



MEDICAL BOARD OF CALIFORNIA



QUARTERLY BOARD MEETING

Teleconference

Arrowhead Regional
Medical Center
400 North Pepper Avenue
Room #3M308-5
Colton, CA 92324

Hospital Council of
Northern CA
235 Montgomery Street,
Suite 1158
San Francisco, CA 94104

Grounds Bakery & Café
Conference Room
6277 E. Spring St. Long
Beach, CA 90808

Monday, December 1, 2014
4:00 p.m. – 5:00 p.m.

Meeting Minutes

Teleconference – See Attached
Meeting Information

Medical Board of California
Hearing Room
2005 Evergreen Street
Sacramento, CA 95815

Kaiser Permanente
1950 Franklin Street
2nd Floor Conference Room 2-C
Oakland, CA. 94612

Note: Guests will have to check in with Lobby Security
before entering the conference room floor.

11645 Wilshire Blvd.
First Floor Lobby
Los Angeles, CA. 90025

Cedars Sinai Lab Services
8711 West Third Street
Los Angeles, California
90048

600 N Garfield Ave. # 308
Monterey Park, CA. 91754

Jones Day
555 South Flower Street,
50th Floor
Los Angeles, CA 90071

Note: Guests will have to
check in with Lobby Security
before entering the conference
room floor.

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

Members Present:

- David Serrano Sewell, J.D., President
- Dev GnanaDev, M.D., Vice President
- Howard Krauss, M.D.
- Sharon Levine, M.D.
- Ronald H. Lewis, M.D.
- Elwood Lui
- Denise Pines, Secretary
- Gerrie Schipske, R.N.P., J.D.
- Jamie Wright, Esq.
- Barbara Yaroslavsky
- Felix Yip, M.D.

Member Absent:

- Michael Bishop, M.D.

Staff Present:

Kimberly Kirchmeyer, Executive Director
See Vang, Business Services Analyst
Kerrie Webb, Legal Counsel
Curt Worden, Chief of Licensing

Members of the Audience:

Michelle Monseratt Ramos, Consumer's Union, Safe Patient Network

Agenda Item 1 4:00p.m. Call to Order/Roll Call

Mr. Serrano Sewell called the meeting of the Medical Board of California (Board) to order on December 1, 2014, at 4:08 p.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

No public comments were heard on this agenda item.

Agenda Item 3 Review and Consideration of Revised Regulatory Language Amending Section 1361 and Adding Sections 1361.5, 1361.51, 1361.52, 1361.53, 1361.54, and 1361.55 to Title 16, California Code of Regulations - Uniform Standards for Substance-Abusing Licensees – Ms. Webb

Ms. Webb reminded the Board that a regulation packet on these changes was sent to the Office of Administrative Law (OAL) for review and approval, however, it was disapproved. She referred Members to agenda item three in their packets and went over each change individually. She first referred to page BRD 3-24, A through D. In letter A, OAL requested the language change from “Number of licensees who successfully completed probation” to “Number of licensees who successfully returned to practice...” However, she stated this particular language change did not comply with the way the Board functions, since a licensee can be on probation and still be practicing. Upon meeting and conferring with the OAL, it was agreed that a change was not needed, so that particular change will not be reflected in the final document going to the OAL for final approval.

Ms. Webb advised that the changes requested in B through D, were made, and are reflected in the third modified language document that is in the Board packets, also on page BRD 3-24.

Ms. Webb continued with the additional changes that OAL had asked be made and were agreed upon. On page BRD 3-3, item 3B, OAL requested the words “in any order” be struck out. On page BRD 3-7, there were more substantive changes requested. Language struck out in Blue shows the difference in testing from the first year, versus the second year, versus after five years. The new language clearly reflects the differences. In section 3D, OAL requested the additional verbiage shown in blue be included. These changes comply with what the working group agreed upon. The next major changes are found on page BRD 3-8, referencing section 2, with the addition of the language in the last line of the paragraph, “and participate in the second-year testing frequency requirements.” Also, in section 4, the addition of the last sentence in that paragraph that reads, “If the licensee returns to employment in a health care field, and has not previously met the first-year testing frequency requirements, the licensee shall be subject to completing a full year at the first-year testing frequency requirements, otherwise the second-year testing frequency requirement shall be in effect.” These were edits requested by OAL.

Ms. Webb further noted the strikeout on page BRD 3-12, section 1, last line of the paragraph. OAL felt this was unnecessary language per the code and asked it be removed.

Ms. Webb stated the additional changes shown in the document were considered non-substantive changes by OAL and she will not go over them unless requested by the Members. She noted the Board has revised the language to meet OAL's requests.

She stated one written comment was received from Ms. D'Angelo Fellmeth prior to the meeting, who noted that one particular reporting requirement had not been changed, but Ms. Webb stated staff had met with the OAL whom stated the change did not have to be made.

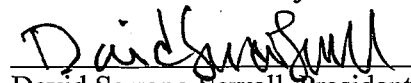
Ms. Webb asked for a motion to approve the recommended changes to the proposed language to implement the Uniform Standards for Substance-Abusing Licensees and to further direct staff to notice the modified language for a third fifteen-day comment period. If no negative comments are received during the fifteen-day comment period, authorize the Executive Director to make any non-substantive changes to the proposed regulations before completing the rulemaking process and adopting Title 16, California Code of Regulations - Uniform Standards for Substance-Abusing Licensees Section 1361 and Adding Sections 1361.5, 1361.51, 1361.52, 1361.53, 1361.54, and 1361.55 with the modified text.

Dr. Lewis made a motion to approve the recommended changes to the proposed language to implement to Uniform Standards for Substance-Abusing Licensees and to further direct staff to notice the modified language for a third fifteen-day comment period. If no negative comments are received during the fifteen-day comment period, authorize the Executive Director to make any non-substantive changes to the proposed regulations before completing the rulemaking process and adopting Title 16, California Code of Regulations - Uniform Standards for Substance-Abusing Licensees Section 1361 and Adding Sections 1361.5, 1361.51, 1361.52, 1361.53, 1361.54, and 1361.55 with the modified text.; s/ Dr. GnanaDev.

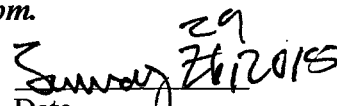
Michelle Monseratt Ramos, Consumer's Union, Safe Patient Network, urged the Board to include language in Uniform Standard number four, to insure that the Board and the physician understand that in the event of suspicion, the Board has the power to take action. She feels this is an important consumer protection issue.

Motion carried unanimously.

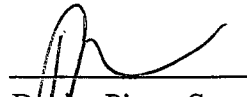
Mr. Serrano Sewell adjourned the meeting at 4:32 pm.



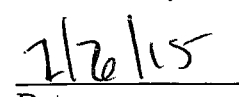
David Serrano Sewell, President



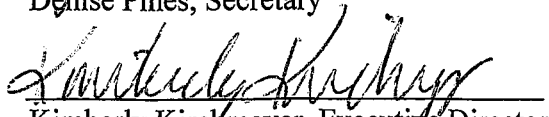
Date



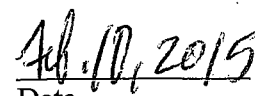
Denise Pines, Secretary



Date



Kimberly Kirchmeyer, Executive Director



Date

The full meeting can be viewed at http://www.mbc.ca.gov/About_Us/Meetings/2014/