



Nurse-Midwifery Advisory Committee Meeting

SUPPLEMENTAL MATERIALS

Nurse-Midwifery Advisory Committee (NMAC) Meeting | November 1, 2022

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Agenda Item 2.0

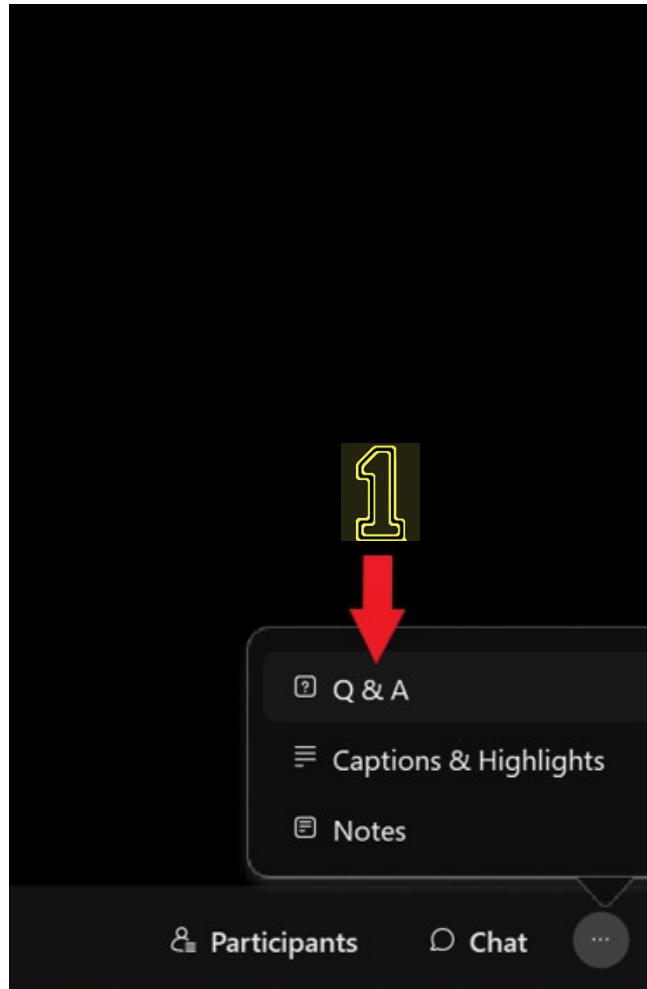
General Instructions for the Format of a Teleconference Meeting

Nurse-Midwifery Advisory Committee (NMAC) Meeting | November 1, 2022

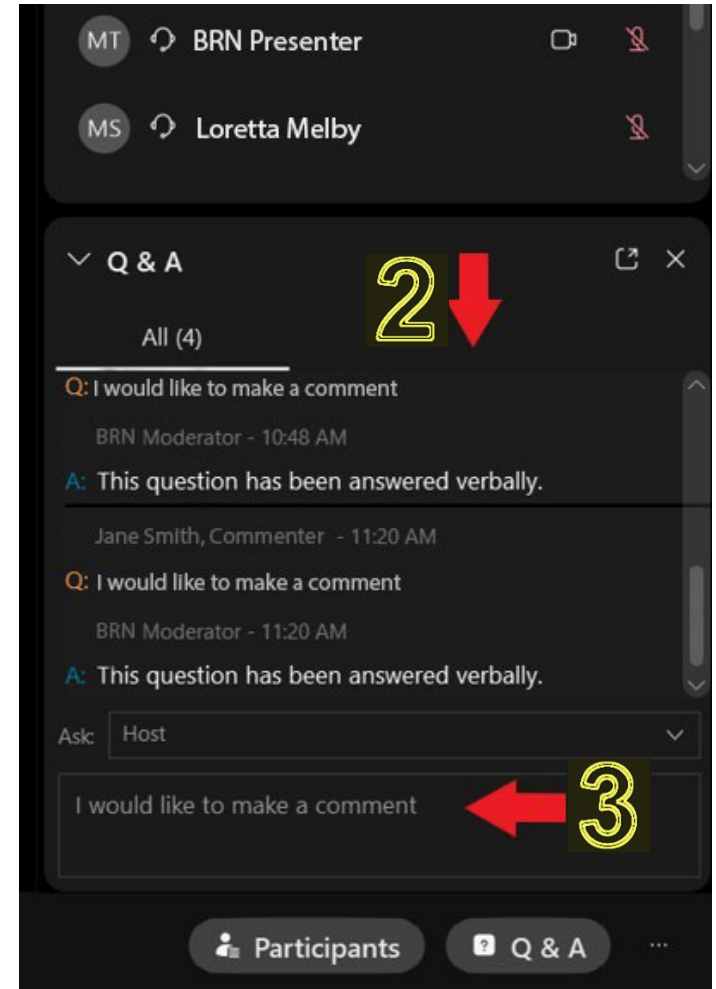
Participating Via WebEx During a Public Comment Period

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 Minutes

Nurse-Midwifery Advisory Committee (NMAC) Meeting | November 1, 2022

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

DRAFT

DATE: August 9, 2022

START TIME: 9:02 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).

9:02 am

1.0

Call to Order/Roll Call/Establishment of a Quorum

Mary Kay Phillips, PhD, CNM – Chair, called the meeting to order at 9:02 am. Quorum established at 9:03 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
Ruth Mielke, PhD, CNM, FACNM, WHNP-BC
Misa Perron-Burdick - MAS, MD
Hilary Reyes

**BRN Staff
Representatives:**

Loretta Melby, RN, MSN, Executive Officer
Reza Pejuhesh, DCA Legal Attorney
Evon Lenerd Tapps, BRN Assistant Executive Officer
McCaulie Feusahrens, Licensing Division Chief

9:06 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.

9:07 am

4.0

Review and vote on whether to approve previous meetings minutes

4.1 May 10, 2022

Discussion:

Mary Kay Phillips opened the agenda items and explained that Paris Maloof-Bury, President of the California Nurse-Midwives Association, requested an agenda item to be added to this meeting's agenda about licensing process delays. That item is not on the agenda; however, item 10 discusses enhancements and efficiencies to the licensing process.

Motion: **James Byrne:** Motioned to accept the meeting minutes.

Second: **Rebecca DeSantis**

**Public Comment for
Agenda Item 4.0:**

No public comments.

Vote:

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

Motion Passed

9:12 am

5.0

Discussion and Possible Action: Regarding meeting dates for 2023

Discussion:

Mary Kay Phillips opened the agenda item and asked Loretta Melby to discuss the format and why the meetings have been changed to two per year.

Loretta Melby: Explained that the committee had to implement legislation which is why the number of meetings were higher previously. Because the implementation has been completed, the plan is to return to the normal schedule of two meetings per year. If there is a high level of work to be completed, then subcommittees of two committee members can work more often without public meetings. If the committee needs or wants to hold additional meetings, then a request can be made.

Mary Kay Phillips: Asked if the subcommittee members previously approved need to be identified and approved by the committee at one of the meetings before they can begin any work.

Loretta Melby: Stated that it is not necessary, but the members can work with the staff liaison to do the work of the committee.

Ruth Mielke: Asked if there is a protocol to use outside consultants.

Loretta Melby: Stated that the members can work with whomever they choose to work with to have conversations and get feedback. She further stated that she is unsure if they can actually come into a meeting and defers to BRN legal counsel.

Reza Pejuhesh: Explained that the committee can refer work to a subcommittee, in a public meeting, for completion. If something sensitive comes up outside of public meeting purview then a subcommittee could work on it. The committee members need to be mindful of the Bagley-Keene Open Meeting Act (Government Code 11120 et seq.) and conduct business in public. If the subcommittee inadvertently communicates with other committee members, then there could be a violation of Bagley-Keene. Committee work should be vetted in public meetings to avoid this. Members should work with the staff liaison who can communicate with Loretta Melby and legal counsel to avoid slip ups.

Mary Kay Phillips: Asked if subcommittees could be created in advance to address certain issues.

Reza Pejuhesh: Explained that creating subcommittees is not on the agenda and if there's an interest in doing this it could be added to the next meeting agenda.

Jenna Shaw-Battista: Stated that this is a great idea and supports it being added to the next agenda.

James Byrne: Asked if this needs a formal motion then he would motion for this.

Loretta Melby: Explained that a motion is not necessary, she will have this added to the next agenda. She further explained that a motion needs to be made about the meeting schedule for 2023.

Mary Kay Phillips: Explained that she understands NMAC should align meeting dates with NPAC, but they have not met yet.

Loretta Melby: Reminded the committee of the time as there are 35 minutes and there are five more agenda items.

Reza Pejuhesh: Discussed inviting outside persons, and that subcommittees are allowed to have discussions with outside persons such as professional associations and others. He offered guidance that the committee members should consider the primary mission of those they consult with and whether or not it is the same as the board's – consumer protection. There should not be an appearance or actuality that the committee is being steered by outside stakeholders.

Motion: **Mary Kay Phillips:** Motioned to accept March and September and proposed second Tuesdays in those months (3/7/2023 and 9/12/2023).

Second: **James Byrne**

Public Comment for Agenda Item 5.0: No public comments.

Vote:

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

Motion Passed

9:44 am

6.0

Discussion and Possible Action: Regarding NMAC members' terms of office as specified in the updated NMAC Charter

Discussion:

Mary Kay Phillips opened the agenda item and turned it over to Loretta Melby to provide context regarding the committee member appointments.

Mary Kay Phillips: Said the public member, Rebecca DeSantis, has agreed to stay four years.

Misa Perron-Burdick: moved out of state recently and wanted to know if she still should/could serve as a committee member. She maintains her California physician and surgeon license and serves as a voluntary faculty member at a California medical school.

Loretta Melby: Stated that a member must maintain a license in California and work in California, but she does not believe it says anything about primary residence being in California.

[NOTE: subsequent review by legal counsel suggests that there may be a requirement of residence in California for an officer on this committee.]

Misa Perron-Burdick: Asked if there is a way to recruit for a new member while maintaining quorum. Loretta Melby said quorum is a majority and one member leaving should not affect this.

Loretta Melby: Stated that if Misa Perron-Burdick knows of a qualified person then she can share the recruitment.

Reza Pejuhesh: Provided additional context.

Misa Perron-Burdick: Explained that she was concerned with maintaining the minimum number of members and appreciated the information.

Misa Perron-Burdick's position will be assigned as the three-year physician member term and James Byrne's position will be the four-year physician member term.

Jenna Shaw-Battista: Stated that she is flexible and happy to do what the committee needs. She mentioned that she lives in the Sacramento Valley, and it would be easy for her to work on the committee.

Mary Kay Phillips: Stated that she thinks Jenna Shaw-Battista should fill one of the four-year terms.

Ruth Mielke: Said she does not live in Sacramento but has a son and daughter-in-law who live there, and she travels to Sacramento to work with two hospitals on a regular basis. She would like one of the longer terms if the committee agrees.

Hillary Reyes: Stated that she is leaning towards the shorter CNM term of two years since she served on the previous iteration of NMAC.

Mary Kay Phillips: Said she would take the three-year CNM term and asked for clarification of the committee assignment start dates.

Loretta Melby: Said the dates are posted on the BRN’s website.

Motion: Mary Kay Phillips: Motioned to accept the committee term selections as follows:

Jenna Shaw-Battista and Ruth Mielke – 4-year CNM term

Mary Kay Phillips – 3-year CNM term

Hillary Reyes – 2-year CNM term

James Byrne – 4-year physician term

Misa Perron-Burdick – 3-year physician term

Rebecca DeSantis – 4-year public term

Second: James Byrne

Public Comment for Agenda Item 6.0: No public comments.

Vote:

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

Motion Passed

10:08 am

7.0

Discussion and Possible Action: Regarding updates on regulatory changes to California Code of Regulations, title 16, section 1463, subdivision (e)

Discussion: No committee discussion.

Motion: Rebecca DeSantis: Motioned to accept the suggested change.

Second: Hillary Reyes

Public Comment for Agenda Item 7.0: No public comments.

Vote:

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

JB was present but did not vote.

Motion Passed

10:16 am

8.0

Discussion and Possible Action: Regarding updated introduction to the FAQ document regarding Senate Bill 1237 (Reg. Sess. 2019-2020)

Discussion: Mary Kay Phillips opened the agenda item and provided a summary of the need for an introduction to the FAQ.

Loretta Melby: Added that the introductory statement comes directly from SB 1237.

Mary Kay Phillips: Asked if information could/should be added that regulations were not created to implement SB 1237.

Loretta Melby: Stated that information could be added to the website but does not need to be added to the FAQs.

Motion: **Hillary Reyes:** Motioned to approve the FAQ introduction.

Second: **Rebecca DeSantis**

Public Comment for Agenda Item 8.0: No public comments.

Vote:

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

Motion Passed

10:24 am

9.0

Discussion and Possible Action: Regarding admission privileges for Certified Nurse Midwives at Healthcare facilities

Discussion: Mary Kay Phillips introduced the agenda item and Loretta Melby read the Agenda Item Summary for context. She further explained that some of this could require changes to Title 22 which is not under the purview of the BRN.

James Byrne: Interjected that this could be a more complicated process than originally thought.

Mary Kay Phillips: Stated that she has experience with this in the military and that it is based on interpretation of Title 22 and if it is strictly limited to MDs and DOs or open to other staff levels. She further explained that it is interpreted both ways at different facilities.

Loretta Melby: Stated that because Title 22 is a law that it would require a change or an interpretation to clarify it through the regulatory process. She also said the military facilities are not governed by California law but federal law.

Mary Kay Phillips: Stated that the barrier federal facilities use is the ability to obtain Medicare reimbursement. If the facility gives the provider admission privileges, then reimbursement is not an issue.

James Byrne: Asked if there are specific steps to help identify where the most positive impact can be made quickly.

Ruth Mielke: Stated that she is aware the VA hospitals are federal, and she has not heard of any other means for a nurse midwife to be credentialed unless as an allied health person but does not get full medical consideration.

James Byrne: Asked which hospitals have Title 22 structured bylaws and which do not.

Mary Kay Phillips: Spoke about Kaiser, as the largest employer of midwives in California. She said Kaiser does not invite midwives to be members of medical staff and therefore patient admissions must be co-signed by a physician. She said they are not budging from Title 22. She thinks the first approach should be the Hospital Association regarding recommendation of how these bylaws are written. She also offered that Kaisers in Oregon and Washington have created a sub-medical staff where non-physicians are members. Asked if any members knew of any facilities that allow nurse midwives privileges.

Jenna Shaw-Battista: Stated that she did not know of any and also added that because nurse midwives cannot admit patients it can be difficult to determine who the provider is and who provides care to a patient because the nurse midwife's name is not found on the patient's chart.

Misa Perron-Burdick: Stated that she worked at San Francisco General Hospital and believes the nurse midwives there have admitting privileges because she knew when patients were admitted her name was not named as the admitting provider. She was not required to co-sign any admission paperwork, but she would need to verify there isn't a standard operating procedure she is not aware of.

Mary Kay Phillips: Asked Misa Perron-Burdick to reach out to the facility to find out.

Misa Perron-Burdick: Volunteered to do so

Loretta Melby: Asked that the communication be sent to McCaulie Feusahrens, staff liaison, to avoid a Bagley-Keene violation.

Misa Perron-Burdick: Agreed to do so.

Ruth Mielke: Asked if the committee can still work to help facilities create a toolkit or an access point for independent admission for the hospitals who are asking for it.

Loretta Melby: Stated that Title 22 needs to be changed and there are bills in process involving CNMs, NPs, and even the Board's

sunset bill. It could also involve getting stakeholders involved to contact a legislator to write a bill and sponsor legislation next year to update Business and Professions Code and Title 22.

Mary Kay Phillips: Thinks it would be helpful if Ruth and any other CNM seeking admission privileges continue to pursue the effort and provide feedback regarding barriers.

James Byrne: Appreciates Mary Kay Phillips's knowledge but sees this is more complex and the regulatory issues that are a concern.

**Public Comment for
Agenda Item 9.0:**

No public comments.

11:03 am

10.0

Information Only: Presentation on enhancements and efficiencies made in the Licensing Program

Discussion:

Loretta Melby opened the agenda item and provided a summary of the Licensing Program enhancements and efficiencies.

James Byrne: Thanked Loretta Melby for her summary and stated that he thinks the primary source verification is the same for the Medical Board of California and BRN. He asked if there were staffing or recruitment issues causing delays.

Loretta Melby: Explained that staff went to a telework environment and staff is always looking to refine the process to be accessible and as easy as possible. She said there have been connectivity issues, but the board is looking to procure additional equipment to help speed up the process. The staff are an amazing team and if anything starts to fall behind the group re-evaluates the processes and staff are reassigned to assist the area falling behind. If an applicant's prelicensure education doesn't meet the standards, then it doesn't matter how much additional education and training is obtained – an applicant will not be eligible for an advanced practice license. If an applicant's school did not provide all pre-requisite education, then an applicant may have to redo a course.

Mary Kay Phillips: Asked about the furnishing certificate

Loretta Melby: Explained that the change is in the sunset bill which creates a single application for both CNM application and CNM furnishing. Staff are already working on an automated change in the licensing system to accommodate the new process.

**Public Comment for
Agenda Item 10.0:**

No public comments.

11:23 am

11.0

Adjournment: Mary Kay Phillips, PhD, CNM- Chair, adjourned the meeting at 11:23 am.

Submitted by:

McCaulie Feusahrens

Chief of Licensing
Licensing Division
California Board of Registered Nursing

Accepted by:

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

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

Nurse-Midwifery Advisory Committee (NMAC) Meeting | November 1, 2022

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

AGENDA ITEM: 5.0
DATE: November 1, 2022

ACTION REQUESTED: **Information only:** Report from the Board of Registered Nursing's Executive Officer.

REQUESTED BY: Loretta Melby, RN, MSN
Executive Officer

BACKGROUND:

Loretta Melby, Executive Officer for the Board of Registered Nursing, will provide updates on Board activities to NMAC members.

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 election of Chair and Vice Chair positions

Nurse-Midwifery Advisory Committee (NMAC) Meeting | November 1, 2022

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

AGENDA ITEM: 6.0
DATE: November 1, 2022

ACTION REQUESTED: **Discussion and possible action:** Regarding election of Chair and Vice Chair positions.

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

BACKGROUND:

NMAC members will identify and vote on a committee Chair and Vice-Chair to facilitate NMAC meetings in collaboration with the Board's Executive Officer (EO). The NMAC Chair will develop the meeting agendas in collaboration with the Board's EO, NMAC staff liaison, and other Board support staff. Only appointed NMAC committee members vote on meeting agenda items when a vote is required. This may include items such as approval of minutes and specific recommendations to be moved forward to Board Committees or the full Board. The NMAC Vice-Chair has the authority to perform the committee Chair's duties in the Chair's absence and is knowledgeable regarding issues that impact NMAC and the policies and procedures by which the committee must be run. Members must be available for telephone and email consultation with BRN staff relative to program work and other program issues.

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 7.0

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

Nurse-Midwifery Advisory Committee (NMAC) Meeting | November 1, 2022

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

AGENDA ITEM: 7.0
DATE: November 1, 2022

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

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

BACKGROUND:

The NMAC will form subcommittees to address different topics and development of actions plans with deliverables for 2023 meeting dates.

RESOURCES:

NEXT STEPS:

FISCAL IMPACT, IF ANY:

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