



MEDICAL BOARD OF CALIFORNIA

QUARTERLY BOARD MEETING AGENDA

Thursday, November 7, 2019
1:15 p.m. – 5:30 p.m.

Friday, November 8, 2019
9:00 a.m. – 1:00 p.m.

Denise Pines
President

Ronald H. Lewis, M.D.
Vice President

Howard R. Krauss, M.D.
Secretary

Susan F. Friedman

Dev GnanaDev, M.D.

Randy W. Hawkins, 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.

The Westin San Diego
400 West Broadway, San Diego, CA 92101
Topaz Ballroom
(619) 239-4500

*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, November 7, 2019

1. Call to Order/Roll Call/Establishment of a Quorum
2. Presentation from the Department of Consumer Affairs Human Resources Office on the Executive Director Selection Process
– Ms. Le
3. CLOSED SESSION (1:45 p.m.)
Pursuant to Government Code section 11126(a)(1), the Board will meet in closed session to discuss the selection of an Interim Executive Director.
4. 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)].
5. Approval of Minutes from the August 8 – 9, 2019 Quarterly Board Meeting
6. President's Report, including notable accomplishments and priorities – Ms. Pines
7. Board Member Communications with Interested Parties
– Ms. Pines
8. Executive Management Reports – Ms. Lally
 - A. Administrative Summary, including budget, personnel, and technology updates
 - B. Enforcement Program Summary, including personnel, expert reviewer program, statistics, and enforcement unit updates

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- C. Licensing Program Summary, including personnel, statistics, and licensing unit updates
 - D. Update on the CURES Program
 - E. Update on the Federation of State Medical Boards
 - F. Update on the Physician Assistant Board
 - G. Update from the Department of Consumer Affairs
9. Presentation and Discussion on Continuing Medical Education Data Sharing – Ms. Dunleavy, MSA, Senior Vice President of Business and Operations, and Dr. Zanolli, Vice Chair, Accreditation Council for Continuing Medical Education
 10. Approval of Recommendation for Federation of State Medical Boards Committees – Ms. Lally
 11. Discussion and Possible Action on Legislation/Regulations – Ms. Simoes
 - A. Implementation Plans for 2019 Legislation
 1. AB 149 (Cooper) Controlled Substances: Prescriptions
 2. AB 241 (Kamlager Dove) Implicit Bias: Continuing Education: Requirements
 3. AB 528 (Low) Controlled Substances: CURES Database
 4. AB 714 (Wood) Opioid Prescription Drugs: Prescribers
 5. AB 845 (Maienschein) Continuing Education: Physicians: Maternal Mental Health
 6. AB 1264 (Petrie-Norris) Healing Arts Licensees: Self-Administered Hormonal Contraceptives
 7. AB 1519(Low) Healing Arts
 8. SB 159 (Wiener) HIV: Preexposure and Postexposure Prophylaxis
 9. SB 377 (McGuire) Juveniles: Psychotropic Medications: Medical Records
 10. SB 425 (Hill) Health Care Practitioners: Licensee's File: Probationary Physician's and Surgeon's Certificate: Unprofessional Conduct
 11. SB 697 (Caballero) Physician Assistants: Practice Agreement: Supervision
 12. SB 786 (Comm. on Bus., Professions and Econ. Dev.) Healing Arts
 13. SB 714/276 (Pan) Immunizations: Medical Exemptions
 - B. 2020 Legislative Proposals
 1. Midwifery proposal to amend Business and Professions Code section 2507
 2. Licensing proposal to amend Business and Professions Code section 2184
 3. Licensing postgraduate clean-up proposals to amend Business and Professions Code sections 2065, 2113, and 2135.5
 4. Enforcement proposal to amend Business and Professions Code section 2225
 5. Enforcement proposal to amend Business and Professions Code section 4332
 6. Enforcement proposal to amend Business and Professions Code section 125.9
 - C. Regulatory Actions
 1. Physician Health and Wellness Program, 16 CCR, Sections 1357.10, 1357.11, 1357.12, 1357.13, 1357.14, 1357.15, and 1357.16
 2. Supervision Required for Physician Assistants, 16 CCR Section 1399.545
 3. Notice to Consumers, 16 CCR, Sections 1355.4, 1378.5, 1379.4, and 1379.58
 4. Postgraduate Training Requirements, 16 CCR, Sections 1320 and 1321
 5. Rehabilitation/Substantial Relationship Criteria, 16 CCR Sections 1309, 1360, 1360.1, 1360.2, 1378.70, and 1379.72
 12. Discussion and Possible Action on Recommendation from the Special Faculty Permit Review Committee – Dr. GnanaDev
 13. Presentation on the Citation and Fine Program – Ms. Jones
 14. Update from the Health Quality Investigation Unit – Mr. Chriss and Ms. Nicholls

15. Update on the Health Professions Education Foundation – Dr. Hawkins and Dr. GnanaDev

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Friday, November 8, 2019

16. Call to Order/Roll Call/Establishment of a Quorum

17. 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)].

18. Overview of California Maternal Health and Morbidity Rates and Initiatives
– Dr. Mitchell, MPH, Deputy Director, Center for Family Health, California Department of Public Health

19. Update, Discussion, and Possible Action of Recommendations from the Midwifery Advisory Council Meeting – Ms. Breglia

20. Discussion and Possible Action to Amend Title 16, California Code of Regulations, Section 1364.10 and Repeal Section 1364.11 Regarding Citations and Fines – Ms. Webb

21. Discussion and Possible Action to Repeal Title 16, California Code of Regulations, Sections 1357, 1357.1, 1357.2, 1357.3, 1357.4, 1357.5, 1357.6, 1357.8, and 1357.9 and Add Sections 1357.10, 1357.11, 1357.12, 1357.13, 1357.14, 1357.15, and 1357.16 Regarding the Physician and Surgeon Health and Wellness Program – Ms. Webb

22. Discussion and Possible Action to Withdraw Proposed Rulemaking for Title 16, California Code of Regulations, Section 1399.545 Regarding the Supervision Required for Physician Assistants – Ms. Webb

23. Update on the Stem Cell and Regenerative Therapy Task Force – Dr. Hawkins and Dr. Krauss

24. Future Agenda Items

25. 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, November 7, 2019 and Friday, November 8, 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 **4** and **17** – 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 three minutes per agenda item.
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 three minutes per agenda item.
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. Providing your request at least five business days before the meeting will help ensure availability of the requested accommodation.

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.



State of California
Department of Consumer Affairs