



**MEDICAL BOARD OF CALIFORNIA**  
**Licensing Operations**



**Midwifery Advisory Council**

Lake Tahoe Room  
2005 Evergreen Street, Suite 1200  
Sacramento, CA 95815

January 7, 2010

**MINUTES**

**Agenda Item 1 Call to Order/Roll Call**

The Midwifery Advisory Council (MAC) of the Medical Board of California was called to order by Chair Faith Gibson at 1:04 p.m. A quorum was present and due notice had been mailed to all interested parties.

**Members Present:**

Faith Gibson, L.M., Chair  
Barbara Yaroslavsky  
Karen Ehrlich, L.M.  
Ruth Haskins, M.D.

**Members Absent:**

Carrie Sparrevohn, L.M.  
William Frumovitz, M.D.

**Staff Present:**

Anita Scuri, Supervising Senior Counsel, Department of Consumer Affairs (DCA)  
Billie Baldo, Management Services Technician, Licensing Operations  
Deborah Pellegrini, Chief, Licensing Program  
Linda Marren, Administrative Assistant, Licensing Program  
Linda Whitney, Chief of Legislation  
Phyllis Bean, Retired Annuitant, Information Systems Branch  
Ramona Carrasco, Analyst, Central Complaint Unit  
Robin Jones, Analyst, Licensing Operations  
Teena Arneson, Staff Services Manager I, Central Complaint Unit

**Members of the Audience:**

Alison Osborn, L.M., CPM  
Alison Price, L.M.  
Andrea Ferroni, L.M.  
Claudia Breglia, L.M., California Association of Midwives (CAM)  
Cristal Schoenfelder, Staff Services Manager II, Patient Data Section, Office of Statewide Health Planning & Development (OSHPD)  
Edana Hall, L.M.  
Greg Santiago, DCA  
Megan Bochum  
Robyn Strong, Staff Services Manager I, Patient Data Section, Healthcare Information Division, Office of Statewide Health Planning and Development (OSHPD)  
Ron Spingarn, Deputy Director of the Healthcare Information Division, Office of Statewide Health Planning and Development (OSHPD)

**Agenda Item 2 Approval of Minutes of the August 20, 2009 Meeting**

August 20, 2009 meeting minutes were approved by consensus.

**Agenda Item 3 Licensed Midwife Annual Report**

**A. 2008 Report – Modification of the Report – Medical Board Staff**

Deborah Pellegrini introduced Ron Spingarn, Deputy Director of the Healthcare Information Division, OSHPD. Results of the report were published and OSHPD was asked to take a look at these numbers.

Mr. Spingarn introduced the Manager of the Patient Data Section, Cristal Schoenfelder, and re-introduced Robyn Strong. The updated report numbers were delivered to the Executive Staff of the Medical Board on January 7, 2010, and Mr. Spingarn gave the MAC a verbal update on the report numbers.

Mr. Spingarn stated that OSHPD staff contacted the midwives that entered data into Section P of the 2008 Licensed Midwife Annual Report. OSHPD was able to reach all but two of these midwives (who were out of the country), and they were able to reach these two by e-mail to ask them if they would like to make any revisions to their reports. The midwives that chose to update their 2008 report data were sent blank report forms with a copy of their original 2008 report. OSHPD supplied Fed-Ex packages so that they could report back to them within a 24 hour period.

M/S/Withdrawn not to seek a regulation to define a completed survey but instead to update instructions and the form (both electronic and print) as needed to improve data reporting. OSHPD is to continue to accept all forms that are submitted as meeting the requirements of B&P 2516(a).

It was M/S/C (Haskins/Yaroslavsky) to ask staff to come back with regulatory language that would define "failure to comply" with subdivision (a) of section 2516 with respect to three areas: definition of what a blank space in the survey means; the requirement for a signature; and the need for internal data conflicts to be resolved; and, that OSHPD be requested in the meantime (while the regulation is moving forward) to continue to accept, as meeting the requirements of section 2516(a), all forms that are submitted to it, and that it continue to try to resolve internal data conflicts regarding section P of the survey with the responding midwives.

#### **B. 2009 Midwife Annual Report**

This agenda item was moved to the end of the meeting and presented in the form of an online tutorial for those who chose to view the application.

Ms Pellegrini gave an overview of the progress in completing the 2009 Midwife Annual Report and some of the changes that were incorporated into the product. Information Systems Branch staff will conduct a tutorial of the online report survey for those who wish to attend. In addition, it is believed that the majority of the issues experienced with the 2008 report will be addressed and/or minimized (if not removed completely) by the use of an online version of the report. The plan is to roll out the 2009 midwife report in electronic form only. We plan to conduct training sessions in February in San Jose, Sacramento and most likely Los Angeles.

A request was made to offer Continued Education Units for this training. Also, a request was made as to whether the 2009 online training session can be filmed and hosted on CAMs website. The Council agreed to the above requests.

It was M/S/C (Ehrlich/Haskins) to modify the survey form by deleting references to out-of-state services and modify the instructions to clearly indicate the survey is only to include services provided in California.

#### **C. Required Data to be Collected**

Ms Pellegrini presented an overview of the previous request by the Council. The Council asked the Board if it could draft language regarding the collection of data for the midwife report so it more appropriately reflects terminology that is recognized throughout the midwifery community. The Board approved the request and Linda Whitney was introduced to explain the process to this Council.

A motion is passed by consensus to recommend the Board seek legislative changes to B&P 2516: (a) insert *no later than March 31*; (a)(3) insert *in California*; (a)(3) insert *infant and maternal death*; (a)(3)(L) inserting *morbidity or* ; (c) insert *no later than April 30*.

#### **Agenda Item 4 Educational Remediation**

The Task Force met September 29, 2009 to discuss the parameters for an education program that would provide remedial training as a term and condition of probation in a quality of care case.

A summary of the meeting was presented by Ms Scuri. The following are appropriate terms and conditions for remedial training in a quality of care midwifery case: 1) continuing education, which could include the same list as is already in the regulations for qualified providers; 2) examination -- whether it is oral or written or a clinical evaluation that is similar to the challenge mechanism; 3) a practice monitor similar to that for physicians who are on probation. The Board should base the decision whether to include one or more of the above terms based on the nature of the conduct that gave rise to discipline. Finally, members of the Council will provide a list of available courses to the probation unit.

#### **Agenda Item 5 Enforcement Statistics**

Ms Arneson presented statistics, requested by the MAC in the August 2009 meeting, that displays complaint cases and/or disciplinary actions that focus in the area of physician supervision. The table displays data from 1993 through the current year. A request was made for the total number of active licenses for each year that complaint cases and/or disciplinary cases be provided every six months. Statistics will be presented at the August 12, 2010 MAC meeting.

#### **Agenda Item 6 Midwives Practicing without Licensure**

Ms Pellegrini summarized Dr. Frumovitz' request regarding the prevalence of unlicensed practice in the midwifery community. If compensation is involved, then this is referred to as unlicensed practice. Business and Professions code section 2052 is referenced regarding the practice of medicine.

The goal is to protect women's health needs as well as the licensure of midwives in California. This item was tabled until the next MAC meeting on April 8, 2010 to allow Ms Breglia to compile information.

#### **Agenda Item 7 Future Council Meeting Dates for 2010**

April 8 and August 12, 2010 were scheduled.

#### **Agenda Item 8 Public Comments on Items Not on the Agenda**

Ms Breglia was asked to develop a list of requests regarding legislative language she would like cleaned up.

#### **Agenda Item 9 Agenda Items for the April 8, 2010 Meeting**

1. Election of Officers for the MAC.

2. Midwives practicing without licenses.
3. Dr. Haskins will write up a document to submit to the MAC that addresses the ongoing issue of physician supervision and Licensed Midwives.
4. Update from the Board regarding release of the revised data for 2008.

**Agenda Item 11 Adjournment**

Meeting adjourned at 3:56 p.m.