



MEDICAL BOARD OF CALIFORNIA

Protecting consumers by advancing high quality, safe medical care.

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

QUARTERLY BOARD MEETING AGENDA

MEMBERS OF THE BOARD

President

Denise Pines

Vice President

Ronald H. Lewis, M.D.

Secretary

Michelle Anne Bholat, M.D.

Susan F. Friedman

Dev GnanaDev, M.D.

Randy W. Hawkins, M.D.

Howard R. Krauss, M.D.

Kristina D. Lawson, J.D.

Laurie Rose Lubiano, J.D.

Brenda Sutton-Wills, J.D.

David Warmoth

Jamie Wright, J.D.

Felix C. Yip, M.D.

Crowne Plaza San Jose-Silicon Valley

Champagne Ballrooms II and III

777 Bellevue Drive

Milpitas, CA 95035

(408) 321-9500

Thursday, January 31, 2019

2:45 p.m. – 5:30 p.m.

Friday, February 1, 2019

9:00 a.m. – 1:00 p.m.

(or until the conclusion of business)

Public Telephone Access – See Attached Meeting Information

Action may be taken on any item listed on the agenda.

While the Board intends to webcast this meeting, it may not be possible to webcast the entire open meeting due to limitations on resources or technical difficulties.

Please see Meeting Information section for additional information on public participation.

MEETING TIMES AND ORDER OF AGENDA ITEMS ARE SUBJECT TO CHANGE

Thursday, January 31, 2019

1. Call to Order/Roll Call/Establishment of a Quorum
2. Public Comments on Items not on the Agenda
Note: The Board may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 11125.7(a)]
3. Approval of Minutes from the October 18-19, 2018 Quarterly Board Meeting and December 18, 2018 Board Meeting
4. President’s Report, including notable accomplishments and priorities – Ms. Pines
 - A. Swearing In of New Board Members – Ms. Friedman and Ms. Lubiano
 - B. Committee Updates
5. Board Member Communications with Interested Parties – Ms. Pines
6. Executive Management Reports – Ms. Kirchmeyer
 - A. Administrative Summary, including budget, personnel, and technology updates
 - B. Enforcement Program Summary, including personnel, expert reviewer program, statistics, and enforcement unit updates
 - C. Licensing Program Summary, including personnel, statistics, and licensing unit updates
 - D. Update on the Federation of State Medical Boards

7. Update on the Budget and Revenue – Mr. Schick, Budget Officer, Department of Consumer Affairs
8. Presentation on the Expert Reviewer’s Role in the Enforcement Process – Dr. Nuovo
9. Discussion and Possible Action on Legislation/Regulations – Ms. Simoes
 - A. 2019 Legislation
 1. AB 149 (RN 19 04669) (Cooper) Controlled Substances: Prescriptions
 2. AB 156 (Voepel) Eye Care: Remote Assessment
 - B. Regulatory Actions
 1. Approved Postgraduate Training, 16 CCR, Section 1321
 2. Physician Health and Wellness Program, 16 CCR, Sections 1357.10, 1357.11, 1357.12, 1357.13, 1357.14, 1357.15, and 1357.16
 3. Supervision Required for Physician Assistants, 16 CCR Section 1399.545
 4. Notice to Consumers, 16 CCR, Sections 1355.4, 1378.5, 1379.4, and 1379.58
 5. Postgraduate Training Requirements, 16 CCR, Sections 1320 and 1321
10. Discussion and Possible Action on the Brochure “Therapy Never Includes Sexual Behavior” – Ms. Kirchmeyer
11. Discussion and Possible Action on the Questions Pertaining to Impairment on the Applications for Licensure and Registration – Ms. Kirchmeyer
12. Update on the Strategic Plan – Ms. Robinson
13. Update on the Health Professions Education Foundation – Dr. Hawkins and Ms. Lawson

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Friday, February 1, 2019

14. Call to Order/Roll Call/Establishment of a Quorum
15. Public Comments on Items not on the Agenda
Note: The Board may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting.
[Government Code Sections 11125, 11125.7 (a)]
16. Update on the Board of Pharmacy – Ms. Sodergren, Interim Executive Officer
17. Discussion and Possible Action on the Petition Pursuant to Government Code Section 11340.6 to Amend 16 CCR Section 1366.31 Regarding Approved Medical Assistant Certifying Organizations – Ms. Webb
18. Presentation on Outpatient Surgery Settings – Ms. Alameda and Ms. Kirchmeyer
19. Discussion and Possible Action on Recommendation from the Special Faculty Permit Review Committee – Dr. Bholat

20. Update, Discussion, and Possible Action of Recommendations from the Midwifery Advisory Council Meeting – Ms. Holzer
21. Discussion and Possible Action to Amend Title 16, California Code of Regulations, Section 1321 Regarding Postgraduate Training – Ms. Webb and Ms. Alameda
22. Update from the Enforcement Committee – Dr. Yip
23. Update from the Attorney General’s Office – Ms. Castro
24. Update from the Department of Consumer Affairs, which may include updates on the Department’s Administrative Services, Human Resources, Enforcement, Information Technology, Communications and Outreach, as well as Legislative, Regulatory, and Policy Matters – Mr. Le, Assistant Deputy Director, Board and Bureau Services
25. Future Agenda Items
26. Adjournment

Meeting Information

This meeting will be available via teleconference. Individuals listening to the meeting will have an opportunity to provide public comment as outlined below.

For Thursday, January 31, 2019 and Friday, February 1, 2019

Call in number: 888-455-9726

Passcode: 8280664 (callers will be asked to verbally provide this code to the operator to enter the meeting)

Please wait until the operator has introduced you before you make your comments.

To request to make a comment during the public comment period, press *1; you will hear a tone indicating you are in the queue for comment. If you change your mind and do not want to make a comment, press *2. Assistance is available throughout the teleconference meeting. To request a specialist, press *0.

During Agenda Items **2** and **15** – Public Comments on Items not on the Agenda, the Board has limited the total public comment period via teleconference to 20 minutes. Therefore, after 20 minutes, no further comments will be accepted. Each person will be limited to three minutes per agenda item.

During public comment on any other agenda item, a total of 10 minutes will be allowed for comments via the teleconference line. After 10 minutes, no further comments will be accepted. Each person will be limited to three minutes per agenda item.

Comments for those in attendance at the meeting will have the same time limitations as those identified above for individuals on the teleconference line.

Please Note: Because there is an audio delay, if you are participating by phone and simultaneously watching the Webcast, the Board requests you turn off the sound to the Webcast for improved clarity.

The mission of the Medical Board of California is to protect health care consumers through the proper licensing and regulation of physicians and surgeons and certain allied health care professionals and through the vigorous, objective enforcement of the Medical Practice Act, and to promote access to quality medical care through the Board's licensing and regulatory functions.

Meetings of the Medical Board of California are open to the public except when specifically noticed otherwise in accordance with the Open Meeting Act. The audience will be given appropriate opportunities to comment on any issue presented in open session before the Committee, but the Chair may apportion available time amount those who wish to speak.

For additional information, call (916) 263 – 2389.

NOTICE: *The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Mary Kathryn Cruz Jones at (916) 263-2389 or marykathryn.cruzjones@mbc.ca.gov or send a written request to Mary Kathryn Cruz Jones. Providing your request at least five (5) business days before the meeting will help ensure availability of the requested accommodation.*

GUIDELINES FOR PUBLIC COMMENT

The Medical Board of California (Board) is a public agency whose mission is to protect health care consumers through the proper licensing and regulation of physicians and surgeons and certain allied health care professionals and through the vigorous, objective enforcement of the Medical Practice Act, and to promote access to quality medical care through the Board's licensing and regulatory functions.

The Board welcomes your comments, concerns, and information you wish to share.

Please note that the Board must comply with the Open Meeting Act, the Administrative Procedure Act, and other sections of law when taking public comments. The Board's staff is here to help you with this process, so please feel free to seek additional assistance and clarification if you need it.

Please keep the following points in mind:

- Please be aware that the Board imposes time frames for public comment. Public comment is limited to three minutes per person; however, that time frame may be subject to change depending upon the number of speakers on a topic. Public comment, with the exception of comments received under "Public Comment on Items Not on the Agenda," must stay on topic with the specific agenda item being discussed, or the president or chair may have to rule the comments out of order.
- Only during the agenda item "Public Comment on Items Not on the Agenda" can the public make comments regarding any other items not listed on the Board's agenda. Please be aware that public comment during this agenda item should provide information to the Board Members and is not a discussion between the Board Members and the public. The only action Board Members can take is to listen to the comments and decide whether they want a future agenda item on the topic. No other action can be taken on the item at this meeting. Though this may seem at times like the Board Members are not being responsive, following these guidelines is critical to ensure the rules of the Open Meeting Act are followed to avoid compromising the speaker's goals or the Board's mission.
- When making comments, please do not discuss pending complaints, pending applications, or pending disciplinary actions that may come before the Board for a decision. Such discussions are considered 'ex parte' communications, and could provide information to the Members that is outside of the record, in violation of the Administrative Procedure Act. Therefore, such discussions could create a conflict and lead to a Board decision being challenged in superior court.
- The Board can receive comments regarding the Board's processes in general. It cannot receive comments on specific case circumstances where the decision is still pending. Board staff is available to speak with you about any pending matter.
- The Board requests that public comments be addressed to the Board as a whole and not to individual Members.

The Board appreciates the public's attendance and the input received from the public on the issues discussed at Board meetings.

