



MEDICAL BOARD OF CALIFORNIA Licensing Program



Licensing Committee San Francisco, CA January 28, 2010 MINUTES

The Licensing Committee convened in Open Session. Dr. Salomonson called the meeting to order on January 28, 2010, at 2:07 p.m. Roll was taken and a quorum was present. Due notice was mailed to all interested parties.

Members Present:

Janet Salomonson, M.D., Chair
Jorge Carreon, M.D.
Hedy Chang
Gary Gitnick, M.D.
Sharon Levine, M.D.

Members Absent:

Reginald Low, M.D.
Gerrie Schipske, R.N.P., J.D.

Board Members, Staff and Guests Present:

Susan Cady, Enforcement Manager
Candis Cohen, Public Information Officer
Kurt Heppler, Department of Consumer Affairs, Staff Counsel
Teri Hunley, Business Services Manager
Barb Johnston, Executive Director
Ross Locke, Business Services Office
Armando Melendez, Business Services Office
Margaret Montgomery, Kaiser Permanente
Cindi Oseto, Associate Licensing Analyst
Pat Park, Associate Licensing Analyst
Deborah Pellegrini, Chief of Licensing
Regina Rao, Business Services Office
Paulette Romero, Enforcement Manager
Gregory Santiago, Department of Consumer Affairs
Kevin Schunke, Regulation Coordinator
Anita Scuri, Department of Consumer Affairs Supervising Legal Counsel
Rehan Sheikh
Kathryn Taylor, Licensing Manager
Cheryl Thompson, Executive Assistant
Renee Threadgill, Chief of Enforcement
Linda Whitney, Chief of Legislation
Barbara Yaroslavsky, Board President

**Agenda Item 2 Statutory Amendments to the Business and Professions Code
Proposed for 2010**

Section 2184. Passing score; Period of validity. Deborah Pellegrini, Chief, Licensing Program, gave a brief overview of the Licensing Program and how it processes physician and surgeon applications. In addition, Ms. Pellegrini explained program support functions for pre-licensure and post-licensure of physicians and surgeons.

Ms. Pellegrini stated that Business and Professions Code Section 2184 defines the United States Medical Licensing Examination (USMLE) scores are valid for 10 years. The validity period may be extended for time spent in postgraduate training **and** for good cause. The 10-year limit for those seeking a Postgraduate Training Authorization Letter (PTAL) is appropriate and requirements to retake the examination should continue to apply. However, some physicians delay commencing postgraduate training while they pursue training and postdoctoral fellowships toward obtaining a doctorate or other degree in a healthcare related field or subject. If 10 years elapse between the times they pass USMLE Step 1 and/or Step 2 and the time they begin postgraduate training, their written examination score(s) expires. Physicians who continue this type of additional training have to retake their exams. Legal counsel advised that simply amending the conjunction in the phrase "for good cause and for time spent" to "for good cause or for time spent" would allow staff to exercise greater flexibility in reviewing applicants' cases pursuant to Section 2184. Therefore, staff recommended changing the "and" to an "or" in Section 2184. It was suggested that this amendment would be non-controversial and could be achieved through omnibus legislation.

It was M/S/C (Gitnick/Chang) to approve the request to change the "and" to "or" in Section 2184.

**Agenda Item 3 Regulatory Amendments to Title 16, California Code of
Regulations, Proposed for 2010**

Dr. Salomonson asked Ms. Scuri to explain the difference between Statutes and Regulations. Therefore, Ms. Scuri gave a brief overview.

- Section 1306: Applications and Refund of Fees (Abandonment of Application). Ms. Pellegrini explained that existing language is inadequate to address the many challenges that staff encounters in balancing the burden on the Board's limited resources of storing hundreds of abandoned applications against the applicants' desire to maintain their applications in active status for years. If the applicant is not accepted into postgraduate training in a timely manner, he/she continue to request additional PTALs. This cycle can repeat itself for many years as the Board does not have sufficient authority to abandon the application. Therefore, staff proposes to amend the regulation to better define the applicant's responsibility to proceed to licensure within a reasonable timeframe and clarify the circumstances under which staff may close an abandoned application after due notice to the applicant for both a PTAL and for licensure. Ms. Pellegrini requested approval to return the regulatory language changes to the Licensing Committee.
- Section 1321: Approved Postgraduate Training (Postgraduate Training Authorization Letter). Ms. Pellegrini explained that, at this time, an applicant for a PTAL has to submit almost the same amount of paperwork as a person applying for licensure. The Business Processing Reengineering study recommended creating a special project to examine how we currently process and handle PTALs. Ms. Pellegrini asked to return this item to a future committee meeting for committee direction.

Dr. Salomonson asked if there are any volunteers who would like to work on this project. Ms. Chang volunteered. Dr. Salomonson approved staff to proceed accordingly. At the April meeting, Ms. Pellegrini will bring the Committee, for their consideration, some conceptual changes to statutes and regulations for processing PTAL applications.

- Section 1328: Written examinations. Ms. Pellegrini explained that this item was included in the Licensing Committee agenda as informational and would be presented to the Full Board in the next day's Agenda as Item #14. Ms. Pellegrini explained that when Section 1328 was amended in 1996 to address the transition to USMLE, staff was unaware that the testing agencies would make the combination of USMLE Steps 1 and 2 and National Board of Medical Examiners Part III available during the transition period. Therefore, this exam combination was not added to Section 1328 in 1996.

It was M/S/C (Levine/Gitnick) that the Committee recommended that that Board noticed this item for a regulatory hearing.

- Section 1378.50: Polysomnographic Technologists. Ms. Pellegrini provided an overview of this new program with three registration categories: technologists, technicians, and assistants. The Board has one year to develop and implement this program, including regulations.

Committee members asked if there is a template that can be used for this type of licensing category. Ms. Scuri stated that they have not yet been able to identify any programs that mirror these licensure category requirements. As the program is developed, Ms. Pellegrini asked that the Committee work with staff, specifically in the area regarding scope of practice. The Committee requested the staff to try to identify a consultant that specializes in the area of sleep medicine so that accurate information is received regarding scope of practice for paraprofessionals. The Committee stated that they will work with the Licensing Program staff to help fulfill these obligations to protect the people of the state.

- Section 1315.50: Limited license. Ms. Pellegrini stated that staff is developing a program to implement recently enacted legislation to create a limited license category for disabled physicians. Ms. Pellegrini gave an example of the current process to issue a license for applicants with disabilities. As explained more fully below, Ms. Oseto, assigned Lead Analyst, has already identified implementation steps.

Agenda Item 4: Update on the Implementation of the Limited License Program, Business and Professions Code Section 2088

Ms. Oseto explained that staff has met with legal counsel and determined that regulations are required to enact the statute. Based on this initial meeting, it appears that extensive work is required before the Board can issue this license type. Staff proposed to return to the April meeting with a completed project plan and some preliminary information defining criteria and application review processes.

Committee members asked if other states use this type of licensing category to reduce the work involved. Ms. Oseto stated that staff plans to conduct this research. The Committee also asked staff to invite a representative of the California Medical Association to participate for a cooperative working relationship from the beginning.

It was M/S/C (Gitnick/Chang) to approve the request to draft regulations that will define the application process for this new license type, the process by which licensees may qualify for an unrestricted license if their disability resolves, and an initial licensing fee and biennial renewal fee, not to exceed the \$790 maximum fee authorized by the bill.

Agenda Item 5: Public Comment on Items Not on the Agenda

None.

Agenda Item 6: Agenda Items for the Next Meeting

In addition to the statutory and regulatory proposals referenced above, the Committee members requested the following items to be discussed at the next meeting:

1. A presentation of the detailed steps in the application review process and associated timeframes
2. A discussion of how the Board prioritizes the processing of physician and surgeon applications
3. A discussion of the feasibility of conducting an audit of the Licensing Program similar to the one that the State Auditor conducts of the State Bar every two years.

Ms. Chang raised the issue of discussion of the Business Process Reengineering Study Report at the next meeting. The Report was set as an agenda item for the full Board meeting on the following day, and Ms. Pellegrini reminded the members that the Licensing Committee had not been constituted when the Business Process Reengineering Study was commenced; therefore, her obligation was to bring the report to the full Board. Staff counsel suggested that the appropriate time for discussion of the report was at the full Board meeting.

Agenda Item 7: Adjournment

The meeting adjourned at 3:00 p.m.

DRAFT