



MEDICAL BOARD OF CALIFORNIA

Protecting consumers by advancing high quality, safe medical care.

Agenda Item #3

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Gavin Newsom, Governor, State of California | Business, Consumer Services and Housing Agency | Department of Consumer Affairs

MIDWIFERY ADVISORY COUNCIL

Medical Board of California

2005 Evergreen Street

Sacramento, CA 95815

December 5, 2019

MEETING MINUTES

Due to timing for invited guests to provide their presentations, the agenda items below are listed in the order they were presented.

Members Present:

Diane Holzer, L.M., Chair
Claudia Breglia, L.M., Vice Chair
Donyale Abe
Anne Marie Adams, M.D.
Chemin Perez, L.M.

Members Absent:

Jocelyn Dugan

Staff Present:

Julie Brown, Associate Governmental Program Analyst
Christine Lally, Interim Executive Director
Natalie Lowe, Information Technology Specialist I
Tonya Morairty, Associate Governmental Program Analyst
Marina O'Connor, Chief of Licensing
Regina Rao, Associate Governmental Program Analyst
Elizabeth Rojas, Staff Services Analyst
Jennifer Simoes, Chief of Legislation
Lisa Toof, Staff Services Manager I
Kerrie Webb, Staff Counsel

Members of the Audience:

Rosanna Davis, L.M., California Association of Licensed Midwives
Nancy Greenwood, L.M.
Molly Hauber
Jennifer Kamel, VBAC Facts
Stephanie Kernin

Nancy Myrick, CNM
Carrie Sparrevohn, L.M.
Cesar Victoria, Videographer, Department of Consumer Affairs
Michelle Welborn, L.M.

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

Ms. Holzer called the meeting of the Midwifery Advisory Council (MAC) of the Medical Board of California (Board) to order on December 5, 2019 at 1:04 p.m. A quorum was present and due notice was provided to all interested parties.

Agenda Item 2 Public Comments on Items not on the Agenda

Ms. Hauber stated she chose to have a midwife deliver her child. She stated her pregnancy was normal and enjoyable, until at 42 weeks gestation, Ms. Hauber was told by her midwife that she had to be referred to an obstetrician-gynecologist physician (OB-GYN), pursuant to Business and Professions code 2507(D).

Ms. Hauber stated she did not want to be referred to an OB-GYN. Her pregnancy was healthy and she did not have any serious conditions that warranted seeing an OB-GYN.

Ms. Hauber explained she endured undue stress at this time and tried several safe methods to induce her labor so that she could have her child delivered by her midwife prior to being referred to an OB-GYN.

Ms. Hauber stated she would like to see the law changed to allow the mother the right to choose whether or not she is seen by an OB-GYN, if the pregnancy is free of any serious condition that would otherwise require an OB-GYN consultation.

Agenda Item 3 Approval of Minutes from the August 22, 2019 Midwifery Advisory Council Meeting

Ms. Breglia motioned to approve the August 22, 2019 meeting minutes; s/Ms. Perez. Motion carried (4-0-1, Holzer abstained).

Agenda Item 4 Report from the Midwifery Advisory Council Chair

Ms. Holzer stated she continues to hear from midwives across the state regarding the issues they are having in obtaining birth certificates and social security numbers. Ms. Holzer stated she believes one of the barriers may be racial bias.

Ms. Holzer stated she would like to see information regarding ethnicity added to the Licensed Midwife Annual Report (LMAR).

Ms. Holzer noted she assisted the task force with the ongoing process of revising the guidelines for midwives and is excited to see the final outcome.

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Agenda Item 5 Update on Midwifery Related Legislation

Ms. Breglia stated at the November Board meeting a proposal was made to write legislation to prevent licensed midwives from attending a vaginal birth after cesarean (VBAC).

Ms. Breglia noted a large presence of midwives and student midwives attended the Medical Board's meeting in November to speak about VBAC and give information regarding clients that desire a VBAC.

Ms. Breglia stated she spoke at the Board meeting regarding education required to become a midwife and expressed to the Board that midwives are educated in VBAC.

Ms. Breglia explained the Board voted not to pursue legislation against VBAC at this time. She further explained that the Board recommended the MAC come together proactively to propose legislation regarding VBAC because even though the Board would not be proposing legislation, they feel that someone will eventually.

Ms. Breglia stated the midwives need to find a common ground with the Board so that midwives can continue to provide care to VBAC clients.

The MAC expressed concern that legislation regarding VBAC was brought before the Board without first being discussed with the MAC.

Ms. Webb noted that the agenda is posted prior to the Board meeting to inform the public what will be discussed. She also stated legislative proposals are always brought to the Board annually, during the fall meeting.

Agenda Item 6 Goals for the Midwifery Advisory Council

Ms. Holzer stated she would like to develop a task force to work on a presentation and recommendations to the Board regarding legislation, VBAC and other midwifery issues.

Ms. Breglia motioned to create a task force to create a presentation for the Board on VBAC; s/Ms. Holzer. Motion carried unanimously (5-0).

Ms. Holzer appointed Ms. Breglia to head the task force to create a presentation for the Board on VBAC. Ms. Holzer will assist on this task force.

Ms. Perez stated she would like to see revisions to the LMAR as a standing agenda item.

Ms. Lowe stated making edits to the LMAR is ultimately up to the Board. However, if edits are continuously made it may become time consuming and costly.

Ms. Lowe explained making minor edits to the LMAR this coming year is to be expected because it is a new system and some revisions will need to be made. Ms. Lowe went on to say it is not the intention of the Board to continue to make changes to the LMAR on a yearly basis.

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Ms. Lowe indicated the Board will only be making changes to the LMAR reporting system if there is a change in law that requires additional data elements to be collected or if there was an item that needed to be fixed.

Ms. Perez motioned to have LMAR revisions a standing agenda item and to create a task force to work on revision suggestions for the LMAR; s/Dr. Adams. Motion carried unanimously (5-0).

Ms. Holzer appointed Ms. Perez and Ms. Abe to a task force to work on revision suggestions for the LMAR.

Agenda Item 7 Discussion on the Data Collected on the Licensed Midwife Annual Report

Ms. Perez questioned if a worksheet is being developed for the LMAR.

Ms. Lowe explained a worksheet was looked at, however a one-size-fits-all form was not developed because it turned out to be too cumbersome for the midwife to complete. She went on to say it would basically be completing the LMAR in its entirety.

Ms. Lowe stated that upon completion of the LMAR there is a summary page that midwives should be using to confirm all information was entered correctly.

Ms. Lowe invited Ms. Perez to contact her after the meeting to discuss this item further.

Agenda Item 8 Report from the Task Force on Medi-Cal Related Issues

Ms. Holzer read a report prepared by Ms. Dugan, who was not present.

Ms. Dugan's report explained she believes the American College of Obstetricians and Gynecologists and California Medical Association are intruding on the rights of licensed midwife clients by not allowing access to Medi-Cal because of the disagreement on VBAC.

Ms. Dugan noted that the California Department of Public Health's Licensing and Certification Branch has begun processing applications.

Ms. Dugan's report stated she would like the Board to encourage physicians to work with licensed midwives in a more collegial way. She believes licensed midwives need their own Board.

Agenda Item 9 Report from the Task Force on Revision of Guidelines for Midwives

Ms. Sparrevohn distributed a copy of the revised guidelines during the meeting. However, the MAC and Board staff were not given a copy to review prior to the meeting.

The MAC will review the revisions and then discuss at the next MAC meeting on March 5, 2020.

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Agenda Item 10 Report from the Task Force Regarding Challenges Obtaining Social Security Numbers and Electronic Filing of Birth Certificates

Ms. Breglia stated she worked on this task force with Rachel Fox-Tierney, L.M. Ms. Breglia stated she received a request from the Board in September 2019 for examples of specific instances and counties where clients were having difficulty obtaining social security numbers.

Ms. Holzer sent many comments to the Board from midwives regarding families that were facing issues with obtaining social security numbers.

Ms. Breglia indicated if a letter was distributed to all of the social security offices stating that licensed midwives are authorized to file for birth certificates then it may make things easier.

Ms. Breglia stated the issue may be resolved if electronic filing were an option for midwives.

Ms. Breglia stated another issue that was observed was that some families are being turned away and treated poorly by specific offices due to ethnicity.

Ms. Simoes stated she has a meeting with Dr. Green at the Office of Vital Records on December 17, 2019, to discuss the challenges of obtaining social security numbers and the possibility of electronic filing.

Ms. Simoes stated she will provide an update regarding her meeting with Dr. Green at the March 5, 2020 MAC meeting.

Agenda Item 11 Program Update

Ms. Morairty referred to the Licensing Statistics, indicating in the first quarter of the fiscal year 2019/2020 the Board received 9 new applications, issued 11 new licenses and renewed 38 licenses. As of October 1, 2019 there were 431 renewed and current midwifery licenses.

Ms. Morairty reviewed the Transfer of Planned Out-of-Hospital Delivery forms for the first quarter, indicating the Board received 34 hospital reporting forms, all of which were for licensed midwives.

Ms. Morairty reviewed the enforcement statistics for licensed midwives, indicating the Board received four complaints in the first quarter and zero were referred for investigation. The Board received zero complaints in the first quarter for unlicensed midwives.

Agenda Item 12 Discussion and Possible Action on 2020 Midwifery Advisory Council Meeting Dates

The MAC voted on March 5, 2020 as the date of the next MAC meeting in Sacramento.

The MAC chose to table the vote on meeting dates for the August and December 2020 MAC meetings. These meeting dates will be voted on at the March 5, 2020 MAC meeting.

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The MAC would like to discuss meeting dates to determine if a date closer to the fall Board meeting would be more suitable. The MAC believes if the meeting date was closer to the fall Board meeting date it may ensure better communication between the Board and the MAC regarding new midwifery legislation being presented at fall Board meetings.

Ms. Simoes stated if midwifery legislation is proposed at the fall Board meeting the MAC would have multiple opportunities for input. Additionally, if the Board voted to go forward with legislation, she would then come before the MAC to present the legislation and receive input prior to the lengthy process that would take place when new legislation is proposed.

Agenda Item 13 Future Agenda Items

Ms. Holzer recommended establishing goals for the MAC; reports from the task forces; an update on midwifery related legislation; a report from the MAC chair; an update on the midwifery program; a report from the task force and discussion regarding the data collected on the LMAR; a report from the task force on recommendations to the Board regarding VBAC; a discussion on revisions to the Practice Guidelines for California Licensed Midwives; the selection of a new MAC member, one midwife position; and selection of the August and December MAC meeting dates for 2020.

Agenda Item 14 Adjournment

Ms. Holzer adjourned the meeting at 4:24 p.m.