



MEDICAL BOARD OF CALIFORNIA

LICENSING PROGRAM

1426 Howe Avenue, Suite 54
Sacramento, CA 95825-3236
(916) 263-2382 FAX (916) 263-2487
www.mbc.ca.gov

Midwifery Advisory Council

Greg Gorges Conference Room

1424 Howe Ave
Sacramento, CA 95825

March 9, 2007

DRAFT

MINUTES

DRAFT

Agenda Item 1 - Call to Order/Roll Call

The Midwifery Advisory Council of the Medical Board of California - Division of Licensing's inaugural meeting was called to order by Gary Qualset, Chief, Division of Licensing (DOL), at 10:10 a.m. A quorum was present and due notice had been mailed to all interested parties.

Members Present:

Karen Ehrlich, LM
Faith Gibson, LM, Chair
Ruth Haskins, MD, Vice Chair
Carrie Sparrevohn, LM
Guillermo J. Valenzuela, MD
Barbara Yaroslavsky

Staff Present:

Billie Baldo, MST, Administrative Assistant, Licensing Program
Kathi Burns, Staff Services Manager I, Licensing Program
Diane Ingram, Manager, Information Systems Branch
Scott Johnson, Business Services Assistant, Business Services Office
Kimberly Kirchmeyer, Deputy Director
Mike McCormick, Associate Governmental Program Analyst
Kelly Nelson, Legislative Analyst
Gary Qualset, Chief, Licensing Program
Anita Scuri, Legal Counsel, Department of Consumer Affairs
Pam Thomas, Analyst, Licensing Program
Linda Whitney, Chief, Legislative/Regulatory Unit

Members of the Audience:

Bruce Ackerman, Midwives Alliance of North American (MANA)
Claudia Breglia, California Association of Midwives (CAM)
Genie DeKruyf, LM

Candace Diamond, Manager, Patient Data Section, Office of Statewide Health Planning and Development (OSHPD)
Lucinda Johnston-Chiszar, Californians Advocating Licensed Midwifery (CALM)
Tosi Marceline, LM
Robyn Strong, Analyst, OSHPD
Sunshine Tomlin, LM

Agenda Item 2 - Bagley-Keene Open Meeting Act

Anita Scuri, Legal Counsel, made a presentation to MAC members regarding the Bagley-Keene Open Meeting Act. Ms. Scuri defined what constituted a public meeting and provided examples of legal meetings and different types of member interactions that could result in violations.

Various questions from MAC members were fielded by Ms. Scuri and she provided clarifications and several examples were discussed during the presentation.

Agenda Item 3 - Election of Officers

Ms. Sparrevohn requested discussion and clarification of the expectations and duties required of the Midwifery Advisory Council Chair and Vice Chair.

Ms. Scuri explained the Chair would control the flow of meetings and agenda items. Staff would be allowed to discuss various issues and items in between meetings with the Chair and/or Vice Chair. The Vice Chair would fill in during an absence of the Chair.

Ms. Sparrevohn nominated Dr. Haskins for Chair.

Dr. Haskins stated she would prefer a licensed midwife be the Chair and nominated Faith Gibson to the position. Dr. Haskins stated she would accept a Vice Chair nomination.

Appointments by acclamation were made as follows: Chair - Faith Gibson, LM; Vice Chair - Ruth Haskins, MD.

Agenda Item 4 - Role, Responsibility, Mission and Vision of Council

Roberts Rules of Order were mentioned as an item for discussion and adoption. Ms. Scuri informed MAC members that Roberts Rules of Order could be followed to the extent it does not conflict with the Bagley-Keene Open Meeting Act.

Mr. Qualset referenced the draft document in the agenda packet as a starting point to assist the MAC in developing its Roles, Responsibilities, Mission and Vision statements.

Discussion ensued regarding each topic area. The members developed draft language to be brought back before the MAC at its next meeting for review and final approval.

Mission - To protect the healthcare consumer by assisting the Division of Licensing in developing appropriate standards for licensing, standards of care, and regulation for the practice of midwifery.

Role - The Midwifery Advisory Council shall meet in public not less than four times a year to discuss topics of importance related to the practice of midwifery in order to make recommendations to and advise the Division of Licensing.

Responsibility - The Midwifery Advisory Council shall provide ongoing sound and reliable expert advice to the Division of Licensing to facilitate the safe and sound practice of midwifery including the development and ongoing maintenance of a coding system for gathering annual practice data of midwives in California.

Vision - In promoting the Medical Board of California's consumer protection interests, the Midwifery Advisory Council will provide ongoing sound and reliable expert advice in serving as a vehicle for further positive discussion on the practice of midwifery and home births in the State of California.

Agenda Item 5 - Midwife Annual Report Coding System (Business & Professions Code Section 2516)

Ms. Sparrevohn suggested working from pages 9-15 of the agenda packet and to incorporate terms from the Standards of Care document into the coding system.

Ms. Yaroslavsky suggested the Chair appoint a task force of up to two members of the MAC and other interested parties from the relevant community.

Ms. Scuri stated a limit of two for the task force can be allowed without notice to the public.

Dr. Haskins recommended a physician and surgeon be included on the task force and volunteered to serve. Ms. Sparrevohn also volunteered for the task force.

Interested parties were advised to let Ms. Gibson know if they wish to serve on the task force.

Mr. Qualset stated various sources were used to create the draft document for use as a starting point.

Candace Diamond, Manager, Patient Data Section of OSHPD, expressed eagerness to participate on the task force.

Ms. Sparrevohn solicited additional coding ideas from interested parties and noted the MAC will also need to decide on how to report outcomes for licensed midwives who work in group practices.

Agenda Item 6 - Schedule of Future Meetings

Ms. Erlich suggested more time be allotted for future MAC meetings.

Mr. Qualset listed potential MAC dates to be considered. He indicated a 10-day public notice was required and staff needs approximately 3-4 weeks in order to prepare for the meeting.

It was M/S/C (Erlich/Haskins) to establish MAC meeting dates on May 24, 2007, August 30, 2007, and December 6, 2007.

Agenda Item 7 - Public Comment on Items not on the Agenda

Genie DeKruyf, LM, stated she has worked in a nonprofit community health clinic in Orange County and attends home births. The clinic was recently audited by the Department of Health Services - Medi-Cal Division. As a result of the audit, Ms. DeKruyf was placed on unpaid administrative leave. Ms. DeKruyf requested that a letter from the MBC be prepared to clarify the issues raised in the audit report. Ms. DeKruyf urged the involved departments to communicate in order to resolve the issue quickly so she could return to work.

Ms. Sparrevohn stated it could be a potential agenda item for MAC to develop standards for hospital and clinic settings to delineate differences between each practice setting, as current standards of care pertain primarily to out-of-hospital birth settings. Additionally, Ms. Sparrevohn thought another MAC agenda item could be discussing the issue of asking Medi-Cal to consider licensed midwives as approved providers.

Dr. Valenzuela stated various changes in healthcare, including issues of Medi-Cal fraud, had placed many Medi-Cal providers in similar situations. He did not intend to minimize Ms. DeKruyf's predicament but noted it is not a unique occurrence as audits are becoming widespread.

Ms. Scuri requested a copy of the report to be provided to the staff of the DOL as it was not on the agenda and; therefore, could not be addressed during today's public comments.

Ms. Yaroslavsky recommended the issue needed to be dealt with by staff in a structured and procedural process prior to being presented to the MAC.

Tosi Marceline, LM, inquired as to the authority of the MAC in relation to the DOL, and expressed her displeasure with the term "lay-midwives" that is still on the Board's website and a title still used today in practice settings.

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Agenda Item 8 - Adjournment

Meeting adjourned at 12:10 p.m.

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www.mbc.ca.gov**Midwifery Advisory Council****Greg Gorges Conference Room**

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April 17, 2007

DRAFT**MINUTES****DRAFT****Agenda Item 1 - Call to Order/Roll Call**

The Midwifery Advisory Council of the Medical Board of California - Division of Licensing was called to order by Chair Faith Gibson at 11:08 a.m. A quorum was present and due notice had been mailed to all interested parties.

Members Present:

Faith Gibson, LM, Chair
Ruth Haskins, MD, Vice Chair
Karen Ehrlich, LM
Carrie Sparrevohn, LM

Staff Present:

Billie Baldo, MST, Administrative Assistant, Licensing Program
Stacie Berumen, Staff Services Manager I, Licensing Program
Kathi Burns, Staff Services Manager I, Licensing Program
Diane Ingram, Manager, Information Systems Branch
Scott Johnson, Business Services Assistant, Business Services Office
Mike McCormick, Associate Governmental Program Analyst, Licensing Program
Camille McGee, Associate Governmental Program Analyst, Diversion Program
Gary Qualset, Chief, Licensing Program
Pam Thomas, Analyst, Licensing Program

Members of the Audience:

Bruce Ackerman, Midwives Alliance of North American (MANA)
Claudia Breglia, California Association of Midwives (CAM)
Edana Hall, LM
Diane Holzer, MANA/CAM
Lucinda Johnston-Chiszar, Californians Advocating Licensed Midwifery (CALM)
Chinwe Lucy Marchie, LM, Nigeria
Alison E. Price, LM
Robin Strong, Analyst, Office of Statewide Health Planning and Development (OSHPD)

Midwifery Advisory Council

Agenda Item 2 - Midwife Annual Report Coding System (Business and Professions Code Section 2516)

Medical Board employees of the Division of Licensing and Ms. Robyn Strong, OSHPD representative, were introduced by Gary Qualset, Chief of Licensing. Mr. Qualset stated this MAC meeting would proceed in the style of a workshop and include input from all interested parties. The group would focus on developing a coding system as required in Business & Professions (B&P) Code section 2516 to gather data from licensed midwives regarding their services when the intended place of birth at the onset of care is an out-of-hospital setting. Attachments were referenced in the agenda packet for the public and task force to work from.

The following comments were made as discussion ensued prior to work beginning on modifying the draft reporting document.

Lucinda Johnston-Chiszar, CALM, commented on the amount of work it would take for midwives to gather and transfer data as specified by law.

Claudia Breglia, CAM, expressed interest in working with the draft form created by Ms. Gibson. Ms. Gibson stated the form was developed from four different sources and condensed into the provided document.

Bruce Ackerman, Research Division, MANA, stated 60 California midwives are currently involved with web-based data collection and registration. He indicated that MANA currently has a report form for midwives; however, a form revision was forthcoming with a specific focus on California's needs. He inquired about the potential for multiple outcomes for a midwife/patient and how it might best be captured or reported as a data element.

Diane Holzer, President of MANA and CAM member, indicated she preferred to work with the CAM form as opposed to the draft form created by Ms. Gibson.

Mr. Qualset expressed concern about including definitions on the form and clarified the Board will create the form itself in consultation with MAC and OSHPD and that today the group should focus on identifying the necessary codes for data collection.

Ms. Strong stated free text should not be included or encouraged as it can hinder the collection of reliable data.

Both Ms. Strong and Mr. Ackerman indicated 3rd party data providers may be available to assist midwives in reporting data using OSHPD's required format, when that time comes.

Dr. Haskins inquired about the time frames mandated by B&P Code section 2516. Ms. Strong explained that the names of midwives who reported data would be provided to the Board by March 31, 2008, with aggregate data subsequently supplied by June 30, 2008. The Board is required to finalize Midwifery Advisory Council
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and incorporate the aggregate data into the Board's Annual Report to the Legislature later in calendar year 2008. Mr. Qualset noted the law requires collection of this data by midwives for the 2007 calendar year.

International Classification of Diseases codes, 9th revision (ICD 9) were mentioned as a possible reference. Ms. Sparrevohn stated ICD 9 codes would be overly burdensome for midwives as midwives do not regularly bill or work with these codes. Dr. Haskins echoed this sentiment and felt it would be better to create a reasonable list for the first couple of years and then modify if necessary; instead of overwhelming midwives with a cumbersome reporting process. Ms. Erlich raised the possibility of soliciting feedback from midwives for future revisions.

Discussion ensued over the multiple categories, listings, and issues to be resolved and captured into the master draft document. Various items were debated, moved, amended, and deleted on the form when deemed necessary by the workgroup to effectively and accurately capture data as required by statute.

It was M/S/C (Erlich/Sparrevohn) to ask the Division of Licensing to do whatever necessary to incorporate the final compilation of codes and categories into a form for collecting midwife data.

The draft with amendments from this meeting will be brought back for final review, comment, and completion at the June 12, 2007, MAC meeting.

Agenda Item 3 - Schedule of Future Meetings

The MAC discussed its upcoming schedule of meetings and opted to reschedule the May 24, 2007 meeting to June 12, 2007.

It was M/S/C (Sparrevohn/Gibson) to hold the next MAC meeting on Tuesday, June 12, 2007, at 1:00 p.m.

Agenda Item 4 - Public Comment on Items not on the Agenda

Ms. Erlich requested to include into the public comment record an e-mail she had received from Genie DeKruyf, LM. A copy is attached to these minutes as Attachment A.

Ms. Erlich asked if the Board was consulting with the MAC as the prescription issue may affect all licensed midwives in similar work environments. She was aware of another licensed midwife working in Northern California under similar circumstances. Ms. Erlich felt Ms. DeKruyf's letter needed to be discussed in the general proceedings of MAC and would like the issue on the MAC agenda at some point in time. Further, she stated she didn't know what might be required to address this issue but wondered if legislation or discussion with the Board's Midwifery Committee and the Division of Licensing might be a possible start.

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Dr. Haskins expressed her concern and cautioned the MAC members about bringing up a potential scope of practice topic during this calendar year as the timing may not be right.

CAM representatives thanked the MAC for their hard work on this project.

Agenda Item 5 - Adjournment

The MAC meeting was adjourned at 2:30 p.m.