MEDICAL BOARD OF CALIFORNIA
Licensing Operations

Midwifery Advisory Council
Lake Tahoe Room
2005 Evergreen Street
Sacramento, CA 95815

March 14, 2013
MINUTES

Agenda Item 1 Call to Order/Roll Call
The Midwifery Advisory Council (MAC) of the Medical Board of California (Board) was called to order by Chair Carrie Sparrevohn at 1:07 p.m. A quorum was present and notice was sent to interested parties.

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

Staff Present:
Diane Dobbs, Department of Consumer Affairs, Legal Counsel
David Galbraith, Assistant
Kurt Heppler, Staff Counsel
Kimberly Kirchmeyer, Deputy Director
Natalie Lowe, Licensing Manager
Susan Morrish, Licensing Analyst
Anthony Salgado, Licensing Manager
Curt Worden, Chief of Licensing

Members of the Audience:
Jennifer Brown, L.M.
Yvonne Choong, CMA
Fiaura Conen
Sarah Davis, C.A.M.
Rachel Fox-Tierney, L.M.
Joscelyn Grole, C.A.M.
Brent Keime, Nizhoni Institute
Brooke Lonegan
Tosi Marceline, L.M.
Laura Nichols, C.A.M.
Laura Perez, Sacred Birth Place

Debra Puterbaugh, C.A.M.
Constance Rock, L.M., C.A.M.
Shannon Smith-Crowley, A.C.O.G.
Krystel Viehmann, C.A.M.
(The above list identifies attendees who signed the meeting sign-in sheet)

Agenda Item 2 Public Comment on Items Not on the Agenda
No public comment was provided.

Agenda Item 3 Approval of the Midwifery Advisory Council Meeting Minutes
A. August 30, 2012
Ms. Sparrevohn recommended tabling approval of the August 30, 2012 meeting minutes until the August 8, 2013 MAC meeting, as change recommendations from Ms. Ehrlich were unavailable for staff to review prior to the meeting. Ms. Smith-Crowley expressed concern that her comments regarding physician supervision and collaboration, (identified on page 4 of the August 30, 2012 minutes), stated the opposite of what she meant.

Ms. Sparrevohn made a motion to table the August 30, 2012 meeting minutes; s/Ehrlich; motion carried.

B. December 6, 2012
Ms. Ehrlich provided name clarification to the acronym for MEAC, which was misidentified on page 8 of the December 2012 meeting minutes. Ms. Ehrlich also mentioned she was unable to locate the webcast for the December 6, 2012 MAC meeting on the Medical Board's Web site. Ms. Lowe clarified that the archived webcast meetings were available through the Department of Consumer Affairs Web site and also viewable on YouTube. Ms. Yaroslavsky recommended the meeting webcasts should be listed on the Medical Board's Web site with instructions on how to access it.

Ms. Dobbs requested a correction to the verbiage on page 2 of the December 2012 meeting minutes pertaining to publicly noticed meetings.

Ms. Sparrevohn made a motion to accept the December 6, 2012 meeting minutes with corrections; s/Webster; motion carried.

Agenda Item 4 Report from the Midwifery Advisory Council Chairperson
Ms. Sparrevohn provided an update of the February 2013 Quarterly Board meeting. For midwifery reporting purposes, she requested to the Board, utilizing the Midwives Alliance of North America (MANA) data collection tool. Ms. Sparrevohn mentioned the idea was well received by the Board and she would like to explore the idea of seeking a Statute change to incorporate the MANA statistics. Ms. Sparrevohn took the opportunity to thank the certified nurse midwives and licensed midwives for attending the meeting and engaging in the process.

Agenda Item 5 Sunset Review Update
A. Status of Proposed Adoption of CCR §1379.23 - Physician Supervision Requirement
B. Status of Proposed Adoption of CCR § 1379.24 - Practice of Midwifery; Drugs and Devices

C. Recommendation to Identify Certified Nurse Midwives as Licensed Healthcare Providers Sanctioned to Supervise Student Midwives
D. Use of the M.A.N.A Reporting System

Ms. Lowe directed attendees to page 30 in the meeting packets and provided background information on current Sunset Review processes. She outlined that the Board submitted the original Sunset Review Report to the Legislature's Senate Business and Professions Economic Development Committee. Several members of the midwifery committee, and Shannon Smith-Crowley from the American Congress of Obstetricians and Gynecologists (ACOG) provided testimony to the Legislature. Ms. Lowe mentioned ACOG will sponsor Assembly Bill 1308 to address concerns pertaining to midwifery supervision and midwife billing concerns. She stated that the Board will also be working with ACOG on the Bill.

Based on material provided at the Hearing, the Board anticipates receiving written feedback from the Committee requiring additional information. Ms. Lowe informed the MAC they should be prepared to answer specific questions that may come up, such as how the costs associated with the implementation of the MANA reporting process will be covered, and how MANA will transfer data to the Office of Statewide Health Planning and Development (OSHPD).

Ms. Lowe stated that updates regarding the Sunset Review will be provided to the Council as information is made available.

Ms. Ehrlich asked if the next meeting would be a follow-up meeting by the Legislature or a meeting the Medical Board would hold. Ms. Lowe replied, that an additional meeting had not been scheduled, but anticipated a response from the Legislature with written inquiries. In answer to Ms. Ehrlich's question, Ms. Sparrevohn said it was not known if a follow-up Hearing would be scheduled. She stated that at the Board's Quarterly meeting, members were interested in actual cost information to implement the MANA project and recommended the MAC should be prepared with more finite cost information, if necessary.

Mr. Worden concurred that the meeting had been very positive and the Committee was receptive to the midwifery community and the issues that were presented. Ms. Yaroslavsky echoed the sentiment that there is a cognizant understanding within the Legislature that doctors will not be the only ones providing birthing services and that the midwifery movement is moving forward.

Public comment was provided for this agenda item.

Ms. Choong with the California Medical Association (CMA) provided additional information regarding the Sunset Review process. She mentioned that an Assembly Bill will be forthcoming that will address several matters within the one bill. She clarified that there may be a separate bill for the more controversial issues in the Sunset Review. Scheduled hearings for those bills will be the next step in the Sunset Review process. Legislative updates regarding the process could be found at www.leginfo.ca.gov. She clarified that the information would be available on the Senate website and not on the Medical Board's website, and offered to send bill information to Council members once the material was available. She

also stated that other questions may surface at the Hearing but the Medical Board would have thirty days to respond to the Legislator's questions.

Ms. Smith-Crowley with ACOG, stated that ACOG is sponsoring a bill with assembly member Susan Bonilla to put a focal point on the issues and to open conversation and collaborative efforts with others. She emphasized, because the current bill cycle is not the usual two year time frame, a real impetus exists to get the bill through this year. The bill will work in tandem with AB1308. Her expectation is, if the two bills are in agreement on some of the issues, and don't need to be addressed by the Board, the language in the bills will get resolved through a technical process. The bill is in the Assembly and was expected to be heard in the Business and Professions Committee in April 2013. Her understanding is, the bill will move out of the Assembly by June 6, 2013. She stated there were multiple issues that would need to be worked through within the next three months and would like to see a collaborative effort in sponsoring the bill.

Due to the Open Meeting Act, ACOG is not able to work directly with the MAC. Ms. Smith-Crowley suggested ACOG could work with the California Association of Midwives (CAM) and the nurse midwives in working through "outcome" reporting issues. She mentioned the Commissioner with the Department of Insurance is interested in the Federal Government's Affordable Care Act (ACA), and the options would include covering midwife care.

Ms. Smith-Crowley believes liability coverage is important as physicians must have liability coverage when working with out-of-hospital patients and midwives. In her opinion, how the liability coverage issues are handled will dictate and define the working relationship between physicians and midwives. She suggested, the physician/midwife relationship must be "above board" and not behind the scenes and suggested looking into the different liability coverage models that are available to midwives so that they can participate as Medi-Cal providers and contract with managed care plans.

Ms. Sparrevohn cited the high cost of liability insurance is prohibitive for midwives to acquire insurance and asked Ms. Smith-Crowley if the ACA money would eliminate that as an issue. Ms. Smith-Crowley advised the need for a self-perpetuating system even if ACA money is available. She suggested liability insurance may become affordable if incomes rise for midwives.

She also mentioned preliminary interest from the University of California for available grant money to look into innovative relationships. ACOG also plans on speaking with obstetricians and gynecologist at several facilities. She again suggested, the importance of "outcome reporting" workgroups and proposed a dual system of state reporting between MANA and OSHPD that would be similar to the state of Vermont. In her opinion, physician liability issues should be a measurement identified on the report. Ms. Sparrevohn stated, physician data has been collected and may not be necessary in the future. When asked, Ms. Sparrevohn confirmed that there was not a cost to midwives to report statistics to MANA.

Referencing appendix (e) of the MANA Report, Ms. Smith-Crowley said that a number of items, including reasons for transfers are not contained in the summary. Multiple births are identified collectively, rather than reported separately.

When Ms. Yaroslavsky asked if a task force should be formed, Ms. Smith-Crowley stated that the task force should conform to the Open Meeting Act, and recommended assembling a workgroup for collaborative input to address the issues in the bill. She has been in contact with Ms. Rock, a representative from the California Association of Midwives (CAM), and would like to include Ms. Dow to represent the certified nurse midwives (CNM). She also suggested including Ms. Choong from CMA. She added that through this process they will be able to come to the right answer. Ms. Yaroslavsky asked Ms. Smith-Crowley if she was organizing the effort, and suggested having a conversation around the end of May 2013.

Ms. Sparrevohn also mentioned that they could form a task force or workgroup as part of the MAC and asked if there was staff availability for this. Mr. Worden described the current difficulty in devoting staff time to this endeavor. Ms. Sparrevohn suggested moving forward on the task force sooner rather than later. Ms. Gibson volunteered to sit on the task force even though she was retiring from the MAC. Ms. Smith-Crowley suggested the need to work through the issues by the end of June because the bill will move over to the Senate.

Ms. Sparrevohn enlisted the lead roles of the task force to Ms. Smith-Crowley and the CAM representatives.

Ms. Choong confirmed CMA support for Ms. Smith-Crowley's recommendation to establish a sub-committee and cited conversations that have occurred between CMA and ACOG as moving in the right direction. She suggested including midwives and other allied health care professionals in the collaborative and consultation process and recommended taking the time to address the concerns in the right way by not making hasty decisions.

Ms. Choong concurred with looking at liability coverage issues as it will help distinguish what is and is not possible in developing long term solutions to the problem. She also recommended the sub-committee take the approach to address midwifery as a very legitimate profession and establishing similar reporting requirements as have been established for other health care professionals. Ms. Choong cited interest in the development of long term solutions that will collectively work for midwives, physicians, and the public.

Ms. Tinkleburg, a nurse-midwife in attendance, stated that she was planning on opening a birth center in conjunction with a Medi-Cal managed care company. She mentioned the difficulty for midwives to obtain medical liability insurance and how the CEO of the company she works for was trying to obtain coverage through a Medi-Cal managed care company they are working with. She informed listeners that the managed care company can collect all data and set up templates for existing databases, making it easier to collect MANA data.

Ms. Brooks introduced herself as the director of a free standing birth center and the president of the Association for Healthcare Documentation Integrity (AHDI). She expressed double-reporting concerns with the MANA and OSHPD systems. She believes both reporting forms are too complex and do not provide the data that is needed. She suggested using the Perinatal Advisory Council (PAC/LA) report because it is comprehensive in that the organization has gathered data from southern California hospitals for many years and is a comprehensive report.

Ms. Brooks indicated the purpose of the reporting forms were to gather information to make things better for patients, and address improvements in outcomes and the quality of care that is provided. She indicated that if the forms are too complex or confusing, and they don't separate specific information, outcome measurements are unclear. With two Senate bills coming out, Ms. Brooks would like to see midwives integrated into the health care system and wanted the Council to consider another reporting option.

Ms. Gibson asked Ms. Brooks if Council members could receive a copy of the reporting form from PAC/LA. Ms. Brooks agreed to provide this information to the Council.

Ms. Gibson expressed concern with wording in the Sunset Review Report, (page 45 of the meeting packet), which pertains to limitations placed on a midwife's ability to practice independently of physician supervision. She wanted to clarify that midwives do know what works for childbearing women and suggested a midwifery licensing mechanism that allows midwives to meet the needs of childbearing women so that there won't be an increase in the number of women who find themselves attempting unattended births. Ms. Gibson acknowledged the need for a relationship between midwives and physicians that works for all, including tax payers.

Ms. Sparrevohn agreed with Ms. Gibson's statement and added, the concern is about safety, ease of transport, and consultation when needed with an obstetrician, perinatal or neonatologist. She disagrees with the wording in the report and clarified that midwives view themselves as practitioners, wanting good working relationships with physicians.

Agenda Item 6 Program Update

At the December 6, 2012 MAC meeting an update was provided on the Student Assistant Task Force. During this meeting, staff was asked to provide an update at the next meeting to identify regulations pertaining to student assistants that could be changed. Ms. Lowe provided a brief update indicating that the Midwifery Student/Assistant regulatory concerns were included in the Sunset Review Report and the Board will await word from the Legislature on how to proceed. No further action would be taken by Board staff at this time.

On February 20, 2013, there were nine individuals who sat for the North American Registry of Midwives (NARM) exam. The next exam is scheduled for August 15, 2013.
Please note: The next exam date was changed to August 21, 2013 at the request of NARM.

A. Licensing Statistics

Ms. Lowe provided an overview of the licensing statistics for the second quarter, October 1st through December 31st, 2012. The Board received twelve new Licensed Midwife applications and twelve new licenses were issued. At the end of the quarter 286 licenses were in renewed and current status with 24 in delinquent status.

Ms. Ehrlich mentioned that she had noticed the name of a licensed midwife in delinquent status, who was actually deceased, identified on the Board's license look up site. She asked what the process was to have the information updated on the Board's website. Ms. Lowe outlined certain procedures must be followed to update the Board's records and clarified that

the license would stay in delinquent status until information could be verified. She agreed to look into the situation if the name was provided. She further explained, if the Board was unable to verify the information, the license would stay in delinquent status for five years from the expiration date, and then would show cancelled status.

Ms. Yaroslavsky asked why it takes five years to cancel a license and if the time frame could be shorter. Mr. Worden clarified that five years is identified in Statute.

B. Enforcement Statistics

Ms. Lowe referred Council members to the enforcement statistics identified on page 50 in the meeting packets. During the second quarter of the fiscal year, the Board received two new complaints, both against licensed midwives. There were no new investigations opened during the second quarter; however, one case against a licensed midwife was referred to the Attorney General's Office for prosecution, and three cases were referred for criminal action. Of the three cases, one was against a licensed midwife and the other two were against unlicensed midwives. This concluded Ms. Lowe's update.

Public comment was provided on this agenda item.

Ms. Perez identified herself as a student midwife and mentioned she sat for the NARM exam on February 20, 2013. She clarified there were nine people taking the test, not eight.

Agenda Item 7 Agenda Items for the August 8, 2013 Midwifery Advisory Council Meeting-Sacramento

The following agenda items were identified by Ms. Sparrevohn for the August 8, 2013 MAC meeting:

- Midwifery Program Statistics
- An update on the Sunset Review Report
- Selection of a new MAC member to fill the vacancy of Faith Gibson, L.M.

Agenda Item 8 Adjournment

Ms. Sparrevohn made a motion to adjourn the meeting; motion carried. Meeting was adjourned at 2:09 p.m.