



MEDICAL BOARD OF CALIFORNIA

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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

Thursday, March 5, 2020

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:

Diane Holzer, L.M., Chair
Donyale Abe
Anne Marie Adams, M.D.

Members Absent:

Claudia Breglia, L.M., Vice Chair
Jocelyn Dugan
Chemin Perez, L.M.

Staff Present:

Charlotte Clark, Information Technology Supervisor I
Sean Eichelkraut, Information Technology Manager I
Jacoby Jorgensen, Staff Services Manager I
Christine Lally, Interim Executive Director
Sheronnia Little, Information Technology Specialist I
Natalie Lowe, Information Technology Specialist I
Tonya Morairty, Associate Governmental Program Analyst
Marina O'Connor, Chief of Licensing
Regina Rao, Associate Governmental Program Analyst
Elizabeth Rojas, Staff Services Analyst
Jennifer Simoes, Chief of Legislation
Lisa Toof, Staff Services Manager I
Carlos Villatoro, Public Information Officer II
Kerrie Webb, Staff Counsel

Members of the Audience:

Rosanna Davis, L.M., California Association of Licensed Midwives
Rachel Fox-Tierney, L.M.
Faith Gibson, L.M.
Tesa Kurin, L.M.
Lesley Nelson, L.M.
Bryce Penney, TV Specialist, Department of Consumer Affairs
Rachel Schwartz
Carrie Sparrevohn, L.M.
Madeleine Wisner, L.M.
Sue Wolcott, L.M.

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

Ms. Holzer called the meeting of the Midwifery Advisory Council (MAC) of the Medical Board of California (Board) to order on Thursday, March 5, 2020 at 1:09 p.m. A quorum was not present and due notice was provided to all interested parties.

Agenda Item 2 Public Comments on Items not on the Agenda

Ms. Gibson, Licensed Midwife, stated she recently became aware of the high number of maternal deaths that are happening after childbirth. She would like to see a bill sponsored to expand the scope of midwifery care to include the first year after childbirth. Ms. Gibson stated during the first year after birth of a child there can be many dangers the mother may face, including but not limited to cardiomyopathy and depression.

Ms. Gibson stated the World Health Organization (WHO) provides care to women throughout the first year after childbirth. Ms. Gibson would like to see licensed midwives provide the same time frame of care. She stated this would allow the midwife the ability to provide additional education regarding the dangers mothers face during the first year after childbirth.

Ms. Gibson stated the American College of Obstetricians and Gynecologists (ACOG) recently added a three-week office visit as part of post-partum care, versus only providing the six-week checkup.

Ms. Gibson stated if California licensed midwives were to include the first year of care to their scope of practice, it would allow midwives to be hired by places such as Kaiser to do home visits.

Ms. Fox-Tierney, Licensed Midwife, stated she would like to see more communication and education provided to physicians on the medical model of care for licensed midwives. Ms. Fox-Tierney described a recent event where a physician would not continue care for a midwife client because he did not want to condone home birth. She stated the physician was not aware of the licensure and education required to become a licensed midwife.

Ms. Davis, Licensed Midwife, stated the California Association of Licensed Midwives (CALM) has developed a plan to request the Board to collaborate on things such as transfers and outcomes.

Agenda Item 3 Approval of Minutes from the December 5, 2019 Midwifery Advisory Council Meeting

Ms. Holzer asked if anyone in attendance had corrections to the meeting minutes. No corrections were requested.

Due to there not being a quorum present, a vote on the December 5, 2019 meeting minutes will take place at the August 20, 2020 MAC meeting.

Agenda Item 4 Report from the Midwifery Advisory Chair

Ms. Holzer stated she attended the quarterly Board meeting in Sacramento on January 31, 2020.

Ms. Holzer stated the work of each task force on the MAC is ongoing.

Ms. Holzer shared that the complaints she is receiving regarding difficulty in obtaining birth certificates and social security numbers have slowed. She stated she is not sure if the problems have actually slowed down or the midwives are not reaching out to her as often as they have in the past.

Agenda Item 5 Report from the Task Force Regarding Challenges Obtaining Social Security Numbers and Electronic Filing of Birth Certificates

Ms. Simoes stated she and Ms. Webb met with members of the California Department of Public Health's (CDPH) Center for Health Statistics, which oversees the office of Vital Records. Ms. Simoes and Ms. Webb expressed the concerns brought forward by the MAC. Ms. Simoes stated the meeting was geared towards discussing the possibility of registering for birth certificates electronically.

Ms. Simoes stated CDPH pointed out two sections of law: Health and Safety Code 102400 which states each live birth shall be registered with the local registrar within 10 days; and Health and Safety Code 102415, which discusses births that occur outside of a hospital or outside of a state-licensed alternative birth center and who may register those births with the local registrar.

Ms. Simoes stated CDPH indicated that it would be impossible for a midwife to register for a birth certificate from their home or their office because of security requirements, similar to what state agencies have, such as firewalls etc.

Ms. Simoes and Ms. Webb asked questions to see if there was a possibility in collaborating on helping midwives electronically register births, however CDPH pointed out the law and that midwives would need to work with the local registrars. CDPH stated the changes being requested would require statutory changes and CDPH stated they do not have oversight of local registrars.

Ms. Simoes stated she did get contact information for someone at the Social Security Administration that she would pass on to the MAC.

Agenda Item 6 Establishing Goals for the Midwifery Advisory Council

Ms. Holzer stated she would like to continue to focus on the goals that were discussed at the December 5, 2019 MAC meeting. She had no additional goals to add at this time.

Ms. Gibson would like to add expanding the scope of practice for midwives to include care for the mother to be extended to the first maternal year after childbirth.

Ms. Holzer indicated that Ms. Gibson's request to add discussion on extending care to include the first year after childbirth will be added to the agenda for the August 20, 2020 MAC meeting.

Agenda Item 7 Report from the Task Force and Discussion Regarding the Data Collected on the Licensed Midwife Annual Report

Ms. Abe gave a power point presentation demonstrating the data that is gathered by other reporting websites. This included data such as counties of birth and ethnicity.

Ms. Abe would like to see items added to the LMAR, such as demographic data for ethnicity, religion and age.

Ms. Abe pointed out that Business and Professions Code 2516 (g) indicates the MAC may adjust data elements collected on the Licensed Midwife Annual Report (LMAR).

Several public comments were made in favor of adding these data elements to the LMAR.

Ms. Webb stated it is very costly to make revisions to the LMAR, and that a rule making would have to be made in order to add these data elements. Ms. Webb indicated there are six regulatory requirements that would have to be demonstrated and the impact to midwives in collecting this data would also have to be considered.

Ms. Webb stated it is possible to add these items, however it would have to be approved by the Board.

Ms. Webb stated the fastest way to move this forward would be to make a legislative change. She indicated anyone can bring forward ideas to the legislature to make these changes.

Ms. Lowe pointed out that the data elements that were recently expanded on the LMAR were data elements that were already being collected, no additional data elements were added, the questions were just clarified.

Ms. Holzer asked Ms. Abe to bring proposed regulatory language to the August 20, 2020 MAC meeting.

Agenda Item 8 Report from the Task Force on Medi-Cal Related Issues

Ms. Holzer stated Ms. Perez and Ms. Dugan are the two members working on this task force and neither were present at the meeting. Therefore, Ms. Holzer stated this item will be tabled until the August 20, 2020 MAC meeting.

Ms. Holzer indicated new members may need to be added to the task force because both Ms. Perez and Ms. Dugan will no longer be working on this.

Ms. Kurin indicated she is interested in being part of this task force. Ms. Kurin stated the average midwife cannot access Medi-Cal because of the cost.

Agenda Item 9 Discussion and Possible Action on Revisions to the Practice Guidelines for California Licensed Midwives

A copy of the revisions completed by Ms. Sparrevohn was distributed in the meeting packet.

Ms. Sparrevohn asked what authority the Board has to post the midwifery guidelines on the Board's website and Ms. Webb responded that the guidelines are to assist practitioners and the Board has authority as a regulatory agency to post information to its website.

Ms. Sparrevohn recommended removal of the guidelines from the Board website, as she believes it causes confusion and licensees think it is the standard of care.

Having had reviewed the revised guidelines, Ms. Webb expressed her concerns that a large amount of verbiage was removed rather than revised.

Ms. Holzer stated a discussion on proposed revisions to the guidelines will be placed on the agenda for the August 20, 2020 MAC meeting.

Agenda Item 10 Program Update

Ms. Morairty referred Council members to the Licensing Statistics, indicating in the second quarter of the fiscal year 2019/2020 the Board received 12 new applications, issued 9 new licenses and renewed 64 licenses and as of January 1, 2020, there were 436 renewed and current midwifery licenses.

Ms. Morairty reviewed the Transfer of Planned Out-of-Hospital Delivery forms for the first quarter, indicating the Board received 45 hospital reporting forms, all of which were for licensed midwives.

Ms. Morairty reviewed the enforcement statistics for licensed midwives, indicating the Board received eight complaints in the second quarter and two were referred for investigation. The Board received two complaints in the second quarter for unlicensed midwives.

Agenda Item 11 Discussion on how the MAC will Prepare for Future Fall Board Meetings when Legislation is Proposed

Ms. Holzer stated this item was placed on the agenda to discuss whether the August MAC meeting should be moved closer to the Fall Board meeting.

Ms. Holzer stated the reality of the situation is that the MAC meeting cannot be moved too close to the fall Board meeting due to the amount of work the staff has to do to prepare for both meetings. She stated having both meetings too close together will not allow for staff to prepare adequately. Ms. Holzer indicated the MAC will continue to hold meetings in March, August and December of each year for now.

Agenda Item 12 Discussion and Possible Action on Selection of a Midwifery Advisory Council Member

Ms. Morairty indicated the Board received three applications for the vacant licensed midwife position on the MAC.

Ms. Morairty stated the applicants are Faith Gibson, Tesa Kurin and Madeleine Wisner. All three applicants were present at the meeting and each was invited to give a brief statement.

Ms. Gibson, Ms. Kurin and Ms. Wisner all gave a statement as to why they would like to become a member of the MAC.

A quorum was not present; therefore, a vote on the vacant MAC position will take place at the August 20, 2020 MAC meeting.

Agenda Item 13 Discussion and Possible Action on 2020 Midwifery Advisory Council Meeting Dates

Ms. Holzer stated future MAC meeting dates cannot be voted on because a quorum was not present.

Ms. Morairty will send an online Doodle poll to the MAC members to vote on the August and December 2020 MAC meeting dates.

Agenda Item 14 Future Agenda items

Ms. Holzer recommended establishing goals for the MAC; update on midwifery related legislation; report from the MAC Chair; update on the Midwifery Program; report from the Task Force and discussion regarding the data collected on the Licensed Midwife Annual Report (LMAR); report from the Task Force on Medi-Cal related issues; reappointment of members to the Task Force on Medi-Cal related issues; discussion on revisions to the Practice Guidelines for California Licensed Midwives; selection of a new member to the MAC: one midwife position; discussion on expanding scope of practice for midwives to include one year of postpartum care; and Discussion regarding legislative solution to address stalemate on creating regulations for Licensed Midwives.

Agenda Item 15 Adjournment

Ms. Holzer adjourned the meeting at 3:31 p.m.