



MEDICAL BOARD OF CALIFORNIA
Licensing Program



Midwifery Advisory Council
Hearing Room
2005 Evergreen Street, Suite 1200
Sacramento, CA 95815

October 23, 2008

MINUTES

Agenda Item 1 Call to Order/Roll Call

The Midwifery Advisory Council (Council) of the Medical Board of California was called to order by Chair Faith Gibson at 1:10 p.m. A quorum was present and due notice had been mailed to all interested parties.

Members Present:

Faith Gibson, L.M., Chair
Ruth Haskins, M.D., Vice Chair
Barbara Yaroslavsky
Guillermo Valenzuela, M.D.
Carrie Sparrevohn, L.M.

Members Absent:

Karen Ehrlich, L.M.

Staff Present:

Anita Scuri, Supervising Senior Staff Counsel, Department of Consumer Affairs (DCA)
Barb Johnston, Executive Director, Medical Board of California
Billie Baldo, Administrative Assistant, Licensing Program
Debbie Pellegrini, Chief, Licensing Program
Frank Valine, Manager, Licensing Operations
Kurt Heppler, Senior Staff Counsel, DCA
Robin Jones, Analyst, Licensing Operations
Theresa Schaeffer, Analyst, Information Systems Branch

Members of the Audience:

Andrea Ferroni, L.M.
Claudia Breglia, L.M., California Association of Midwives (CAM)

Candace Diamond, Manager, Office of Statewide Health Planning and
Development (OSHPD)
Cathy Sarantis, OSHPD
Florida Murry
Jennifer Brown
Laurie Gregg, M.D.
Rachel Fox-Tierney, L.M.
Rachel Hansen
Robyn Strong, Analyst, OSHPD
Tosi Marceline, L.M.

Agenda Item 2 Approval of Minutes of the December 6, 2007 Meeting

It was m/Yaroslavsky, s/Valenzuela, c/All to approve the minutes from the December 6, 2007 meeting.

Agenda Item 3 Approval of Minutes of the June 19, 2008 Meeting

It was m/Haskins, s/Yaroslavsky, c/All to approve the minutes from the June 19, 2008 meeting.

Agenda Item 4 2007 Licensed Midwife Annual Report – Planning

Deborah Pellegrini reported that as a result of the Council's June meeting request, the Medical Board of California (Board) sent a reminder to midwives who failed to submit their survey report and OSHPD contacted several midwives to clarify the data results prior to finalizing the annual report. OSHPD submitted the 2007 Annual Report to the Board and the Board posted the report to the web site and mailed it to interested parties in October.

Candace Diamond reported that they did not receive good responses when making the follow-up calls to the licensed midwives. She further explained that survey flaws were discovered and requested the Council determine what percentage of the form must be completed to consider it a completed survey. Ms. Diamond indicated some of the data was questionable. One of the inconsistencies is based around the confusion when indicating the number of sets of twins versus the number of babies reported as twins.

It was m/Sparrevohn, s/Yaroslavsky, c/All to block out column "B" in section "F" for question twenty-three and twenty-four for the 2008 survey.

Ms. Pellegrini reported that the 2008 survey was posted on the Board's website in October. The Board's Information Systems Branch is developing an online version of the report and expects to complete the project by the end of the year. The Council recommended that the Board add a cover sheet to the survey report for midwives who did not perform any services in lieu of completing the report.

Dr. Haskins and Carrie Sparrevohn expressed concern about needing to make changes to the 2009 survey and instructions regarding data submitted prior to the end of the year. Ms. Sparrevohn was concerned about midwives who may attend another birth after the data was submitted.

It was m/Yaroslavsky, s/Sparrevohn, c/All not to accept reports filed before the end of the calendar year.

Ms. Gibson inquired as to what could be done to further clarify birth outcomes after transfer of care. Ms. Diamond suggested adding verbiage to the instructions to make sure that the numbers add up prior to submitting the forms. The Council suggested that an Ad hoc committee be formed to review the annual report, survey form questions and instructions, and bring suggestions for improvement to the next Council meeting in January. Ms. Sparrevohn and Dr. Haskins volunteered to be Committee members. Ms. Breglia inquired about the maximum number of members on this committee. Ms. Scuri advised that the maximum number is two people; however, the committee can invite interested parties to come to the meeting to give their input. Ms. Breglia suggested inviting a person who attends out-of-hospital births, who is required to complete the form, and who also did not assist in creating the survey form. The Council members agreed.

Andrea Ferroni, L.M., wanted clarification on comments for improving the form. Should the comments be made now or at the Ad hoc meeting? Ms. Gibson advised Ms. Ferroni to provide suggestions to the committee.

Faith Gibson, Ms. Sparrevohn, and Claudia Breglia, volunteered to develop an educational process for the midwives for the 2009 revised survey form and instructions.

Ms. Breglia pointed out errors on the data presented at the June meeting. She was under the impression the results from the report would not be made available to the public and was concerned that the incorrect information would leave a bad impression of midwives. Ms. Scuri advised the Council members that the Board must include the results of the report in their Annual Report to the Legislature, which is a public document.

Agenda Item 5 Licensed Midwife Statistical Data

At the June 2008 meeting, the Council requested a report showing statistical data on licensed midwives to assist with retraining and remediation. Robin Jones reported that staff collected the information for fiscal year 2007/2008 and for the first quarter of the 2008/2009 fiscal year. The information is aggregated data.

Ms. Yaroslavsky requested clarification on the data from the statistical report in regards to disciplinary activity. Ms. Jones advised the Council that the numbers recorded are cumulative and not all complaints were referred for discipline. Staff was directed to revise the report and add the number of new complaints received. Ms. Pellegrini suggested having a representative from the Enforcement Program attend the next meeting.

Agenda Item 6 Licensed Midwife Remedial/Re-entry to Practice

Ms. Pellegrini reported that Ms. Jones asked the College of Midwives in New Mexico (College) to host a remedial midwifery program. In July, Elizabeth Gilmore from the College advised Ms. Jones that they would offer their curriculum, but were unable to establish a program. The curriculum was received in early October.

Ms. Yaroslavsky asked if this was an online tutorial for someone to take that needed remediation. Ms. Jones advised that the materials had not been thoroughly reviewed to determine how the Board could administer the program. Ms. Gibson advised the Council members that the original proposal by Herman Hill, former analyst for the midwifery program, was to use the expert review program already used by the Board for physicians and surgeons in the remediation of the licensed midwives. Ms. Gibson also expressed concern that there was no provision for reinstatement. Kurt Heppler reported that reinstatement is covered under the general provisions of the Government Code Section §11522. A person whose license has been revoked may petition the agency for reinstatement after a period of not less than one year. Mr. Heppler advised that the state agency will need to create a form for a licensed midwife to petition for reinstatement.

Ms. Sparrevohn expressed concern for the lack of a reentry program for midwives to reinstate their license. Ms. Scuri advised the Council that they need to sort out what should occur for licensed midwives to show remediation for reinstatement of licensure. Ms. Gibson recommended modeling the "Expert Reviewer" mechanism using the curriculum on the DVD. The Board may choose one or two people to be the practice monitor expert reviewer. Ms. Scuri advised that it is not the responsibility of the state body to create the remedial program. It is the Council's responsibility to ensure that if there is a term and condition of probation that the person can comply with it. There are two scenarios that may arise; 1) to terminate probation early or reinstate a license and 2) to determine appropriate education required as a term and condition of probation. The Council should clarify that the Board will want it to develop disciplinary guidelines.

It was m/Sparrevohn, s/Haskins, c/All to request permission from the Board to authorize the Council to evaluate what would be the appropriate parameters for a term of probation in a quality of care case so the Council could ascertain whether that type of program exists.

Agenda Item 7 Schedule of Future Meetings

The next Council meeting is scheduled for January 15, 2009. Staff will present prospective dates for the remaining 2009 meetings for discussion at the January meeting.

Agenda Item 8 Future Matters for Consideration by the Council

- Ad hoc committee report on the suggestions for the 2009 annual midwife survey form
- Report from the Board meeting as to whether the Council was tasked with evaluating the parameters of an appropriate term of probation
- Statistics regarding disciplinary actions
- Summary of the 2007 report

Agenda Item 9 Public Comment on Items not on the Agenda

Florida Murry is a midwife from the Philippines seeking licensure in California. She expressed frustration with her education not meeting the California criteria. Ms. Gibson recommended Ms. Murry contact one of the midwifery programs that offer a “challenge” program. Mr. Heppler advised Ms. Murry to submit an application to the Board for a licensed midwife. If the Board decides that her education does not meet California’s education requirements, at that point, she may pursue the challenge program.

Agenda Item 10 Adjournment

The meeting adjourned at 3:45 p.m.