



Nurse-Midwifery Advisory Committee Meeting

SUPPLEMENTAL MATERIALS

Nurse-Midwifery Advisory Committee (NMAC) Meeting | March 7, 2023

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Agenda Item 2.0

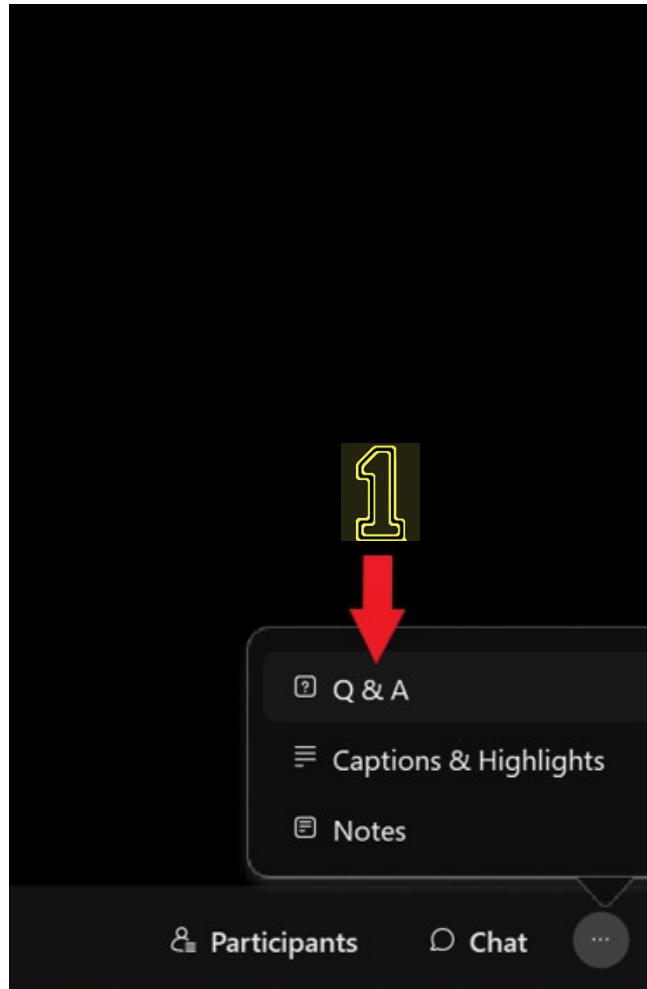
General instructions for the format of a teleconference meeting

Nurse-Midwifery Advisory Committee (NMAC) Meeting | March 7, 2023

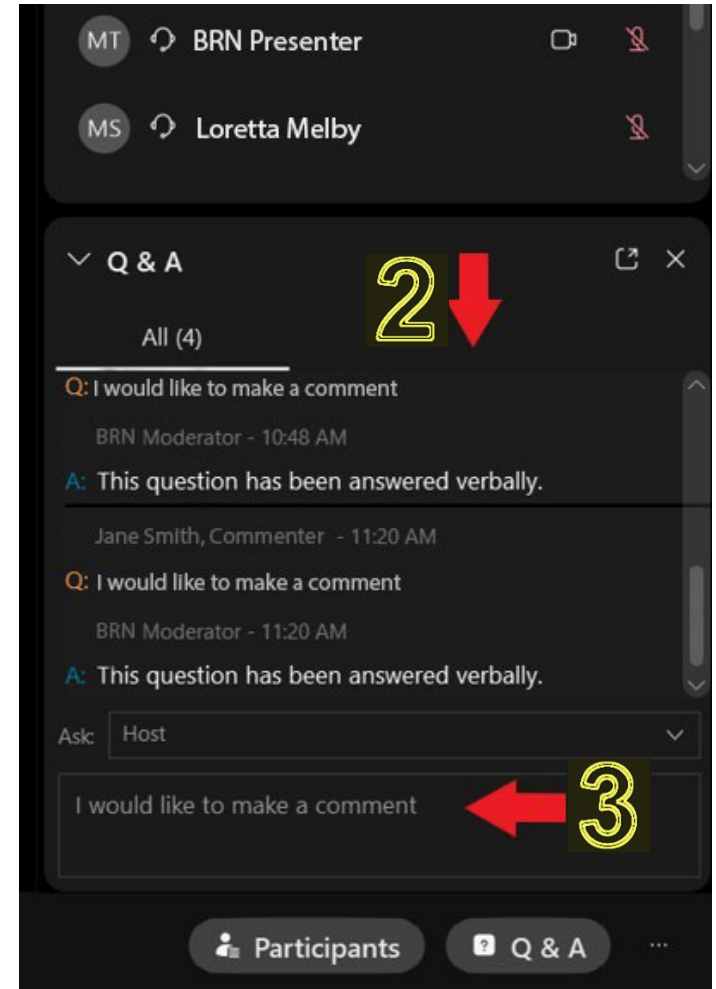
Participating During a Public Comment Period

If you would like to make a public comment:

1. Click on the 'Q & A' button at the lower right of your WebEx session (you may need to click the three dots (...) to find this option).



2. The 'Q & A' panel will appear.



3. In the 'Q & A' panel, type "I would like to make a comment". You will be identified by the name or moniker you used to join the WebEx session, your line will be opened (click the 'Unmute me' button), and you will have **two (2) minutes** to provide comment. Every effort is made to take comments in the order which they are requested.

NOTE: Please submit a new request for each agenda item on which you would like to comment.



Agenda Item 4.0

Review and vote on whether to approve previous meeting's minutes.

Nurse-Midwifery Advisory Committee (NMAC) Meeting | March 7, 2023

**BOARD OF REGISTERED NURSING
NURSE-MIDWIFERY ADVISORY COMMITTEE
COMMITTEE MEETING MINUTES**

DRAFT

DATE: November 1, 2022

START TIME: 9:05 am

LOCATION: **NOTE:** A physical meeting location was not provided pursuant to the provisions of Government Code section 11133 (added by Assembly Bill No. 361 (Rivas), Reg. Sess. 2021-2022).

9:05 am

1.0

Call to Order/Roll Call/Establishment of a Quorum

Mary Kay Phillips, PhD, CNM – Chair, called the meeting to order at 9:05 am. All members present, except Rebecca DeSantis. Quorum established at 9:07 am.

**Nurse-Midwifery
Advisory Committee
Members:**

Mary Kay Phillips, PhD, CNM – Chair
Jenna Shaw-Battista, PhD, RN, PHN, NP, CNM, FACNM – Vice Chair
James Byrne, MD
Rebecca DeSantis (absent)
Ruth Mielke, PhD, CNM, FACNM, WHNP-BC
Hilary Reyes

**BRN Staff
Representatives:**

Loretta Melby, RN, MSN, Executive Officer
Reza Pejuhesh, DCA Legal Affairs Division, Attorney

9:08 am

3.0

Public comment for items not on the agenda; items for future agendas.

**Public Comment for
Agenda Item 3.0:**

No public comments.

9:10 am

4.0

Review and vote on whether to approve previous meeting's minutes

4.1 August 9, 2022

Discussion:

No comments or questions.

Motion:

James Byrne: Motioned to approve the August 9, 2022, meeting minutes.

Second:

Jenna Shaw-Battista

**Public Comment for
Agenda Item 4.0:**

No public comments.

Vote:

ote	MP	JSB	JB	RD	RM	HR
	Y	Y	Y	AB	Y	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB						

Motion Passed

9:14 am

5.0

Information only: Report from the Board of Registered Nursing’s Executive Officer

Discussion:

Mary Kay Phillips opened the agenda items and turned the meeting over to Loretta Melby to provide the Executive Officer report.

Mary Kay Phillips: Asked whether changes in the sunset bill causes issues with raising fees.

Loretta Melby: Explained there is always the ability to raise the fees.

Mary Kay Phillips: Asked if combining the CNM certificate and furnishing also applies to NPs.

Loretta Melby: Said it applies to both CNM and NP. She also said there is possible legislation to remove the separate furnishing number requirement.

Mary Kay Phillips: Asked about the prescribing authority from California Department of Public Health (CDPH) for non-physician members and whether this also includes admitting privileges.

Loretta Melby: Explained that prescribing authority comes from the Nursing Practice Act, and she was speaking about non-physician provider privileges in Title 22, Section 70706.1 that can be authorized by a hospital’s committee on interdisciplinary practice.

Mary Kay Phillips: Requested a contact person at CDPH that can be shared.

Loretta Melby: Said she would manage contacts with Mary Kay Phillips so as not to fill up the inbox of the assigned person at CDPH.

Ruth Mielke: Asked how to connect with the interdisciplinary practice committee.

Loretta Melby: Said she will work with Mary Kay Phillips to get further information.

Mary Kay Phillips: Asked if the authority to grant privileges belongs to each hospital’s interdisciplinary practice committee under Title 22 and Loretta Melby confirmed that authority to grant privileges

belongs to each hospital's interdisciplinary practice committee under Title 22..

Public Comment for Agenda Item 5.0:

No public comments.

9:31 am

6.0

Discussion and Possible Action: Regarding election of Chair and Vice Chair positions.

Discussion:

Mary Kay Phillips opened the agenda item and said she would remain the Chair if no other members would like to volunteer.

Jenna Shaw-Battista: Recommended Mary Kay Phillips remain as Chair, and she is willing to remain as Vice Chair.

James Byrne: Seconded Jenna Shaw-Battista's recommendation and explained that he likes the way this committee works.

Hilary Reyes: Explained that it helps to have continuity from year to year because it takes a long time to get a new person up to speed.

Loretta Melby: Asked if Mary Kay Phillips and Jenna Shaw-Battista accept the nominations and both agreed.

Mary Kay Phillips: Asked if there is a method to track each committee member's position and length of terms.

Loretta Melby: Shared her screen to show the BRN website that lists each person on each committee along with their appointment and term expirations.

Motion:

Jenna Shaw-Battista: Motioned to elect Mary Kay Phillips as Chair and Jenna Shaw-Battista as Vice Chair.

Second:

James Byrne

Public Comment for Agenda Item 6.0:

No public comments.

Vote:

	MP	JSB	JB	RD	RM	HR
Vote	Y	Y	Y	AB	Y	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB						

Motion Passed

9:39 am

7.0

Discussion and Possible Action: Regarding formation of subcommittees and development of actions plans with deliverables for 2023 NMAC meeting dates.

Discussion:

Mary Kay Phillips opened the agenda item and explained that this topic was discussed at previous meetings and that subcommittees

need to be worked out within the guidelines by appointing members to them. She thinks the current website subcommittee needs to be maintained to continue working on more updates. Her other ideas included practice, legislative updates, and licensure changes. She asked if there were any other ideas for subcommittees.

Hilary Reyes: Asked about disciplinary actions.

Loretta Melby: Explained that a joint meeting is scheduled in early 2023 for NMAC and NPAC to work to implement the disciplinary provisions within AB 890 and SB 1237.

Hilary Reyes: Said she believes the CNM bill is different than the NP bill when it comes to discipline and the role NMAC is supposed to have. She further explained that there are CNMs who are in the discipline process now and there isn't a whole lot of transparency or support for them.

Loretta Melby: Explained that NMAC voted at a previous meeting to handle this with a joint meeting. She further explained that the Disciplinary Guidelines are law and must be modified through the regulatory process which can be done after the joint meeting is held.

James Byrne: Said he serves on various committees at DCA and believes the discipline process is administrative for various licensees and conducted in a similar manner.

Jenna Shaw-Battista: Asked for clarification with Hilary Reyes's question and whether CNMs are having issues with the discipline process.

Hilary Reyes: Explained that a couple of midwives had struggled with the process itself.

James Byrne: Said that people who are going through the discipline process feel they are being singled out but the process to protect Californians is similar regardless of the license.

Loretta Melby: Explained that it is important for the committee members to read the Disciplinary Guidelines to prepare for the upcoming joint meeting. The meeting date will be coordinated after today's NMAC and NPAC meetings.

Jenna Shaw-Battista: Asked for CNM discipline data to be provided at the joint meeting for stakeholder input.

James Byrne: Agreed that it would be good to see data for other licensees for context as to how California handles the discipline process.

Hilary Reyes: Asked for a timeline of how long it takes to resolve an individual discipline action.

Loretta Melby: Shared her computer screen to show the various data presented at committee and board meetings with discipline data.

Hilary Reyes: Said she did not see specific CNM data in the discipline information.

Loretta Melby: Said the numbers are minimal but will ask that it be presented at the joint meeting.

Ruth Mielke: Asked if any members on the Intervention Evaluation Committees are APRNs or just RNs.

Loretta Melby: Shared her screen to show the various Board members and their qualifications.

Mary Kay Phillips: Asked if all NMAC members will be invited to the joint meeting.

Loretta Melby: Said it will be a scheduled NMAC meeting. The intention is to hold the joint meeting at the beginning of 2023 so the NMAC and NPAC can address discipline at the first official meetings after the joint meeting.

Mary Kay Phillips: Asked for suggestions or ideas for subcommittees now.

James Byrne: Stated that he likes the four subcommittees suggested.

Mary Kay Phillips: Asked about the website cleanup subcommittee and whether that is an appropriate title.

James Byrne: Suggested public engagement and awareness.

Reza Pejuhesh: Said that is broader than website and seems to include social media outreach.

Mary Kay Phillips: Agreed with Reza's comment regarding social media.

Loretta Melby: Said BRN has an information officer that manages all social media for the board and works with DCA's information officer with guidelines around what can and cannot be done. The subcommittee will need to be managed through BRN's information officer.

Mary Kay Phillips: Suggested Public Engagement and Website.

Hilary Reyes, Jenna Shaw-Battista, and Ruth Mielke: Agreed with the recommendation.

Mary Kay Phillips: Suggested a second subcommittee for practice changes or updates unless a better title is available.

Jenna Shaw-Battista: Said other titles used have been practice and professional issues or clinical advisory. She said it can be helpful to divide inpatient and community settings to be well represented with the subcommittee members.

Mary Kay Phillips: Asked Ruth Mielke since she teaches.

Ruth Mielke: Said she is in education and clinical practice. She said her focus is solely how to get independent practice privileges.

Jenna Shaw-Battista: Explained that she thought a professional practice subcommittee could handle clinical issues as well as policy. She asked what the fourth committee is in case there is overlap.

Mary Kay Phillips: Said the last committee is licensure issues or changes or education.

Jenna Shaw-Battista: Stated that she did not think licensure captures those issues and suggested licensure education and prelicensure.

Loretta Melby: Explained that prelicensure is considered RN education which is not appropriate for this committee since it is advanced practice. She said advance practice nurse midwife re-education.

Mary Kay Phillips: Said the fourth committee could take out licensure.

Loretta Melby: Provided a time check that 15 minutes remain and suggested nominating or volunteering members for each of the subcommittees.

Mary Kay Phillips: Stated the names of the discussed which are Public Engagement and Website, Scope of Nurse Midwifery Practice, Regulation Updates or just Regulations, and Advance Practice Education for subcommittees.

Reza Pejuhesh: Suggested narrowing to Nurse Midwifery Education. Further explained that there are four subcommittees with two members each and the NMAC only has seven members. He cautioned serial meeting communication for any members who serve on more than one subcommittee.

Mary Kay Phillips: Asked if they wanted to reduce to three subcommittees.

Loretta Melby: Explained that three could have two members and one could have one member.

Discussion ensued with volunteers for each of the subcommittees as follows: Public Engagement and Website: Mary Kay Phillips; Nurse Midwifery Scope of practice: Jenna Shaw-Battista and Ruth Mielke; Regulations: Hilary Reyes and James Byrne; and Nurse Midwifery Education: Rebecca DeSantis and vacant position.

Motion: **James Byrne:** Motioned to create the following subcommittees with member assignments:

- Public Engagement and Website: Mary Kay Phillips
- Nurse Midwifery Scope of practice: Jenna Shaw-Battista and Ruth Mielke
- Regulations: Hilary Reyes and James Byrne
- Nurse Midwifery Education: Rebecca DeSantis and vacant position

Second: **Jenna Shaw-Battista**

Public Comment for Agenda Item 7.0: No public comments

Vote:

	MP	JSB	JB	RD	RM	HR
Vote	Y	Y	Y	AB	Y	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB						

Motion Passed

11:08 am

8.0

Adjournment: Mary Kay Phillips, PhD, CNM- Chair, adjourned the meeting at 11:08 am.

Submitted by:

Accepted by:

McCaulie Feusahrens

Chief of Licensing
Licensing Division
California Board of Registered Nursing

Mary Kay Phillips, PhD, CNM

Chair
Nurse-Midwifery Advisory Committee

Loretta Melby, MSN, RN

Executive Officer
California Board of Registered Nursing



Agenda Item 5.0

Discussion and Possible Action: Regarding the development of action plans with deliverables for the four NMAC subcommittees: Public Engagement and Website, Nurse-Midwifery Scope of Practice, Regulations, and Nurse-Midwifery Education

Nurse-Midwifery Advisory Committee (NMAC) Meeting | March 7, 2023

BOARD OF REGISTERED NURSING
Nurse-Midwifery Advisory Committee Meeting
Agenda Item Summary

AGENDA ITEM: 5.0
DATE: March 7, 2023

ACTION REQUESTED: **Discussion and Possible Action:** Regarding the development of action plans with deliverables for the four NMAC subcommittees: Public Engagement and Website, Nurse-Midwifery Scope of Practice, Regulations, and Nurse-Midwifery Education

REQUESTED BY: Mary Kay Phillips, PhD, CNM
 NMAC Chair

BACKGROUND:

The NMAC members discuss the development of actions plans with deliverables for the four subcommittees voted on during the November 1, 2023, NMAC meeting. These subcommittees are as follows:

- Public Engagement and Website
- Nurse-Midwifery Scope of Practice
- Regulations
- Nurse-Midwifery Education

RESOURCES:

NEXT STEPS:

FISCAL IMPACT, IF ANY: None

PERSON(S) TO CONTACT: McCaulie Feusahrens
 Chief of the Licensing Division
 California Board of Registered Nursing
 mccaulie.feusahrens@dca.ca.gov



Agenda Item 6.0

Discussion and possible action: Regarding the procedures for NMAC to provide recommendations or guidance on care when the Board is considering disciplinary action against a certified nurse-midwife

Nurse-Midwifery Advisory Committee (NMAC) Meeting | March 7, 2023

**BOARD OF REGISTERED NURSING
Nurse-Midwifery Advisory Committee Meeting
Agenda Item Summary**

**AGENDA ITEM: 6.0
DATE: March 7, 2023**

ACTION REQUESTED: **Discussion and possible action:** Regarding the procedures for NMAC to provide recommendations or guidance on care when the Board is considering disciplinary action against a certified nurse-midwife (CNM)

REQUESTED BY: Mary Kay Phillips, PhD, CNM
 NMAC Chair

BACKGROUND:

The NMAC members will review the BRN discipline process including the BRN disciplinary guidelines and the content from the Joint NMAC and NPAC meeting on January 31, 2023 and discuss the procedures for NMAC to provide recommendations or guidance on care when the Board is considering disciplinary action against a CNM.

RESOURCES:

BRN Disciplinary Guidelines: <https://www.rn.ca.gov/pdfs/enforcement/discguide.pdf>

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=BPC§ionNum=2746.2.

BPC 2746.2(b)(2):

The committee shall make recommendations to the board on all matters related to midwifery practice, education, appropriate standard of care, and other matters as specified by the board. The committee shall provide recommendations or guidance on care when the board is considering disciplinary action against a certified nurse-midwife.

Nursing Practice Act - Business and Professions Code, Division 2, Chapter 6:

https://leginfo.legislature.ca.gov/faces/codes_displayexpandedbranch.xhtml?tocCode=BPC&division=2.&title=&part=&chapter=6.&article=

NEXT STEPS:

FISCAL IMPACT, IF ANY: None

PERSON(S) TO CONTACT: McCaulie Feusahrens
 Chief of the Licensing Division
 California Board of Registered Nursing
 mccaulie.feusahrens@dca.ca.gov