



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



Education Committee Meeting  
Sheraton Suites  
Ovation Room  
701 A Street  
San Diego, CA 92101

**November 6, 2008**

**MINUTES**

**Agenda Item 1      Call to Order**

The Education Committee of the Medical Board of California was called to order by Chair Barbara Yaroslavsky at 11:40 a.m. A quorum was present, and due notice had been mailed to all interested parties.

**Members Present:**

Barbara Yaroslavsky, Chair  
Hedy Chang  
Mary Lynn Moran, M.D.  
Gerrie Schipske, R.N.P., J.D.  
Janet Salomonson, M.D.

**Staff and Guests Present:**

Barb Johnston, Executive Director  
Kim Kirchmeyer, Deputy Director  
Deborah Pellegrini, Chief of Licensing  
Linda Whitney, Chief of Legislation  
Renee Threadgill, Chief of Enforcement  
Candis Cohen, Public Information Officer  
Anita Scuri, Senior Staff Counsel, DCA  
Kevin Schunke, Regulation Coordinator  
Janie Cordray, Research Specialist  
Abbie French, Telemedicine Manager  
Kelly Nelson, Legislative Analyst  
Paulette Romero, Associate Analyst  
Cheryl Thompson, Executive Assistant  
Regina Rao, Business Services Office  
Armando Melendez, Business Services Office  
Julie D'Angelo Fellmeth, Center for Public Interest Law  
Meredith D'Angelo, Center for Public Interest Law  
Patrick McKenna, Center for Public Interest Law

Elizabeth Becker, Inner Solutions for Success  
Brian Warren, Department of Consumer Affairs  
Taryn Smith, Senate Office of Research  
Zennie Coughlin, Kaiser Permanente  
Brett Michelin, California Medical Association  
Tara Kittle, Blue Diamond Foundation  
Mark Brown

**Agenda Item 2      Approval of the April 24, 2008 and July 24, 2008 Minutes**

It was M/S/C to approve the minutes of the April 24, 2008 and July 24, 2008 meetings.

**Agenda Item 3      Opening Remarks by the Chair**

Committee Chair Barbara Yaroslavsky thanked the many speakers at the previous three meetings of the committee and said that the Board's Education and Wellness committees will use the information received to determine what the appropriate role of the Board should be in assisting existing wellness/prevention models and/or creating new ones.

Ms. Yaroslavsky summarized the events that brought the committee to its present, sole agenda item – the physician's role in providing notice to patients about the Medical Board. She noted this issue had been discussed at four different meetings of the Board's Public Education Committee, beginning in 2002 through 2006. The members of that committee did not agree on if or how physicians should be required to inform patients about the role of the Medical Board, and ultimately determined there was insufficient support for legislation that was thought to be required, and no action was taken. She believed now was a good time to discuss this item again, as the public demands more information and the Board moves toward more transparency.

**Agenda Item 4      Discussion of the Physician's Role in Providing Notice to Patients about the Medical Board**

Julie D'Angelo Fellmeth of the Center for Public Interest Law said in her initial report to the Board dated November 1, 2004 in her capacity as the Board's enforcement monitor, she emphasized the importance of the public's awareness of the Board and its functions. She noted Business and Professions (B&P) Code section 138 mandates outreach to the public about existence of the Board; no legislation is required, only a regulation. She disagreed with a 1999 opinion from the Department of Consumer Affairs that found the Medical Board was exempted from that section by B&P Code section 680, and urged the committee to take action to require some type of mandatory disclosure by physicians of the fact they are licensed by the Medical Board, along with the board's contact information.

Ms. Chang asked Information Officer Candis Cohen if what Ms. D'Angelo Fellmeth said were accurate, and Ms. Cohen said she agreed with her recitation of factual events but that the legal question was one for the Board's attorneys to discuss. DCA Senior Counsel Anita Scuri said indeed the Medical Board could adopt a regulation under section 138 to require such disclosure, as other DCA boards have done. The regulation would have to be specific as to where such information should go, and as to its content. She then briefly described the approximately six-month-long regulatory process.

Dr. Moran said she sees regulatory signage in cabs and has more confidence she is being taken care of there than in a doctor's office and believes physicians should be at least held to that standard. She favored a mandatory sign in every doctor's office, in large print.

Dr. Salomonson asked what would be done about enforcement, i.e., what the plan would be for those physicians who were not complying with this proposed requirement. Ms. Scuri said if this becomes a regulation, violation would be a ground for citation or discipline.

Ms. Schipske said in time patients could become accustomed to seeing the signs and could help with enforcement when they did not see a sign in a physician's office. She asked that staff come back to the committee with recommendations about the format, location, and size of the sign; also that the CMA, the ambulatory care clinics, and the hospital associations provide some input.

Ms. Yaroslavsky asked how long all this might take. Ms. Whitney explained first the committee must take its proposal to the full Board and get the Board's input. Next, the proposal would come back to the committee for discussion, then the proposal would go back to the full Board for its approval. It then would be set for hearing at the Board's May meeting. If the regulation is approved at the May meeting and there is no opposition or change in the language, it would move forward for an effective date early in 2010. That is the soonest such a regulation could become effective.

Ms. Chang moved to recommend to the full Board that a regulation be put in place that requires patient notification that the physician is licensed by the Medical Board of California and that the details will be presented at the Board's next meeting. The motion was seconded by Ms. Schipske and passed unanimously.

#### **Agenda Item 5      Public Comment on Items not on the Agenda**

There was no public comment offered.

#### **Agenda Item 6      Agenda Items for Future Discussion**

No additional items were suggested.

#### **Agenda Item 7      Adjournment**

The meeting was adjourned at 12:05 p.m.



## **MEDICAL BOARD STAFF REPORT**

DATE REPORT ISSUED: December 24, 2008  
DEPARTMENT: Executive Office  
SUBJECT: Proposed Regulation – Mandatory Signage Regarding How  
to Contact the Medical Board of California  
STAFF CONTACT: Candis Cohen

REQUESTED ACTION: Approve proposed regulatory language (attached) that requires patient notification by physicians that they are licensed by the Medical Board of California and set the matter for a regulatory hearing.

STAFF RECOMMENDATION: The Committee recommends to the full Board that a regulatory hearing be held at the May 2009 quarterly Board meeting to support a regulation under Business and Professions Code section 138.

EXECUTIVE SUMMARY: As was noted in a memorandum dated October 21, 2008 in Committee members' packets at the Education Committee meeting of November 6, 2008, the issue of whether physicians should be required to inform their patients about the Medical Board and how to contact the Board has been discussed at the committee level since 2003. The Medical Board's enforcement monitor recommended in her November 1, 2004 report that the Board adopt the above-proposed regulation. No formal action ever was pursued, as members did not agree on a course of action, and also because it was believed that such a requirement would necessitate the passage of a new law, which Committee members thought could not survive the opposition of organized medicine. Counsel to the Board opined at the Committee's last meeting that legislation is not necessary since Business and Professions Code section 138 already requires such disclosure.

FISCAL IMPACT: No fiscal impact to the Board except for enforcement costs for non-compliance. Minor costs to physicians' practices to download the above language from the Medical Board's Web site and frame or otherwise affix the notice where patients are able to see it.

**Medical Board of California**  
**Suggested Language of Proposed Regulations**

**Mandatory Signage Regarding How to Contact the Medical Board of California**

Adopt Section 1354.6, Title 16, California Code of Regulations to read as follows.

Physicians licensed by the Medical Board of California shall post a sign of no less than 8 ½ inches by 11 inches, prominently posted in their waiting rooms in a location visible to patients, in black type on a white background, in print no smaller than 24-point, the statement:

Medical doctors are licensed and regulated  
by the Medical Board of California.

[www.mbc.ca.gov](http://www.mbc.ca.gov)

(800) 633-2322

Authority: Section 2018, Business and Professions Code

Reference: Section 138, Business and Professions Code

Medical doctors are  
licensed and regulated by the  
Medical Board of California.

[www.mbc.ca.gov](http://www.mbc.ca.gov)

(800) 633-2322