



MEDICAL BOARD OF CALIFORNIA

Protecting consumers by advancing high quality, safe medical care.

Agenda Item- 3

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Gavin Newsom, Governor, State of California | Business, Consumer Services and Housing Agency | Department of Consumer Affairs

Double Tree by Hilton Hotel Bakersfield
3100 Camino Del Rio Ct.
Bakersfield, CA 93308
August 24, 2023 - August 25, 2023
MEETING MINUTES

August 24, 2023

Due to timing for invited guests to provide their presentations, the agenda items below are listed in the order they were presented.

Members Present:

Kristina D. Lawson, J.D., President
Randy W. Hawkins, M. D., Vice President
Michelle Anne Bholat, M.D
James W. Healzer, M.D.
Asif Mahmood, M. D.
Richard E. Throp, M. D.
Veiling Tsai, M. D.
Eserick "TJ" Watkins
Ryan Brooks

Members Absent:

Laurie Lubiano, J. D., Secretary
Nichole Jeong, J.D.
David Lee

Staff Present:

Rebecca Bon, Legal Counsel
Aaron Bone, Chief Director of Legislation and Public Affairs
Jacoby Jorgenson, Business Services Office Manager
Jenna Jones, Chief of Enforcement
Jeannele Lopez, Associate Government Program Analyst
Keoni Lucas, Associate Government Program Analyst
Marina O' Connor, Chief of Licensing
Anthony Parker, Associate Government Program Analyst
Angel Vang, Information Systems Branch Analyst
Reji Varghese, Executive Director

Agenda Item 1 Call to Order/Roll Call/Establishment of a Quorum

President Kristina D. Lawson, J. D. called the meeting of the Medical Board of California (Board) to order on Thursday, August 24, 2023, at 9:08 am A quorum was present and due notice was provided to all interested parties.

Agenda Item 2 Public Comments on Items not on the Agenda ([Link to Video](#))

[Public comments on Agenda Item 2 were provided by:](#) Bakersfield Mayor Karen Goh, Dominic Heiden, Lisa DeMartini, Denise Johnson, Monique Himes, Tracy Dominguez, Naomi Sweatt, Rev. Ruth Summers Tweedle, Yuliana Avila, Michele Monseratt-Ramos, Alka Airy, Wendy Knecht, Annie Wong, Rachel Eckerebeck, Seymore Chaudry, Max Lumberg, Marian Hollingsworth, Gloria Tavera, Monty Goddard, Eric Andrist, Rosie Arthursdotter, and Tyesha Watts.

Agenda Item 3 Approval of Minutes from the Quarterly Board Meeting ([Link to Video](#))

- A. May 18-19, 2023
- B. June 29, 2023

Dr. Bholat Moved to Approve minutes S:/ Dr. Healzer, 9-0 (3 Absent)

There were no public comments on Agenda Item 3.

Agenda Item 4 President's Report, including notable accomplishments and priorities- Ms. Lawson ([Link to Video](#))

President Lawson thanked the Kern County community for welcoming the Board to the county. President Lawson reported that she swore in the new executive director of the Board, Mr. Reji Varghese. She explained how the Board is in the recruiting process for the deputy director position. President Lawson stated that the final enforcement monitor report was issued last week, and she recommended reviewing it. She also described how the Board has been hard at work with the Sunset Bill (SB 815). She appreciates how collaborative the process has been.

Dr. Thorp thanked President Lawson and the team for the hard work on the Sunset bill and indicated that he appreciated Ms. Lawson's leadership.

No public comments were provided on Agenda Item 4.

Agenda Item 5 Board Member Communications with Interested Parties- Ms. Lawson ([Link to Video](#))

Dr. Bholat commented that she had been in contact with Abril Dozal from SEIU regarding licensing delays.

Dr. Hawkins commented that he is involved with local and national societies regarding physicians, physicians in training, FDA advisory committee on vaccine development, and the PA Board.

Dr. Thorp, Dr. Healzer and Dr. Mahmood have also had contact with individuals concerned about licensing delays.

President Lawson stated that she has had contact with legislators and their staff, SEIU, and applicants concerned about licensing delays, which she passes directly to staff.

[Public comments on Agenda Item 5 were provided by:](#) Public comments were provided by an unnamed person and Rev. Ruth Summers Tweedle.

Agenda Item 6 Executive Management Reports- Mr. Varghese ([Link to Video](#))

Mr. Varghese advised that he would be going over the Executive Management Reports which are provided in detail in the materials. He stated that the Board staff had regular contact with the Board president and vice president, the Attorney General's Office staff, Health Quality Investigation Unit (HQIU) staff, and other organizations as listed in the report. Mr. Varghese provided a staffing update and stated that the Board had a 17.2 % vacancy rate. The Board welcomed 15 new employees from April 1- August 16, 2023. The Board is working with the Department of Consumer Affairs, Human Resources (HR) to expedite the hiring process. HR is also continuing to work on hiring retired annuitants to assist with licensing to decrease the backlog. Mr. Varghese reported that he was working on filling the deputy director position.

Mr. Varghese proceeded with the budget update and indicated that the Board's funds were at 1.6 months reserve in the positive range at the end of 2022-2023, but only because the Board took a \$10 million loan in 2021-2022, and a second loan of \$8 million in 2022-2023 from another DCA Fund. The loans will have to be repaid with interest, and unless the Board secures the additional fee increase that was requested, then the Board's fund condition will be in the negative within three years.

Mr. Varghese provided an update on the Licensing Program. Among other updates, Mr. Varghese explained that the Board has sent out important communications to postgraduate training license holders regarding deadlines, and that on August 11, 2023, a website was published so people can access the Board's current time frame for processing applications for each license category. Additionally, Mr. Varghese highlighted some of the information contained in the Board's August 27th Second Quarter Edition newsletter for 2023.

Mr. Varghese provided an update on the Information Systems Branch and indicated that as of August, 79,730 licensees have completed the redesigned survey.

Mr. Varghese stated that the Board held an interested parties meeting to discuss the Complaint Tracking System on June 21, 2021. The plan is to work through the public's suggestions and bring the plan to the Board at the November 2023 meeting.

Mr. Varghese described some process improvements in licensing, including that more programs were using DOCS to upload documents to the Licensing Program, which speeds up the process, because it reduces the task of opening mail, scanning, and processing paper.

The redesign of the online complaint form is being funded after several delays, so he expects this project to move forward.

Mr. Varghese reported that automatic emails are now being sent to applicants upon issuance of a license.

Mr. Varghese referred the members to a budget report provided by the Attorney General's Office included within the materials. The materials include new reports designed to provide more information to the Board members about the budget and breakdown of fees.

Mr. Varghese updated the members on the Expert Reviewer Program and indicated that there are currently 723 active experts. They have started transitioning online training to an asynchronous training, which is training that experts may do at their own pace to increase the number of trainings and the amount of people that are receiving the training. The next in person/ Webex training is October 7, 2023.

Mr. Varghese updated the members on the Enforcement Unit. Among other updates, he provided information on the Central Complaint Unit timelines and a vacancy update for the Discipline Coordination Unit and Probation Unit.

Board members, Mr. Varghese, Ms. Jones, and Ms. O'Connor discussed the Executive Management reports pertaining to the budget, cost recovery, expert reviewer training, and licensing delays caused by a statutory change that did not provide for the additional positions necessary to accommodate the anticipated surge in applications at the time the change became effective. They also discussed improvements in the licensing program that have been implemented and that are in process as well as communications with applicants and outreach to postgraduate training programs.

President Lawson pointed out that legislative changes have an impact on the Board's processes, and we must keep that in mind when reviewing legislation.

[Public comments on Agenda Item 6 were provided by:](#) Rev. Ruth Summers Tweedle, Maria Ibarra-Navarrete, Monique Himes, Kimberly Turbin, Rosie Arthursdotter, and Xavier DeLeon.

Agenda Item 7 Updates from External Stakeholders ([Link to Video](#))

Melissa Gear congratulated and welcomed David Lee to the Board and congratulated Mr. Watkins and Dr. Mahmood for their reappointment to the Board. She further congratulated Mr. Varghese on his appointment as executive director of the Board.

Ms. Gear discussed the Diversity, Equity, and Inclusion (DEI) Steering Committee and indicated that the committee has been working on different items, including, the strategic planning process, training, and the development of courses that are available to all employees. Ms. Gear described the courses that have been offered to date, and the training coming up in the future, including training for Board members.

Ms. Gear advised that any press releases from the Board are requested to be translated into Spanish and any other languages to be inclusive to all.

Ms. Gear provided an update on the Open Meeting Act. Ms. Gear advised that DCA is working to support the implementation of the federal law that took effect that enables service members and their spouses who hold professional licenses in a different state to practice in California within the same professional discipline and at a similar scope of practice if they are required to relocate due to military orders. Updates on this law will continue to be shared.

Ms. Gear provided an update on the Enlightened Enforcement Project and Data Governance Project.

Ms. Gear stated that all Board members appointed or reappointed cannot start their service until an oath is administered. Board members must also complete certain documents. She further advised that there are two mandatory trainings for employees and appointees including Board members: Sexual Harassment Prevention and Information Technology Awareness training. All Board members must complete the two-hour supervisory training which is required every odd year.

Ms. Gear discussed the state travel protocol. She indicated that the Attorney General added three states for the restricted travel list. The states include Wyoming as of July 14, Missouri as of August 28, and Nebraska as of October 1, 2023.

Ms. Gear discussed the required new board member orientation.

Ms. Gear concluded her statements.

Kathleen Nicholls and Sephanie Whitley provided the Health Quality Investigation Unit (HQIU) update.

Ms. Nichols provided information on facilities projects that will reduce costs, in light of more employees working remotely.

Ms. Whitley provided information about HQIU staffing, stating that there are 25 investigator vacancies, which is a 30% vacancy rate. The department promoted three investigators to supervising roles. She also added that there are 22 candidates in the background check stage and of those, six are in the final stages of clearance and two candidates have start dates. They continue to screen applications to fill vacancies.

Ms. Whitley advised that HQIU staff were provided time tracking training in July, And discussed the progress made on the caseload.

Ms. Whitley discussed how HQIU continues to have weekly meetings with Board staff.

Gloria Castro introduced Ashley Harp and Maria Solario, Staff Services Managers from the Division of Operations for the Attorney General's Office, the Department of Justice (DOJ), who were available to answer any questions about the AGO budget.

Dr. Hawkins and Ms. Nicholls discussed vacancy rates and the onboarding of investigators.

[Public comments on Agenda Item 7 were provided by:](#) Denise Johnson, Tracy Dominguez, Naomi Sweatt, Larsinya Taylor, Alka Airy, Monte Goddard, and Rosie Arthursdotter.

Agenda Item 8 Discussion and Possible Action on Proposed 2024 Board Meeting Dates- Mr. Varghese ([Link to Video](#))

Mr. Varghese presented the Board with two options for the upcoming 2024 meeting dates. Mr. Varghese and the Board discuss the pros and cons of the presented options.

By consensus, the Board agreed to approve option 2 for the 2024 Board meeting dates.

There were no public comments on Agenda Item 8.

Agenda Item 9 Discussion and Possible Action on Legislation- Mr. Bone ([Link to Video](#))

Mr. Bone stated that there were only two bills staff are recommending for discussion, SB 815 and SB 544. Mr. Bone stated that two bills on the Agenda, AB 1369 and AB 1707 were recently amended, and updated analyses were emailed to Board members and posted to the Board's website. The changes to those bills do not change the Board's position, and do not need to be discussed further.

Legislation

SB 544 ([Link to Video](#))

This bill facilitates the use of online only meetings as a state body, which is subjected by the Bagley-Keene Open Meeting Act. The Board adopted a support position earlier this year, since then the bill was amended to require that the majority of the Board members must be present in the same physical location for at least half of the meetings each year. This new authority is set to sunset in 2026. Staff recommend that the Board maintain the support position. If they desire to keep the support position, then no action is required.

SB 815 ([Link to Video](#))

This bill has been amended since the last Board meeting. There has not been a change in the fee amount. Mr. Bone advised that there are three licensing proposals that have come up during sunset discussions but that may be included in another bill so that they can move more quickly that staff recommends the Board approve. The proposals would do the following: extend the expiration date of certain PTL's to March 31, 2024; change the current 90-day licensing deadline to a 180-day licensing deadline for physicians from out of state beginning a postgraduate training program in California to get their California license; and clarifying that the 180-day period starts once they begin their program.

Another recommended licensing change would be to eliminate an outdated requirement that PTL holders show at least four months of postgraduate training in general medicine in order to obtain their physician's and surgeon's license. Additionally, staff recommends approval of an amendment to request delayed implementation of complainant interviews until additional staff are authorized and the Board has time to recruit and train them. Finally, staff recommend that the bill be amended to either adopt the preponderance standard for all situations, or to keep the law as it currently is.

Mr. Bone suggested a motion to adopt a new support if amended position to include the staff recommendations, direct staff to work with appropriate stakeholders to support the urgent enactment of the three identified licensing changes, and to direct staff to continue collaboration with Ms. Lawson and Dr. Hawkins on SB 815 until the bill is approved by the Governor.

Board members and staff discussed the difference between what the Board requested and what made it into the sunset bill regarding the proposal to reduce the standard of proof, as well as impact statements and complainant interviews.

President Lawson indicated that the proposal that was included in SB 815 was not the change the Board requested on the standard of proof. Consequently, staff recommended an amendment to remove the proposal and not change current law on this issue to avoid potential unintended negative consequences of the untested bifurcated standard of proof.

Dr. Healzer Moved to Approve staff's recommendations S:/ Mr. Brooks, 9-0 (3 Absent). Motion Carried.

[Public comments on Agenda Item 9 were provided by:](#) Monique Himes, Kathleen Nicholls, Kimberly Turbin, Naomi Sweatt, Denise Johnson, Rev. Ruth Summers Tweedle, Tracy Dominguez, Alka Airy, Michele Monserratt-Ramos, Teresa Ibarra, Abril Dozal, Lucas Evenson, Gloria Castro, Jen Chase, Eric Andrist, Marian Hollingsworth, and Rosie Arthursdotter.

Agenda Item 12 Officer Elections ([Link to Video](#))

This item was taken out of order to ensure there would be a quorum with the understanding that Ms. Lawson would remain president for the duration of the Au.

President Lawson shared her experience as President.

President Lawson nominated Dr. Hawkins for president.

Dr. Hawkins accepted the nomination.

Mr. Varghese and Dr. Hawkins commended President Lawson for her leadership during very challenging times.

Dr. Hawkins as President, 9-0 (3 Absent). Motion Carried.

Dr. Mahmood nominated Mr. Watkins as vice president.

Mr. Watkins accepted the nomination.

Dr. Hawkins nominated Ms. Lubiano for vice president.

Staff and members discuss how to proceed with the voting of multiple candidates.

Ms. Lubiano as Vice President, 6-3 (3 Absent). Motion Carried.

Mr. Watkins nominated Mr. Brooks as secretary. Mr. Brooks accepted the nomination.

Mr. Brooks as Secretary, 9-0 (3 Absent). Motion Carried.

President Lawson made a closing statement about serving as president.

[Public comments on Agenda Item 12 were provided by:](#) Marian Hollingsworth.

RECESS

Friday, August 25, 2023

Due to timing for invited guests to provide their presentations, the agenda items below are listed in the order they were presented.

Members Present:

Kristina D. Lawson, President
Randy W. Hawkins, M. D., Vice President
Michelle Anne Bholat, M.D.
James W. Healzer, M.D.
Asif Mahmood, M. D.
Richard E. Throp, M. D.
Veiling Tsai, M. D.
Eserick "TJ" Watkins
Ryan Brooks

Members Absent:

Laurie Lubiano, J. D., Secretary
Nichole Jeong, J.D.
David Lee

Staff Present:

Rebecca Bon, Legal Counsel
Aaron Bone, Chief Director of Legislation and Public Affairs
Jacoby Jorgenson, Business Services Office Manager
Jenna Jones, Chief of Enforcement
Jeannele Lopez, Associate Government Program Analyst
Keoni Lucas, Associate Government Program Analyst
Marina O' Connor, Chief of Licensing
Anthony Parker, Associate Government Program Analyst
Angel Vang, Information Systems Branch Analyst
Reji Varghese, Executive Director

Agenda Item 10 Call to Order/ Roll Call/ Establishment of a Quorum ([Link to Video](#))

President Kristina D. Lawson, J. D called the meeting of the Medical Board of California (Board) to order on Friday August 25, 2023, at 9:08 am. A quorum was present and due notice was provided to all interested parties.

Agenda Item 11 Discussion on Maternal Health Outcomes in California- Ms. Lawson ([Link to Video](#))

Ms. Lawson introduced Denise Pines, Karen Ramstrom, M.D., and Kimberly Gregory, M.D.

Denise Pines, former president of the Medical Board of California, current member of the Osteopathic Medical Board, and executive producer and co-writer of Birthing Justice, presented on the disparities in childbirth as a whole and more specifically among Black women. She emphasized that access to health care is a very important factor. Ms. Pines stated Black women are three to four times more likely to have risks during childbirth than Hispanic and white women. She discussed what kinds of risks Black women may be presented with. Ms. Pines discussed the social determinants for birthing health outcomes and the timeline of the Black experience in the medical arena.

Ms. Pines presented a clip from the documentary Birthing Justice.

The members thanked Ms. Pines for presenting on this topic and for sharing the clip of Birthing Justice, which the members found impactful. The members and Ms. Pines engaged in a further discussion on how Black women are more likely to die during childbirth than any other race regardless of education or income level. They further discussed the issue of implicit bias in the medical system, and how important it is to have these crucial discussions.

Ms. Pines concluded by indicating that policy makers must address the social determinates of health and increase Medicaid to improve prenatal care and appropriately pay for maternity care at hospitals.

Dr. Ramstrom, Chief, Maternal and Infant Health Branch of the Maternal, Child, and Adolescent health Division, California Department of Public Health, discussed and defined the maternal mortality rate and presented on current data and the California Pregnancy Mortality Surveillance system (PMSS). Dr. Ramstrom described the goals of this system and the in-depth reviews and processes that go into the system, along with the key findings of such reviews.

Dr. Ramstrom discussed Maternal Mortality Review (CA-PAMR), which is intended to move from data collection to prevention activities.

Dr. Gregory, Chair, California Pregnancy-Associated Mortality Review Committee of Southern California, discussed the steps that are taken after her team receives medical reports. She explained that there are certain criteria for the review of the CA-PMSS and CA-PAMR cases. Dr. Gregory presented contributing factors to pregnancy mortality and provided recommendations on things that should change to prevent bad outcomes and provided examples of the positive changes that California Maternal Quality Care Collaborative's (CMQCC) work has made. Dr. Gregory discussed how their organization configures recommendations, and she provided information on the organization's partnerships. She then provided the action steps that CMQCC takes when a case is sent to them. She advised that CMQCC has developed eight toolkits since their inception to improve outcomes.

Dr. Ramstrom discussed Maternal Health Programs and Initiatives. She states that every county in California has such programs and initiatives. She then discussed the programs that support Black Perinatal Health and Black Infant Health Programs, and she described the benefits of such programs.

The members thanked Dr. Ramstrom and Dr. Gregory for their presentations and discussed the complexity and science of maternal health, as well as requirements for maintenance of certification for physicians, and the role that doulas can play in maternal health. Additionally, they discussed hospital's access to blood supplies when a large blood transfusion is necessary. Additionally, they talked about the Medical Board's role in the process.

President Lawson introduced Leticia Perez, Kern County Supervisor, for brief comments about the Kern County community.

[Public Comments on Agenda Item 11 \(Part 1\) were provided by:](#) Dr. Tasinga, Eric Andrist, Marian Hollingsworth, Xavier DeLeon, Mykesha Mack, Monique Himes, Tracy Dominguez, Jade, Michael Mack, Nigha Robinson, Charles Johnson, Denise Johnson, Naomi Sweatt, Monica DeLaRosa, Rev. Ruth Summers Tweedle, Kimberly Turbin, Alka Airy, Anita, and Michele Monserratt-Ramos.

President Lawson introduced, Brynn Carrigan, Director of Kern County Public Health, Kimberly Hernandez, Division Director of Health Services of Kern County Public Health, as well as Dr. Melissa Franklin, Director of Maternal, Child, and Adolescent Health for the Los Angeles County Department of Public Health's Health Promotion Bureau, and Adjoa Jones, African American Infant and Maternal Mortality Outreach and Engagement Director at the Maternal, Child and Adolescent Health Programs at the Health Promotion Bureau within the Los Angeles County of Public Health.

Ms. Hernandez discussed the demographics of Kern County. She presented data on pregnancy-related mortality. She discussed the prenatal programs that Kern County offers, including the Black Infant Health program (BIH). BIH is for women who are pregnant and up to 6 months post-partum, and there are no income restrictions for enrollment. Another program that they offer is the Nurse Family Partnership (NFP) which is a national program that works with first-time low-income mothers. They offer a broad range of resources to support the mother through the pregnancy and up to the baby turns two-years old. Ms. Hernandez presented the data of families served in NFP in 2022. Ms. Hernandez additionally discussed another program called Perinatal Outreach Program (POP) which serves pregnant women up through the infant's first year.

Ms. Carrigan discussed the initiatives enacted to address Black infant and maternal disparities. She discussed the Black Infant and Maternal Health Initiative (BIMHI). This program has three goals: Career paths in the healthcare field; destigmatizing mental health conditions, and healthcare provider education so that providers are educated on local issues and Kern County demographics.

The members thanked Ms. Hernandez and Ms. Carrigan for their presentations and discussed the programs offered in Kern County, their funding, and their impact of the programs on the community. Additionally, they discussed the education in the medical field that is offered in Kern County.

Dr. Franklin discussed the Los Angeles County African American Infant and Maternal Mortality Prevention Initiative (AAIMM) Program and shared her personal story. Dr. Franklin further shared data on the infant and maternal mortality rate, showing disparities based on race.

Ms. Jones discussed her background and the reason why she joined the organization. Ms. Jones shared the goals and values of AAIMM, provided the action steps that the program and its community have taken, such as developing the steering committee, public awareness campaign, group prenatal care, fatherhood support, pregnancy/infant screening, and preconception health promotion. She provided a diagram of the infrastructure of the organization and explained that each part makes the organization what it is today. Ms. Jones provided examples of events that a community action team has offered and discussed the AAIMM Doula Program, including its eligibility and mission.

Dr. Franklin discussed the next steps the organization needs to take, including sustaining funding, continuous building of community member engagement partnerships, deepening clinical care quality efforts and relationships, focusing on social determinants of health, and having a guaranteed income pilot.

Ms. Jones shared some women's stories to help spread awareness and described ways to get involved in their work to improve maternal health outcomes.

The members thanked Dr. Franklin and Ms. Jones for their presentations and discussed how their organization gathers their statistics. They further discussed the impact of racism on maternal health outcomes, ways to take action, and engagement with the clinician community and collaboration with physicians and other healthcare providers. This is an all-hands-on-deck issue.

Assemblymember, Dr. Jasmeet Baines was invited to provide comment. Dr. Baines discussed the continuity of care in Kern County and explained the need for diversity and a better support system for collaborative methods for change to improve maternal health outcomes.

[Public Comments on Agenda Item 11 \(Part 2\) were provided by:](#) Rev. Ruth Summers Tweedle, Xavier DeLeon, Monique Himes, Tracy Dominguez, and Michele Monserratt-Ramos.

Agenda Item 13 Future Agenda Items ([Link to Video](#))

Mr. Watkins suggested creating another time for public comments on the agenda.

Dr. Bholat suggested discussing the Department of Managed Health Care, more specially Medicare.

President Lawson suggested following up on the survey request and understanding collaboration across state and county agencies.

Dr. Hawkins suggests thinking about steps to put the Board's mission into action.

[Public comments on Agenda Item 13 were provided by:](#) Rev. Ruth Summers Tweedle, and Monte Goddard.

Agenda Item 14 Adjournment ([Link to Video](#))

Kristina D. Lawson, J. D., adjourned the meeting at 3:00pm