC meeting, due to an earlier commitment.

Ms. Sparrevohn asked for public member comments; none were provided.

Ms. Gibson made a motion to nominate James Byrne, M.D., to fill the Ob-gyn position on the MAC.; s/Sparrevohn; carried.

Ms. Sparrevohn made a motion to accept and appoint Dr. Byrne; s/Yaroslavsky; carried.

Council Members invited Dr. Byrne to sit on the panel for the remainder of the meeting. Appointment confirmations will occur at the next full Board meeting, on May 3-4, 2012.

3. Ms. Sparrevohn asked the Public Member, non-licensed applicants present to address the Council.

Ms. Corina Hall was the first applicant to speak. She disclosed that she lives locally in Sacramento and has experienced her own home birth deliveries with midwives in attendance. When asked about her strengths, she noted her ability to see both sides of a situation, and feels she can provide representation for other women in the State of California. She is also a student midwife.

The attorney's were posed the question, "If a student midwife were appointed to the non-licensee position, would this create a problem?" Ms. Scuri provided clarification; Ms. Hall could serve as a non-licensee member while a student midwife but once licensed as a midwife, can no longer serve unless the MAC decided to add another midwife position to the advisory council.

Mr. John Pecora was the next applicant invited to speak to Council members. Mr. Pecora outlined his experience attending Utility Board Meetings and said he understands the regulatory processes. He would like to bring to midwifery, the respect and security that is necessary. He supported his wife's endeavor in obtaining her midwifery license. Mr. Pecora was asked about his availability to attend the MAC meetings. He indicated he may have a problem serving on the Council if his wife were involved in the birth of a baby. Ms. Ehrlich followed up by asking, "Would you be able to attend the meeting if your wife is unavailable?" He clarified that he may need to watch his children if his wife had to attend multiple births.

Ms. Gibson asked Mr. Pecora what his experience was in interfacing with government agencies. He explained that he started attending meetings as a consumer, based on issues that affected his property. He is currently an intervener for a public utilities project, which he explained, is a non-appointed position that can be granted to someone with an interest in a project. If the intervener does not agree with the decisions made by a regulatory agency, he has the right to oppose and take action on a decision at his or her own financial expense. An intervener has the right to ask regulatory questions and

provide correspondence to approve or disapprove the scope of a project.

The following applicants for the public member vacancy were not present at the MAC meeting: Jennifer Pope, Suchada Eickemeyer, Dean Bartle, and Monique Webster. Peter Schlezkas was unable to attend since he was out of the country on the day of the MAC meeting.

Ms. Sparrevohn asked if there were any public members who would like to speak on behalf of applicants not present. Public member Laurel Holmes asked if the applicants were notified to attend and whether they were asked to speak at the MAC meeting. Ms. Sparrevohn indicated the "Call for Applications," letter addressed attendance. Ms. Morrish confirmed she spoke to applicants about attending the meeting and also referenced the letter that was sent to midwives.

Ms. Yaroslavsky made a motion to nominate applicant Monique Webster, to fill the MAC non-licensee, public member position; s/Sparrevohn; carried.

Ms. Sparrevohn asked if there were other nominations; none were provided. Ms. Yaroslavsky motioned to appoint Ms. Webster; Ms. Sparrevohn asked for public comment; none were provided.

Ms. Yaroslavsky called for a vote to seat Monique Webster as the non-licensee, public member on the MAC; s/Sparrevohn; carried.

Agenda Item 4 Approvals of Minutes from the December 13, 2011 Meeting

The following change recommendations to the December 13, 2011 minutes were requested:

- Agenda Item 4: Recommendation to change the word "Congress" in the title, American Congress of Obstetrics and Gynecology. The title is correct, and a revision is not necessary.

- References in the minutes to an April meeting should be changed to March since the MAC meeting took place on March 29, 2012.

Ms. Yaroslavsky made a motion to approve the minutes from the December 13, 2011 meeting; s/Sparrevohn; carried. Ms. Sparrevohn asked to accept the minutes with the changes that were offered.

Agenda Item 5 Midwifery Program Update

A. Update on Licensing Statistics

Ms. Morrish reported during the third quarter of FY 2011/12, 10 midwifery applications were received and 10 licenses were issued. To date, the total number of midwifery licenses issued for FY 2011/12 was 22. As of March 23, 2012, there were 283 licensed midwives in California, with 31 in delinquent status. Ms. Sparrevohn asked that the MBC provide reasons for the delinquent renewals at the next MAC meeting.

B. 2011 Annual Report Survey Update

As of March 23, 2012, there were 132 Licensed Midwife Annual Reports (LMAR), submitted to the Office of Statewide Health Planning & Development (OSHPD). Currently, there are 151 licensed midwives who have not submitted their 2011 LMAR.

The Board hosted the NARM exam on February 15, 2012. Fifteen women took the exam. The next NARM exam is scheduled for August 15, 2012 at the Medical Board.

C. Interested Parties Workshop-Update

Mr. Worden provided an update on the March 29, 2012 Interested Parties Workshop. He informed the group that the Medical Board received suggestions and feedback from workshop attendees to proposed new regulations: Physician Supervision Requirement, 1379.23 and the Practice of Midwifery, 1379.24. Mr. Worden mentioned that the Board will consider all suggestions and provide feasible recommendations to the MAC at the August 30, 2012 meeting.

D. Enforcement Statistics Report

During the December 13, 2011 MAC meeting, a request had been made for the Board to provide a breakdown of the complaints received between licensed and unlicensed midwives. During FY 2010/11, there were a total of ten complaints received. Eight of the complaints were against licensed midwives, with the remaining two involving unlicensed midwives. To date, the total number of complaints received for FY 2011/12, were 20. There were 17 complaints against licensed midwives and 3 complaints against unlicensed midwives. Of those complaints, 14 are closed.

Council members asked if multiple complaints could be made against a midwife, and if so, they recommended counting the complaints based on the individual midwife rather than the number of overall complaints received. Ms. Gibson noted there have been twice as many complaints this year, compared to last year. Ms. Yaroslavsky recommended the Medical Board capture complaint information based on the individual midwife versus the number of overall complaints received.

Ms. Sparrevohn asked for public comment. Jerod Killow, a public member, asked whether the MBC could track licensed and unlicensed midwives. Mr. Worden indicated he would check whether statistics are available or not. Mr. Heppler offered that it is not the function of the Council to track unlicensed midwives. Another public member reiterated that it would be beneficial to track licensed and unlicensed midwives.

No additional comments were provided.

Agenda Item 6 Discussion and Consideration of a Proposal to Create a Task Force on the Use of Midwifery Students and Midwife Assistants

Council members recommended organizing a task force to assist in determining regulations for midwife assistants/student midwives. Business & Professions Code, Section 2515 speaks to membership opportunities on pg. 13, of the Interested Parties Workshop meeting packet. A question was asked, whether the regulation addresses student/mentorship opportunities.

Mr. Heppler pointed out, there has been concern over the definition of "enrollment" and what defines the apprenticeship model. Related questions have been posed previously during other meetings. He suggested organizing a task force since this has become an increasing concern for women who have been assistants for years, and whose role is now under scrutiny.

Several public members agreed a task force is needed to address concerns midwives have in maintaining the apprenticeship model and to provide women with hands on experience. Also mentioned, there are many midwifery students who go through a non-official program, opting for a

more traditional approach in acquiring their midwifery education by apprenticing rather than enrolling in a school program.

Janell Lacido, a member of the audience, recommended a student should be on the task force. She has collaborated on a newly published document called, "The Student Midwife Bill of Rights." She will e-mail a copy to Mr. Heppler or Mr. Worden.

Faith Gibson clarified, "The issue is, whether or not the student assistant is making decisions on care." She mentioned that it is not illegal for a woman to assist at a birth, but asked, "Is he or she taking responsibility in providing treatment?" She suggested the taskforce can outline the guidelines.

Ms. Sparrevohn asked if a task force is warranted and requested input from public members in the audience. Tiffany Talbot, a student/apprentice midwife, asked how interested members could be part of the task force. Mr. Worden indicated an interested party's letter would be sent out to those on the mailing list. Ms. Sparrevohn mentioned that addresses for licensed midwives need to be up to date.

When asked for participation, the following people offered to be involved with the Midwife Assistants/Student Midwife Task Force:

- Council members: Faith Gibson and Karen Ehrlich.
- Public members: Celeste Duranesi, Amica, and Sarah Davis from the California Association of Midwives (CAM)

Comments were expressed by several members of the audience:
Celeste Duranesi mentioned she has several students who apprentice through her practice, even though there are midwifery schools in California. She expressed interest in participating on the task force.

Public member Rochelle Molard voiced her concern that there are many women who do not have the financial resources to attend midwifery school and asks how women without financial means can obtain the training to become midwives?

Sarah Davis, a member from CAM, also expressed interest in participating on the task force. She wanted to know what time frames are involved to implement regulatory changes. She asked for a public call for representation.

Jennifer Stover, another public member, agreed with creating a task force and also recommended it should include a "non-interested party" consumer. She believes it is important to have representation from someone who is a little more removed from the situation and can look at the regulations from the consumer's standpoint.

Ms. Sparrevohn recommended the Midwifery Student/Assistant Task Force should get underway before the August 30, 2012 MAC meeting.

No additional comments were made from the Council or public members.

Agenda 7 Update on Consideration of Nizhoni Institute Advanced Placement and Transfer of Credit Proposal

Mr. Worden confirmed that the proposal submitted by the Nizhoni Institute is under review by the

Board, and sections of the proposal require further clarification by the Institute.

Ms. Sparrevohn mentioned that the Nizhoni Institute is the only midwifery school in California that is recognized by the Medical Board that offers a challenge mechanism for internationally trained midwives.

Public member Jerry Rhiner commented, that there are internationally trained midwives who are also registered nurses, and licensed vocational nurses who are interested in offering services in women's health, but their international training is not recognized in California.

No additional public comment was provided.

Agenda 8 Discussion to Webcast Future Midwifery Advisory Council Meetings; Recommendation to Full Board

Council members agreed to make a recommendation to the Board to webcast future MAC meetings. Mr. Worden verified that with advanced planning, meetings that are webcast can be saved and will be available to view at a later date. Individuals can watch remotely, but cannot directly participate in the meetings. When asked if public comments would be accepted before the meeting and read during the meeting, Ms. Yaroslavsky agreed that public comments would be accepted.

Ms. Yaroslavsky made a motion to recommend to the full Board webcasting future MAC meetings; s/Sparrevohn; carried.

Agenda 9 Agenda Items for the August 30, 2012 Meeting in Sacramento

The following Agenda items will be discussed at the next MAC meeting:

- Results of the Interested Parties Meeting; Proposed Regulations
- Midwifery Student/Assistant Task Force Update
- Midwifery Program Update
- Discussion on MAC Term Limits
- Statistical Reporting-Task Force (MANA)

Ms. Yaroslavsky commented that she would like to review the membership/structure of the MAC at the next meeting. Ms. Yaroslavsky also mentioned that she was pleased to see the meeting go so well with such a large group of attendees.

Before the meeting ended, Ms. Ehrlich informed attendees that copies of the 2007-2010 LMAR statistics (in summary format) were available on the back table for those who were interested.

Agenda Item 10 Adjournment

Ms. Yaroslavsky made a motion to adjourn the meeting; s/Sparrevohn; carried.