LICENSING COMMITTEE
MAY 3, 2012

REPORT DATE: April 14, 2012

SUBJECT: Compliance of Section 2168 Special Faculty Permit Holders

REFERRED BY: Curtis J. Worden, Chief of Licensing

REASON: Report on Continued Compliance of Section 2168 Special Faculty Permit Holders

REQUESTED ACTION:

On February 2, 2012, Ms. Hedy Chang requested the Medical Board of California (Board) staff to report on continued compliance of Section 2168 Special Faculty Permit holders.

BACKGROUND:

Under Article 8.5 of the Medical Practice Act commencing with Section 2168 of the Business and Professions Code (Section 2168), the Board is authorized to issue a Special Faculty Permit (permit) to a person who is deemed to be academically eminent under the provisions of the statute and meets the other eligibility requirements for issuance of a permit or is clearly outstanding in a specific field of medicine or surgery and has been offered by the dean of a medical school in this state a full-time academic appointment at the level of full professor or associate professor, and a great need exists to fill that position. This permit authorizes the holder to practice medicine only within the facilities of the applicable medical school and any formally affiliated institutions.

A review committee was created to review applications and make recommendations to the full Board on the approval of such permits. The review committee consists of one representative from each of the eight medical schools in California and two Board members for a total of ten members.

California currently has eight medical schools that are eligible to submit applications for permit applicants:

- Loma Linda University
- Stanford University
- University of California - Davis
- University of California - Irvine
- University of California - Los Angeles
- University of California - San Diego
- University of California - San Francisco
- University of Southern California

Since 1999 the Board has approved 19 permits; 15 permits are current and 4 permits have been canceled (See Attached Chart).

COMPLIANCE:

At the time of the permit holder's renewal, the permit holder must have the Dean sign the following certification:

SPONSORING MEDICAL SCHOOL DEAN'S CERTIFICATION: I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THIS PERMIT HOLDER CONTINUES TO MEET THE ELIGIBILITY CRITERIA SET FORTH IN SECTION 2168, IS STILL EMPLOYED SOLELY AT THE SPONSORING INSTITUTION, CONTINUES TO POSSESS A CURRENT MEDICAL LICENSE IN ANOTHER STATE OR COUNTRY, AND IS NOT SUBJECT TO PERMIT DENIAL UNDER SECTION 480 OF THE BUSINESS AND PROFESSIONS CODE.

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DEAN'S SIGNATURE REQUIRED HERE DATE

The permit holder is required to comply with the continuing medical education requirements of California Code of Regulations (CCR) Article 10 (commencing with Section 2190). In addition to these requirements set forth above, a permit shall be renewed in accordance with CCR Article 19 (commencing with Section 2420) in the same manner as a physician's and surgeon's certificate.

Pursuant to Business and Professions Code §2168.4 and California Code of Regulations, Title 16, Division 13, §1315.02, the Dean is required to report to the Board within 30 days that a permit holder no longer meets the requirements to hold a permit. Upon receipt of notification that a permit holder no longer meets the requirements for a permit, the Board will cancel the permit.

Permit holders are listed on the Board's Web site with the licensed physicians and surgeons. The public can search the Board's Web site to verify a permit holder's current status and public record. The complaint process is the same for a permit holder, as it is for any other complaint the Board receives for any other physician and surgeon (licensed and/or unlicensed).

The Board is notified of any arrests and/or convictions of a permit holder. A permit may be denied, suspended, or revoked for any violation that would be grounds for denial, suspension, or revocation of a physician's and surgeon's certificate. To date the Board has not formally disciplined any permit holder.

Attachments:

- Excel Spreadsheet of 2168 Special Faculty Permit Holders
- Business and Professions Code Sections 2168-2169
- California Code of Regulations, Title 16, Division 13, Sections 1315.01-1315.03
- Report to the Legislature pursuant to Business and Professions Code Section 2168.5 dated December 9, 2011.

Last Name	First Name	School	Title	Department	Permit #	Original Issue Date	Expiration Date	Status
Ratib	Osman	UC Los Angeles	Professor in Residence	Radiology	SFP 1	8/18/1999	N/A	Canceled
Tarin	David	UC San Diego	Professor	Pathology	SFP 2	10/4/1999	N/A	Canceled
Abbas	Abul	UC San Francsico	Chair	Pathology	SFP 3	1/4/2000	6/30/2013	Current
Muizelaar	Jan	UC Davis	Professor	Neurosurgery	SFP 4	8/10/2000	5/31/2012	Current
Whybrow	Peter	UC Los Angeles	Professor	Neurology	SFP 5	9/19/2001	6/30/2013	Current
Jiala	Ishwarlal	UC Davis	Professor	Pathology	SFP 6	10/9/2002	10/31/2012	Current
Rachmilewitz	Daniel	UC Irvine	Professor	Gastroenterology	SFP 7	5/21/2004	N/A	Canceled
Goadsby	Peter	UC San Francsico	Professor	Neurology	SFP 8	11/16/2007	9/30/2013	Current
Medeiros	Felipe	UC San Diego	Associate Professor	Ophthalmology	SFP 9	3/7/2008	2/28/2014	Current
Bydder	Graeme	UC San Diego	Professor	Radiology	SFP 10	3/7/2008	5/31/2013	Current
Horgan	Santiago	UC San Diego	Professor	Surgery	SFP 11	4/11/2008	9/30/2013	Current
Everall	Ian	UC San Diego	Professor	Psychiatry	SFP 12	4/11/2008	N/A	Canceled
McGovern	Dermot	UC Los Angeles	Associate Professor	Gastroenterology	SFP 14	11/14/2008	8/31/2012	Current
Shiota	Takahiro	UC Los Angeles	Professor	Cardiology	SFP 15	11/25/2008	8/31/2012	Current
Tylen	Ulf	UC Davis	Professor	Radiology	SFP 16	12/4/2008	12/31/2012	Current
Ukimura	Osama	University of Southern California	Professor	Urology	SFP 17	2/3/2010	8/31/2011	Current
Yoshioka	Hiroshi	UC Irvine	Professor	Radiology	SFP 18	2/24/2010	4/30/2013	Current
Wieselthaler	Georg	UC San Francsico	Professor	Surgery	SFP 19	12/7/2011	6/30/2013	Current
Hommes	Daniel	UC Los Angeles	Professor	Medicine	SFP 20	12/7/2011	3/31/2013	Current

CALIFORNIA CODES
BUSINESS AND **PROFESSIONS CODE**
SECTION **2168**-2169

2168. (a) A special faculty permit authorizes the holder to practice medicine only within the medical school itself and any affiliated institution in which the permitholder is providing instruction as part of the medical school's educational program and for which the medical school has assumed direct responsibility. The holder of a special faculty permit shall not engage in the practice of medicine except as provided above.

(b) Time spent in a faculty position under a special faculty permit shall not be counted toward the postgraduate training required for licensure and shall not qualify the holder of the permit for waiver of any written examination required for licensure.

(c) The medical school shall not appoint the holder of a special faculty permit to a position as a division chief or head of a department without express written authorization from the division.

2168.1. (a) Any person who meets all of the following eligibility requirements may apply for a special faculty permit:

(1) Is academically eminent. For purposes of this article, "academically eminent" means the applicant meets either of the following criteria:

(A) He or she holds or has been offered a full-time appointment at the level of full professor in a tenure track position, or its equivalent, at a California medical school approved by the Division of Licensing.

(B) He or she is clearly outstanding in a specific field of medicine or surgery and has been offered by the dean of a medical school in this state a full-time academic appointment at the level of full professor or associate professor, and a great need exists to fill that position.

(2) Possesses a current valid license to practice medicine issued by another state, country, or other jurisdiction.

(3) Is not subject to denial under Section 480 or any provision of this chapter.

(4) Pays the fee prescribed for application for, and initial licensure as, a physician and surgeon.

(5) Has not held a position under Section 2113 for a period of two years or more preceding the date of the application. The Division of Licensing may, in its discretion, waive this requirement.

(b) The Division of Licensing shall exercise its discretion in determining whether an applicant satisfies the requirements of paragraph (1) of subdivision (a).

(c) (1) The division shall establish a review committee comprised of two members of the division, one of whom shall be a physician and surgeon and one of whom shall be a public member, and one representative from each of the medical schools in California. The committee shall review and make recommendations to the division regarding the applicants applying pursuant to this section, including those applicants that a medical school proposes to appoint as a division chief or head of a department or as nontenure track faculty.

(2) The representative of the medical school offering the applicant an academic appointment shall not participate in any vote on the recommendation to the division for that applicant.

2168.2. An application for a special faculty permit shall be made on a form prescribed by the Division of Licensing and shall include any information that the Division of Licensing may prescribe to establish an applicant's eligibility for a permit. This information shall include, but is not limited to, the following:

(a) A statement from the dean of the medical school at which the applicant will be employed describing the applicant's qualifications and justifying the dean's determination that the applicant satisfies the requirements of paragraph (1) of subdivision (a) of Section **2168**.1.

(b) A statement by the dean of the medical school listing every affiliated institution in which the applicant will be providing instruction as part of the medical school's educational program and justifying any clinical activities at each of the institutions listed

by the dean.

2168.3. A special faculty permit may be denied, suspended, or revoked for any violation that would be grounds for denial, suspension, or revocation of a physician and surgeon's certificate, or for violation of any provision of this article. The holder of a special faculty permit shall be subject to all the provisions of this chapter applicable to the holder of a physician's and surgeon's certificate.

2168.4. (a) A special faculty permit expires and becomes invalid at midnight on the last day of the permitholder's birth month during the second year of a two-year term, if not renewed.

(b) A person who holds a special faculty permit shall show at the time of license renewal that he or she continues to meet the eligibility criteria set forth in Section **2168**.1. After the first renewal of a special faculty permit, the permitholder shall not be required to hold a full-time faculty position, and may instead be employed part-time in a position that otherwise meets the requirements set forth in paragraph (1) of subdivision (a) of Section **2168**.1.

(c) A person who holds a special faculty permit shall show at the time of license renewal that he or she meets the continuing medical education requirements of Article 10 (commencing with Section 2190).

(d) In addition to the requirements set forth above, a special faculty permit shall be renewed in accordance with Article 19 (commencing with Section 2420) in the same manner as a physician's and surgeon's certificate.

(e) Those fees applicable to a physician's and surgeon's certificate shall also apply to a special faculty permit and shall be paid into the State Treasury and credited to the Contingent Fund of the Medical Board of California.

2168.5. The Medical Board of California shall report to the Legislature by December 31, 2011, on the status of the special faculty permit program.

2169. A person who holds a special faculty permit shall meet the continuing medical education requirements set forth in Article 10 (commencing with Section 2190).

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16 CA ADC § 1315.01
§ 1315.01. Definitions.

16 CCR § 1315.01

Cal. Admin. Code tit. 16, § 1315.01

Barclays Official California Code of Regulations Currentness
Title 16. Professional and Vocational Regulations
Division 13. Medical Board of California [FNA1]
Chapter 1. Division of Licensing
Article 4.1. Special Faculty Permits (Refs & Annos)

[FNa1] For disposition of former Sections 1370-1375.45, see Table of Parallel Reference, Chapter 13.2, Title 16, California Code of Regulations.

§ 1315.01. Definitions.

(a) "Dean of the medical school" means the dean of the overall medical school or that person's designee to whom the dean has given written authorization to provide the certifications required by Sections 2168.1 and 2168.2 of the code.

(b) "Special faculty permit" means the permit to practice medicine described in Article 8.5 of Chapter 5 of Division 2 (commencing with Section 2168) of the code.

Note: Authority cited: Section 2018, Business and Professions Code. Reference: Sections 2168.1 and 2168.4, Business and Professions Code.

HISTORY

1. New article 4.1 (sections 1315.01-1315.02) and section filed 1-8-99; operative 2-7-99 (Register 99, No. 2).

16 CCR § 1315.01, 16 CA ADC § 1315.01

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§ 1315.02. Notification of Change in Employment Status.

16 CCR § 1315.02

Cal. Admin. Code tit. 16, § 1315.02

Barclays Official California Code of Regulations Currentness
Title 16. Professional and Vocational Regulations
Division 13. Medical Board of California [FNA1]
Chapter 1. Division of Licensing
Article 4.1. Special Faculty Permits (Refs & Annos)

[FNa1] For disposition of former Sections 1370-1375.45, see Table of Parallel Reference, Chapter 13.2, Title 16, California Code of Regulations.

§ 1315.02. Notification of Change in Employment Status.

The dean of a medical school that employs a specialty faculty permit holder shall notify the division of any change in employment status that would render the permit holder ineligible for the permit. This notification shall be signed and dated by the dean and shall be made no later than 30 days after the date on which the permit holder becomes ineligible for the permit.

Note: Authority cited: Section 2018, Business and Professions Code. Reference: Sections 2168, 2168.1 and 2168.4, Business and Professions Code.

HISTORY

1. New section filed 1-8-99; operative 2-7-99 (Register 99, No. 2).

16 CCR § 1315.02, 16 CA ADC § 1315.02

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16 CA ADC § 1315.03
§ 1315.03. Criteria for Eligibility to Participate in Review Committee.

16 CCR § 1315.03

Cal. Admin. Code tit. 16, § 1315.03

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Title 16. Professional and Vocational Regulations
Division 13. Medical Board of California [FNA1]
Chapter 1. Division of Licensing
Article 4.1. Special Faculty Permits (Refs & Annos)

[FNa1] For disposition of former Sections 1370-1375.45, see Table of Parallel Reference, Chapter 13.2, Title 16, California Code of Regulations.

§ 1315.03. Criteria for Eligibility to Participate in Review Committee.

(a) In order to be considered for appointment to the review committee required by Section 2168.1 of the code, a medical school representative shall:

(1) Be a senior administrator designated by the dean of the medical school;

(2) Possess a current valid physician's and surgeon's certificate in California;

(3) Be involved in and knowledgeable about graduate medical education and the academic review process; and

(4) Submit a current curriculum vitae.

(b) The committee members shall serve at the pleasure of the Division.

Note: Authority cited: Section 2018, Business and Professions Code. Reference: Sections 2005 and 2168.1, Business and Professions Code.

HISTORY

1. New section filed 8-28-2007; operative 9-27-2007 (Register 2007, No. 35).

16 CCR § 1315.03, 16 CA ADC § 1315.03

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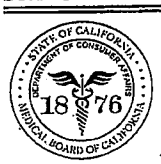

MEDICAL BOARD OF CALIFORNIA

Executive Office

December 9, 2011

The Honorable Curren Price, Chair
Senate Business, Professions and Economic Development
State Capitol, Room 2053
Sacramento, CA 95814

The Honorable Mary Hayashi, Chair
Assembly Business, Professions and Consumer Protection Committee
State Capitol, Room 3013
Sacramento, CA 95814

Re: Business and Professions Code 2168.5

Dear Senator Price and Assembly Member Hayashi,

The Medical Board of California is pleased to provide the following report in compliance with Business and Professions Code 2168.5, relating to the Special Faculty Permit Program. The section states:

> *The Medical Board of California shall report to the Legislature by December 31, 2011, on the status of the special faculty permit program.*

Assembly Bill 523 (Lempert, Chapter 332, Statutes of 1997) established the Special Faculty Permit Program in section 2168 of the Business and Professions Code. The program allows academically eminent physicians who are not otherwise eligible for licensure in California to obtain a limited license to practice medicine within a specific medical institution. This license does not allow for the unrestricted practice of medicine outside the sponsoring institution.

The intent of this statute was to ensure that California's medical schools could continue to attract eminent physicians who were not immediately eligible for licensure and who would otherwise be lost to institutions in other states if they were required to defer their work while taking the steps needed to qualify for a full and unrestricted medical license. These international physicians have outstanding credentials in their field of specialty and are recognized throughout the world as experts.

Regulations to enact this section were adopted by the Division of Licensing (currently known as the Licensing Program) in late 1998 and became effective in February 1999.

Since the inception of the program, the Board has received and processed 20 applications on behalf of California medical schools for the issuance of Special Faculty Permits. Out of the 20 applications, 19 of the applicants satisfied the requirements and were issued a permit. The other application is currently awaiting review by the Special Faculty Permit Review Committee to determine if the applicant is eligible for issuance of the 2168 permit.

The Special Faculty Permit physicians are practicing within the following medical schools and their affiliated hospitals in California: University of California, Davis; University of California, Los Angeles; University of California, San Diego; University of California, San Francisco; University of California, Irvine and University of Southern California.

Below is a table of the physicians who have been granted permits, their specialties, date of original permit, and renewal dates.

PERMITS ISSUED

Last Name	First Name	Title	Department	School	Original Issue Date	Permit Expired	Permit Renewed	Renewal Expires
RATIB	Osman	Prof. in Res.	Radiology	UCLA	8/18/1999	6/30/2005		
TARIN	David	Professor	Pathology	UCSD	10/4/1999	8/31/2005	6/30/2005	8/30/2007
ABBAS	Abul	Chair	Pathology	UCSF	12/21/1999	6/30/2001	6/30/2009	6/30/2013
MUIZELAAR	Jan Paul	Professor	Neurosurgery	UCD	8/10/2000	5/31/2002	5/31/2010	5/31/2012
WHYBROW	Peter	Professor	Neurology	UCLA	9/19/2001	6/30/2009	6/30/2009	6/30/2013
JIALAL	Ishwarlal	Professor	Pathology	UCD	10/9/2002	10/31/2004	10/31/2008	10/31/2012
RACHMILEWITZ	Daniel	Professor	Gastroenterology	UCI	5/21/2004	5/31/2006		
GOADSBY	Peter	Professor	Neurology	UCSF	11/16/2007	9/30/2009	9/30/2009	9/30/2013
MEDEIROS	Felipe	Assoc. Prof.	Ophthalmology	UCSD	3/7/2008	2/28/2010	2/28/2010	2/28/2012
BYDDER	Graeme	Professor	Radiology	UCSD	3/7/2008	5/31/2009	5/31/2009	5/31/2013
HORGAN	Santiago	Professor	Surgery	UCSD	4/11/2008	9/30/2009	9/30/2009	9/30/2013
EVERALL	Ian	Professor	Psychiatry	UCSD	4/11/2008	8/31/2009	8/31/2009	8/31/2011
McGOVERN	Dermot	Assoc. Prof.	Gastroenterology	UCLA	11/14/2008	8/31/2010	8/31/2010	8/31/2012
SHIOTA	Takahiro	Professor	Cardiology	UCLA	11/25/2008	8/31/2010	8/31/2010	8/31/2012
TYLEN	Ulf	Professor	Radiology	UCD	12/4/2008	12/31/2010	12/31/2012	
UKIMURA	Osama	Professor	Urology	USC	2/3/2010	8/31/2011	8/31/2013	
YOSHIOKA	Hiroshi	Professor	Radiology	UCI	2/24/2010	4/30/2011	4/30/2013	
WIESELTHALER	Georg	Professor	Surgery	UCSF	12/7/2011	12/7/2013		
HOMMES	Daniel	Professor	Medicine	UCLA	12/7/2011	12/7/2013		

Please note consumers have the ability to look up the doctor's information on our Web site at www.mbc.ca.gov under the home page, on the "Check Your Doctor" tab. An example for Dr. Medeiros is attached.

If you require additional information or have specific questions or concerns regarding the Special Faculty Permit Program, please do not hesitate to contact me at (916) 263-2389.

Sincerely,

Linda K. Whitney
Executive Director

cc: E. Dotson Wilson, Chief Clerk of the Assembly
Gregory Schmidt, Secretary of the Senate

Attachment

MEDICAL BOARD OF CALIFORNIA
LICENSE LOOKUP SYSTEM

License Information:

The following information is maintained by the Medical Board of California. For more information, click on the blue tabs above.

License:	SFP 9 Special Faculty Permit under Section 2168 of the Business and Professions Code: An internationally trained physician, who is sponsored by the dean of a California medical school and has been recognized as academically eminent in their field of specialty by the Medical Board of California, may be issued a Special Faculty Permit under Section 2168 of the Business and Professions Code. This permit authorizes the physician to practice, with all the rights and privileges of a California medical license, only in the sponsoring medical school and its formally affiliated hospitals. For more information, contact the program analyst by telephone at (916) 263-2343 or by e-mail at Phil.Egeston@mbc.ca.gov.
License Type:	Special Faculty Permit
Name:	FELIPE D MEDEIROS, M.D.
Address of Record:	5210 FIORE TERRACE # L416 SAN DIEGO, CA 92122
Address of Record County:	SAN DIEGO
License Status:	License Renewed & Current Licensee meets requirements for the practice of medicine in California.
Public Record Action(s):	No Public Record Actions available
Original Issue Date:	March 7, 2008
Expiration Date:	February 28, 2012
School Name:	UNIVERSITY OF SAO PAULO FACULTY OF MEDICINE
Year Graduated:	1997

Survey Information:

The following information is **self-reported by the licensee and has not been verified by the Board.**

Activities In Medicine:	No activities identified
Primary Practice Location Zip Code:	Not identified
Board Certification(s):	No board certifications identified
Primary Practice Area(s):	No primary practice areas identified
Secondary Practice Area(s):	No secondary practice areas identified
Post Graduate Training Years:	Not identified
Ethnic Background:	Declined to Disclose
Foreign Language(s):	Declined to Disclose
Gender:	Declined to Disclose

Public Record Action(s):

Please select the Public Record Documents tab to view the public document database. If information is posted in the Administrative Disciplinary Actions, Court Order, Administrative Citation Issued, or License Issued with Public Letter of Reprimand categories below, documents may be available for review. To find out what information is and is not available, please click here.

Administrative Disciplinary Actions:

The Medical Board's public disclosure screens are updated periodically as new information becomes available. Please contact the Central File Room at (916) 263-2525 or at 2005 Evergreen Street, Suite 1200, Sacramento, CA 95815, to obtain a copy of public documents at a minimal charge.

No Administrative Disciplinary Actions found.

Court Order:

This information would be provided if a physician's practice has been temporarily restricted or suspended pursuant to a court order. Please contact the Central File Room at (916) 263-2525 or at 2005 Evergreen Street, Suite 1200, Sacramento, CA 95815, to obtain a copy of the public documents.

No Court Orders found.

Administrative Action Taken by Other State or Federal Government:

This information is provided by another state/federal government agency. The Medical Board of California may take administrative action based on the action imposed by another state/federal government agency. For more information or verification, contact the agency listed below that imposed the action.

No Administrative Actions Taken by Other State or Federal Government found.

Felony Conviction:

The information provided only includes felony convictions that are known to the Board. All felony convictions known to the Board are reviewed and administrative action is taken only if it is determined that a violation of the Medical Practice Act occurred. For more information regarding felony convictions, contact the court of jurisdiction listed below.

No Felony Convictions found.

Misdemeanor Conviction: