



# MEDICAL BOARD OF CALIFORNIA



## LICENSING COMMITTEE

Doubletree by Hilton Hotel –South Bay

Salon A & B

21333 Hawthorne Blvd.

Torrance, CA 90503

May 3, 2012

## MINUTES

### **Agenda Item 1                      Call to Order / Roll Call**

Dr. Salomonson called the Licensing Committee meeting to order on May 3, 2012, at 2:40 p.m.

Ms. Lowe called the roll. A quorum was present and notice had been sent to interested parties.

### **Members Present:**

Janet Salomonson, M.D., Chair

Michael Bishop, M.D.

Jorge Carreon, M.D.

Hedy Chang

Silvia Diego, M.D.

Shelton Duruisseau, Ph.D.

Gerrie Schipske, R.N.P., J.D.

### **Staff Present:**

Maksim Degtyar, Investigator

Dianne Dobbs, Department of Consumer Affairs, Legal Counsel

Tim Einer, Administrative Assistant

Kurt Heppler, Staff Counsel

Teri Hunley, Business Services Manager

Kimberly Kirchmeyer, Deputy Director

Natalie Lowe, Licensing Manager

Armando Melendez, Business Services Analyst

Regina Rao, Business Services Analyst

Anthony Salgado, Licensing Manager

Jaime Sandoval, Investigator

Kevin Schunke, Outreach Manager

Anita Scuri, Department of Consumer Affairs, Supervising Legal Counsel

Jennifer Simoes, Chief of Legislation

Linda Whitney, Executive Director

Dan Wood, Public Information Officer

### **Members of the Audience:**

Sharon Allison, Kaiser LAMC

Teresa Anderson, California Academy of Physician Assistants

Hilma Balaian, Kaiser Permanente  
Rebecca Bramble, AZCOM Midwestern  
Genevieve Clavreul  
Yvonne Choong, California Medical Association (CMA)  
Zennie Coughlin, Kaiser Permanente  
Conrad Del Rosario, San Francisco District Attorney's Office  
Karen Ehrlich, L.M., Midwifery Advisory Council  
Julie D'Angelo Fellmeth, Center for Public Interest Law (CPIL)  
Jack French, Consumers Union CA Safe Patient Project  
Joseph P. Furman, Furman Healthcare Law  
Stan Furmanski, M.D.  
Atoosa Hoisseni, AZCOM Midwestern  
Marie Lord, AZCOM Midwestern  
Ryan McAtee, AZCOM Midwestern  
Michele Monserratt-Ramos, Consumers Union CA Safe Patient Network  
Beshoy Nashed, AZCOM Midwestern  
Carlos Ramirez, Senior Assistant AG, Office of the Attorney General  
Loren Reed, DCA, Public Affairs Office  
Robert Sachs, Chair, Physician Assistant Committee

**Agenda Item 2                      Public Comments on Items Not on the Agenda**

No public comment was given.

**Agenda Item 3                      Approval of Minutes from the February 2, 2012 Meeting**

Dr. Salomonson moved to approve the minutes from the February 2, 2012 meeting; s/Carreon; motion carried.

**Agenda Item 4                      Update on Licensing Staffing**

Mr. Salgado provided an update on the Licensing Program staffing. The vacant Licensing Manager position has been filled by Natalie Lowe. Ms. Lowe will transition into the position while maintaining her previous duties in Enforcement. The Licensing Program currently has three vacant positions at the Office Technician level. The Licensing Program has approximately 25% of staff in various stages of training.

**Agenda Item 5                      Updates on the Business Process Reengineering (BPR) Primary Recommendations**

Mr. Salgado stated that staff is currently working on the following four remaining BPR recommendations:

**A. Revision of Physician and Surgeon (P&S) Application and Streamlining Process**

The P&S Application Revision Team continues to work on the P&S application. It has been submitted and approved by the Licensing Staff, Licensing Managers and Chief of Licensing. The final draft is currently with Executive and Legal Staff for final approval.

**B. Medical Board of California Web Site Related to Applications**

Mr. Salgado reported a team has been established for this task. The Web site is concurrently being reviewed as the revision of the P&S application continues to proceed. The Web site will be completed immediately after approval of the P&S application.

**C. Study of Postgraduate Training Authorization Letter (PTAL) Process**

Mr. Salgado reported the P&S Application Revision Team determined that one application will remain for both licensure and for the PTAL; therefore, staff will no longer provide updates on this item.

#### **D. Revision of the Policy and Procedure Manual**

The Policy and Procedure Manual is continually being updated. The Administrative Support section of the manual has been reviewed by staff and management, and is in the final stages of completion. The Administrative Support section includes mail processing, obtaining reports, and file set up. A majority of the manual will be finalized once the new BreZE computer system is close to being implemented.

#### **Agenda Item 6                      Update on SB100 Implementation – Outpatient Surgery Center Requirements**

Ms. Lowe reported staff is currently working to implement the changes required by SB 100, including creating an online database that will provide consumers the ability to search for outpatient settings that have been accredited. The database is nearing completion, however due to limited staffing resources, it has taken longer than expected to finalize.

Upon completion of the database, staff will begin the process of importing data provided by the four accreditation agencies. The Information Systems Branch is attempting to work with the data provided, but is being faced with a significant challenge. Therefore, it was determined that a standard reporting format was necessary. A template was created that outlined the specific data elements required that will allow for conversion to the new database. The accreditation agencies were provided the template and a request was made that it be used to provide any updates to the Board. Since providing the standard template, only one of the four accreditation agencies is complying with this request. While the database is being completed, processes and procedures related to the outpatient settings program are being reviewed to determine best practices. If necessary, training will be provided to staff to insure timeframes are being met and appropriate action is being taken.

Until completion of the database, the public will be able to contact the program analyst for assistance in verifying an outpatient setting; the program analyst's contact information is available on the Board's Web site on the outpatient settings page. Staff is aware that this is a high priority and is focusing significant resources to insure that compliance with SB 100 is obtained as soon as possible; however, data integrity is essential prior to releasing information onto the Board's Web site.

Public Comment was provided by Michele Monserratt-Ramos with Consumers Union California Safe Patient Network (CUCSPN) regarding this agenda item. On behalf of CUCSPN members, Ms. Monserratt-Ramos requested a discussion, related to the enforcement side of the outpatient surgery program, of how adverse reports were to be reported and investigated.

Ms. Monserratt-Ramos stated Ms. Whitney responded to a letter written by CUCSPN stating the Board is working on enhanced Enforcement staff procedures to handle cases related to accredited and non-accredited licensed outpatient settings. On behalf of CUCSPN members, Ms. Monserratt-Ramos had a number of questions relating to the enforcement side of the outpatient surgery process, as well as the posting of various information required in the bill. She also asked if outreach was planned for the public.

#### **Agenda Item 7                      Update on Polysomnography Program**

Mr. Salgado reported that the Polysomnographic Program has been implemented. Four Polysomnographic applications have been received to date. The application for registration is available on the Board's Web site, in addition to a link for laws and regulations regarding the program. Links for Live Scan and fingerprint information have also been added to the Web site. A letter announcing the implementation of the program has been drafted and is in the review process. The letter will be disseminated to California sleep medicine doctors upon final approval. Information will also be provided in the Board's summer 2012 Newsletter.

**Agenda Item 8****Continued Compliance with Section 2168 Special Faculty Permit Holders**

Ms. Lowe reported that since the implementation of Business and Professions (B&P) Code section 2168 in 1999, the Board has approved 19 permits; 15 of which are current. Four of the permits have been canceled; however none of the cancellations were due to disciplinary cause or reason.

Permit holders are listed on the Board's Web site with licensed physicians and surgeons, and the public is able to perform a search to verify a permit holder's current status and public record. The permit holder is required to comply with continuing medical education requirements and to renew the permit in the same manner as a physician and surgeon, every two years. A certification statement on the renewal form is required by the school Dean to certify that the permit holder continues to meet the eligibility criteria set forth in B&P Code section 2168, is still employed solely at the sponsoring institution, continues to possess a current medical license in another state or country, and is not subject to permit denial under section 480 of the B&P Code. In addition, pursuant to B&P Code section 2168.4 and California Code of Regulations Title 16, Division 13, section 1315.02, the Dean is required to report to the Board within 30 days that a permit holder no longer meets the requirements to hold a permit. Upon notice of such, the Board will cancel the permit.

The Board has an enforcement process in place, which is the same for a permit holder as it is for any physician and surgeon. The Board is notified of any arrest and/or conviction of a permit holder and may deny, suspend, or revoke a permit for any violation that would be grounds for denial, suspension, or revocation of a physician's and surgeon's license. To date, the Board has not formally disciplined any permit holder.

B&P Code section 2168 also required the Board to provide a report to the Legislature on the status of the Special Faculty Permit Program by December 31, 2011. The Board complied with this requirement on December 9, 2011.

Dr. Duruisseau asked how many times the special faculty permit can be renewed? Ms. Lowe responded that the permit can be renewed indefinitely as long as the permit holder continues to meet the requirements set forth in B&P Code section 2168.

**Agenda Item 9****Agenda Items for July 19-20, 2012 Meeting in Sacramento Area**

An update on SB 100 Implementation on Outpatient Surgery Center requirements will be made at the July 2012 meeting.

**Agenda Item 10****Adjournment**

The meeting adjourned at 3:05 p.m.