

MEDICAL BOARD STAFF REPORT

DATE REPORT ISSUED: July 24, 2018
ATTENTION: Members, Midwifery Advisory Council
SUBJECT: Midwifery Advisory Council Term Limits
STAFF CONTACT: April Alameda, Chief of Licensing

Requested Action:

After review and discussion, determine if the Midwifery Advisory Council (MAC) wants to establish term limits for members.

Background and Analysis:

At the March 1, 2018 MAC meeting, the Chair requested Board staff provide background information at the August 2018 MAC meeting on the term limits the Board utilizes and what limits other state boards utilize.

Business and Professions Code (BPC) section 2509 established the MAC to make recommendations on midwifery matters specified by the Board for consideration and approval. The law did not address the length of terms nor the maximum number of consecutive terms. However, the law specifies that at least one-half of the MAC members shall be California licensed midwives. Staff recommended that the MAC consist of six members (three licensed midwives and three public members, one of which is a licensed physician).

The Board adopted the recommendation made by staff for the size, terms, and membership at its February 2007 meeting. MAC members were initially appointed to one, two, or three year terms. After the initial terms, the term of office for each member is three years with staggered expiration dates. No recommendations were made on term limits.

In April 2011, the MAC discussed possible term limits and it was decided not to pursue term limits at that time.

MAC requested Board staff to conduct research on midwifery term limits in other states, including term limits used by the Board for its members and the California Physician Assistant Board. Board staff found the following information:

- Board members are appointed to a position with a four-year term. BCP section 131 states that Board members may not serve more than two consecutive full terms.
- The Special Faculty Permit Review Committee (Committee) does not have formal term limits. Committee members represent each medical school located in California.

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The individual schools recommend representatives for membership by the Committee; these representatives serve at the schools' pleasure and by approval of the Board.

- Board members' of various committees do not have formal term limits; they serve at the pleasure of the Board's president.
- The California Physician Assistants Board members serve two consecutive terms.
- A review of term limits in other states found that of the 24 states, 10 require no more than two consecutive terms, one requires no more than one consecutive term, and the other states do not have term limits.

Staff Recommendations:

Staff recommends that MAC members be appointed for a term of three years with a maximum term limit of two consecutive terms, and two-year term limits for officers.

ATTACHMENTS:

1. Business and Professions Code section 2509
2. Midwifery Council Term Limits in Other States

BUSINESS AND PROFESSIONS CODE

Section 2509

The board shall create and appoint a Midwifery Advisory Council consisting of licensees of the board in good standing, who need not be members of the board, and members of the public who have an interest in midwifery practice, including, but not limited to, home births. At least one-half of the council members shall be California licensed midwives. The council shall make recommendations on matters specified by the board.

(Added by Stats. 2006, Ch. 536, Sec. 1. Effective January 1, 2007.)

Midwifery Council Term Limits for Other States

State	Terms
Arkansas Department of Health	Four-year term with no more than two consecutive terms
Delaware Department of Health and Social Services	Three-year term with no term limits
Florida Health	Four-year term with no more than one consecutive term
Idaho Board of Occupational Licenses	Five-year term with no term limits
Indiana Medical Licensing Board	Four-year term with no more than three consecutive terms
Maine Board of Complementary Health Care Providers	Three-year term with no term limits
Maryland Advisory Committee	Four-year term with no more than two consecutive terms
Michigan Board of Licensed Midwifery	Four-year term with no term limits
Minnesota Board of Medical Practice	Four-year term with no term limits
Montana Board of Alternative Healthcare	Four-year term with no limit limits
New Hampshire Office of Professional Licensure and Certification	Four-year term with no more than two consecutive terms
New Jersey Division of Consumer Affairs	Three-year term with no term limits
New Mexico Department of Health	Three-year term with no more than two consecutive terms
Oregon Midwifery Board under Health Licensing Office	Three-year term with no more than two consecutive terms
Rhode Island Department of Health	Three-year term with no more than two consecutive terms
South Carolina Department of Health and Environmental Control	Three-year term with no term limits

Midwifery Council Term Limits for Other States

South Dakota Department of Health	Three-year term with no term limits
Tennessee Midwives Advisory Council under Board of Osteopathic Examiners	Four-year term with no term limits
Texas Department of Licensing and Regulations	Six-year term with no term limits
Utah Department of Professional Licensure	Four-year term with no more than two consecutive terms
Vermont Advisory Committee under Office of Professional Regulation	Five-year term with no term limits
Virginia Department of Health Professions	Four-year term with no more than two consecutive terms
Washington State Department of Health	Five-year term with no term limits