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SB-1440 Licensed Midwifery Practice Act of 1993: complaints. (2021-2022)

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Senate Bill No. 1440

CHAPTER 510

An act to amend Section 2519.5 of the Business and Professions Code, relating to healing arts.

[Approved by Governor September 23, 2022. Filed with Secretary of State September 23, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1440, Roth. Licensed Midwifery Practice Act of 1993: complaints.

Existing law, the Licensed Midwifery Practice Act of 1993, provides for the licensure of midwives by the Medical Board of California. The act authorizes the board to suspend, revoke, or place on probation the license of a midwife for, among other things, unprofessional conduct, procuring a license by fraud or misrepresentation, or procuring, aiding, or abetting a criminal abortion. The act requires a complaint that is determined to involve the quality of care to meet a specified criteria before the complaint is referred to a field office for further investigation. In this regard, a complaint involving the quality of care must include the review of relevant client records, a statement or explanation of the care and treatment provided by the licensed midwife, any additional expert testimony or literature provided by the licensed midwife, and any additional facts or information requested by the medical expert reviewers.

This bill, if the board does not receive the information required for a complaint involving the quality of care within 10 business days, would authorize the complaint to be reviewed by medical experts and referred to a field office for investigation without the information. The bill would also specify that these provisions do not impede the board's ability to seek and obtain an interim suspension order or other emergency relief.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 2519.5 of the Business and Professions Code is amended to read:

2519.5. (a) Any complaint determined to involve quality of care, before referral to a field office for further investigation, shall meet both of the following criteria:

- (1) It shall be reviewed by one or more medical experts with the pertinent education, training, and expertise in midwifery to evaluate the specific standard of care issues raised by the complaint to determine if further field investigation is required.
- (2) It shall include the review of all of the following, which shall be requested by the board:
 - (A) Relevant client records.
 - (B) The statement or explanation of the care and treatment provided by the licensed midwife.

(C) Any additional expert testimony or literature provided by the licensed midwife.

(D) Any additional facts or information requested by the medical expert reviewers that may assist them in determining whether the care rendered constitutes a departure from the midwifery standards of care.

(b) If the board does not receive the information requested pursuant to paragraph (2) of subdivision (a) within 10 business days of requesting that information, the complaint may be reviewed by the medical experts and referred to a field office for investigation without the information.

(c) Nothing in this section shall impede the board's ability to seek and obtain an interim suspension order or other emergency relief.