



**MEDICAL BOARD OF CALIFORNIA**  
**Executive Office**



**Wellness Committee**  
**Embassy Suites San Francisco Airport**  
**150 Anza Boulevard**  
**Burlingame, CA 94010**

**May 7, 2009**

**MINUTES**

**Agenda Item 1. Call to Order**

Dr. Duruisseau called the meeting to order at 9:35 am. Roll was taken and a quorum was present. Notice had been sent to all interested parties.

**Members present:**

Shelton Duruisseau, Ph.D., Chair  
 John Chin, M.D.  
 Daniel Giang, M.D.  
 Laurie C. Gregg, M.D.  
 Peter Moskowitz, M.D.

**Members absent:**

William Norcross, M.D.

**Board Members, Staff and Guests Present:**

Adam Brearley, Investigator  
 Jorge Carreon, M.D., Board Member  
 Hedy Chang, Board Member  
 Yvonne Choong, California Medical Association  
 Candis Cohen, Public Information Officer  
 Janie Cordray, Research Specialist  
 Zennie Coughlin, Kaiser Permanente  
 Julie D'Angelo Fellmeth, Center for Public Interest Law  
 Richard Fantozzi, M.D., Board Member  
 Gary Gitnick, M.D., Board Member  
 Kurt Heppler, Staff Counsel, DCA  
 Teri Hunley, Business Services Office  
 Barb Johnston, Executive Director  
 Kim Kirchmeyer, Deputy Director  
 Ross Locke, Business Services Office  
 Armando Melendez, Business Services Office  
 Deborah Pellegrini, Chief of Licensing

Regina Rao, Business Services Office  
Paulette Romero, Associate Analyst  
Janet Salomonson, MD, Board Member  
Kevin A. Schunke, Committee Manager  
Anita Scuri, Senior Staff Counsel, DCA  
Susan Thadani, Investigator  
Cheryl Thompson, Executive Assistant  
Renee Threadgill, Chief of Enforcement  
Linda Whitney, Chief of Legislation  
Barbara Yaroslavsky, Board Member  
Frank V. Zerunyan, J.D., Board Member

**Agenda Item 2. Approval of the Minutes from the January 29, 2009 Meetings**

Motion/second/carried Drs. Giang/Chin to approve the minutes.

**Agenda Item 3. Hospital Well-Being Committee/Wellness Program Survey Task Force – Dr. Gregg and Dr. Moskowitz**

During the past several months, the Committee has taken steps to gain a better understanding of what wellness resources currently are available to physicians. Dr. Gregg and Dr. Moskowitz were appointed to a task force to develop a survey which will be sent to all hospitals in California.

California hospitals are required to have a well-being committee, and many hospitals also have a wellness committee. This task force wanted to survey all California hospitals to see what wellness efforts they are undertaking and to get a better understanding of what works for them. With this in mind, the task force developed a survey and cover letter, which was distributed to the committee members for review and consideration.

Mr. Schunke reported the task force has worked with staff to finalize the survey. The survey and cover letter were approved by the Committee at the January meeting. Because of other assignments for staff, the mailing has not been completed yet; however, it would be a priority before the next meeting. Staff will investigate using an on-line survey site to gather responses.

**Agenda Item 4. Status of Physician Wellness Legislation – Ms. Whitney**

Ms. Whitney addressed the Committee to discuss the Board-sponsored wellness bill, AB 1094, authored by Assm. Conway. Ms. Conway was notified by State and Consumer Services Agency, representing the Administration, that it would oppose the bill. Therefore, the author now is using the bill for another subject matter.

The Governor vetoed AB 2443 (the Board-sponsored wellness bill of last session) because the bill, per the veto message, did not appear to fall within the mission of the Board, which is only licensing and enforcement.

Thus, in drafting AB 1094, the Board sought to make the bill permissive instead of mandatory, and had included significant findings and declarations. During the spring, Dr. Duruisseau and staff met with the Director of Consumer Affairs and her staff to seek support and direction. He reiterated the Board's position to pursue and make an affirmative statement that physician wellness and health is within the mission of the Board. Nevertheless, this did not assuage the opposition; per DCA, since the Board has the authority to create a wellness program, additional legislation was not necessary.

Dr. Chin sought clarification, asking if the Department's staff and the Governor (via the veto message) were implying that physician wellness and health is not within the broader realm of consumer protection. Ms. Whitney responded that the veto message for AB 2443 clearly indicated the Board should focus on licensing and enforcement. Dr. Gregg was instrumental in preparing a summary of published peer-reviewed studies that support the connection between physician wellness and patient safety. This was meant to be the underlying data to support AB 1094. Despite this research, it was reiterated that creation of a wellness program was already within the jurisdiction of the Board and such a statement of support by the Governor was not warranted.

Drs. Chin and Duruisseau asked Ms. Whitney to facilitate a meeting with the Governor's staff to provide a better understanding of why the Board wants to move forward with this concept.

#### **Agenda Item 5. Committee Members' Report on Activities**

Other than those points already mentioned, no further items were brought forward for discussion.

#### **Agenda Item 6. Discussion of Physicians' Health Forum**

Dr. Duruisseau advised the Committee he had been asked by DCA to facilitate the Physician's Health Forum in April. However, because of other obligations, he had to decline to opportunity to attend. He stated he had not been briefed on the outcome of the meeting.

#### **Agenda Item 7. Discussion of Future Agenda Items**

Pursuant to a query by Dr. Giang, Mr. Schunke reported he would coordinate additional articles for the Board's *Newsletter* by working with Dr. Gregg and Candis Cohen, the Board's Public Information Officer.

**Agenda Item 8. Public Comment on Items not on the Agenda**

Dr. Fantozzi reported on various outreach presentations he had made and different meetings he had attended, at which he spoke about, among other things, the Board's wellness activities.

Dr. Duruisseau thanked Dr. Fantozzi for his leadership of, and contributions to, the Wellness Committee.

**Agenda Item 9. Adjournment**

Motion/second/carried Drs. Giang/Chin to adjourn at 10:15 am.