

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1308

Introduced by Assembly Member Bonilla

February 22, 2013

An act to amend Sections 2507 and 2508 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 1308, as amended, Bonilla. Midwifery.

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. The license to practice midwifery authorizes the holder, under the supervision of a licensed physician and surgeon, as specified, to attend cases of normal childbirth and to provide prenatal, intrapartum, and postpartum care, including family-planning care, for the mother, and immediate care for the newborn. *Under the act, a licensed midwife is required to make certain oral and written disclosures to prospective clients.* A violation of the act is a crime.

This bill would additionally authorize a licensed midwife to directly obtain supplies, order testing, and receive reports that are necessary to his or her practice of midwifery and consistent with his or her scope of practice and would require a licensed midwife to disclose to prospective clients the specific arrangements for referral of complications to a physician and surgeon.

~~This bill would state the intent of the Legislature to enact legislation to remove barriers to care in order to provide a more efficient and safer delivery method for mother and infant by allowing licensed midwives to practice in a manner originally intended in prior legislation.~~

Existing law requires the board, by July 1, 2003, to adopt regulations defining the appropriate standard of care and level of supervision required for the practice of midwifery.

This bill would require the board, by July 1, 2015, to revise and adopt regulations defining the appropriate standard of care and level of supervision required for the practice of midwifery and identifying complications necessitating referral to a physician and surgeon.

By expanding the disclosures a licensed midwife is required to make to prospective clients, this bill would expand the scope of a crime thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. ~~(a)~~The Legislature finds and declares the
 2 following:

3 ~~(1)~~
 4 (a) Licensed midwives have been authorized to practice since
 5 1993 under Senate Bill 350 (Chapter 1280 of the Statutes of 1993),
 6 which was authored by Senator Killea. Additional legislation,
 7 Senate Bill 1950 (Chapter 1085 of the Statutes of 2002), which
 8 was authored by Senator Figueroa, was needed in 2002 to clarify
 9 certain practice issues. While the midwifery license does not
 10 specify or limit the practice setting in which licensed midwives
 11 may provide care, the reality is that the majority of births delivered
 12 by licensed midwives are planned as home births.

13 ~~(2)~~
 14 (b) Planned home births are safer when care is provided as part
 15 of an integrated delivery model. For a variety of reasons, this
 16 integration rarely occurs, and creates a barrier to the best and safest
 17 care possible. This is due, in part, to the attempt to fit a midwifery
 18 model of care into a medical model of care.

1 ~~(b) It is the intent of the Legislature to enact legislation that~~
2 ~~would systematically remove unnecessary barriers to care in order~~
3 ~~to provide a more efficient and safer delivery for mother and infant~~
4 ~~by allowing licensed midwives to practice in a manner originally~~
5 ~~intended in the authorizing legislation.~~

6 *SEC. 2. Section 2507 of the Business and Professions Code is*
7 *amended to read:*

8 2507. (a) The license to practice midwifery authorizes the
9 holder, under the supervision of a licensed physician and surgeon,
10 to attend cases of normal childbirth and to provide prenatal,
11 intrapartum, and postpartum care, including family-planning care,
12 for the mother, and immediate care for the newborn.

13 (b) As used in this article, the practice of midwifery constitutes
14 the furthering or undertaking by any licensed midwife, under the
15 supervision of a licensed physician and surgeon who has current
16 practice or training in obstetrics, to assist a woman in childbirth
17 so long as progress meets criteria accepted as normal. All
18 complications shall be referred to a physician and surgeon
19 immediately. The practice of midwifery does not include the
20 assisting of childbirth by any artificial, forcible, or mechanical
21 means, nor the performance of any version.

22 (c) As used in this article, “supervision” shall not be construed
23 to require the physical presence of the supervising physician and
24 surgeon.

25 (d) The ratio of licensed midwives to supervising physicians
26 and surgeons shall not be greater than four individual licensed
27 midwives to one individual supervising physician and surgeon.

28 (e) A midwife is not authorized to practice medicine and surgery
29 by this article.

30 (f) *A midwife is authorized to directly obtain supplies, order*
31 *testing, and receive reports that are necessary to his or her practice*
32 *of midwifery and consistent with his or her scope of practice.*

33 ~~(f)~~

34 (g) The board shall, not later than July 1, ~~2003~~, 2015, *revise*
35 *and adopt in accordance with the Administrative Procedure Act*
36 *(Chapter 3.5 (commencing with Section 11340) of Part 1 of*
37 *Division 3 of Title 2 of the Government Code), regulations defining*
38 *the appropriate standard of care and level of supervision required*
39 *for the practice of ~~midwifery~~. *midwifery and identifying**
40 *complications necessitating referral to a physician and surgeon.*

1 SEC. 3. Section 2508 of the Business and Professions Code is
2 amended to read:

3 2508. (a) A licensed midwife shall disclose in oral and written
4 form to a prospective client all of the following:

5 (1) All of the provisions of Section 2507.

6 (2) If the licensed midwife does not have liability coverage for
7 the practice of midwifery, he or she shall disclose that fact.

8 (3) *The specific arrangements for the referral of complications*
9 *to a physician and surgeon.*

10 ~~(3)~~

11 (4) The specific arrangements for the transfer of care during the
12 prenatal period, hospital transfer during the intrapartum and
13 postpartum periods, and access to appropriate emergency medical
14 services for mother and baby if necessary.

15 ~~(4)~~

16 (5) The procedure for reporting complaints to the Medical Board
17 of California.

18 (b) The disclosure shall be signed by both the licensed midwife
19 and the client and a copy of the disclosure shall be placed in the
20 client’s medical record.

21 (c) The Medical Board of California may prescribe the form for
22 the written disclosure statement required to be used by a licensed
23 midwife under this section.

24 SEC. 4. *No reimbursement is required by this act pursuant to*
25 *Section 6 of Article XIII B of the California Constitution because*
26 *the only costs that may be incurred by a local agency or school*
27 *district will be incurred because this act creates a new crime or*
28 *infraction, eliminates a crime or infraction, or changes the penalty*
29 *for a crime or infraction, within the meaning of Section 17556 of*
30 *the Government Code, or changes the definition of a crime within*
31 *the meaning of Section 6 of Article XIII B of the California*
32 *Constitution.*