



MEDICAL BOARD OF CALIFORNIA
Executive Office



Education Committee Meeting
Embassy Suites LAX South
Imperial Ball Room
1440 East Imperial Highway
El Segundo, CA 90245

January 29, 2009

MINUTES

Agenda Item 1 Call to Order

The Education Committee of the Medical Board of California was called to order by Chair Barbara Yaroslavsky at 3:35 p.m. A quorum was present, and due notice had been mailed to all interested parties.

Members of the Committee Present:

Barbara Yaroslavsky, Chair
Hedy Chang
Mary Lynn Moran, M.D.
Gerrie Schipske, R.N.P., J.D.
Janet Salomonson, M.D.

Board Members, Staff and Guests Present:

Gary Gitnick, M.D.
Frank V. Zerunyan, J.D.
Shelton Duruisseau, Ph.D.
Jorge Carreon, M.D.
Richard Fantozzi, M.D.
Kim Kirchmeyer, Deputy Director
Deborah Pellegrini, Chief of Licensing
Linda Whitney, Chief of Legislation
Renee Threadgill, Chief of Enforcement
Candis Cohen, Public Information Officer
Anita Scuri, Supervising Staff Counsel, DCA
Kurt Heppler, Staff Counsel, DCA
Kevin Schunke, Regulation Coordinator
Janie Cordray, Research Specialist
Abbie French, Telemedicine/Special Projects Manager
Pat Park, Licensing Analyst
Kelly Nelson, Legislative Analyst

Paulette Romero, Associate Analyst
Randy Freitas, Business Services Office
Julie D'Angelo Fellmeth, Center for Public Interest Law
Meredith D'Angelo, Center for Public Interest Law
Patrick McKenna, Center for Public Interest Law
Zennie Coughlin, Kaiser Permanente
Brett Michelin, California Medical Association
Tara Leigh Kittle, Blue Diamond Foundation
Francesca Lucero, Blue Diamond Foundation
Eric Batch, American Heart Association

Agenda Item 2 Approval of the April 24, 2008 Minutes

It was M/S/C to approve the minutes of the November 6, 2008 meeting.

Agenda Item 3 Opening Remarks by the Chair

Committee Chair Barbara Yaroslavsky noted the Medical Board has long been concerned that too few people know how to contact the Medical Board when they need to, as other medical and regulatory boards nationwide also have experienced. While the Board's dedicated communications staff continues to seek methods to reach the public, she indicated she's particularly excited with the proposal to be discussed at this meeting -- a regulation requiring physicians to prominently post a sign that notes physicians are licensed and regulated by the Board, with Board contact information. She believes it is an effective proposal whose time has finally come. The Board's goal is to provide every patient who sees a physician with Board contact information, balancing the patient's right to know with a minimal obligation on physicians.

Agenda Item 4 Regulatory Proposal to Require Posting of a Sign Regarding Physician Regulation by the Medical Board of California -- Ms. Cohen

Information Officer Candis Cohen reminded the members this topic has been discussed by this committee since 2003, and at its last meeting members had voted unanimously to recommend to the full Board that a regulation be adopted that requires patients be informed physicians are licensed by the Medical Board of California. The next day the full Board approved the recommendation of the committee.

Ms. Cohen told the committee of the various interested parties she had sent written invitations to regarding today's meeting. Staff's proposal was relatively succinct, given the amount of information required to be posted by some other medical boards in the U.S. It is one statement -- physicians are licensed and regulated by the Medical Board of California, with the Board's (800) public telephone number and its Web site address. She proposed the signs be prominently displayed in physicians' waiting rooms where patients may see them, leaving the exact location to individual physicians. She then asked the committee to take public comment, discuss the proposal, and, if they were ready, ask the full Board the next day for concurrence so a regulatory hearing could be set for the Board's next meeting.

Dr. Salomonson asked about physicians who do not work in an office, such as hospitals and emergency departments. She suggested physicians who do not have offices might be required to put the information about by whom they are licensed on their business cards.

Ms. Schipske agreed, noting that this posting requirement should apply to wherever physicians practice.

Ms. Cohen asked if the language could be broadened to read “wherever (a physician) practices medicine”?

Ms. Yaroslavsky asked where physicians would get the language required, and Ms. Cohen said from the Medical Board’s Web site.

Public comment on the proposal was then taken.

Zennie Coughlin, Kaiser Permanente, Northern California, said she had no formal position, but shared that from their experience specification of a type of font would be desirable for uniformity.

Tara Leigh Kittle, Blue Diamond Foundation, said she thought this was a great first step, noting the Board could never reach everyone, all the time. She suggested adding one sentence to the sign as to what it means to be licensed and regulated by the Medical Board. She also noted all the information to be required on a sign could be added to discharge instructions, and all physicians who see a patient should be required to leave their business cards with a patient.

Julie D’Angelo Fellmeth, Center for Public Interest Law, supports the proposal and noted under Business and Professions Code section 138 it is not optional. She shared Dr. Salomonson’s concern about how physicians who do not have office-based practices could comply and said they should be given other options such as handing patients a piece of paper with the required information on it – be it an invoice, letterhead, discharge instructions, etc. If on a piece of paper, it could be right above or below where a patient signs, to encourage it being read. She also suggested staff consult her report as the Board’s enforcement monitor for information about how other Department of Consumer Affairs’ boards and bureaus handle this issue.

Yvonne Choong, California Medical Association, expressed several concerns. She said this proposed regulation was unnecessary because Business and Professions Code section 680 already requires health care practitioners to wear a name tag that indicates their status as a licensee of the state. Senior Counsel Anita Scuri said Business and Professions Code section 138 would permit passage of a regulation as contemplated by the committee. Ms. Choong said this proposal is just one more requirement of an already overburdened profession, and all these rules are beginning to interfere with the practice of medicine. Ms. Yaroslavsky asked how these rules go to the quality of care physicians are providing, adding that they are simply part of doing business. Ms. Choong said CMA agrees with the intent of providing information, but not the mandate. She recommended physicians just add the information about contacting the Medical Board to existing paperwork or cards. Dr. Moran said she believed the sign was the better way to go, and was simple, inexpensive, and nonintrusive.

Ms. Chang asked Ms. D’Angelo Fellmeth for more information about the laws in this area. Ms. D’Angelo Fellmeth said Business and Professions Code section 680 requires a health care practitioner to disclose, while working, his or her name and license status on a name tag. This law was enacted to allow patients to discern the professional level of the person treating them. Business and Professions Code section 138 was enacted to require every board in the Department of Consumer Affairs to require their licensees to provide notice to their customers/patients that they are licensed by this state. This requirement was intended to permit the public to know what level of government was regulating that profession.

Ms. Yaroslavsky reiterated her desire for staff to check with other states and other departments/boards to get more detail about how their signage works (specifically, where the signs are posted and about hospitals and other out-of-office settings). Ms. Scuri said it would be better to have the language prepared as the committee wants before taking it to the full Board and asking to set a regulatory hearing. Ms. Cohen proposed alternative language to the regulation that gave physicians the option of choosing: giving the patient a piece of paper with the required disclosure; including the disclosure on the patient's discharge papers; or posting a notice in a public area where the licensee provides the services.

Ms. Schipske asked how a hospitalist or a radiologist who use the facility but do not control it could comply. She said maybe the Board would have to sponsor legislation to include those entities, like hospitals, that it does not have jurisdiction over. Ms. Chang said she wanted to focus on areas over which the Board has control. Dr. Moran found the existing proposal a good start. Dr. Salomonson said Ms. Cohen's proposed alternative language was important as part of a first step, which should also include the non-office-based physician. She said the onus was on the physician to find a way to make the regulation work. Ms. Scuri recommended that counsel work with Ms. Cohen to develop a comprehensive regulation to be brought back to the next committee meeting. Ms. Yaroslavsky noted if there is a group of non-office-based professionals, staff should seek their input. Ms. Schipske pointed out that if the profession were already voluntarily providing this information, this regulation would not be required, and Ms. Yaroslavsky concurred.

Agenda Item 5 Public Comment on Items not on the Agenda

There was no public comment offered.

Agenda Item 6 Agenda Items for Future Discussion

No additional items were suggested.

Agenda Item 7 Adjournment

The meeting was adjourned at 4:28 p.m.