



STATE AND CONSUMER SERVICES AGENCY • ARNOLD SCHWARZENEGGER, GOVERNOR

MEDICAL BOARD OF CALIFORNIA – DIVISION OF LICENSING

1428 Howe Avenue, Suite 56, Sacramento, CA 95825-3204

Telephone (916) 263-2382 Fax (916) 263-2487 www.mbc.ca.gov



**Division of Licensing
Quarterly Meeting**

**Embassy Suites
Union Square/Ghirardelli Room
250 Gateway Boulevard
South San Francisco, CA 94080**

July 27, 2007

MINUTES

Agenda Item 1 Call to Order/Roll Call

Dr. Gregg called the meeting to order on July 27, 2007, at 8:07 a.m. A quorum was present and notice had been sent to all interested parties.

Members Present:

Laurie Gregg, M.D., President
Hedy Chang, Vice President
Gary Gitnick, M.D., Secretary
Richard Fantozzi, M.D.
Gerrie Schipske, R.N.P., J.D.

Members Absent:

Mitchell S. Karlan, M.D.

Staff Present:

Gary Qualset, Chief, Licensing Program
Curt Worden, Staff Services Manager I, Licensing Program
Stacie Berumen, Staff Services Manager I, Licensing Program
Kathi Burns, Staff Services Manager I, Licensing Program
Billie Baldo, Administrative Assistant, Licensing Program
Anita Scuri, Supervising Senior Staff Counsel, Department of Consumer Affairs
Kevin Schunke, Regulation Coordinator, Legislative/Regulatory Unit
Linda Whitney, Chief, Legislative/Regulatory Unit
Kelly Nelson, Analyst, Legislative/Regulatory Unit
Cindi Oseto, AGPA, Licensing Program
Patricia Park, AGPA, Licensing Program
Armando Melendez, Business Services Assistant, Business Services Office
Scott Johnson, Business Services Assistant, Business Services Office

Members of the Audience:

Faith Gibson, L.M., Chair, Midwifery Advisory Council (MAC)
Karen Ehrlich, L.M., MAC
Joanne Michelin, California Medical Association (CMA)
Joanne Witkowski, M.D., UCR/UCLA Biomedical Science Medical School Program

Shabnam Balali
Brett Michelin, CMA
Lis Worcester, L.M.

Agenda Item 2 Committee Appointments

Dr. Gregg appointed Ms. Schipske to the Application Review Committee. Dr. Gregg appointed Ms. Chang and Dr. Gitnick to the Special Programs Committee.

The meeting went into closed session at 8:07 a.m. to consider agenda items 3, 4, and 5, with open session reconvening at 9:19 a.m.

In order to remain consistent with the record, the agenda items presented in these minutes are listed in the order discussed at the July 27, 2007, meeting.

Agenda Item 6 Report on Actions Taken in Closed Session

Dr. Gregg reported the Application Review Committee met and reviewed two application files. Both applicants were directed to satisfy the examination and medical education requirements required by law.

Dr. Gregg reported the Special Programs Committee met and reviewed two applications for appointment to Section 2113 faculty service. Both applications were approved.

Dr. Gregg reported the Special Programs Committee also reviewed one application for appointment to Section 2111 clinical fellowship. The application was denied.

Dr. Gregg reported the full Division of Licensing (DOL or division) met in closed session and reviewed two Petitions for Termination of Probation and one Stipulation for Probationary License.

Agenda Item 7 Approval of Minutes from the April 27, 2007 Meeting

It was M/S/C (Gitnick/Fantozzi) to approve the minutes of the April 27, 2007, meeting.

Agenda Item 8 President's Report

Dr. Gregg reported that several board members and staff attended the Federation of State Medical Boards annual conference held in San Francisco in early May.

She reported the Special Faculty Permit Review Committee held their first meeting on June 6th, the Midwifery Advisory Council met on June 12th, and the Cultural and Linguistic Physician Competency Workgroup met on June 26th.

Dr. Gregg met with Licensing staff, Physician Assistant Committee staff, and other interested parties on July 18th to discuss the regulation packet on Delegation of Services Agreements between physician supervisors and physician assistants.

Agenda Item 9 Legislation and Regulation Update

Ms. Whitney presented the following:

A. 2007 Legislation

A legislative proposal was introduced that would allow applicants for licensure to be placed into disabled status with practice limitations similar to what is currently available to licensed physicians and surgeons pursuant to Business and Professions Code Section 2441.

The applicant would meet all requirements for licensure and undergo a medical evaluation, if deemed necessary, to determine the level of limitation. Any limitation associated with the license would appear on the Board's web site. If the applicant violated the terms of the limited license, the physician would be subject to discipline for unprofessional conduct.

Dr. Gitnick asked if the application for such a license would come before the board for approval or if it would be approved at the staff level. Ms. Whitney stated that senior staff would make the determination, utilizing the board's Application Review Committee when necessary.

It was M/S/C (Fantozzi/Gitnick) to support the legislative proposal to issue a limited license to applicants with disabilities that would otherwise qualify for licensure.

B. Status of Regulatory Actions

The members were referred to the regulations matrix.

Agenda Item 10 Physician Assistant Committee

A. Update

Dr. Gregg reported that currently there are approximately 6,800 licensed Physician Assistants in California.

Dr. Gregg stated that at the last Physician Assistant Committee (PAC) meeting it was discussed how to hold disciplinary decisions for further discussion, and whether to establish a requirement that physician assistants complete mandatory continuing medical education in order to renew their license, which is currently not required. The next PAC meeting is scheduled for August 30, 2007, in Los Angeles.

Dr. Gregg met with Licensing staff, PAC staff, and interested parties to discuss Delegation of Services Agreements between physician supervisors and physician assistants. The PAC concluded that the supervising physician(s) may sign each physician assistant's Delegation of Services Agreement. Proposed language for the regulation was submitted to the Department of Consumer Affairs for legal review. Once approved by the PAC, the language will be brought before the division at its November 2007 meeting for review and a regulatory hearing would be requested to be scheduled for the February 2008 meeting.

Additionally, the PAC discussed issues regarding offices with multiple physicians and physician assistants.

B. Clarification of the Jurisdiction of Division of Licensing and Physician Assistant Committee for Adopting Regulations

Mr. Qualset reviewed with the board members the flow chart provided in the meeting packet outlining the regulatory process and existing law.

Agenda Item 11 Cultural and Linguistic Physician Competency Program Workgroup Meeting Update

Ms. Chang reported that a presentation regarding the implementation of AB 1195, which mandates the incorporation of cultural and linguistic competency (CLC) components into continuing medical education (CME), would be presented by representatives from the Institute for Medical Quality (IMQ) at the Full Board Meeting. The presentation will feature a demonstration of their web site.

Ms. Chang commended Licensing staff for their continuing work in this area and indicated that staff attended an IMQ CME provider workshop in May and a future CLC workgroup meeting was scheduled for later this year.

Agenda Item 12 Midwifery Committee Report

Staff was directed to add an agenda item to the next DOL meeting to establish a process to fill vacancies on the MAC when member terms expire.

The MAC was directed to assist Licensing staff in identifying or developing a program for the retraining/re-entry to practice of midwives and to consider using information learned from reviewing disciplinary history and complaints against midwives to develop measures to prevent future violations.

Staff was directed to add an agenda item to the next MAC meeting to facilitate discussion on future meeting topics for the MAC to consider.

A. Midwifery Advisory Council Report

Mr. Qualset reported that the coding system and related forms were developed and reviewed by the MAC and OSHPD which was brought to the Midwifery Committee meeting on July 25, 2007 for approval.

B. Midwife Annual Report Coding System Recommendation

Ms. Chang reported that the Midwifery Committee approved, in concept, the Midwife Annual Report Coding System recommended by the MAC and Licensing staff. The committee requested the division do the same and authorize the MAC to make any needed revisions and to issue final approval of the coding system after review at its September 6, 2007, meeting.

It was M/S/C (Chang/Gitnick) to approve the Midwife Annual Report Coding System, in concept, and authorize the MAC to approve the final coding system.

C. Annual Reporting Form

The MAC will review and finalize the Annual Reporting Form and related instructions at its September 6, 2007, meeting, considering input from OSHPD and Licensing staff.

Agenda Item 13 Recognition of International Medical School Program

A. Jagiellonian University Medical College (English Program) – Krakow, Poland

Mr. Qualset presented the recommendation of Medical Consultant, Dr. Simon and Division staff, to DOL members that the Jagiellonian University Medical College English Programs be recognized as a medical school meeting the requirements of Business and Professions Code Sections 2089 and 2089.5, and Title 16, CCR, Section 1314.1 retroactive to the date of inception of the programs in 1994 without requiring a site visit.

It was M/S/C (Fantozzi/Gitnick) to grant recognition to Jagiellonian University Medical College English Programs without requiring a site visit and to make that recognition retroactive to the inception of the program in 1994.

Agenda Item 14 Division Chief's Report

Mr. Qualset reported that for fiscal year 2006/2007 the Medical Board received a total of 6,034 new physician and surgeon applications and issued 5,285 more physician and surgeon licenses this year compared to last year, or an increase of 5.3%. Initial application review processing times were reduced by 56% for U.S./Canadian graduates and 39% for international graduates. Mr. Qualset recognized management and staff for the substantial improvement over this past year.

Mr. Qualset reported that calls received by the Consumer Information Unit have continued to rise with an average of 311 calls per business day.

For fiscal year 2006/2007 it was reported that 11 licensed midwife applications were received, 9 licenses were issued, and 4 applications remained pending. No applications were denied. As of June 30, 2007, 171 licenses were current and renewed, with 17 in delinquent status and 14 in cancelled status.

Mr. Qualset reported on the status of the American Board of Cosmetic Surgery (ABCS) lawsuit. On June 28, 2007, a notice of appeal was filed in Sacramento Superior Court. ABCS has until September 26, 2007, to file its opening brief at which time the Medical Board has twenty days to file a reply. Currently, the Division of Licensing's decision denying the ABCS' application to be approved as a Specialty Board remains in place.

Mr. Qualset provided the following meeting information: The PAC will meet August 30, 2007, to discuss the regulations regarding the Delegation of Services Agreement; the MAC will meet on September 6, 2007, to finalize the Midwife Annual Report Coding System and related documents; the CLC Workgroup will meet September 25, 2007, to further facilitate development of cultural and linguistic competency courses for physicians; and the Special Faculty Permit Review Committee will meet October 17, 2007, to review applications.

Dr. Gregg thanked Mr. Qualset and staff for assisting her on a variety of projects and for the efficiency established within the licensing program.

Agenda Item 15 Agenda Items for November 2007 Meeting

No items offered by members.

Agenda Item 16 Public Comment on Items Not on the Agenda

None.

Agenda Item 17 Adjournment

Dr. Gregg adjourned the meeting at 10:05 a.m.

Hedy Chang, Vice President

Gary Gitnick, M.D., Secretary