

**MEDICAL BOARD OF CALIFORNIA**

1434 Howe Avenue, Suite 92
Sacramento, CA 95825-3236
(916) 263-2389 FAX (916) 263-2387
www.mbc.ca.gov



EXECUTIVE COMMITTEE**MEMBERS OF THE COMMITTEE**

*Richard Fantozzi, M.D.,
President*

Steve Alexander

Cesar Aristeiguieta, M.D.

Gary Gitnick, M.D.

Laurie C. Gregg, M.D.

Ronald L. Moy, M.D.

Barbara Yaroslavsky

June 18, 2007

Hawthorne Suites
Huntington Room
321 Bercut Drive
Sacramento, CA
(916) 441-1444

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

***NOTE: An additional meeting location
has been established:***

UCLA Medical Center
100 Medical Plaza, Room 265
Los Angeles, CA 90095
(310) 825-7501

AGENDA

2:00 p.m. – 6:00 p.m.
(or until completion of business)

ALL TIMES ARE APPROXIMATE AND SUBJECT TO CHANGE

**If a quorum of the Board is present, members of the Board who are not members
of the Committee may attend only as observers.**

Open Session:

1. Call to Order
2. Approval of the January 4, 2007 & March 29, 2007 Minutes
3. President's Report
 - A. Communication from Interested Parties
 - B. Committee Appointments
4. Executive Director's Report
 - A. Legislative Report on Vertical Enforcement

The mission of the Medical Board of California is to protect healthcare consumers through the proper licensing and regulation of physicians and surgeons and certain allied healthcare professions and through the vigorous, objective enforcement of the Medical Practice Act.

5. 2007 Legislation
6. **Closed Session: (Pursuant to Government Code Section 11126(a), to Consider the Appointment of an Executive Director)**

Open Session:

7. Public Comment on Items not on the Agenda
8. Adjournment

*Meetings of the Medical Board of California are open to the public except when specifically noticed otherwise in accordance with the Public Meetings Act. The audience will be given appropriate opportunities to comment on any issue before the Board, but the Chair may apportion available time among 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 disability-related accommodations or modifications in order to participate in the meeting shall make a request to the Board no later than five working days before the meeting by contacting Teresa Schaeffer at (916) 263-2389 or sending a written request to Ms. Schaeffer at the Medical Board of California, 1426 Howe Avenue, Suite 54, Sacramento, CA 95825. Requests for further information should be directed to the same address and telephone number

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**AGENDA ITEM 2****Executive Committee**

**Sheraton Gateway Hotel
6101 W. Century Blvd.
Los Angeles, CA 90045**

DRAFT**January 4, 2007****MINUTES****Open Session:****Agenda Item 1 Call to Order/Roll Call**

The Executive Committee of the Medical Board of California was called to order by the Chair, Steve Alexander at 3:45 p.m. Notice had been sent to interested parties.

Members Present:

Steve Alexander
Cesar Aristeiguieta, M.D.
Richard D. Fantozzi, M.D.
Gary Gitnick, M.D.
Ronald L. Moy, M.D.
Ronald Wender, M.D.
Barbara Yaroslavsky

Agenda Item 2 Approval of the November 2, 2006 Minutes

It was M/S/C to approve the minutes of the November 2, 2006 meeting.

Agenda Item 3 Executive Director Recruitment & Selection Process

Dr. Fantozzi provided an update on the status of the recruitment for an Executive Director. The advertisement for the position was published in mid-December on the statewide system for advertising state vacancies. Advertisements will also run in newspapers in the major metropolitan areas in California, as well as the Federation of State Medical Boards Newsletter, Monster.com and the Capitol Morning Report. The final filing date is January 31, 2007. The goal is to have finalists attend the April 2007 board meeting.

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Agenda Item 4 President's Report

- A. Mr. Alexander disclosed he and Mr. Thornton attended a meeting with CMA President & CEO on December 1, 2007 in San Diego. He also disclosed he drove to the meeting today with Julie D'Angelo Fellmeth.
- B. Board Operations:
- 1. Meetings
 - February 1 – 2, 2007 Quarterly Board Meeting – Los Angeles
 - March 1 – 2, 2007 Board Retreat and Strategic Planning Meeting - San Diego
 - April 26 – 27, 2007 Quarterly Board Meeting - Sacramento
 - 2. Committees

Mr. Alexander solicited members to participate on committees and to let him know if they are interested.

Agenda Item 5 Executive Director Report

A. Retention & Recruitment

Mr. Thornton reported a committee was established to look at the issue of re-classification of investigators, longevity pay, and pay parity with other departments. A meeting with the Department was held on December 19, 2006 and another meeting is scheduled for January 18, 2007.

B. New Prosecution Model Update

Mr. Thornton reported a work group met in November 2006 and developed one manual for both the Medical Board the Attorney General's office to utilize.

C. Federation of State Medical Boards Nomination Update

Dr. Fantozzi was nominated to run for a position on the board of directors. After further discussion, it was M/S/C to withdraw Dr. Fantozzi's name. Mr. Thornton will send an e-mail to other members (past/present) to solicit interest in running for a position on the board of directors. It was M/S/C to authorize Mr. Thornton to submit name to FSMB with ratification by the board at the February 2007 meeting.

D. Performance Audit Planning

Ms. Whitney discussed the intent language in SB 231. It was suggested this issue be placed on the agenda for the Strategic Planning meeting in March 2007.

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Agenda Item 6 Strategic Planning

Ms. Kirchmeyer announced the meeting has been scheduled for March 1 – 2, 2007 in San Diego. A facilitator contract is in process.

Agenda Item 7 Board Restructure

Mr. Thornton provided a brief summary of the past discussions regarding board restructure. Following a discussion by the members it was M/S/C to recommend approval of the concept as presented, which included consolidating the two divisions into one board, a reduction in the size of the board (but making no recommendation as to size until the members have had the opportunity to review workload analysis), authorize the board's Executive Director to approve stipulated agreements for surrender of license and default proposed decisions, and removing the item regarding oral argument until the members receive further information on this issue.

Agenda Item 8 Reestablish the Access to Care Committee

Ms. Whitney and Ms. Cohen were directed to work on a mission for the committee and to coordinate it with the Governor's agenda. The members appointed to the committee include Mr. Alexander, Dr. Gitnick, Dr. Fantozzi, Dr. Duruisseau, Mr. Zerunyan, Ms. Yaroslavsky & Ms. Chang. Mr. Alexander suggested this issue be integrated into the agenda for the Strategic Planning meeting.

Agenda Item 9 Nomination of Physician(s) to Dental Board – Oral and Maxillofacial Credentialing Committee

The members discussed the Dental Board's request for a recommendation of a physician member to be appointed to the credentialing committee. It was M/S/C to authorize the Executive Director to contact former board member, Bud Alpert, M.D. to determine if he was interested in being nominated to the credentialing committee. If not, the Executive Director would contact Robert Del Junco, M.D., regarding a nomination.

Agenda Item 10 Proposal to Re-Establish Medical Director Position

Mr. Thornton reported he had identified a vacant position to re-establish the medical director position and requested the board's approval to move forward. It was M/S/C to approve using an existing vacant position within the board to re-establish the medical director position.

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Agenda Item 11 2007 Legislative Proposals

Ms. Whitney reported on the following legislative proposals for 2007:

- Vertical Prosecution pilot program sunset extension
- Board Restructure
- Diversion program sunset extension
- The Department is working on exemption language regarding the number of attempts to pass the USMLE.

Dr. Fantozzi requested staff engage in dialogue with the Dental Board and move forward with amending the oral and maxillofacial surgery law.

Agenda Item 12 Public Comment

Wrenda Searle requested the board's assistance with arranging an arbitration meeting with Dr. Parker who dropped her as a patient. Mr. Alexander referred Ms. Searle to Mr. Thornton for assistance.

Agenda Item 13 Adjournment

The meeting was adjourned at 6:20 p.m.



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AGENDA ITEM 2

Executive Committee

**Hilton Los Angeles Airport Hotel
Century C&D Room
5711 W. Century Blvd.
Los Angeles, CA 90045**

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March 29, 2007

MINUTES

Open Session:

Agenda Item 1 Call to Order/Roll Call

The Executive Committee of the Medical Board of California was called to order by the Chair, Steve Alexander at 2:00 p.m. Notice had been sent to interested parties.

Members Present:

Steve Alexander
Richard D. Fantozzi, M.D.
Gary Gitnick, M.D.
Ronald L. Moy, M.D.
Ronald Wender, M.D.
Barbara Yaroslavsky

Members Absent:

Cesar Aristeigueta, M.D.

Agenda Item 2 Approval of the January 4, 2007 Minutes

It was M/S/C to approve the minutes of the January 4, 2007 meeting.

Agenda Item 3 President's Report

No report was given.

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Agenda Item 4 Executive Director's Report

A. July Board Meeting Location

Mr. Thornton reported despite diligent efforts, staff has been unable to secure a meeting location in Oakland for the July 26, 27, 2007 board meeting. Staff also conducted an extensive search for meeting space in the San Jose area but was unsuccessful. Mr. Thornton proposed moving the July board meeting location from Oakland to South San Francisco.

A motion was made to approve moving the meeting location from Oakland to South San Francisco for the July 26, 27, 2007 board meeting. The motion carried.

B. Staffing Update

Mr. Thornton reported the following:

- The medical director position is moving forward. It will require approval by the State Personnel Board and the Department of Finance.
- The Diversion Case Manager positions are being reclassified to the Associate Governmental Program Analyst (AGPA) series which is a statewide classification and will likely increase the recruitment pool for vacant positions.
- The Diversion Case Manager Supervisor position is being reclassified to the Staff Services Manager I series.
- The Diversion Program Manager position is being reclassified to a Career Executive Assignment I which will give the board some flexibility with this position.

C. Legislative Subcommittee

Mr. Thornton explained this item was brought up at a previous meeting by Dr. Gitnick who proposed the idea of creating a legislative subcommittee so board members could be more pro actively involved in the board's legislative agenda. Following a discussion by the members, staff was directed to develop a plan to institutionalize the process to involve board members in the legislative process and bring it back to the full board as a proposal at the April 2007 board meeting. Staff was also asked to address the idea of inviting representatives from different legislator's offices to future board meetings.

D. Board Members' Term Expirations

Mr. Thornton advised he and Mr. Alexander have been in communication with the Department regarding the impact on the board as a result of six members whose terms expire on June 1, 2007.

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E. Reclassification Proposal for Investigators

Mr. Thornton reported staff continues to engage in meetings with the Department to address the recruitment and retention of investigative staff. Current efforts include working with the Department to seek a reclassification of the investigator series, including a salary increase; exploring ways the Legislature can assist the board in addressing the issue of investigator pay differentials; and seeking full implementation of Vertical Enforcement which would include the transfer of investigative staff to the Department of Justice where they would be reclassified to Special Agents and receive a pay increase.

Following a discussion by the members, staff was directed to bring back a comprehensive report to the full board at the April 2007 meeting on retention and reclassification of investigators outlining the action plan, staffing statistics and projected forecast based upon the trends.

Agenda Item 5 2007 Legislation

Linda Whitney, Chief of Legislation gave an update and presented the newly introduced legislation as follows:

AB 253 (Eng)	Restructuring of the Medical Board of California. This is board-sponsored legislation.
AB 329 (Nakanishi)	Chronic Diseases: Telemedicine. The Executive Committee took a position of "support" on the bill.
AB 555 (Nakanishi)	Medical Records. The Executive Committee took a position of "Support in Concept" on the bill.
AB 1025 (Bass)	Denial of Licensure. The Executive Committee took a position of "Neutral" with amendments to delete physicians from the bill.
AB 1073 (Nava)	Workers' Compensation: Medical Treatment Utilization. The Executive Committee took a position of "Support" on the bill.
AB 1154 (Leno)	Diabetes. The Executive Committee referred the bill to the Access to Care Committee for further discussion.
AB 1224 (Hernandez)	Telemedicine: Optometrists. The Executive Committee referred the bill to the Access to Care Committee for further discussion.
AB 1276 (Karnette)	Pharmacies: Prescription Containers. The Executive Committee took a position of "Support with Amendments" on the bill.
AB 1643 (Niello)	Nurse Practitioners. Scope of Practice. The Executive Committee took a position of "Oppose unless Amended" to include geographic proximity and immediate access to the physician.
SB 102 (Migden)	Blood Transfusions. The Executive Committee took a position of "Support if Amended" to delete brochure requirement in the bill.
SB 478 (Hollingsworth)	Physicians and Surgeons: Loan Repayment. The Executive Committee referred the bill to the Access to Care Committee.

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- SB 620 (Correa) Anesthesia Permit for Physicians in Dental Offices. The Executive Committee took a position of "Support" on the bill.
- SB 761 (Ridley-Thomas) Physicians and Surgeons: Diversion Program. This is board-sponsored legislation.
- SB 764 (Migden) Health Care Provider Data. The Executive Committee took a position of "Support" on the bill.
- SB 767 (Ridley-Thomas) Drug Overdose Treatment: Liability. The Executive Committee took a position of "Watch" on the bill.
- SB 801 (Ridley-Thomas) Physician and Surgeons: Loan Repayment Assistance. The Executive Committee took a position to "defer" the bill to the full board for further discussion.
- SB 809(Ashburn) Expanding the Scope of Practice for Nurse Practitioners. The Executive Committee took a position of "Oppose" on the bill.
- SB 907 (Calderon) Physicians and Surgeons: Referrals. The Executive Committee took a position of "Oppose" on the bill.
- SB 993 (Calderon) Psychologist: Scope of Practice: Prescribing Drugs. The Executive Committee took a position of "Oppose" on the bill.

Mr. Alexander requested staff provide him with more information on AB 164 (Smith) regarding access to medical records by a non-custodial parent.

The Executive Committee directed staff to request the Administration's position on the board sponsored legislation AB 253 regarding board restructuring.

Agenda Item 6 Strategic Plan Update

Kimberly Kirchmeyer, Deputy Director, reported staff is working on coordinating a future date to hold a workgroup meeting in Sacramento to review and discuss the first "draft" of the strategic plan.

Members were requested to prioritize the emerging objectives that were identified during the strategic planning meeting. Ms. Kirchmeyer reported a tentative date was set for April 16 to meet with all managerial staff to go over the board's prioritization of the emerging topics and put together action plans and performance measurements to be brought back to the strategic planning committee for their consideration.

Agenda Item 7 Closed Session

Pursuant to Government Code Section 11126(a), the Executive Committee went into closed session at 3:30 p.m. to consider the appointment of an executive director.

Closed session concluded and the Executive Committee reconvened in open session.

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Agenda Item 8 Public Comment

There was no public comment.

Agenda Item 9 Adjournment

The meeting was adjourned at 6:01 p.m.

Medical Board of California
Tracker - Legislative Bill File
6/4/2007

<u>BILL</u>	<u>AUTHOR</u>	<u>TITLE</u>	<u>STATUS</u>	<u>POSITION</u>	<u>VER. OF BILL POS. BASED</u>	<u>LAST AMENDED</u>	<u>LETTERS</u>
AB 253	Eng	MBC: Restructuring	Sen. B&P	Sponsor/Support	Amended	3/8/07	3/13/07
AB 329	Nakanishi	Chronic Diseases: Telemedicine	Sen. Health 6/13	Sponsor/Support	Amended	3/29/07	4/17/07
AB 1025	Bass	Professions: Denial of Licensure	Floor	Neutral w/amends	Amended	4/16/07	
AB 1073	Nava	Work Comp: CA lic. Physicians on Utilization Review	Sen. Labor	(Support)	Amended	5/1/07	
AB 1224	Hernandez	Telemedicine: Optometrists	Sen. B&P	Support	Amended	4/10/07	
SB 102	Migden	Blood Transfusions: Brochure	Asm. B&P 6/12	Support	Amended	4/12/07	
SB 472	Corbett	Prescription Drugs: Labeling Requirements & Panel	Floor	Support	Amended	5/21/07	
SB 620	Correa	Anesthesia Permit for Physicians in Dental Offices	Asm. B&P	Support	Introduced		5/30/07
SB 761	Ridley-Thomas	Diversion and Vertical Prosecution	Floor	Sponsor/Support	Amended	3/27/07	3/13/07
SB 764	Migden	MBC Reporting Licensee Information to OSHPD	Asm. Health 6/12	Support w/conditions	Amended	4/25/07	4/9/07
SB 767	Ridley-Thomas	Drug Overdose Treatment: Liability	Floor	Neutral	Amended	5/15/07	
SB 1048	Comm. B,P&ED	Healing Arts: Omnibus	Asm. B&P	Support MBC Provisions	Introduced		



STATE AND CONSUMER SERVICES AGENCY • ARNOLD SCHWARZENEGGER, GOVERNOR
DIVISION OF LEGISLATIVE & REGULATORY REVIEW
1625 North Market Boulevard, Suite S-204
P (916) 574-7800 F (916) 574-8655



May 29, 2007

The Honorable Mike Eng
California State Assembly
State Capitol, Room 6025
Sacramento, CA 95814

RE: AB 253 – **SUPPORT IF AMENDED**

Dear Assembly Member Eng:

The Department of Consumer Affairs (Department) has taken a **SUPPORT IF AMENDED** position on your bill, **AB 253** (as amended 3/08/07), which, among other things, would reduce the size of the Medical Board (Board) from 21 members to 19 members.

At 19 members, the Board would remain the largest Board under the Department. A board of this size is costly and has not been demonstrated to be more effective than a smaller board. The Department believes that the Board can function with 15 members, which is consistent with the size of comparable boards that regulate similarly large and complex licensee populations. Consequently, the Department recommends that the Board instead be reduced to 15 members consisting of 8 physicians and 7 public members, which would reduce the size of state government and improve the current ratio of public members.

Should you have any questions regarding our position, please contact me at 574-7800.

Sincerely,

A handwritten signature in cursive script that reads "Laura Zuniga".

LAURA ZUNIGA
Deputy Director
Division of Legislative and Regulatory Review

cc: Chris Kahn, Legislative Secretary, Office of the Governor
Happy Chastain, Deputy Secretary, Legislation, State and Consumer Services Agency

SB 761 DISCUSSION

- I. Diversion Audit Report - provided under separate cover, published June 7, 2007**

- II. Final Draft Report on Vertical Enforcement/Prosecution - provided under separate cover**