

**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)**

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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

**NONSUBSTANTIVE**

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
	Z-	2017-0601-01N	

For use by Office of Administrative Law (OAL) only

NOTICE	REGULATIONS
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**ENDORSED - FILED**  
 in the office of the Secretary of State  
 of the State of California

JUL 14 2017

3:20 PM

2017 JUN -1 P 1:54  
 OFFICE OF  
 ADMINISTRATIVE LAW

AGENCY WITH RULEMAKING AUTHORITY Department of Health Care Services	AGENCY FILE NUMBER (if any) DHCS-15-022
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**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

1a. SUBJECT OF REGULATION(S) Licensed Midwife	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND
Title 22	REPEAL
	Sections 51255, 51356, 51504.1

*sm*  
per agency request  
7/13/17

3. TYPE OF FILING	
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))
	<input type="checkbox"/> File & Print
	<input type="checkbox"/> Other (Specify) _____
	<input checked="" type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
	<input type="checkbox"/> Print Only

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)
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5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)	
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State
	<input checked="" type="checkbox"/> 5100 Changes Without Regulatory Effect
	<input type="checkbox"/> Effective other (Specify) _____

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY		
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON Greg Rodriguez	TELEPHONE NUMBER (916) 440-7766	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) greg.rodriguez@dhcs.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) 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.

Original Signed	DATE 5/30/17
TYPED NAME AND TITLE OF SIGNATORY Jennifer Kent, Director	

For use by Office of Administrative Law (OAL) only

**ENDORSED APPROVED**

JUL 14 2017

Office of Administrative Law

(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: 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 ~~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 a 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 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.