



# 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

Teleconference Meeting  
Thursday, August 20, 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  
Claudia Breglia, L.M., Vice Chair  
Donyale Abe  
Anne Marie Adams, M.D.

#### **Members Absent:**

#### **Staff Present:**

Aaron Bone, Chief of Legislation and Public Affairs  
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  
Lisa Toof, Staff Services Manager I  
Kerrie Webb, Staff Counsel

#### **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, August 20, 2020 at 1:03 p.m. A quorum was present and due notice was provided to all interested parties.

Ms. Holzer requested to move agenda item 7 to after agenda item 14.

#### **Agenda Item 2 Public Comments on Items not on the Agenda**

Ms. Davis made a comment and welcomed the Medical Board (Board) new staff members. Ms. Davis stated she looks forward to positive changes that may be brought to the Medical Board.

Ms. Davis gave a summary of the biases to midwives that have occurred over the last 100 years or more. She also commented on the efforts that have been made by others to limit midwives in the care they give and restrict the scope of practice for midwives.

Ms. Davis noted that CALM (California Association of Licensed Midwives) is currently working with legislators and has had ongoing conversations with the Department of Consumer Affairs (DCA) regarding the need to create a Midwifery Board.

Ms. Davis noted complaints and investigations are being reviewed by physicians who are not trained and are not familiar with licensed midwife regulations and scope of practice. She listed several ways that midwives are discriminated against. She stated CALM is looking forward to participating in the sunset review process.

**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 December 5, 2019 meeting minutes. No corrections were requested.

***Ms. Holzer made a motion to approve the December 5, 2019 meeting minutes, as written; s/Dr. Adams. Motion carried unanimously. 4-0***

**Agenda Item 4      Approval of Minutes from the March 5, 2020 Midwifery Advisory Council Meeting**

Ms. Holzer asked if anyone in attendance had corrections to the March 5, 2020 meeting minutes. No corrections were requested.

***Dr. Adams made a motion to approve the March 5, 2020 meeting minutes, as written; s/Ms. Breglia. Motion carried unanimously. 4-0***

**Agenda Item 5      Report from the Midwifery Advisory Chair**

Ms. Holzer commented that during the pandemic it has been a challenging time to conduct business. She thanked the staff at the Board and members of the MAC for continuing to work for the public during these extreme circumstances.

Ms. Holzer stated that Ms. Dugan had to step down from her position on the MAC. Ms. Holzer thanked Ms. Dugan for her work and time given to the MAC and the midwifery community. Ms. Holzer stated Ms. Dugan will be missed.

Ms. Holzer stated Ms. Breglia gave a presentation at the Board meeting in August 2020 on licensed midwives and VBAC (vaginal birth after cesarean). Ms. Holzer thanked Ms. Breglia for the presentation and stated she did an excellent job. She went on to say the Board members had questions and comments that indicated they were impressed with the presentation and statistics provided.

**Agenda Item 6      Establishing Goals for the Midwifery Advisory Council**

Ms. Holzer stated the MAC is currently working on several goals. She commented that she would like to fill the vacancies on the MAC.

Dr. Adams stated she would also like to see the MAC fill the vacancies prior to adding any additional goals.

**Agenda Item 8      Report from the Task Force and Discussion Regarding the Data Collected on the Licensed Midwife Annual Report**

Ms. Holzer thanked Ms. Abe for her presentation at the March MAC meeting. Ms. Holzer stated a vote could not take place at that meeting because a quorum was not present.

Ms. Abe stated she would like some assistance in creating proposed regulatory language.

Ms. Abe gave a brief synopsis of her presentation and the data elements the MAC would like added to the LMAR. Ms. Abe stated ethnicity, religion and age are the elements to be added.

Ms. Holzer stated the Board members asked Ms. Breglia about ethnicity numbers after her presentation at the Board meeting in August 2020.

Ms. Holzer asked if a statutory change would be required to add these data elements to the report and Ms. Webb replied that a statutory change and Board approval would be needed. Ms. Webb also pointed out that the MAC would need to consider the cost of these changes. Ms. Webb also pointed out that if the MAC chose to add the same information collected by the Midwives Alliance of North America (MANA), then this would require a regulatory change.

Ms. Holzer asked Ms. Webb if she could assist with drafting the necessary language and Ms. Webb responded that she could help if the draft language was provided to her and she was authorized to assist.

Ms. Webb stated that privacy could be an issue and would need to be part of the discussion to make sure confidentiality is maintained. She pointed out that due to the low population of LMs in some areas, there could be enough information collected to identify the respondents.

Discussion ensued and several people would not like to add religion as a data element. Ms. Holzer stated she was okay with not including religion in the proposal and only including age and ethnicity.

A member of the public suggested an interested parties meeting to discuss the proposed language.

Ms. Holzer stated hopefully a sample of the regulatory language can be presented and voted on at the December MAC meeting.

**Agenda Item 9      Update on Midwifery Related Legislation**

Mr. Bone gave an update on two bills that are related to midwifery. Assembly Bill 732 which pertains to pregnant individuals who are incarcerated. The bill states among other provisions that the person would have access to a pregnancy examination with a physician, nurse practitioner or certified nurse midwife or a physician assistant within seven days of their arrival and receive postpartum care within a week of childbirth and as necessary for up to 12 weeks after birth.

Mr. Bone also presented Assembly Bill 1237, which allows certified nurse midwives to attend low risk pregnancies and to offer prenatal intrapartum and postpartum care without the supervision of a physician. The Board voted to support this bill. Among other provisions, the bill defines low risk pregnancy as a single fetus, cephalic presentation at the onset of labor, and that the gestational age

of the fetus is greater than or equal to 37 weeks or no more than 42 weeks at the time of delivery. The labor is spontaneous or induced and that the patient has no pre-existing disease or condition that adversely affects the pregnancy and that the nurse midwife is not qualified to independently address.

Several members of the public commented on their support or opposition to AB 1237.

**Agenda Item 10 Discussion and Possible Action on Revisions to the Practice Guidelines for California Licensed Midwives**

Ms. Holzer stated that a presentation on the guidelines was given at the March MAC meeting. The proposal was to remove the guidelines from the website. Ms. Holzer stated the MAC was unable to vote on removal of the guidelines because a quorum was not present. Ms. Webb clarified that the MAC could not vote on removing it from the website because it was not agendaized as removing it from the website.

Ms. Adams suggested voting on the revisions now and voting on removing it from the website at the next MAC meeting. Ms. Breglia agreed with this suggestion.

Ms. Breglia stated that the guidelines are being used as a standard of care even though they did not go through the review and approval process, therefore, they do not have the force of law. Ms. Webb responded that physicians also have guidelines as well that were developed and approved by the Board.

It was requested by MAC members and members of the public that this item be placed on the agenda for discussion and possible removal from the website at the December MAC meeting.

Ms. Holzer indicated a vote needed to take place to accept the revised guidelines.

***Ms. Breglia made a motion to accept the Revisions to the Practice Guidelines for California Licensed Midwives; s/Ms. Holzer. Motion carried unanimously. 4-0***

The revised guidelines will be presented to the Board at the November 2020 Board meeting for a vote.

**Agenda Item 15 Discussion and Possible Action on a December 2020 Midwifery Advisory Council Meeting Date**

**Ms. Holzer stated the MAC would skip to agenda item 15 because Ms. Abe might have to leave early.**

Ms. Holzer gave the MAC the choice of two dates for the December 2020 MAC meeting. The MAC voted on the date of December 3, 2020 for the next MAC meeting.

***Ms. Holzer made a motion to choose December 3, 2020 for the next MAC meeting date; s/Dr. Adams. Motion carried unanimously. 4-0***

**Agenda Item 14 Discussion and Possible Action on Selection of Two Midwifery Advisory Council Members**

Ms. Holzer stated that no additional applications were received for the public member MAC vacancy, therefore the position will be re-advertised.

Ms. Holzer stated the Board received three applications for the vacant licensed midwife position on the MAC.

Ms. Holzer stated the applicants are Faith Gibson, Tesa Kurin and Madeleine Wisner. All three applicants attended the March 2020 MAC meeting and each gave a brief statement.

***Ms. Holzer made a motion to nominate Tesa Kurin to the vacant MAC position; s/Ms. Abe. Motion carried unanimously. 4-0***

#### **Agenda Item 11 Program Update**

Ms. Morairty referred Council members to the Licensing Statistics, indicating in the 3<sup>rd</sup> quarter of the fiscal year (FY) 2019/2020, the Board received eight new applications, issued eleven new licenses, and renewed 46 licenses.

In the 4<sup>th</sup> quarter of FY 2019/2020, the Board received three new applications, issued four new licenses, and renewed 53 licenses. As of July 1, 2020, there were 454 renewed and current midwifery licenses.

Ms. Morairty reviewed the Transfer of Planned Out-of-Hospital Delivery forms for the 3<sup>rd</sup> quarter of FY 2019/2020 indicating the Board received 41 Transfer of Planned Out-of-Hospital Delivery to Hospital Reporting forms for licensed midwives.

In the 4<sup>th</sup> quarter of FY 2019/2020, the Board received 59 Transfer of Planned Out-of-Hospital Delivery to Hospital Reporting forms for licensed midwives.

Ms. Morairty reviewed the enforcement statistics for licensed midwives, in the 3<sup>rd</sup> quarter of FY 2019/2020 indicating the Board received eight complaints and referred three for investigation.

In the 4<sup>th</sup> quarter of FY 2019/2020, the Enforcement statistics show that the Board received four complaints and referred two for investigation. The Board received two complaints in the 3<sup>rd</sup> quarter of FY 2019/2020 for unlicensed midwives and in the 4<sup>th</sup> quarter of FY 2019/2020 the Board received four complaints for unlicensed midwives.

#### **Agenda Item 7 Appointment of Members to the Task Force on Medi-Cal related issues**

Ms. Holzer appointed Ms. Breglia and Ms. Kurin to the Task Force.

#### **Agenda Item 12 Discussion Regarding Legislative Solution to Address Stalemate on Creating Regulations for Licensed Midwives**

Ms. Holzer stated this item was placed on the agenda to start the conversation on what direction the MAC would like to go in addressing and creating regulations for midwives.

Ms. Sparrevohn stated the stalemate was entirely surrounding VBAC. The medical organizations want VBAC deliveries referred to a physician during pregnancy. CALM and other interested parties were present and determined that anyone with more than one prior cesarean section would be referred to a physician. Ms. Sparrevohn stated an agreement could not be made with the medical establishment.

Ms. Holzer stated this has been an ongoing process for many years that the MAC can work on.

Ms. Davis stated CALM is currently working on language and has been working on language for many years. Ms. Davis asked if such language could be submitted to the Board.

Ms. Webb stated if the MAC has an idea for the Sunset Review they can feel free to submit it to her and she would share with executive staff.

Ms. Breglia stated she would send Ms. Webb the proposed language from 2017.

Ms. Holzer asked if the language could be approved at this meeting.

Ms. Webb indicated the item is not on the agenda as an action item. Therefore, at this time it can only be a discussion. She stated that if the MAC wants to submit recommendations for Sunset Review, they need to approve the language at the MAC meeting. Ms. Webb stated that it was fine to send her the proposed language previously approved by the MAC, and she can submit it to Executive staff.

Ms. Holzer stated that CALM can go forward and present what they have for now at the next MAC meeting. Ms. Holzer stated this item will be placed on the December MAC agenda as an action item.

### **Agenda Item 13 Discussion on Expanding Scope of Practice for Midwives to Include One Year of Postpartum Care**

Ms. Holzer stated this may require a legislative fix to be added to the scope of practice and it would require a lot of extra training for midwives.

Ms. Gibson stated that expanding the scope of practice to one year of postpartum care would be for the mother, as this would allow midwives to be employed by clinics and physicians to provide postpartum care to clients that they were not there for the birth and midwives are in a good position to provide this care. She also pointed out that this would not put midwives in competition with physicians.

Ms. Breglia raised the concern that allowing midwives to be hired by someone to provide postpartum care could actually lead to further restrictions.

The MAC members discussed this item and determined they would like to leave this item as it is.

### **Agenda Item 16 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 on the Licensed Midwife Annual Report (LMAR) and possible action on proposed regulatory language; approval of minutes from the August 20, 2020 MAC meeting; vote on MAC meeting dates for 2021; discussion and possible action on removal of the Practice Guidelines for California Licensed Midwives from the website; selection of a new MAC member: one public member position; discussion and possible action on draft letter to the Birth Certificate clerks and Social Security offices; report from the Task Force and discussion regarding Medi-Cal related issues; and Discussion and possible action regarding legislative solution to address stalemate on creating regulations for Licensed Midwives.

**Agenda Item 17    Adjournment**

Ms. Holzer adjourned the meeting at 4:05 p.m.