



MEDICAL BOARD OF CALIFORNIA Licensing Program

MIDWIFERY ADVISORY COUNCIL

December 7, 2017

Medical Board of California
Hearing Room
2005 Evergreen Street
Sacramento, CA 95815

MEETING MINUTES

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

The Midwifery Advisory Council (MAC) of the Medical Board of California (Board) was called to order by MAC Chair Carrie Sparrevohn at 1:15 p.m. A quorum was present and notice was sent to interested parties.

Members Present:

Carrie Sparrevohn, L.M., Chair
AnneMarie Adams, M.D.
Jocelyn Dugan
Diane Holzer, L.M.
Chemin Perez, L.M., Certified Professional Midwife
Barbara Yaroslavsky

Staff Present:

April Alameda, Staff Services Manager II
Christine Lally, Deputy Director
Monique Murray, Staff Services Manager I
Elizabeth Rojas, Staff Services Analyst
Jennifer Saucedo, Staff Services Analyst
AnnaMarie Sewell, Associate Governmental Program Analyst
Jennifer Simoes, Chief of Legislation
Kerrie Webb, Legal Counsel

Members of the Audience:

Phyllis Buehler, L.M., California Association of Midwives
Yvonne Choong, California Medical Association
Rosanna Davis, L.M., California Association of Licensed Midwives
Rachel Fox-Tierney, L.M., Certified Professional Midwife
Faith Gibson, L.M., California College of Midwives
Nancy Greenwood
Kaleem Joy, L.M., Certified Professional Midwife
Anne Jurach, Office of Statewide Health Planning and Development
Rachel Kiene, L.M., Certified Professional Midwife

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Patrick Le, Assistant Deputy Director, Office of Board and Bureau Services, Department of Consumer Affairs

Lesley Nelson, L.M.

Kelly Olmstead, L.M.

Laura Perez, L.M.

Sharon Potteiger, L.M., California Association of Licensed Midwives

Elissa Silva, Senate Business, Professions and Economic Development Committee

Janette Wackerly, R.N., Board of Registered Nursing

Agenda Item 2 Public Comment on Items not on the Agenda

No public comment was provided.

Agenda Item 3 Approval of the August 17, 2017 Midwifery Advisory Council Meeting Minutes

Ms. Alameda stated that the MAC members provided the following edits to Board staff: on page two, last paragraph, the title “Los Rios Community College District” should be corrected to read, “American River College:” and on page three, sixth paragraph, the title “American Congress of Obstetricians and Gynecologists” would be corrected to read, “American College of Obstetricians and Gynecologists.”

Ms. Yaroslavsky motioned to approve the August 17, 2017 meeting minutes; s/Ms. Sparrevohn. Motion carried unanimously.

Agenda Item 4 Report from the Midwifery Advisory Council Chairperson

Ms. Sparrevohn stated she would not seek re-election as a MAC member in March 2018 and was thankful for the years she served on the MAC.

Ms. Yaroslavsky thanked Ms. Sparrevohn for her service and indicated that she brought a wealth of knowledge to the MAC.

Ms. Davis thanked Ms. Sparrevohn for her service.

Agenda Item 5 Presentation and Discussion on the Bagley-Keene Open Meeting Act

Ms. Webb provided a presentation on the purpose and importance of the Bagley-Keene Open Meeting Act. Ms. Webb indicated that open meetings should provide a meaningful opportunity for participation or observation, as defined in the meeting materials. Ms. Webb defined the meaning of a meeting, and the types of communication prohibited outside of a noticed meeting. Ms. Webb concluded her presentation stating that the agenda for the open meeting must be posted in advance, provide the physical location, a brief description of the business discussed, and supporting documents must be available to the public.

Ms. Holzer asked if it was acceptable for three or more members of the MAC to provide input to a discussion prior to the MAC meeting by email.

Ms. Webb stated that if the discussion was regarding policy for matters involving the MAC in a nonpublic forum it could pose an issue.

Ms. Yaroslavsky commented that if members discuss an issue by email, then it does not allow the public the opportunity to participate.

Agenda Item 6 Update on the American River College Program

Ms. Joy provided an update on the American River College (ARC) Midwifery Education Program indicating that an advisory meeting was held on October 26, 2017. Ms. Joy stated that the course outline for the midwifery program was due for completion on December 17, 2017, the application for funding was submitted for a second year of development, and Sherry DeVries, the Program Director at Southwest Tech in Wisconsin, continues to collaborate with Kathy Fox, a professor and pre-program developer, in creating guidelines for the midwifery program at ARC. Ms. Joy added that Ms. Fox is also receiving assistance from Sarah Davis, L.M., and Rachel Fox-Tierney, L.M., as they are providing labor market analysis and program curriculum analysis and development.

Ms. Joy stated that the next steps are to discuss curriculum content development, job market analysis, evaluation of the program curriculum structure, preceptor requirements, and to hold an advisory meeting in January 2018 to gain insight from the midwifery community regarding the curriculum structure, preceptor training and utilization, and solutions to concerns in midwifery education.

Ms. Joy addressed the questions provided at the August 17, 2017 MAC meeting, indicating that the midwifery program would offer continuing education units, the midwifery program would determine, upon approval of the Board, if the Challenge Process Program would be an option, and upon approval of the Board, the midwifery program will determine if aid in remediation would be available. Ms. Joy added that clinical experience and use of preceptors would be discussed at the next advisory meeting to be held in January 2018.

Ms. Yaroslavsky suggested discussing with Board staff on how they can assist with education and prevention of errors for those licensees who had issues or weakness with quality care while practicing midwifery.

Ms. Perez asked how the midwifery program would provide clinical training.

Ms. Joy stated that it is currently under discussion on how the community college would offer clinical training to students, ensure the preceptor has the appropriate training and experience, and ensure students complete clinical training successfully.

Ms. Gibson commented that a newly created nursing program is having the same issues with clinical experience and she will obtain information on their processes to share at the next MAC meeting.

Agenda Item 7 **Update on the Midwifery Task Force**

Ms. Simoes indicated that on October 5, 2017, the Midwifery Task Force discussed with Board staff the regulations required by Assembly Bill (AB) 1308 and possible next steps. The Task Force and staff discussed moving forward with the Board's language that was approved at the April 2017 Quarterly Board meeting, but a new bill was introduced, Senate Bill (SB) 457, that would make changes to the same section of law. Ms. Simoes stated that after further discussion, the Task Force determined that the appropriate course of action is to work with Senator Bates, the author of SB 457, her staff, and other interested parties on amendments that would be more in line with the language approved by the Board previously.

The Task Force recommended to the Board to direct staff to seek amendments to SB 457. Ms. Simoes stated that if amendments were not completed, staff would return to the Board with the issue the following year. Ms. Simoes stated that since the April 2017 Quarterly Board meeting, she confirmed that the bill has not moved forward. Ms. Simoes added that since the bill has not moved forward, the Senate, Business, Professions, and Economic Development Committee staff have committed to holding meetings in 2018 with interested parties to resolve the issue.

Agenda Item 8 **Update on the Continuing Regulatory Efforts Required by Assembly Bill 1308 (Chapter 665, Statutes of 2013)**

Ms. Webb indicated that regulations are pending legislative changes that would allow forward movement with regulations in a more reasonable way and that there was no current agreement between the interested parties.

Agenda Item 9 **Update on Proposed Regulations for Midwife Assistants, Title 16, Division 13, CCR sections 1379.01 through 1379.09**

Ms. Webb provided an update on the proposed regulations for midwife assistants indicating that the regulations were approved on September 21, 2017.

Ms. Davis indicated that the California Association of Licensed Midwives will provide a webinar and publication to their members regarding the Business and Profession Codes (B&P) and approved California Code Regulations (CCR) relating to midwife assistants.

Ms. Sparrevohn requested staff to provide updated regulation packets for the next MAC meeting to include CRR sections 1379.01 through 1379.09.

Agenda Item 10 **Update on the Revision of the Transfer of Planned Out-of-Hospital Delivery to Hospital Reporting Form**

Ms. Webb indicated that a legislative change is required in order to obtain additional information, and to request that the form be sent to Office of Statewide Health Planning and Development (OSHPD) rather than to the Board for data collection. Ms. Webb added that the purpose for OSHPD to collect the form is so that the form would not be viewed as a complaint.

Ms. Sparrevohn requested an update at the March 2018 MAC meeting to determine if a task force is necessary and to discuss the progress of outreach and future outreach education regarding the hospital transfer reporting form. Ms. Sparrevohn reminded everyone that the goal of the form is for hospitals to provide the reason for transfer in order to improve midwifery care.

Agenda Item 11 Update on Midwifery Legislation

Ms. Simoes stated that bills passed in 2017 become effective January 1, 2018. Ms. Simoes stated that AB 1612 (Burke), a two-year bill, did not pass and could move in 2018; SB 457 (Bates) may not be approved this legislative cycle; SB 798, the Board's Sunset bill, passed. The provisions of SB 798 included licensed midwives' peer review reporting requirements and added licensed midwives to the list of practitioners who may be part of medical corporations.

Ms. Sparrevohn asked for more information on protected peer review to clarify how it affects midwives.

Ms. Simoes stated the law adds licensed midwives to B&P section 805, which allows protected peer review, associations to peer review midwives, and associations to provide peer review reporting.

Ms. Webb stated that B&P section 805(a)(1)(b)(iii) relates to a midwifery professional society and provides that the peer review committee reports to the Board any termination or denial of membership for medical disciplinary cause or reason.

Ms. Sparrevohn asked what B&P section 805(a)(1)(b)(iii) protects.

Ms. Webb stated that for protected peer review, documents could not be used in a civil case, but the Board can receive documents for a disciplinary case.

Ms. Simoes indicated that part of the implementation process would be to add information to the Board's website relating to B&P section 805(a)(1)(b)(iii).

Ms. Webb clarified that legislation does not require midwives to participate in peer review. Ms. Webb added that if a midwife is part of an organization that does require peer review, and they meet the requirements of B&P section 805, then a report is necessary.

Ms. Davis commented that the purpose of B&P section 805 is to have a quality improvement program.

Agenda Item 12 Licensed Midwife Annual Report (LMAR) Task Force

Ms. Sparrevohn provided an update on the Licensed Midwife Annual Report (LMAR) Task Force indicating that staff provided a 2017 LMAR survey to licensed midwives to obtain feedback on how they would like to report their LMAR.

Ms. Sparrevohn indicated there were two questions on the survey that asked if the midwife preferred to report accumulatively at the end of the year or to move to a prospectively reporting system. The outcome of the survey indicated midwives want to continue reporting accumulatively.

Ms. Sparrevohn referred to the meeting materials and asked members if they had any suggestions, additions, or comments relating to the report presented.

Ms. Dugan commented that she appreciated the time and work put into developing the report.

Ms. Sparrevohn stated that the Task Force recommends the following changes:

- Section D, Client Services, to add a question that asks, “What is the total number of clients in your care that were transferred to a hospital, and remained in the hospital for care?” Ms. Sparrevohn stated that by adding this question it would assist in understanding whether the number of hospital forms adds up to the number of transferred clients.
- Include a new section to record deaths in order to prevent duplicate reporting.
- County to be removed from published reports as it makes it easy to identify a client or midwife if it was published by county. However, the information would still be collected if the public requested it.
- Add information to bring reporting current with AB 1308 in terms of a midwife delivering a baby and the woman was under 37 weeks or over 42 weeks, did the client have twins, and was it a breech. Ms. Sparrevohn stated that although some instances are outside of the midwifery practice, there should be a recognition that occasionally it will occur.
- A new section added for vaginal birth after cesarean to capture more data.
- Changes to the instructions and new definitions were added.

Ms. Olmstead requested to add a third category to the bottom of page three that asks, “The number of clients that left care and did not go to the hospital.”

Ms. Gibson suggested to add a question to capture whether it was a precipitous situation when it came to breech deliveries, twins, and multiple births other than twins.

Ms. Sparrevohn thought breech deliveries, twins, and multiple births other than twins, on page four, should have the question, “The number of clients that left care and did not go to the hospital,” and include a separate check box identifying the delivery was a precipitous situation.

Ms. Sparrevohn stated that staff would format the online questionnaire, and provide a mockup to the MAC for review and input prior to submitting to the Board for approval.

Ms. Webb stated she was concerned about reporting deliveries without care or with unlicensed individuals, when the information being reported is hearsay, and if a midwife has knowledge of deliveries being done by an unlicensed person, then it would raise concerns.

Ms. Sparrevohn asked if there was a better way to collect the data.

Ms. Webb indicated that she did not have a solution at that time.

Ms. Sparrevohn suggested including a question on page three, Section E, relating to breech deliveries, twins, and multiple births other than twins that asks, “Did this woman deliver precipitously?”

Ms. Kiene suggested to include in Section D, clients who left care due to limitation of the midwife’s scope of practice and did not birth in the hospital.

Ms. Yaroslavsky motioned to accept the proposed changes recommended by the LMAR Task Force with the additional recommendations discussed and for the Task Force to work with Board staff to revise the LMAR form; s/Ms. Dugan. Motion carried unanimously.

Agenda Item 13 Program Update

Ms. Alameda introduced Christine Lally, the new Deputy Director, and Ms. Monique Murray, the new Licensing Program Manager.

Ms. Alameda provided an update on the licensing program indicating that two MAC member appointments will be expiring on June 30, 2018, and the Board will be advertising for the vacancies beginning January 2018.

Ms. Alameda referred to Tab 13, the Licensing Statistics, page 66 of the MAC packet, indicating that in the first quarter of fiscal year 2017/2018; the Board received eight new applications, issued ten new licenses, had one pending application, and had 395 renewed and current midwifery licenses.

Ms. Alameda referred to the Out-of-Hospital Delivery Reporting Form Statistics indicating that the Board received 46; 45 reporting forms were for licensed midwives and one reporting form was for a non-licensee.

Ms. Alameda referred to the Enforcement Statistics stating that the Board received two complaints for licensed midwives, no referrals were submitted to the Attorney General’s Office, and three were referred to investigation. There were two complaints received in the last quarter against unlicensed individuals. Ms. Alameda noted that in the second quarter, the number nine was entered in error, and it should have been zero on page number 68 of the meeting materials.

Agenda Item 14 Discussion and Possible Action on Future Midwifery Advisory Council Meeting Dates

After discussion by the MAC, the proposed dates for the 2018 MAC meetings were proposed for March 1, 2018, August 16, 2018, and December 6, 2018.

Ms. Yaroslavsky made a motion to approve the 2018 MAC proposed meeting dates; s/Ms. Holzer. Motion carried unanimously.

Agenda Item 15 **Agenda Items for the Next Midwifery Advisory Council Meeting in Sacramento**

- Report from the Midwifery Advisory Council Chairperson
- Update on the Senate Business, Professions, and Economic Development Interested Parties Meeting
- Update on the Midwifery Task Force
- Update on the Revision of the Hospital Reporting Form
- Update on Midwifery Legislation
- Update on the LMAR Task Force
- Update on the Midwifery Program
- Midwifery Advisory Council Three-Year Term Vacancies
- Discussion on Term Limits for MAC Members
- Report from Ms. Joy regarding the Mentoring Program for New Midwives

Agenda Item 16 **Adjournment**

Ms. Sparrevohn adjourned the meeting at 4:12 p.m.

The full meeting can be viewed at http://www.mbc.ca.gov/About_Us/Meetings/2017/.