

State of California
Office of Administrative Law

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 re:
Department of Health Care Services
Regulatory Action:
Title 22, California Code of Regulations

Adopt sections: [Blank]
Amend sections: 51255, 51356
Repeal sections: [Blank]

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

[Stamp]
[NONSUBSTANTIVE]

**STATE OF CALIFORNIA – OFFICE OF ADMINISTRATIVE LAW
NOTICE PUBLICATION/REGULATIONS SUBMISSION**

STD. 400 (REV. 01-2013)
OAL FILE NUMBERS
NOTICE FILE NUMBER: **Z-**
REGULATORY ACTION NUMBER: 2017-0601-01N
EMERGENCY NUMBER: [Blank]

For use by Office of Administrative Law (OAL) only
NOTICE: [Blank]

REGULATIONS: [Date Stamp]
2017 JUN 1 P.M. 1:54
OFFICE OF ADMINISTRATIVE LAW

For Use by Secretary of State Only
[Date Stamp]
Endorsed Filed in the office of the Secretary of State of the State of California
JUL 14 2017
3:20 pm

AGENCY WITH RULEMAKING AUTHORITY: Department of Health Care Services
AGENCY FILE NUMBER (if any): DHCS-15-022

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE: [Blank]
TITLES: [Blank]
FIRST SECTION AFFECTED: [Blank]
2. REQUESTED PUBLICATION DATE: [Blank]
3. NOTICE TYPE
Notice re Proposed Regulatory Action: [Blank]
Other: [Blank]
4. AGENCY CONTACT PERSON: [Blank]
TELEPHONE NUMBER: [Blank]
FAX NUMBER (Optional): [Blank]

OAL USE ONLY

ACTION ON PROPOSED NOTICE

Approved as Submitted: [Blank]
Approved as Modified: [Blank]
Disapproved/Withdrawn: [Blank]
NOTICE REGISTER NUMBER: [Blank]
PUBLICATION DATE: [Blank]

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATIONS: Licensed Midwife

1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBERS:

[Blank]

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLES AND SECTIONS

(Including Title 26, if toxics related)

SECTIONS AFFECTED **(List all section numbers individually. Attach additional sheet if needed.)**

ADOPT: [Blank]

AMEND: Section 51255, 51356

REPEAL: [Blank]

TITLES: 22

3. TYPE OF FILING

Regular Rulemaking (Gov. Code Section 11346): [Blank]

Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code Sections 11349.3, 11349.4): [Blank]

Emergency (Gov. Code, Section 11346.1(b)): [Blank]

Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code Sections 11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute: [Blank]

Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, Section 11346.1): [Blank]

Emergency Readopt (Gov. Code, Section 11346.1(h)): [Blank]

File & Print: [Blank]

Changes Without Regulatory Effect (Cal. Code Regs., Title 1, Section 100): [Checked]

Print Only: [Blank]

Other (Specify): [Blank]

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs, Title 1, Section 44 and Gov. Code Section 11347.1): [Blank]

5. EFFECTIVE DATE OF CHANGES (Gov. Code, Sections 11343.4, 11346.1(d)); Cal. Code Regs, Title 1, Section 100):

Effective January 1, April 1, July 1, or October 1 (Gov. Code Section 11343.4(a)): [Blank]

Effective on filing with Secretary of State: [Blank]

Section 100 Changes Without Regulatory Effect: [Checked]

Effective other (Specify): [Blank]

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY.

Department of Finance (Form STD. 399) (SAM Section 6660): [Blank]

Fair Political Practices Commission: [Blank]

State Fire Marshal: [Blank]
Other (Specify): [Blank]

7. CONTACT PERSON: Greg Rodriguez
TELEPHONE NUMBER: 916-440-7766
FAX NUMBER (Optional): [Blank]
EMAIL ADDRESS (Optional): greg.rodriguez@dhcs.ca.gov

8. I certify that the attached copy of the regulations is a true and correct copy of the regulations identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.
SIGNATURE OF AGENCY HEAD OR DESIGNEE: [Original Signed]
TYPED NAME AND TITLE OF SIGNATORY: Jennifer Kent, Director
DATE: 5/30/17

For use by Office of Administrative Law (OAL) only

[Date Stamp]
Endorsed Approved
JUL 14 2017
Office of Administrative Law

METHOD OF INDICATING CHANGES

This Accessible PDF version of the approved Rule 100 regulation text includes the phrase [begin underline] at the beginning of each addition, [end underline] at the end of each addition, [begin strikeout] at the beginning of each deletion, and [end strikeout] at the end of each deletion.

A standard PDF version of this approved Rule 100 regulation text is also available on the Department's Office of Regulations Internet site.

(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.

~~[begin strikeout] (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.[end strikeout]~~

Note: Authority cited: Section 20, Health and Safety Code; and Sections 10725 and 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 ~~[begin strikeout]supervised by a licensed physician and surgeon [end strikeout]~~ 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 ~~[begin strikeout]the supervising [end strikeout]~~a licensed physician and surgeon~~[begin strikeout] as described in Section 51255 [end strikeout]~~.

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

~~[begin strikeout](d)[end strikeout]~~(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.

~~[begin strikeout](e)[end strikeout]~~(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 20, Health and Safety Code; and Sections 10725 and 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.