

AMENDED IN SENATE MAY 3, 2006
AMENDED IN SENATE APRIL 3, 2006

SENATE BILL

No. 1638

Introduced by Senator Figueroa
(Coauthor: Assembly Member Laird)

February 24, 2006

An act to add Sections 2509 and 2516 to the Business and Professions Code, relating to midwives.

LEGISLATIVE COUNSEL'S DIGEST

SB 1638, as amended, Figueroa. Midwives: advisory council: annual report.

Existing law, the Licensed Midwifery Practice Act of 1993, provides for the licensing and regulation of midwives by the Board of Licensing of the Medical Board of California. A violation of the act is a crime.

This bill would provide for the creation of a Midwifery Advisory Council, as specified. The bill would also require each licensed midwife who assists, or supervises a person acting under his or her orders in assisting, in a normal childbirth to annually report to the Office of Statewide Health Planning and Development certain information regarding his or her practice for the previous year. The bill would require the office to report the aggregate information to the board, and would require the board to report that information to the Legislature in its annual report. The bill would provide that a violation of these requirements is not a crime.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2509 is added to the Business and
 2 Professions Code, to read:
 3 2509. The board shall create and appoint a Midwifery
 4 Advisory Council consisting of licensees of the board in good
 5 standing, who need not be members of the board, and members
 6 of the public who have an interest in, or knowledge of, midwifery
 7 practice, including, but not limited to, home births. The council
 8 shall make recommendations on matters specified by the board.
 9 SEC. 2. Section 2516 is added to the Business and
 10 Professions Code, to read:
 11 2516. (a) Each licensed midwife who assists, or supervises a
 12 person acting under the midwife’s orders to assist, in normal
 13 childbirth shall annually report to the Office of Statewide Health
 14 Planning and Development. The report shall be submitted in
 15 March, *with the first report due in March 2008*, for the prior
 16 calendar year, ~~shall be in writing, in a form specified by the office~~
 17 and shall contain all of the following:
 18 (1) The midwife’s name and license number.
 19 (2) The calendar year being reported.
 20 (3) The following information with regard to cases in which
 21 the midwife, or someone supervised by the midwife, assisted in
 22 the previous year:
 23 (A) The total number of clients served as primary caregiver.
 24 (B) The total number of clients served with collaborative care
 25 by, or backup from, a physician and surgeon.
 26 (C) The number ~~and~~ by county of live births attended as
 27 primary caregiver.
 28 (D) The number ~~and county of stillbirths~~ *by county of cases of*
 29 *fetal demise* attended as primary caregiver.
 30 (E) The number of women whose primary care was transferred
 31 to another health care practitioner during the antepartum period,
 32 and the reason for each transfer.
 33 (F) The number, reason, and outcome for each elective
 34 hospital transfer.
 35 (G) The number, reason, and outcome for each urgent or
 36 emergency transport of an expectant mother prior to labor.

1 (H) The number, reason, and outcome for each urgent or
2 emergency transport of an infant or mother during or after labor
3 or birth.

4 (I) *The location that was planned for the birth and, if different,*
5 *the actual location of the birth.*

6 (J) *If multiple births, the number of these cases in total*
7 *categorized by the number of infants per birth.*

8 (K) A brief description of any complications resulting in the
9 mortality of a mother or an infant.

10 ~~(J)~~

11 (L) The number of student supervised births.

12 ~~(K)~~

13 (M) Any other information prescribed by the board in
14 regulations.

15 (b) *The personal information of licensees required by this*
16 *section, including the information specified in paragraph (1) of*
17 *subdivision (a), shall be confidential and shall not be released in*
18 *any public document. Personal information transferred to the*
19 *board pursuant to subdivision (c) shall not be directly associated*
20 *with any particular reported data, so as to maintain the*
21 *confidentiality of reported information, and data shall be*
22 *aggregated pursuant to subdivision (f).*

23 ~~(e) The office shall verify that all licensed midwives have met~~
24 ~~the requirements of subdivision (a). The office shall report to the~~

25 (c) *The office shall report to the board, by April, those*
26 *licensees who have not met the requirements of subdivision (a)*
27 *for that year.*

28 (d) The board shall send a written notice of noncompliance to
29 each licensee who fails to meet the reporting requirement of
30 subdivision (a). The board shall not take any other action against
31 the licensee for failure to comply with subdivision (a).

32 (e) *The board, in consultation with the office and the*
33 *Midwifery Advisory Council, shall devise a coding system related*
34 *to data elements that require coding in order to assist in both*
35 *effective reporting and the aggregation of data pursuant to*
36 *subdivision (f). The office shall utilize this coding system in its*
37 *processing of information collected for purposes of subdivision*
38 *(f).*

39 (f) The office shall report the aggregate information collected
40 pursuant to this section to the board by July of each year. The

- 1 board shall include this information in its annual report to the
- 2 Legislature.
- 3 ~~(f)~~
- 4 (g) Notwithstanding any other provision of law, a violation of
- 5 this section shall not be a crime.

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