

MEDICAL BOARD STAFF REPORT

DATE REPORT ISSUED: January 12, 2015
ATTENTION: Members, Medical Board of California
SUBJECT: Midwifery Advisory Council Member Appointments
STAFF CONTACT: Curtis J. Worden, Chief of Licensing

RECOMMENDED ACTION:

Approve the extension of all current Midwifery Advisory Council Member appointments for one year.

BACKGROUND AND ANALYSIS:

California Business and Professions Code (BPC) Section 2509 was added to statute in 2006, effective January 1, 2007. BPC Section 2509 authorized the Medical Board of California (Board) to create and appoint a Midwifery Advisory Council (MAC).

BPC Section 2509 - Midwifery Advisory Council states:

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.

Although the size of the MAC was not specified in law, after the law went into effect, staff recommended that the MAC consist of six members (3 licensees and 3 public members). Applications for appointment to the MAC were solicited from all licensed midwives and others who had an interest in home births and the practice of midwifery. Based on the applications received, staff made recommendations for appointments for MAC membership to the Division of Licensing (Division). The recommendations for public members included a current member of the Board, as well as a representative from the American Congress of Obstetricians and Gynecologists (ACOG) and the California Medical Association (CMA) as was suggested by the Midwifery Committee at its November 2, 2006 meeting. During public comment, members of the midwifery community voiced concern with the interpretation of “public member” as the recommendations included physicians, but excluded non-professional consumers who have received midwifery care. Dr. Fantozzi, chair of the Midwifery Committee, and the Division, clarified that there was no intent to exclude consumers and other interested parties from attending the publicly held meetings and voicing their concerns. The Division adopted the recommendations made by staff for the size, terms, and membership of the MAC at its February 2007 meeting.

At the February 3, 2012 Board Meeting, the Board approved the MAC to proceed with replacing two vacant positions, due to resignations, with one physician Obstetrician/Gynecologist (OB/GYN) and one public member (a consumer who has used midwifery services). These vacant positions were filled for three year terms expiring June 30, 2015.

The following is a brief summary of the process for filling vacant/expiring MAC Member terms.

1. Call for applications:
 - A MAC Member interest letter and application form is posted to the Board's website.
 - An analyst sends the MAC Member interest letter and application form requesting applications for vacant/expiring positions to all Licensed Midwives for the Licensed Midwife position and to all interested parties (ACOG, CMA, mailing list, and those who have previously applied) for the Public Member position.
2. Applications are collected by staff:
 - An analyst checks for disciplinary action on any licensee applicants.
 - All applications (appropriately redacted) are forwarded to the MAC Members for consideration.
3. Applicants are invited to address the MAC at the appropriate meeting.
4. At the MAC meeting:
 - Candidates are given the opportunity to address the Council.
 - Individual MAC Members nominate candidates for vote by the MAC.
5. The MAC's approved candidates' names, along with a brief synopsis of the candidate(s), is included in the Board packet at the next scheduled Board Meeting and recommended to the Board for appointment (or reappointment),.
6. The Board votes to accept or reject the MAC's recommended candidate for appointment (or reappointment) to the MAC.

The MAC currently has six members; three licensed midwives and three members of the public. The current public members consist of: one Board Member; one licensed physician who is an obstetrician/gynecologist; and one public member who has used the services of a licensed midwife.

In reviewing the MAC Member terms, it was determined there had been an oversight on the term expiration date for two members. Two members' terms expired June 30, 2014 while the remaining members all have term expiration dates of June 30, 2015 or later. The following is a listing of MAC Members and the expiration date of their terms and the proposed new expiration date for each MAC Member:

Medical Board of California
 Midwifery Advisory Council Member Appointments Recommendations
 January 12, 2015

Name	Term Length	Term Expires	Proposed Expiration
James Byrne, M.D.	3 Years	June 30, 2015	June 30, 2016
Karen Ehrlich, L.M.	3 Years	June 30, 2015	June 30, 2016
Tosi Marceline, L. M.	3 Years	June 30, 2016	June 30, 2017
Carrie Sparrevohn, L.M.	3 Years	June 30, 2014	June 30, 2015
Monique Webster	3 Years	June 30, 2015	June 30, 2016
Barbara Yaroslavsky	3 Years	June 30, 2014	June 30, 2015

To provide an equitable solution for all MAC Members and to maintain full MAC appointments, staff is recommending the Board approve a one-year extension of all MAC Member terms. If the one-year extension is approved by the Board, a notification will be prepared in February for the two expiring positions (one Licensed Midwife and one public).

If the Board does not approve the one-year term extensions, a notification will be prepared in February for the two expired positions (one Licensed Midwife and one public) and three positions expiring on June 30, 2015 (one Licensed Midwife and two public). Without Board approval for the one-year term extensions, the MAC will only have four MAC Members for the March 2015 MAC meeting. All four MAC Members need to be in attendance to have a quorum. A quorum is needed to vote on the recommendations to the Board for the expired and expiring MAC Member positions. In addition, without an extension of the terms, this would place five positions expiring at the same, rather than staggering the terms. By having five terms expiring at the same time, it is possible the MAC could have as many as five new members at one time, resulting in only one experienced MAC Member.