

AGENDA ITEM 10

Discussion on Membership of Midwifery Advisory Council

**The following documents are enclosed as
reference material on the membership of
the MAC:**

- January 17, 2007 Staff Memo/Recommendations
- Minutes from the February 1, 2007 Midwifery Committee
- Relevant excerpts from the February 2, 2007 Division of Licensing Quarterly Meeting
- Composition of current Council

Memorandum

Agenda Item 8A

To: Members, Midwifery Committee
Members, Division of Licensing

Date: January 17, 2007

From:  Gary Qualset, Chief
Division of Licensing

Subject: Establishment of Midwifery Advisory Council

INTRODUCTION

Senate Bill 1638 (Figueroa, Ch. 536, Stat. 2006), added Section 2509 of the Business and Professions Code (copy attached), which authorized the Division of Licensing, hereafter "board", to create a Midwifery Advisory Council (MAC) and appoint members to the MAC. The MAC shall consist of licensees of the board that are in good standing and members of the public. At least one-half of the MAC members shall be California licensed midwives.

MAC FUNCTION AND SCOPE

The MAC is responsible for making recommendations on matters that are presented to it by the board. Additionally, per Business and Professions Code Section 2516(e) the MAC shall assist the board, in consultation with the Office of Statewide Health Planning and Development, in devising a coding system to aid in the annual reporting process related to care provided by midwives in California.

APPLICATION FOR APPOINTMENT TO THE MAC

At the November 2, 2006, Midwifery Committee meeting an overview of Senate Bill 1638 was presented. An outreach process was also described that would allow individuals to submit their application indicating interest in service on the MAC. A cover letter and Interest Form was mailed to all currently licensed midwives in California and to other parties that have an interest in home births and the practice of midwifery. A total of 24 applications were received. Applications were reviewed by staff to develop the below recommendations for appointment to the MAC. A copy of the MAC Member Interest Form and list of responses received is attached for your review.

MEETINGS

It is anticipated that the MAC will meet periodically between board meetings, primarily in Sacramento. Some of the first items to be discussed will include standard items such as: the roles and responsibilities, mission and vision, meeting protocols, Bagley-Keene

Open Meeting Act requirements, appointment of a chairperson, and ideas related to development of a coding system for annual reporting of care provided.

STAFF RECOMMENDATIONS

MAC Size

Statute does not specify what size the MAC should be. It simply specifies that the members shall be either California licensed midwives or members of the public, and indirectly that members of the board are not excluded from being appointed to the MAC. Staff recommends that the MAC consist of six (6) members. Three (3) members are to be California licensed midwives, two (2) members shall be from the public, and one (1) member shall be a member of the board.

Term of Appointment

It is also recommended that of the members initially appointed, two shall be appointed for a term of one year, two shall be appointed for a term of two years, and two shall be appointed for a term of three years. After the initial terms, the term of office of each member of the MAC is three years so that appointments are staggered over time.

Current Membership Appointment Recommendations

Following is staff's recommendation for initial appointment to serve on the MAC for the following terms:

| Name | Qualification | Term |
|--------------------------|----------------------|-------------|
| Karen Ehrlich | CA Licensed Midwife | 2 |
| Faith Gibson | CA Licensed Midwife | 3 |
| Dr. Ruth Haskins | Public Member | 3 |
| Carrie Sparrevohn | CA Licensed Midwife | 1 |
| Dr. Guillermo Valenzuela | Public Member | 2 |
| To Be Determined | Board Member | 1 |

Attachments:

Selected Business and Professions Code Sections
MAC Member Interest Form
MAC Interest Form Response List

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February 1, 2007

MINUTES**Agenda Item 1 Call to Order**

The Midwifery Committee (Committee) of the Medical Board of California (Board) was called to order by Chair Richard D. Fantozzi, M.D., at 2:03 p.m. A quorum was present, and due notice had been mailed to all interested parties.

Members Present:

Richard D. Fantozzi, M.D., Chair
Hedy Chang
Laurie C. Gregg, M.D.
Barbara Yaroslavsky

Staff Present:

Kathi Burns, Staff Services Manager I, Licensing Program
Kim Kirchmeyer, Deputy Director
Armando Melendez, Business Services Assistant, Business Services Office
Kelly Nelson, Legislative Analyst, Legislative/Regulatory Unit
Gary Qualset, Chief, Licensing Program
Regina Rao, Analyst, Business Services Office
Paulette Romero, Associate Analyst, Executive Office
Kevin Schunke, Regulation Coordinator, Legislative/Regulatory Unit
Anita Scuri, Supervising Senior Counsel, Department of Consumer Affairs
Pam Thomas, Analyst, Licensing Program
Linda Whitney, Chief, Legislative/Regulatory Unit
Curt Worden, Staff Services Manager I, Licensing Program

Members of the Audience:

Dorene Dominguez, Medial Board Member
Faith Gibson, L.M., California College of Midwives (CCM)
Donna Russell, California Citizens for Health Freedom

Carrie Sparrevohn, L.M., California Association of Midwives (CAM)
Tonya Brooks, L.M., Association for Childbirth and Home International (ACHI)
Diane Holzer, L.M.
Karen Ehrlich, L.M., Birth Network of Santa Cruz County
Sandra Bressler, California Medical Association (CMA)
Zennie Coughlin, Kaiser Permanente

Agenda Item 2 Approval of Minutes from the November 2, 2006 Meeting

It was M/S/C (Yaroslavsky/Gregg) to approve the minutes of the November 2, 2006 Committee meeting. The motion carried unanimously.

Agenda Item 3 Establishment of Midwifery Advisory Council

Dr. Fantozzi stated three criteria of the Midwifery Advisory Council (MAC) that needed to be determined were size, term, and constituency. He explained it was his goal that midwives licensed and regulated by the Board have credibility, authenticity, and participation in the process, which is the intention of the MAC. He added the MAC is a forum where vested parties can discuss midwifery issues and make recommendations to both the Committee and the Division of Licensing (DOL).

Regarding the issue of size, it was suggested there be representatives from the key groups and stakeholders to develop and assure credibility and a successful level of quality of care. Discussion ensued regarding the MAC consisting of six members, including three licensed midwives, two public members, one from the American College of Obstetrics and Gynecology (ACOG) and one a nominee of the CMA, and one board member. Dr. Fantozzi recommended Ms. Yaroslavsky serve as the board member.

Carrie Sparrevohn, L.M., CAM, indicated in drafting the legislation, "public member" was interpreted as someone who had a stake in midwifery services as a member of the public and was not connected to a profession licensed by the board, including physicians.

Discussion continued regarding either adding a consumer public member after the MAC has been implemented, or presenting issues to the Committee as reported by consumers who attend the publicly-held MAC meetings.

Tonya Brooks, L.M., Director of the Natural Birth and Women's Center and Head of the ACHI, asked about the function of the MAC, pointed out that no members were from urban Southern California, and indicated midwifery practice in urban versus rural areas and physician supervision are two issues that need to be addressed.

Karen Ehrlich, L.M., Birth Network of Santa Cruz County, commented that there has always been a split in the midwifery community between Northern and Southern California. She recommended a Southern California licensed midwife representative serve on the MAC. She also recommended a consumer of midwifery services be considered as a full member on the MAC.

It was M/S/C (Yaroslavsky/Chang) to accept the staff recommendations as to the size, term of appointments and current membership of the MAC, with Barbara Yaroslavsky named as the board member.

Staff was directed to schedule MAC meetings approximately one month after each Midwifery Committee meeting, with the first MAC meeting anticipated to occur in early March 2007. Staff was directed to set the meeting date and work with Dr. Fantozzi to develop agenda items for the first meeting, including: appointment of a chairperson; discussion and development of meeting protocols, roles/responsibilities, and mission/visionary statement; Bagley-Keene Open Meeting Act requirements; ideas for development of a coding system for annual reporting; and re-training of licensed midwives.

Agenda Item 4 Program Update

Mr. Qualset introduced the new Licensing Operations Manager, Kathi Burns. He reported there will be a meeting with the Office of Statewide Health Planning and Development (OSHPD) on February 15, 2007, regarding development of a system for midwife annual report coding. He indicated the *ACOG Practice Bulletin, Number 54, July 2004*, containing "Vaginal Birth After Previous Cesarean Delivery" standards of care was now a link on the Board's website, as required by patient disclosure regulations.

Staff was directed to notify all licensed midwives regarding the annual reporting requirements after the February 15, 2007, meeting with OSHPD.

Agenda Item 5 Public Comment on Items Not on the Agenda

Carrie Sparrevohn, L.M., CAM, suggested employing the same type of mechanism for licensed midwives that is used to address issues for physicians under investigation, i.e., implementation of a competency exam specific to a particular deficiency that is drafted by expert reviewers.

Faith Gibson, L.M., CCM, stated licensed midwives had spent the past dozen years attempting to assemble a midwifery council and the expectation of the midwifery community was the MAC would be an opportunity for licensed midwives to bring issues of concern to the Board and not vice versa. She indicated she had received several e-mails regarding issues midwives would like addressed by the MAC and would prefer that midwives draft their own agenda.

Donna Russell, California Citizens for Health Freedom, expressed her organization's disappointment with the current membership of the MAC. She asked the Committee to take a closer look at the function of the MAC and the membership component and consider working in collaboration with the licensed midwives to use the MAC as a forum for discussing midwifery issues.

Agenda Item 6 Adjournment

The meeting was adjourned at 3:05 p.m.

Agenda Item 7 Establishment of Special Faculty Permit Review Committee

Mr. Qualset reported this would begin the process to establish the Special Faculty Permit Review Committee, to be comprised of two board members and one representative from each California medical school. The board members already appointed are Ms. Chang as the public member and Dr. Fantozzi as the physician member. Staff is recommending the DOL accept the nominations received from Stanford, Loma Linda, University of California, San Diego, University of California, San Francisco, and University of California, Los Angeles medical schools. He added the remaining three medical schools (University of California, Davis, University of California, Irvine, and University of Southern California) have indicated they will submit nominations for consideration at the April 27, 2007, meeting.

It was M/S/C to accept the nominations for the Special Faculty Permit Review Committee, as follows: Lawrence M. Shuer, M.D., Stanford University School of Medicine, Daniel Giang, M.D., Loma Linda University School of Medicine, Andrew L. Ries, M.D., University of California, San Diego, Neal H. Cohen, M.D., University of California, San Francisco, and Neal Parker, M.D., University of California, Los Angeles. The motion carried unanimously.

Agenda Item 8 Midwifery Committee Report

Dr. Fantozzi reported the Midwifery Committee (Committee) met on February 1, 2007, and recommended adoption of the staff recommendations regarding the size, term, and membership for the Midwifery Advisory Council (MAC). He indicated the first meeting is anticipated to occur in March 2007. He stated the Committee is requesting the DOL accept the staff recommendations for the MAC. Dr. Fantozzi informed the Division there will be a meeting with the Office of Statewide Health Planning and Development on February 15, 2007, regarding midwife annual report coding.

Diane Holzer, L.M., Midwives Alliance of North America, voiced concern for the interpretation of the definition of public members that included MDs who have gone on record stating their opposition to midwifery and homebirth in particular and excluded non-professional consumers who have a vested interest in midwifery issues. She added the midwifery model of care includes woman centered practice and that true public members, i.e., women they serve, should be involved in making decisions regarding this profession.

Dr. Fantozzi clarified the MAC has six members, but there is no intent to exclude consumers and other interested parties from attending the publicly held meetings and voicing their concerns.

The Division then went back into Closed Session, reconvening in Open Session reconvening at 11:00 a.m.

Karen Ehrlich, L.M., representing Birth Network of Santa Cruz County, expressed her gratitude in being nominated as a member of the MAC and will work in the spirit of cooperation; however,

she wanted to go on record as having mixed feelings regarding the configuration of the MAC. She indicated midwives believe they are being regulated without representation, there was no midwifery input into the composition of the MAC, and the public members should be consumers of midwifery services and not MDs.

Faith Gibson, L.M., California College of Midwives, expressed the same reservations as previous speakers regarding the lack of consumer members as public members and hoped the MAC itself can rectify this problem if it becomes an ongoing issue. She submitted letters into the record from other licensed midwives regarding MAC appointments and issues for discussion.

Donna Russell, California Citizens for Health Freedom, went on the record as holding the same concerns as the previous two speakers.

Dr. Gregg recommended going back to the drawing board with the MAC to obtain more pre-meeting consensus building. She indicated she had wanted to serve on the MAC as it is now structured but stepped down so a public board member could be appointed.

It was M/S/C to accept the Committee's recommendations as to size, term, and membership for the MAC. The motion carried with five in favor, one abstain (Gregg).

Agenda Item 9 Update on International Medical School Re-evaluations

Mr. Qualset stated that, per member request, copies of the Self-Assessment Report were provided to DOL members after minor edits had been made by staff. He indicated the report will be mailed out this month to international medical schools scheduled for re-evaluations in the coming years, with the schools given an estimated eighteen month response period to complete and return the report. He added the reports will then be reviewed by staff and expert consultants to determine if site visits are needed.

Staff was directed to confer with Division medical consultants to establish reasonable response periods regarding international medical school re-evaluations.

Agenda Item 10 Division Chief's Report

Mr. Qualset highlighted the application processing times for US/Canadian and International medical school graduates, the number of licenses received and issued, and the volume of calls handled by the Consumer Information Unit from his quarterly statistics report, applauding staff efforts. He reported there was now a link on the Medical Board's website to the *ACOG Practice Bulletin Number 54, July 2004* article regarding "Vaginal Birth After Previous Cesarean Delivery," required to be provided to patients per Section 1379.19(b)(1) of the CCR.

Midwifery Advisory Council Reappointment Schedule

| Name | Initial Term* | Current Term |
|--------------------------|----------------------|---------------------|
| Barbara Yaroslavsky | 1 Year | 2008-2011 |
| Carrie Sparrevohn, L.M. | 1 Year | 2008-2011 |
| Karen Ehrlich, L.M. | 2 Years | 2009-2012 |
| Dr. William Frumovitz | | 2009-2012 |
| Faith Gibson, L.M. | 3 Years | 2010-2013 |
| Dr. Ruth Haskins | 3 Years | 2010 -2013 |
| Dr. Guillermo Valenzuela | 2 Years | 2007-2009/Expired |

*All terms after the initial term are for a period of (3) three years.