



MEDICAL BOARD OF CALIFORNIA

Protecting consumers by advancing high quality, safe medical care.

Agenda Item 3B

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Gavin Newsom, Governor, State of California | Business, Consumer Services and Housing Agency | Department of Consumer Affairs

WebEx

Interim Board Meeting

June 29, 2023

MEETING MINUTES

Thursday June 29, 2023

Due to timing for invited guests to provide their presentations, the agenda items below are listed in the order they were presented.

Members Present:

Kristina D. Lawson, President
Michelle Anne Bholat, M.D.
Ryan Brooks
Randy W. Hawkins, M.D., Vice President
James Healzer, M.D.
Nicole Jeong, J.D.
Asif Mahmood, M.D.
Richard E. Thorp, M.D.

Members Absent:

Laurie Rose Lubiano, J.D., Secretary
David Ryu
Eserick "TJ" Watkins
Veling Tsai, M.D.

Staff Present

Aaron Bone, Chief of Legislation and Public Affairs
Sean Eichelkraut, Information Technology Manager
Jenna Jones, Chief of Enforcement
Jeannele Lopez, Executive Administrative Assistant
Marina O'Connor, Chief of Licensing
Letitia Robinson, Research Data Specialist
Reji Varghese, Interim Executive Director
Kerrie Webb, Staff Counsel

Agenda Item 1 Call to Order/Roll Call/Establishment of a Quorum ([Link to video](#))

President Lawson called the meeting of the Medical Board of California (Board) to order on June 29, 2023, at 9:04 a.m. A quorum was present and due notice was provided to all interested parties.

Agenda Item 2: Public Comments on Items not on the Agenda ([Link to video](#))

[Public Comments on Agenda Item 2 Were Provided By:](#) Kristen Jenson, Monty Goddard, and Michele Monseratt-Ramos.

Agenda Item 3: Board Member Communications with Interested Parties ([Link to video](#))

President Lawson had a variety of conversations with stakeholders in the administration of the Legislature particularly around the Sunset Bill.

Dr. Hawkins participated in an FDA Advisory Committee meeting on the composition of the next COVID-19 vaccine and participated in a number of medical society conferences where he commented on what the Medical Board does, doctors protecting their licenses and the challenges physicians and trainees are experiencing with licensure from the two different types of licenses.

Dr. Mahmood spoke at the Society of Industrial Medicine and two people who applied for a license whom he referred to Mr. Varghese to assist them.

Dr. Thorp spoke to a residency director regarding a candidate experiencing difficulty getting his license prior to the deadline for hiring on July 1, 2023.

Dr. Bholat spoke with several program directors in California regarding some of the challenges with PTL's and individuals out on maternity leave and the timeframe impacting them continuing in their residency training. Dr. Bholat stated she would like to follow up with the Chief Medical Officer at UCLA regarding this issue.

[Public Comments on Agenda Item 3 Were Provided By:](#) No public comments.

Agenda Item 4: Discussion and Possible Action on Legislation ([Link to video](#))

Mr. Bone directed the Board to the green and blue tracker chart and provided a plan for discussing bills.

Mr. Bone stated he learned earlier in the week AB 796 Athletic Trainer bill is now a two-year bill and

will not be moving forward any further this year., Mr. Bone stated he would discuss SB 815, AB 1070, and SB 357.

SB 815 ([Link to Video](#))

Mr. Bone stated SB 815 is the Board's Sunset Bill, and that since the May 2023 Quarterly Board meeting the bill was amended to reduce the proposed fee amount for physicians and surgeons initial and renewal licensure from \$1350.00 to \$1289.00. The updated fee amount is dependent upon a longer loan repayment term that would allow the Board to extend repayments of current and anticipated loans to a six-year period. Mr. Bone stated Board staff are comfortable with this approach and expect this updated concept will still allow the Board to pay off its debt and begin to rebuild its reserve fund.

Mr. Bone stated other amendments to the bill are clarifying in nature and are noted on the first page of the analysis. The Board's current position of support if amended, does not speak to the fee amounts that are in the bill. Mr. Bone further stated if the Board is comfortable with the updated fee language no action would be required to update its position. Mr. Bone introduced Taylor Schick, Chief Fiscal Officer for DCA, and Mr. Schick provided an update on the Board's fund condition in consideration of the revised fee amount.

Dr. Thorp asked Mr. Schick if the three percent increase in costs includes an increase in AG fees. Mr. Schick indicated that an increase in AG costs is not anticipated or factored in specifically to the analysis. Dr. Thorp expressed concerns with the AGO costs in the budget, because they have to remain competitive with the private sector, and this needs to be considered in the analysis.

Dr. Hawkins and Mr. Bone discussed the timeframe of the approval process of SB 815.

Mr. Watkins expressed concerned about the model used to prepare the analysis.

Dr. Healzer and Mr. Bone discussed the Board's recommendations for language to change the Board's composition to a public member majority by converting one member, as opposed to adding two members.

Dr. Thorp expressed concern that item 15 in the sunset bill - the change to the burden of proof - would increase AGO costs for the Board.

[Public comments on SB 815 were provided by:](#) Eric Andrist, Tracy Dominguez, Alka Airy, Maria Ibarra Navarette, Kimberly Turbin, Michele Monseratt-Ramos, and Marianne Hollingsworth.

AB 1070 ([Link to Video](#))

Mr. Bone discussed the Board's oppose position on AB 1070 and indicated that at the time the position was adopted, the bill allowed physicians to supervise an unlimited number of physician assistants while they performed home health evaluations. Mr. Bone stated that during prior Board meetings, members discussed concerns over what constituted a home health evaluation and regarding the unlimited number of physician assistants that can be supervised and the risk that the quality of supervision would be significantly degraded.

Mr. Bone discussed the bill's last-minute amendments.

Dr. Hawkins and Dr. Thorp raised Medicare reimbursement issues.

Dr. Mahmood expressed concerns regarding patient volume per physician assistant. Mr. Bone requested members provide a suggested patient limit. Dr. Thorp suggested 15 patients per physician assistant per day. Dr. Bholat stated she is not willing to support the current bill. Dr. Mahmood stated he strongly opposed the bill.

[Public Comments on AB 1070 Were Provided By:](#) No public comments.

SB 357 ([Link to Video](#))

Mr. Bone stated SB 357 is a brand-new bill and establishes a permissive pathway for a physician to report to Department of Motor Vehicles in the event a patient has a medical condition that could affect their ability to operate a motor vehicle. Mr. Bone stated this could replace the current law that requires a physician to make similar reports for patients that have a disorder characterized by lapses of consciousness. Proponents of the bill believe the current law treats those unfairly that have certain conditions such as Epilepsy. Furthermore, they argue current law discourages patients from being transparent with their physicians about their symptoms in fear of losing their driving privileges.

Mr. Bone stated staff does not have concerns of the main goal of the bill; however, staff wishes to address the language that would shield a physician disciplinary or licensing action from the Boar in relation to making these reports. Staff recommended a support position with the inclusion of a support position of the amendments which are noted on page pages three and four of the analysis.

Dr. Hawkins requested staff provide the main goals of the bill. Board members discussed in detail concerns for safety of patients driving with certain medical conditions such as Epilepsy or Hypoglycemia. Dr. Thorp suggested a support if amended position, but would not support a permissive approach. Dr. Bholat also stated she would not support the current bill out of concern for patient safety.

Dr. Thorp moved to oppose SB 357 S:/ Dr. Mahmood; 8-0 (4 absent) Motion carried.

[Public Comments on SB 357 Were Provided By:](#) Rebecca Hollowell, and Lucas Evanson.

Agenda Item 5: Adjournment ([Link to video](#))

