



MEDICAL BOARD OF CALIFORNIA

Protecting consumers by advancing high quality, safe medical care.

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

MIDWIFERY ADVISORY COUNCIL WebEx Meeting Thursday, March 11, 2021 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
Dr. Anne Marie Adams, M.D.
Tesa Kurin, L.M.

Members Absent:

Staff Present:

Aaron Bone, Chief of Legislation and Public Affairs
Sean Eichelkraut, Information Technology Manager I
Tonya Morairty, Associate Governmental Program Analyst
Marina O'Connor, Chief of Licensing
William Prasifka, Executive Director
Regina Rao, Associate Governmental Program Analyst
Elizabeth Rojas, Staff Services Analyst
Lisa Toof, Staff Services Manager I
Reji Varghese, Deputy Director
Kerrie Webb, Staff Counsel

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 Thursday, March 11, 2021 at 1:02 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

There were no public comments on items not on the agenda.

Agenda Item 3 Approval of Minutes from the December 3, 2020 Midwifery Advisory Council Meeting

Ms. Holzer asked if anyone in attendance had corrections to the December 3, 2020 meeting minutes.

No corrections were requested.

Dr. Adams made a motion to approve the December 3, 2020 meeting minutes; s/Ms. Breglia. Motion carried unanimously. 5-0

Agenda Item 4 Report from the Midwifery Advisory Chair

Ms. Holzer stated she attended the Medical Board (Board) quarterly meeting in January. At that meeting a report was given on the interested parties meeting that was held regarding regulations for licensed midwives. Ms. Holzer stated most of the report centered around limiting the scope of practice of licensed midwives. Ms. Holzer stated the Board accepted the report, however, no action was taken on it at that time.

Ms. Holzer stated the letter to the birth certificate registration and social security offices was mailed out by the Board. Ms. Holzer commented that the Board has received some feedback and she attended a meeting with Board staff and a county representative to discuss and clarify a few issues. Ms. Holzer expressed she was pleased with the work that the MAC and Board staff put into creating this letter and getting it out to the individual offices.

Ms. Holzer introduced and welcomed Tesa Kurin as the newest member of the MAC.

Ms. Holzer expressed how pleased she was regarding the sunset review and the prospect of developing a Midwifery Board in the near future.

Agenda Item 5 Establishing Goals for the Midwifery Advisory Council

Ms. Holzer again stated that the MAC has several goals they are currently working on. She requested no additional goals be added at this time.

Agenda Item 6 Report from the Task Force and Discussion Regarding Medi-Cal Related Issues

Ms. Breglia asked Ms. Kurin to assist with this Task Force. Ms. Breglia stated she will continue to work with Ms. Kurin on this Task Force.

Dr. Adams requested Board staff send Ms. Kurin the meeting minutes over the last few years that included updates from the Medi-Cal task force and Ms. Morairty responded that she would send Ms. Kurin the relevant minutes. Board staff also pointed out that all meeting minutes are available on the Board's website.

Ms. Kurin and Ms. Breglia will have an update at the August 2021 MAC meeting.

Agenda Item 8 Update on Midwifery Related Legislation and Sunset Review Process

Mr. Bone stated the Board delivered its sunset report to the legislature and it is now on the Board's website. Mr. Bone stated at the Board meeting the members discussed two pieces of legislation, but neither were related to the practice of midwifery.

Mr. Bone noted the sunset hearing is scheduled to take place March 19, 2021. At that same hearing the legislature will also consider the Osteopathic Medical Board sunset hearing. Mr. Bone stated following the hearing the Board will be expected to provide written responses regarding the possible creation of a new midwifery Board. Mr. Bone stated he had no other updates on that topic as he is awaiting action from the legislative committees. He added it is up to the Legislature if they want to discuss the creation of an LM Board at the sunset hearing.

Agenda Item 7 Report from the Task Force on the Licensed Midwife Annual Report and Discussion and Possible Action on Proposed Regulatory Language

Ms. Abe went over the proposed regulatory language and thanked the MAC members and Board staff for assisting with this project.

Ms. Abe expressed how difficult this process has been and stated the MAC has been working on this since she joined, over a year ago.

Ms. Abe stated she feels the MAC needs more training on these types of matters.

Dr. Adams commented that there is still a process to go through and this experience speaks to the need for an LM Board, as the focus of staff members would be different. Dr. Adams asked what could be done to facilitate something like this in the future.

Ms. Webb stated that part of the issue was whether the MAC wanted a legislative or regulatory change since the legislative process can be quicker. Ms. Webb stated the MAC chose to go forward with both, a statutory change and proceed through regulation as a backup.

Ms. Webb stated that not having contact with the task force members made it difficult to know what they wanted in the language, therefore, she drafted language to present to the task force members.

Ms. Holzer pointed out that CALM was going to move forward with legislative language.

Members of CALM commented they would be willing to help look for an author at the statutory level, but it would be more efficient if the Medical Board took up the effort. However, CALM will assist with finding an author.

Ms. Breglia made a motion to move forward with the proposed regulatory language; s/Ms. Kurin. Motion carried unanimously. 5-0.

Ms. Holzer asked what happens next.

Ms. Webb explained the proposed regulatory language will be put on the agenda for the next Board meeting to get approval by the Board. If approved, Board staff will prepare the rulemaking package and submit to DCA for review and approval, then to the Business, Consumer Services, and Housing Agency (Agency) for review and approval, then notice it with the Office of Administrative Law (OAL).

The final statement of reasons is then submitted to DCA, then Agency, then OAL, and finally with the Secretary of State for approval.

Agenda Item 9 Program Update

Ms. Morairty referred Council members to the Licensing Statistics, stating that in the 2nd quarter of the fiscal year (FY) 2020/2021, the Board received five new applications, issued eight new licenses, and renewed 39 licenses.

Ms. Morairty reported the Transfer of Planned Out-of-Hospital Delivery forms for the 2nd quarter of FY 2020/2021, indicating that the Board received 48 Transfer of Planned Out-of-Hospital Delivery to Hospital Reporting forms for licensed midwives.

Ms. Morairty reported the enforcement statistics for licensed midwives, stating that in the 2nd quarter of FY 2020/2021, the Board received 48 complaints and referred zero for investigation.

The Board received one complaint in the 2nd quarter of FY 2020/2021 for unlicensed midwives and there were none referred for investigation.

Agenda Item 10 Discussion and Possible Action on Selection of Two Midwifery Advisory Council Members

Ms. Morairty stated no applications were received for the public member position. Therefore, the position will be advertised again and voted on at the August 2021 MAC meeting.

Ms. Morairty indicated the Board received four applications for the vacant licensed midwife position on the MAC.

Ms. Morairty stated the applicants are Atoosa Benji, Claudia Breglia, Kara Schamell and Sue Turner. All four applicants were present for the meeting and each was invited to give a brief statement.

Ms. Benji, Ms. Breglia, Ms. Schamell and Ms. Turner each gave a statement as to why they would like to be a member of the MAC.

Ms. Holzer made a motion to nominate Ms. Breglia; s/Ms. Breglia. Ms. Abe made a motion to nominate Ms. Benji; s/Dr. Adams. Ms. Kurin made a motion to nominate Ms. Schamell.

Ms. Holzer and Ms. Abe further discussed what to consider when selecting a new member.

Ms. Webb clarified that a member could vote for themselves.

Motion to nominate Ms. Breglia carried. 3-2.

Agenda Item 11 Future Agenda Items

Ms. Abe stated that the members need more support with parliamentary procedures or additional training for the council members and mentioned the possibility of members attending a retreat.

Ms. Webb stated that due to restrictions imposed by the Bagley-Keene Open Meeting Act, the members could not all attend a retreat together. However, training is permitted with up to two members at a time, as three or more would have to be a meeting open to the public.

Ms. Holzer recommended the following agenda items for the next board meeting:

- Establishing goals for the MAC;
- Update on midwifery related legislation and sunset review;
- Report from the MAC Chair;
- Update on the Midwifery Program;
- Update on proposed regulatory language for the Licensed Midwife Annual Report (LMAR);
- Discussion on training for MAC members;
- Approval of minutes from the March 11, 2021 MAC meeting;
- Selection of one new MAC member: one public member position;
- Report from the Task Force and discussion regarding Medi-Cal related issues.

Agenda Item 12 Adjournment

Ms. Holzer adjourned the meeting at 2:53 p.m.

DRAFT