

**MEDICAL BOARD OF CALIFORNIA**

EXECUTIVE OFFICE
1434 Howe Avenue, Suite 92
Sacramento, CA 95825-3236
(916) 263-2389 FAX (916) 263-2387
www.mbc.ca.gov

**AGENDA ITEM 2****Executive Committee**

**Sheraton Gateway Hotel
6101 W. Century Blvd.
Los Angeles, CA 90045**

DRAFT**January 4, 2007****MINUTES****Open Session:****Agenda Item 1 Call to Order/Roll Call**

The Executive Committee of the Medical Board of California was called to order by the Chair, Steve Alexander at 3:45 p.m. Notice had been sent to interested parties.

Members Present:

Steve Alexander
Cesar Aristeiguieta, M.D.
Richard D. Fantozzi, M.D.
Gary Gitnick, M.D.
Ronald L. Moy, M.D.
Ronald Wender, M.D.
Barbara Yaroslavsky

Agenda Item 2 Approval of the November 2, 2006 Minutes

It was M/S/C to approve the minutes of the November 2, 2006 meeting.

Agenda Item 3 Executive Director Recruitment & Selection Process

Dr. Fantozzi provided an update on the status of the recruitment for an Executive Director. The advertisement for the position was published in mid-December on the statewide system for advertising state vacancies. Advertisements will also run in newspapers in the major metropolitan areas in California, as well as the Federation of State Medical Boards Newsletter, Monster.com and the Capitol Morning Report. The final filing date is January 31, 2007. The goal is to have finalists attend the April 2007 board meeting.

DRAFT

Agenda Item 4 President's Report

- A. Mr. Alexander disclosed he and Mr. Thornton attended a meeting with CMA President & CEO on December 1, 2007 in San Diego. He also disclosed he drove to the meeting today with Julie D'Angelo Fellmeth.

- B. Board Operations:
 - 1. Meetings
 - February 1 – 2, 2007 Quarterly Board Meeting – Los Angeles
 - March 1 – 2, 2007 Board Retreat and Strategic Planning Meeting - San Diego
 - April 26 – 27, 2007 Quarterly Board Meeting - Sacramento

 - 2. Committees
 - Mr. Alexander solicited members to participate on committees and to let him know if they are interested.

Agenda Item 5 Executive Director Report

A. Retention & Recruitment

Mr. Thornton reported a committee was established to look at the issue of re-classification of investigators, longevity pay, and pay parity with other departments. A meeting with the Department was held on December 19, 2006 and another meeting is scheduled for January 18, 2007.

B. New Prosecution Model Update

Mr. Thornton reported a work group met in November 2006 and developed one manual for both the Medical Board the Attorney General's office to utilize.

C. Federation of State Medical Boards Nomination Update

Dr. Fantozzi was nominated to run for a position on the board of directors. After further discussion, it was M/S/C to withdraw Dr. Fantozzi's name. Mr. Thornton will send an e-mail to other members (past/present) to solicit interest in running for a position on the board of directors. It was M/S/C to authorize Mr. Thornton to submit name to FSMB with ratification by the board at the February 2007 meeting.

D. Performance Audit Planning

Ms. Whitney discussed the intent language in SB 231. It was suggested this issue be placed on the agenda for the Strategic Planning meeting in March 2007.

DRAFT

Agenda Item 6 Strategic Planning

Ms. Kirchmeyer announced the meeting has been scheduled for March 1 – 2, 2007 in San Diego. A facilitator contract is in process.

Agenda Item 7 Board Restructure

Mr. Thornton provided a brief summary of the past discussions regarding board restructure. Following a discussion by the members it was M/S/C to recommend approval of the concept as presented, which included consolidating the two divisions into one board, a reduction in the size of the board (but making no recommendation as to size until the members have had the opportunity to review workload analysis), authorize the board's Executive Director to approve stipulated agreements for surrender of license and default proposed decisions, and removing the item regarding oral argument until the members receive further information on this issue.

Agenda Item 8 Reestablish the Access to Care Committee

Ms. Whitney and Ms. Cohen were directed to work on a mission for the committee and to coordinate it with the Governor's agenda. The members appointed to the committee include Mr. Alexander, Dr. Gitnick, Dr. Fantozzi, Dr. Duruisseau, Mr. Zerunyan, Ms. Yaroslavsky & Ms. Chang. Mr. Alexander suggested this issue be integrated into the agenda for the Strategic Planning meeting.

Agenda Item 9 Nomination of Physician(s) to Dental Board – Oral and Maxillofacial Credentialing Committee

The members discussed the Dental Board's request for a recommendation of a physician member to be appointed to the credentialing committee. It was M/S/C to authorize the Executive Director to contact former board member, Bud Alpert, M.D. to determine if he was interested in being nominated to the credentialing committee. If not, the Executive Director would contact Robert Del Junco, M.D., regarding a nomination.

Agenda Item 10 Proposal to Re-Establish Medical Director Position

Mr. Thornton reported he had identified a vacant position to re-establish the medical director position and requested the board's approval to move forward. It was M/S/C to approve using an existing vacant position within the board to re-establish the medical director position.

DRAFT

Agenda Item 11 2007 Legislative Proposals

Ms. Whitney reported on the following legislative proposals for 2007:

- Vertical Prosecution pilot program sunset extension
- Board Restructure
- Diversion program sunset extension
- The Department is working on exemption language regarding the number of attempts to pass the USMLE.

Dr. Fantozzi requested staff engage in dialogue with the Dental Board and move forward with amending the oral and maxillofacial surgery law.

Agenda Item 12 Public Comment

Wrenda Searle requested the board's assistance with arranging an arbitration meeting with Dr. Parker who dropped her as a patient. Mr. Alexander referred Ms. Searle to Mr. Thornton for assistance.

Agenda Item 13 Adjournment

The meeting was adjourned at 6:20 p.m.



MEDICAL BOARD OF CALIFORNIA

EXECUTIVE OFFICE
1434 Howe Avenue, Suite 92
Sacramento, CA 95825-3236
(916) 263-2389 FAX (916) 263-2387
www.mbc.ca.gov



AGENDA ITEM 2

Executive Committee

**Hilton Los Angeles Airport Hotel
Century C&D Room
5711 W. Century Blvd.
Los Angeles, CA 90045**

DRAFT

March 29, 2007

MINUTES

Open Session:

Agenda Item 1 Call to Order/Roll Call

The Executive Committee of the Medical Board of California was called to order by the Chair, Steve Alexander at 2:00 p.m. Notice had been sent to interested parties.

Members Present:

Steve Alexander
Richard D. Fantozzi, M.D.
Gary Gitnick, M.D.
Ronald L. Moy, M.D.
Ronald Wender, M.D.
Barbara Yaroslavsky

Members Absent:

Cesar Aristeigueta, M.D.

Agenda Item 2 Approval of the January 4, 2007 Minutes

It was M/S/C to approve the minutes of the January 4, 2007 meeting.

Agenda Item 3 President's Report

No report was given.

DRAFT

Agenda Item 4 Executive Director's Report

A. July Board Meeting Location

Mr. Thornton reported despite diligent efforts, staff has been unable to secure a meeting location in Oakland for the July 26, 27, 2007 board meeting. Staff also conducted an extensive search for meeting space in the San Jose area but was unsuccessful. Mr. Thornton proposed moving the July board meeting location from Oakland to South San Francisco.

A motion was made to approve moving the meeting location from Oakland to South San Francisco for the July 26, 27, 2007 board meeting. The motion carried.

B. Staffing Update

Mr. Thornton reported the following:

- The medical director position is moving forward. It will require approval by the State Personnel Board and the Department of Finance.
- The Diversion Case Manager positions are being reclassified to the Associate Governmental Program Analyst (AGPA) series which is a statewide classification and will likely increase the recruitment pool for vacant positions.
- The Diversion Case Manager Supervisor position is being reclassified to the Staff Services Manager I series.
- The Diversion Program Manager position is being reclassified to a Career Executive Assignment I which will give the board some flexibility with this position.

C. Legislative Subcommittee

Mr. Thornton explained this item was brought up at a previous meeting by Dr. Gitnick who proposed the idea of creating a legislative subcommittee so board members could be more pro actively involved in the board's legislative agenda. Following a discussion by the members, staff was directed to develop a plan to institutionalize the process to involve board members in the legislative process and bring it back to the full board as a proposal at the April 2007 board meeting. Staff was also asked to address the idea of inviting representatives from different legislator's offices to future board meetings.

D. Board Members' Term Expirations

Mr. Thornton advised he and Mr. Alexander have been in communication with the Department regarding the impact on the board as a result of six members whose terms expire on June 1, 2007.

DRAFT

E. Reclassification Proposal for Investigators

Mr. Thornton reported staff continues to engage in meetings with the Department to address the recruitment and retention of investigative staff. Current efforts include working with the Department to seek a reclassification of the investigator series, including a salary increase; exploring ways the Legislature can assist the board in addressing the issue of investigator pay differentials; and seeking full implementation of Vertical Enforcement which would include the transfer of investigative staff to the Department of Justice where they would be reclassified to Special Agents and receive a pay increase.

Following a discussion by the members, staff was directed to bring back a comprehensive report to the full board at the April 2007 meeting on retention and reclassification of investigators outlining the action plan, staffing statistics and projected forecast based upon the trends.

Agenda Item 5 2007 Legislation

Linda Whitney, Chief of Legislation gave an update and presented the newly introduced legislation as follows:

- AB 253 (Eng) Restructuring of the Medical Board of California. This is board-sponsored legislation.
- AB 329 (Nakanishi) Chronic Diseases: Telemedicine. The Executive Committee took a position of “support” on the bill.
- AB 555 (Nakanishi) Medical Records. The Executive Committee took a position of “Support in Concept” on the bill.
- AB 1025 (Bass) Denial of Licensure. The Executive Committee took a position of “Neutral” with amendments to delete physicians from the bill.
- AB 1073 (Nava) Workers’ Compensation: Medical Treatment Utilization. The Executive Committee took a position of “Support” on the bill.
- AB 1154 (Leno) Diabetes. The Executive Committee referred the bill to the Access to Care Committee for further discussion.
- AB 1224 (Hernandez) Telemedicine: Optometrists. The Executive Committee referred the bill to the Access to Care Committee for further discussion.
- AB 1276 (Karnette) Pharmacies: Prescription Containers. The Executive Committee took a position of “Support with Amendments” on the bill.
- AB 1643 (Niello) Nurse Practitioners. Scope of Practice. The Executive Committee took a position of “Oppose unless Amended” to include geographic proximity and immediate access to the physician.
- SB 102 (Migden) Blood Transfusions. The Executive Committee took a position of “Support if Amended” to delete brochure requirement in the bill.
- SB 478
(Hollingsworth) Physicians and Surgeons: Loan Repayment. The Executive Committee referred the bill to the Access to Care Committee.

DRAFT

- SB 620 (Correa) Anesthesia Permit for Physicians in Dental Offices. The Executive Committee took a position of “Support” on the bill.
- SB 761 (Ridley-Thomas) Physicians and Surgeons: Diversion Program. This is board-sponsored legislation.
- SB 764 (Migden) Health Care Provider Data. The Executive Committee took a position of “Support” on the bill.
- SB 767 (Ridley-Thomas) Drug Overdose Treatment: Liability. The Executive Committee took a position of “Watch” on the bill.
- SB 801 (Ridley-Thomas) Physician and Surgeons: Loan Repayment Assistance. The Executive Committee took a position to “defer” the bill to the full board for further discussion.
- SB 809(Ashburn) Expanding the Scope of Practice for Nurse Practitioners. The Executive Committee took a position of “Oppose” on the bill.
- SB 907 (Calderon) Physicians and Surgeons: Referrals. The Executive Committee took a position of “Oppose” on the bill.
- SB 993 (Calderon) Psychologist: Scope of Practice: Prescribing Drugs. The Executive Committee took a position of “Oppose” on the bill.

Mr. Alexander requested staff provide him with more information on AB 164 (Smith) regarding access to medical records by a non-custodial parent.

The Executive Committee directed staff to request the Administration’s position on the board sponsored legislation AB 253 regarding board restructuring.

Agenda Item 6 Strategic Plan Update

Kimberly Kirchmeyer, Deputy Director, reported staff is working on coordinating a future date to hold a workgroup meeting in Sacramento to review and discuss the first “draft” of the strategic plan.

Members were requested to prioritize the emerging objectives that were identified during the strategic planning meeting. Ms. Kirchmeyer reported a tentative date was set for April 16 to meet with all managerial staff to go over the board’s prioritization of the emerging topics and put together action plans and performance measurements to be brought back to the strategic planning committee for their consideration.

Agenda Item 7 Closed Session

Pursuant to Government Code Section 11126(a), the Executive Committee went into closed session at 3:30 p.m. to consider the appointment of an executive director.

Closed session concluded and the Executive Committee reconvened in open session.

DRAFT

Agenda Item 8 Public Comment

There was no public comment.

Agenda Item 9 Adjournment

The meeting was adjourned at 6:01 p.m.