

MEDICAL BOARD OF CALIFORNIA

LICENSING PROGRAM
1426 Howe Avenue, Suite 54
Sacramento, CA 95825-3236
(916) 263-2382 FAX (916) 263-2487
www.mbc.ca.gov



Midwifery Advisory Council

**Greg Gorges Conference Room
1424 Howe Ave
Sacramento, CA 95825**

March 9, 2007

MINUTES

Agenda Item 1 - Call to Order/Roll Call

The Midwifery Advisory Council of the Medical Board of California - Division of Licensing's inaugural meeting was called to order by Gary Qualset, Chief, Division of Licensing (DOL), at 10:10 a.m. A quorum was present and due notice had been mailed to all interested parties.

Members Present:

Karen Ehrlich, LM
Faith Gibson, LM, Chair
Ruth Haskins, MD, Vice Chair
Carrie Sparrevohn, LM
Guillermo J. Valenzuela, MD
Barbara Yaroslavsky

Staff Present:

Billie Baldo, MST, Administrative Assistant, Licensing Program
Kathi Burns, Staff Services Manager I, Licensing Program
Diane Ingram, Manager, Information Systems Branch
Scott Johnson, Business Services Assistant, Business Services Office
Kimberly Kirchmeyer, Deputy Director
Mike McCormick, Associate Governmental Program Analyst
Kelly Nelson, Legislative Analyst
Gary Qualset, Chief, Licensing Program
Anita Scuri, Legal Counsel, Department of Consumer Affairs
Pam Thomas, Analyst, Licensing Program
Linda Whitney, Chief, Legislative/Regulatory Unit

Members of the Audience:

Bruce Ackerman, Midwives Alliance of North American (MANA)
Claudia Breglia, California Association of Midwives (CAM)
Genie DeKruyf, LM

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**Candace Diamond, Manager, Patient Data Section, Office of Statewide Health Planning and Development (OSHPD)
Lucinda Johnston-Chiszar, Californians Advocating Licensed Midwifery (CALM)
Tosi Marceline, LM
Robyn Strong, Analyst, OSHPD
Sunshine Tomlin, LM**

Agenda Item 2 - Bagley-Keene Open Meeting Act

Anita Scuri, Legal Counsel, made a presentation to MAC members regarding the Bagley-Keene Open Meeting Act. Ms. Scuri defined what constituted a public meeting and provided examples of legal meetings and different types of member interactions that could result in violations.

Various questions from MAC members were fielded by Ms. Scuri and she provided clarifications and several examples were discussed during the presentation.

Agenda Item 3 - Election of Officers

Ms. Sparrevohn requested discussion and clarification of the expectations and duties required of the Midwifery Advisory Council Chair and Vice Chair.

Ms. Scuri explained the Chair would control the flow of meetings and agenda items. Staff would be allowed to discuss various issues and items in between meetings with the Chair and/or Vice Chair. The Vice Chair would fill in during an absence of the Chair.

Ms. Sparrevohn nominated Dr. Haskins for Chair.

Dr. Haskins stated she would prefer a licensed midwife be the Chair and nominated Faith Gibson to the position. Dr. Haskins stated she would accept a Vice Chair nomination.

Appointments by acclamation were made as follows: Chair - Faith Gibson, LM; Vice Chair - Ruth Haskins, MD.

Agenda Item 4 - Role, Responsibility, Mission and Vision of Council

Roberts Rules of Order were mentioned as an item for discussion and adoption. Ms. Scuri informed MAC members that Roberts Rules of Order could be followed to the extent it does not conflict with the Bagley-Keene Open Meeting Act.

Mr. Qualset referenced the draft document in the agenda packet as a starting point to assist the MAC in developing its Roles, Responsibilities, Mission and Vision statements.

Discussion ensued regarding each topic area. The members developed draft language to be brought back before the MAC at its next meeting for review and final approval.

Mission - To protect the healthcare consumer by assisting the Division of Licensing in developing appropriate standards for licensing, standards of care, and regulation for the practice of midwifery.

Role - The Midwifery Advisory Council shall meet in public not less than four times a year to discuss topics of importance related to the practice of midwifery in order to make recommendations to and advise the Division of Licensing.

Responsibility - The Midwifery Advisory Council shall provide ongoing sound and reliable expert advice to the Division of Licensing to facilitate the safe and sound practice of midwifery including the development and ongoing maintenance of a coding system for gathering annual practice data of midwives in California.

Vision - In promoting the Medical Board of California's consumer protection interests, the Midwifery Advisory Council will provide ongoing sound and reliable expert advice in serving as a vehicle for further positive discussion on the practice of midwifery and home births in the State of California.

Agenda Item 5 - Midwife Annual Report Coding System (Business & Professions Code Section 2516)

Ms. Sparrevohn suggested working from pages 9-15 of the agenda packet and to incorporate terms from the Standards of Care document into the coding system.

Ms. Yaroslavsky suggested the Chair appoint a task force of up to two members of the MAC and other interested parties from the relevant community.

Ms. Scuri stated a limit of two for the task force can be allowed without notice to the public.

Dr. Haskins recommended a physician and surgeon be included on the task force and volunteered to serve. Ms. Sparrevohn also volunteered for the task force.

Interested parties were advised to let Ms. Gibson know if they wish to serve on the task force.

Mr. Qualset stated various sources were used to create the draft document for use as a starting point.

Candace Diamond, Manager, Patient Data Section of OSHPD, expressed eagerness to participate on the task force.

Ms. Sparrevohn solicited additional coding ideas from interested parties and noted the MAC will also need to decide on how to report outcomes for licensed midwives who work in group practices.

Agenda Item 6 - Schedule of Future Meetings

Ms. Ehrlich suggested more time be allotted for future MAC meetings.

Mr. Qualset listed potential MAC dates to be considered. He indicated a 10-day public notice was required and staff needs approximately 3-4 weeks in order to prepare for the meeting.

It was M/S/C (Ehrlich/Haskins) to establish MAC meeting dates on May 24, 2007, August 30, 2007, and December 6, 2007.

Agenda Item 7 - Public Comment on Items not on the Agenda

Genie DeKruyf, LM, stated she has worked in a nonprofit community health clinic in Orange County and attends home births. The clinic was recently audited by the Department of Health Services - Medi-Cal Division. As a result of the audit, Ms. DeKruyf was placed on unpaid administrative leave. Ms. DeKruyf requested that a letter from the MBC be prepared to clarify the issues raised in the audit report. Ms. DeKruyf urged the involved departments to communicate in order to resolve the issue quickly so she could return to work.

Ms. Sparrevohn stated it could be a potential agenda item for MAC to develop standards for hospital and clinic settings to delineate differences between each practice setting, as current standards of care pertain primarily to out-of-hospital birth settings. Additionally, Ms. Sparrevohn thought another MAC agenda item could be discussing the issue of asking Medi-Cal to consider licensed midwives as approved providers.

Dr. Valenzuela stated various changes in healthcare, including issues of Medi-Cal fraud, had placed many Medi-Cal providers in similar situations. He did not intend to minimize Ms. DeKruyf's predicament but noted it is not a unique occurrence as audits are becoming widespread.

Ms. Scuri requested a copy of the report to be provided to the staff of the DOL as it was not on the agenda and; therefore, could not be addressed during today's public comments.

Ms. Yaroslavsky recommended the issue needed to be dealt with by staff in a structured and procedural process prior to being presented to the MAC.

Tosi Marceline, LM, inquired as to the authority of the MAC in relation to the DOL, and expressed her displeasure with the term “lay-midwives” that is still on the Board’s website and a title still used today in practice settings.

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Agenda Item 8 - Adjournment

Meeting adjourned at 12:10 p.m.