

## MEDICAL BOARD STAFF REPORT

DATE REPORT ISSUED: December 28, 2022  
ATTENTION: Members, Midwifery Advisory Council  
SUBJECT: Update on Midwifery Related Legislation and Sunset Review  
STAFF CONTACT: Aaron Bone, Chief of Legislation and Public Affairs

### REPORT SUMMARY

This report is intended to provide the Midwifery Advisory Council (MAC) with an update on legislative activity related to midwifery since the prior MAC meeting and the upcoming Sunset Review of the Medical Board of California (Board). No action is required.

#### Legislative Update

The Legislature concluded their 2022 work on August 31 and the Governor finished signing legislation on September 30, 2022. There were two bills signed into law in 2022 that may be of interest to the MAC:

[AB 1918 \(Petrie-Norris\)](#) establishes the California Reproductive Health Service Corps within the Department of Health Care Access and Information, which is intended to support the recruitment, training, and retention of a diverse workforce of health care professionals who will practice within underserved areas of this state. Licensed midwives (LM) are included within the scope of this program.

[SB 1440 \(Roth\)](#) made technical and clarifying changes to Business and Professions Code (BPC) section 2519.5, within the Licensed Midwifery Practice Act of 1993. This section was established in 2021 during the Board's Sunset Review and requires that any expert reviewing a quality-of-care complaint against a LM to have pertinent education, training, and expertise in midwifery. It also lays out the criteria that must be met before such a complaint may be referred to a field office for investigation. That new section was modeled after BPC section 2220.08, which is particular to physician quality-of-care complaints.

SB 1440 added language to BPC section 2519.5 to clarify that it is aligned with the process the Board follows with similar complaints against physicians. Specifically, the new language clarifies that Board staff may forward a complaint to the field for investigation if it does not receive certain requested information in a timely manner and that the Board may seek appropriate emergency orders, if necessary. The Board has the same authority to proceed with a field investigation against physicians under similar circumstances.

## New Legislators Sworn into Office

Following the election held on November 8, 2022, newly elected legislators were sworn in on December 5, 2022. The Legislature is on recess until January 4, 2023. During the upcoming several weeks, numerous bills will be introduced and the process to consider these proposed laws will begin. Board staff will continue to monitor legislation for any impact to the Board's regulation of licensed midwives and will update the MAC at future MAC meetings.

## Board Sunset Review in 2023

The Board will undergo Sunset Review in 2023 and, therefore, wrote and approved a sunset report, as required by the Legislature. The report will be provided to the Legislature by January 3, 2023, and then published to the Board's website. A draft version of the report was published as part of the materials for the [Board's Quarterly Meeting held December 1-2, 2022](#).

A sunset report provides a review of the history of the Board, including a detailed examination of its activities since the prior Sunset Review. In this sunset report, the Board continues to affirm its request that the Legislature establish an independent board to regulate LMs.

Typically, the Legislature will hold an information hearing between mid-February and late March to discuss the sunset report and provide legislators the opportunity to ask questions of the Board's leadership. The Board has not been told when this hearing will be held.