



# MEDICAL BOARD OF CALIFORNIA

## QUARTERLY BOARD MEETING AGENDA

**Thursday, August 8, 2019**

**12:15 p.m. – 5:30 p.m.**

**Friday, August 9, 2019**

**9:00 a.m. – 2:00 p.m.**

Denise Pines

*President*

Ronald H. Lewis, M.D.

*Vice President*

Alejandra Casillas, 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.

Asif Mahmood, M.D.

Richard E. Thorp, M.D.

David Warmoth

Eserick "TJ" Watkins

Felix C. Yip, M.D.

Hyatt Regency SFO

1333 Bayshore Highway, Burlingame, CA 94010

Ballrooms B and C

(650) 347-1234

*Action may be taken on any item listed on the agenda.  
Meeting times and order of agenda items are subject to change.  
Please see last page for information on public participation.*

### **Thursday, August 8, 2019**

1. Call to Order/Roll Call/Establishment of a Quorum
2. CLOSED SESSION (12:15 p.m.)
  - A. Pursuant to Government Code section 11126(a)(1), the Board will meet in closed session to conduct the annual evaluation of the Executive Director
  - B. Pursuant to Section 11126(e)(1) of the Government Code, the Board will meet in closed session to confer with its counsel regarding the following litigation: *Allston v. Medical Board of California, et al.*, Sacramento Superior Court, Case No. 34-2018-00241418
3. 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, 111257(a)].*
4. Approval of Minutes from the May 9-10, 2019 Quarterly Board Meeting and the May 28, 2019 Board Meeting
5. President's Report, including notable accomplishments and priorities – Ms. Pines
  - A. Swearing in of New Board Members – Dr. Casillas, Dr. Thorp, Dr. Mahmood and Mr. Watkins
  - B. Committee Updates
6. Board Member Communications with Interested Parties – Ms. Pines
7. Presentation on Physician Burnout – Dr. Shanafelt, Chief of Wellness Officer, Stanford Medicine

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8. Update and Presentation on the Physician Assistant Board including Licensing and Enforcement Statistics and Training Requirements – Mr. Grant, President
9. Discussion and Possible Action on Legislation/Regulations – Ms. Simoes
  - A. 2019 Legislation
    1. AB 241 (Kamlager Dove) Implicit Bias: Continuing Education: Requirements
    2. AB 387 (Gabriel) Task force: Adverse Drug Events: Prescriptions
    3. AB 407 (Santiago) Fluoroscopy and Radiography Permit or Certification and Continuing Education: Exceptions
    4. AB 528 (Low) Controlled Substances: CURES Database
    5. AB 714 (Wood) Opioid Prescription Drugs: Prescribers
    6. AB 845 (Maienschein) Continuing Education: Physicians: Maternal Mental Health
    7. AB 1030 (Calderon) Pelvic Examinations: Informational Pamphlet
    8. AB 1264 (Petrie-Norris) Healing Arts Licensees: Self-Administered Hormonal Contraceptives
    9. AB 1468 (McCarty) Opioid Prevention and Rehabilitation Act
    10. AB 1519(Low) Healing Arts
    11. AB 1544 (Gipson and Gloria) Community Paramedicine or Triage to Alternate Destination Act
    12. SB 53 (Wilk) Open Meetings
    13. SB 159 (Wiener) HIV: Preexposure and Postexposure Prophylaxis
    14. SB 377 (McGuire) Juveniles: Psychotropic Medications: Medical Records
    15. SB 425 (Hill) Health Care Practitioners: Licensee's File: Probationary Physician's and Surgeon's Certificate: Unprofessional Conduct
    16. SB 697 (Caballero) Physician Assistants: Practice Agreement: Supervision
    17. SB 786 (Comm. on Bus., Professions and Econ. Dev.) Healing Arts
    18. SB 276 (Pan) Immunizations: Medical Exemptions
  - 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
    6. Rehabilitation/Substantial Relationship Criteria, 16 CCR Sections 1309, 1360, 1360.1, 1360.2, 1379.68, 1379.70, and 1379.72
10. 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 Demographic Study
  - E. Update on the CURES Program
11. Update on the Health Professions Education Foundation – Dr. Hawkins
12. Discussion and Possible Action on Appointment of a Member to the Health Professions Education Foundation – Ms. Pines

**Recess**

**Friday, August 9, 2019**

13. Call to Order/Roll Call/Establishment of a Quorum
14. 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, 111257(a)].*
15. Update from the Federation of State Medical Boards – Dr. Steingard, Board President, and Dr. Chaudhry, Chief Executive Officer, Federation of State Medical Boards
16. Presentation on the Use of Telehealth – Dr. Chaudhry, Federation of State Medical Boards
17. ~~Overview of California Maternal Mortality and Morbidity Rates and Initiatives – Ms. Kowalewski, Maternal, Child, and Adolescent Health Division, California Department of Public Health – Cancelled~~
18. Update from the Attorney General's Office – Ms. Castro
19. Update from the Health Quality Investigation Unit– Mr. Chriss and Ms. Nicholls
20. Update, Discussion, and Possible Action of Recommendations from the Midwifery Advisory Council Meeting – Ms. Holzer
21. Update on the Stem Cell and Regenerative Therapy Task Force – Dr. Hawkins and Dr. Krauss
22. Discussion and Possible Action on the Policy Regarding Utilization of Experts – Ms. Kirchmeyer and Ms. Webb
23. Discussion and Possible Action to Amend Title 16, California Code of Regulations, Sections 1366.3, 1366.31, and 1379.07 Regarding Administration of Training for Medical Assistants and Approved Medical and Midwife Assistant Certifying Organizations – Ms. Webb
24. Discussion and Possible Action to Amend Title 16, California Code of Regulations, Sections 1320 and 1321 Regarding Postgraduate Training – Ms. Webb
25. Presentation on the Posting Requirements for Public Documents – Ms. Kirchmeyer
26. 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
27. Election of Officers
28. Future Agenda Items
29. Adjournment

## Public Participation

While the Board intends to [livestream](#) this meeting, it may not be possible to livestream the entire open meeting due to limitations on resources or technical difficulties.

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

**For Thursday, August 8, 2019 and Friday, August 9, 2019**

**Call in number: (888) 455-9726**

**Passcode: 8280664 (callers will be asked to verbally provide this code)**

1. Please wait until the operator has introduced you before you make your comments.
2. 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.
3. During Agenda Items **3** and **14** – Public Comments on Items not on the Agenda, the Board has limited the total public comment period via teleconference to twenty minutes. Therefore, after twenty minutes, no further comments will be accepted. Each person will be limited to a maximum of three minutes per agenda item. Depending on the number of people who wish to speak on an item, the time limit per person may be reduced to 30 seconds.
4. During public comment on any other agenda item, a total of ten minutes will be allowed for comments via the teleconference line. After ten minutes, no further comments will be accepted. Each person will be limited to a maximum of three minutes per agenda item. Depending on the number of people who wish to speak on an item, the time limit per person may be reduced to 30 seconds.
5. Comments for those in attendance at the meeting will have the same time limitations as those identified above for individuals on the teleconference line.
6. PLEASE NOTE: Because there is an audio delay, if you are participating by phone and simultaneously watching the livestream, the Board requests you turn off the sound to the livestream for improved clarity.

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 Board, but the President 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 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 send a written request to [marykathryn.cruzjones@mbc.ca.gov](mailto:marykathryn.cruzjones@mbc.ca.gov). Providing your request at least five business days before the meeting will help ensure availability of the requested accommodation.

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*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.*

# 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.

