## State of California Office of Administrative Law

In re: Department of Health Care Services

**Regulatory Action:** 

Title 22, California Code of Regulations

Adopt sections: Amend sections: 51255, 51356 Repeal sections: NOTICE OF APPROVAL OF CHANGES WITHOUT REGULATORY EFFECT

California Code of Regulations, Title 1, Section 100

OAL Matter Number: 2017-0601-01

OAL Matter Type: Nonsubstantive (N)

In this action without regulatory effect, the Department of Health Care Services amends two sections of Title 22 of the California Code of Regulations concerning licensed midwives so as to conform these regulations to changes made to Business and Professions Code statutes by Assembly Bill 1308, Chapter 665, Statutes of 2013.

OAL approves these changes without regulatory effect as meeting the requirements of California Code of Regulations, title 1, section 100.

Date: July 14, 2017

## **Original Signed**

Dale P. Mentink Senior Attorney

For: Debra M. Cornez Director

Original: Jennifer Kent Copy: Greg Rodriguez

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(1) Amend Section 51255 to read:

## § 51255. Licensed Midwife.

(a) In order to participate in the Medi-Cal Program, a licensed midwife shall enroll as a Medi-Cal Provider, pursuant to Article 1 of Chapter 3 commencing with Section 51000.

(b) A licensed midwife shall comply with the provisions of the Licensed Midwifery Practice Act of 1993, as set forth in Business and Professions Code Section 2505 et seq.

(c) A licensed midwife shall be supervised by a licensed physician and surgeon who has current practice or training in obstetrics and who shall:

(1) Have current, unrevoked, unsuspended hospital privileges in obstetrics;

(2) Be a current Medi-Cal provider; and

(3) Supervise no more than four individual licensed midwives at once, so as not to

exceed a ratio of four individual licensed midwives to one individual supervising licensed

physician and surgeon.

(d) The supervision required in (c) of this section shall not be construed to require the physical presence of the supervising licensed physician and surgeon.

Note: Authority cited: <u>Section 20, Health and Safety Code; and Sections 10725 and</u> 14124.5, Welfare and Institutions Code. Reference: Section 14132.39, Welfare and Institutions Code; and Sections 2505-2521, Business and Professions Code.

(2) Amend Section 51356 to read:

## § 51356. Licensed Midwife Services.

(a) The following services shall be covered as licensed midwife services under the Medi-Cal Program when provided by a licensed midwife supervised by a licensed physician and surgeon as specified in Section 51255:

(1) Attendance at cases of normal childbirth and

(2) The provision of prenatal, intrapartum, and postpartum care, including family planning care, for the mother, and immediate care for the newborn.

(b) All complications that arise during childbirth that may prevent a vaginal delivery or place the unborn child or mother at risk shall be immediately referred to the supervising <u>a</u> licensed physician and surgeon as described in Section 51255.

(c) As used in this section, "supervision" shall not be construed to require the physical presence of the supervising licensed physician and surgeon.

(d)(c) In the event of home birth attended by a licensed midwife, the midwife shall provide information and instructional materials on shaken baby syndrome to the parents or guardians of the newborn, pursuant to Health and Safety Code Section 24522.

(e)(d) A licensed midwife shall provide newborn screening information to parents or guardians in accordance with the requirements of California Code of Regulations Title 17 Section 6504.

Note: Authority cited: Section <u>20</u>, <u>Health and Safety Code</u>; and <u>Sections 10725 and</u> 14124.5, Welfare and Institutions Code. Reference: Section 14132.39, Welfare and Institutions Code; Sections 550-558 and 2505-2521, Business and Professions Code; and Section 24522, Health and Safety Code.

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