



# 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

Medical Board of California

2005 Evergreen Street

Sacramento, CA 95815

August 22, 2019

## 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:**

Claudia Breglia, L.M., Vice Chair

Donyale Abe

Jocelyn Dugan

Chemin Perez, L.M.

### **Members Absent:**

Diane Holzer, L.M., Chair

Anne Marie Adams, M.D.

### **Staff Present:**

Julie Brown, Associate Governmental Program Analyst

Sean Eichelkraut, Information Technology Supervisor I

Kimberly Kirchmeyer, Executive Director

Christine Lally, Deputy Director

Natalie Lowe, Information Technology Specialist I

Katrina Martinez, Associate Governmental Program Analyst

Tonya Morairty, Associate Governmental Program Analyst

Monique Murray, Staff Services Manager I

Regina Rao, Associate Governmental Program Analyst

Elizabeth Rojas, Staff Services Analyst

Jennifer Simoes, Chief of Legislation

Casey Triggs, Associate Governmental Program Analyst

Carlos Villatoro, Public Information Officer II

Kerrie Webb, Staff Counsel

### **Members of the Audience:**

Amy Adams

Rosanna Davis, L.M.

Rachel Fox-Tierney, L.M.  
Samsarah Morgan, Oakland Better Birth Foundation  
Lesley Nelsen, L.M.  
Laura Perez, L.M.  
Madeleine Shernock, L.M., Welcome Home Midwifery  
Carrie Sparrevohn, L.M.  
Cesar Victoria, Videographer, Department of Consumer Affairs  
Michelle Welborn, L.M.  
Martine Wilson  
Pearl Yu, L.M.

**Agenda Item 1      Call to Order/Roll Call/Establishment of a Quorum**

Ms. Breglia called the meeting of the Midwifery Advisory Council (MAC) of the Medical Board of California (Board) to order on August 22, 2019 at 1:05 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**

Ms. Fox-Tierney stated obtaining Social Security numbers for infants born outside of hospital settings has been difficult. Ms. Fox-Tierney stated this has been an ongoing issue. Ms. Fox-Tierney stated midwives have had difficulty providing documentation that is acceptable by the Social Security office in Sacramento County.

Ms. Fox-Tierney stated this delay in obtaining Social Security numbers is an issue because it prevents the infant from obtaining health insurance until a Social Security number is issued.

**Agenda Item 3      Approval of Minutes from the March 7, 2019 Midwifery Advisory Council Meeting**

***Ms. Dugan motioned to approve the March 7, 2019 meeting minutes; s/Ms.Abe. Motion carried unanimously (4-0).***

**Agenda Item 4      Report from the Midwifery Advisory Council Chair**

Ms. Holzer was not present, therefore Ms. Breglia, read Ms. Holzer's report. Ms. Holzer attended the Medical Board meeting on August 9, 2019. The statement explained that a strategic plan will not be formed by the MAC, as the MAC is an Advisory Council of the Board, and the Board has a strategic plan in place. Therefore, the MAC will discuss goals for the coming year. Ms. Holzer's letter stated the many ideas that have been discussed, such as including educational campaigns to bring awareness regarding midwifery to physicians and the general public; revision of the hospital transport reporting form; development of a transport form and protocol for midwives to use, similar to the home birth summit forms; and Grand Rounds. Ms. Holzer acknowledged in the letter that clients are having a hard time filing for Social Security numbers and birth certificates, and stated midwives would like to be able to file birth certificates electronically, similar to the process done in hospitals.

**Agenda Item 5      Discussion and Possible Action on Establishing 2019 Goals for the Midwifery Advisory Council**

Ms. Breglia stated she would like to see a summit or newsletter developed.

Ms. Kirchmeyer stated the Board does have a newsletter and articles regarding midwifery have been published in the past.

Ms. Abe stated she would like to see goals for the MAC become a standing agenda item.

Ms. Abe stated she would like to see a loan repayment or tax credit program developed for midwives in underserved communities, similar to what exists for physicians.

Ms. Breglia stated she would like improvement regarding obtaining Social Security numbers for infants after a home birth. Ms. Breglia stated she would like to push for electronic submission capability.

Ms. Dugan stated she would like to see a public education campaign to bring awareness to midwifery and its impact on outcomes in California as a whole.

Ms. Sparrevohn stated she would like a revision of the licensed midwife guidelines.

Ms. Davis stated she would like a collaboration on a series of articles for the Medical Board newsletter and would like the Licensed Midwife Annual Report (LMAR) to provide a summary prior to submission, to check the data for accuracy. Ms. Davis also stated she would like to see something done regarding refusal of care for licensed midwife clients.

Ms. Chernov stated she would like to address access to licensed midwives for women on Medi-Cal.

Ms. Webb stated the regulations have not been completed on AB1308 which impact midwives ability to accept Medi-Cal.

Ms. Kirchmeyer stated the loan repayment and the tax credit would take legislative changes and approval by the Board. Ms. Kirchmeyer explained the physician loan repayment was developed by the California Medical Association.

Ms. Kirchmeyer suggested speaking to Ms. Davis to determine if the California Association of Licensed Midwives (CALM) is working on legislation.

Ms. Sparrevohn stated she would like to encourage the MAC to work on revising the guidelines.

Ms. Davis stated CALM is working on updating the guidelines at the professional level.

***Ms. Breglia motioned to appoint Ms. Perez to a task force to revise and update the midwifery guidelines; s/Ms.Abe. Motion carried unanimously (4-0).***

***Ms. Dugan motioned to appoint Ms. Perez and Ms. Dugan to a task force to identify issues with Medi-Cal; s/Ms.Abe. Motion carried unanimously (4-0).***

***Ms. Dugan motioned to appoint Ms. Breglia to a task force to deal with Social Security cards and birth certificate issue; s/Ms.Abe. Motion carried unanimously (4-0).***

**Agenda Item 6      Discussion and Possible Action on a Midwifery Advisory Council Chair**

***Ms. Breglia nominated Ms. Holzer as council chair. Nomination supported unanimously (4-0).***

**Agenda Item 7      Discussion and Possible Action on a Midwifery Advisory Council Vice Chair**

***Ms. Perez nominated Ms. Breglia as vice chair. Nomination supported unanimously (4-0).***

**Agenda Item 8      Program Update**

Ms. Kirchmeyer provided information regarding the Board's enforcement process. Ms. Kirchmeyer explained when reviewing a complaint regarding quality of care of a licensee, the Board will obtain medical records and any other relevant evidence and send it to an expert for review. Ms. Kirchmeyer stated for cases regarding midwifery, the expert would be a licensed midwife contracted by the Board to provide expert review services.

Ms. Kirchmeyer stated the opinion provided is an objective review of the allegations provided in the complaint based upon the information gathered.

Ms. Kirchmeyer stated if a Deputy Attorney General (DAG) reviewed a case and determined a second expert was needed, the DAG would request a second opinion. Ms. Kirchmeyer stated the need for a second expert may be due to the quality of the opinion, bias on the part of the expert, issues with a conflict the expert did not address or any other reason the DAG believes a second review is warranted. The DAG or the investigator would determine who the other expert would be based upon their review of the case.

Ms. Kirchmeyer stated there may be instances where that second expert may not be a licensed midwife.

Ms. Kirchmeyer stated the practice guidelines are just that, guidelines. Ms. Kirchmeyer quoted from the guidelines, "This document provides a framework to identify the professional responsibilities of licensed midwives and permit an individual midwife's practice to be rationally evaluated, to ensure that it is safe, ethical and consistent with the professional practice of licensed midwifery in California. However, these practice guidelines are not intended to replace the clinical judgment of the licensed midwife."

Ms. Kirchmeyer stated, while these guidelines provide guidance to licensees, the standard of care is still reviewed on a case-by-case basis, based upon the specific circumstances at the specific instance the care is being provided.

Ms. Kirchmeyer stated as resources permit, the Board will be working to amend all regulations that need to be amended due to legislation that has passed and the Board will submit proposed changes to the language.

Ms. Morairty referred to the Licensing Statistics, indicating in the third quarter of the fiscal year 2018/2019 the Board received 15 new applications, issued 15 new licenses and renewed 51 licenses. In the fourth quarter of the fiscal year 2018/2019 the Board received nine new applications, issued 11 new licenses, and renewed 47 licenses. As of July 1, 2019 there were 422 renewed and current midwifery licenses.

Ms. Morairty reviewed the Transfer of Planned Out-of-Hospital delivery forms for the third quarter, indicating the Board received 37 hospital reporting forms, all of which were for licensed midwives. During the fourth quarter the Board received 60 hospital reporting forms, all of which were for licensed midwives.

Ms. Morairty reviewed the enforcement statistics for licensed midwives, indicating the Board received ten complaints in the third quarter and referred two for investigation. Ms. Morairty stated the Board received four complaints in the fourth quarter and referred two for investigation. The Board received four complaints in the third quarter for unlicensed midwives, and in the fourth quarter there were no complaints received for unlicensed midwives.

Ms. Lowe provided an update on the LMAR. Ms. Lowe thanked the Office of Statewide Health Planning and Development for assistance in getting this updated program implemented.

Ms. Lowe provided an overview of the 2018 LMAR summary. Ms. Lowe stated this was the first year using the revised reporting system. Ms. Lowe stated the final report is based on the requests by the licensed Midwife community as well as the MAC and Board staff.

Ms. Lowe stated for 2018, there were 483 midwives expected to report. Of those, 391 reported, leaving 92 unreported. Ms. Lowe noted the total number of clients served during the calendar year was 4,478.

Ms. Lowe referred to the number of planned out-of-hospital births at the onset of labor was 4,148 compared to 3,981 last year, an increase of 167. The number of completed births in an out of hospital setting was 3,535 compared to 3,297 last year, an increase of 238.

Ms. Abe stated if ethnicity was included in the report it would be valuable information for future funding of programs.

**Agenda Item 9      Presentation of the California Association of Licensed Midwives Survey Findings on Denial of Patient Care**

This agenda item was tabled for a future MAC meeting.

**Agenda Item 10 Future Agenda Items**

Ms. Breglia recommended establishing goals for the MAC, an update on midwifery related legislation; a report from the task force on Medi-Cal related issues; a report from the task force on revising the guidelines; a presentation by CALM regarding physician refusal to provide care for midwifery clients; report from the MAC chair; an update on the midwifery program; a report from the task force regarding problems with obtaining Social Security numbers and filing birth certificates for out of hospital births; and selection of MAC meeting dates for 2020.

**Agenda Item 11 Adjournment**

**Ms. Breglia adjourned the meeting at 3:21 p.m.**