



MEDICAL BOARD OF CALIFORNIA

Protecting consumers by advancing high quality, safe medical care.

2005 Evergreen Street
Sacramento, CA 95815-5401
Phone: (916) 263-2382
www.mbc.ca.gov

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

Quarterly Board Meeting

**Hyatt Regency LAX
6225 W. Century Blvd
Los Angeles, Ca 90045
December 1-2, 2022
MEETING MINUTES**

Thursday December 1, 2022

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
Randy W. Hawkins, M.D., Vice President
Laurie Rose Lubiano, J.D., Secretary
Michelle Anne Bholat, M.D.
James M. Healzer, M.D.
Nicole Jeong, J.D.
David Ryu
Asif Mahmood, M.D.
Richard E, Thorp, M.D.
Veling Tsai, M.D.
Eserick "TJ" Watkins

Members Absent:

Ryan Brooks

Staff Present:

Aaron Bone, Chief of Legislation and Public Affairs
Jacoby Jorgenson, Business Services Office Manager
Jeannele Lopez, Executive Assistant
Marina O'Connor, Chief of Licensing
William Prasifka, Executive Director
Angel Vang, Information Systems Branch Analyst
Reji Varghese, Deputy Director
Carlos Villatoro, Public Information Manager
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 December 1, 2022, at 10:05 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: Madeleine Wisner, Wendy Connor, Wendy Knecht, Marian Hollingsworth, Eric Andrist, Azadeh Khatibi, Susan Lauren, Virginia Farr, Christina Hildebrand, Kristen Ogden, Monty Goddard.

Agenda Item 3: Approval of Minutes from the August 25-26, 2022 Quarterly Board Meeting ([Link to Video](#))

Dr. Thorp moved to approve August 25-26, 2022 Quarterly Board Meeting Minutes S:/ Dr. Healzer; Motion carried 11-0

No public comments on Agenda Item 3 were provided.

- Agenda Item 17 has been revised to reflect Ms. Lubiano and Dr. Tsai's support for a comparison of Mr. Watkin's document and the Board's sunset proposals.

Agenda Item 4: President's Report, including notable accomplishments and priorities ([Link to Video](#))

President Lawson welcomed Board Members Ms. Nicole Jeong, J.D., and Dr. Michelle Anne Bholat to their first in person Board meeting since being appointed. The President discussed the upcoming 2022 Sunset Review and she looks forward to another discussion of the draft 2022 Sunset Report during the December 2, 2022 session. She said the Sunset Review process provides opportunity to assess the Board's effectiveness and performance and to work with Legislature to ensure the Board has resources and tools to advance its mission of consumer protection. She also reflected on work that has been done since the August 2022 Quarterly Board meeting and she was pleased with the progress at the October 2022 Special Meeting and the Board's five-year Strategic Plan which will help guide and prioritize the work of the Board through 2027. President Lawson stated all of the information gathered and work completed is being synthesized and reviewed by staff. She anticipates we will be in position to review and approve a final plan in the first or second quarter of 2023.

No public comments on Agenda Item 4 were provided.

Agenda Item 5: Board Member Communications with Interested Parties ([Link to Video](#))

Ms. Webb opened by discussing what Board members are required to report by stating this is an opportunity to report communications with individuals that may influence Board members' decision making on items that appear on the agenda or within the Board's jurisdiction.

Dr. Hawkins shared he has ongoing participation forums related to medical students, physicians in training and physicians in private practice regarding the Board's mission and the specific role physicians have in the practice of medicine.

Ms. Lubiano shared she took an introductory meeting with Ms. Michele Monserratt-Ramos.

Mr. Watkins shared he met with Ms. Michele Monserratt-Ramos, Ms. Denise Johnson, Eric Andrist, Tracy Dominguez, Alka Airy, Xavier De Leon, Marian Hollingsworth, Susan Lauren, Carolyn Johnson from NBC Los Angeles, Wendy Knecht, Carmen Balber from Consumer Watchdog, and Nick Rowley.

Dr. Mahmood shared he received communication from a licensee and directed him to contact the Medical Board directly.

President Lawson stated she receives daily communication whether they are interested parties, interested organizations, physicians looking for direction from the right person or interested stakeholders; however, nothing beyond her official responsibilities.

[Public comments on Agenda Item 5 were provided by:](#) Eric Andrist, Wendy Connor, Christina Hildebrand, and Virginia Farr.

Agenda Item 6: Updates from External Stakeholders ([Link to Video](#))

President Lawson stated Gloria Castro, from the Attorney General's Office, submitted her update to the Board in writing and it is part of the meeting materials for Board Members to review.

Ms. Melissa Gear introduced herself as the new Deputy Director for Board and Bureau Relations at the Department of Consumer Affairs (DCA) and described her professional background. Ms. Gear provided an update regarding the appointment of Yvonne Dorantes as the Assistant Deputy Director of the Board and Bureau Relations on November 14. Ms. Gear continued with the announcement of the appointment of Ms. Kathleen Nicholls as Chief of the Division of Investigation. Ms. Nicholls will be sworn in on December 5, 2022. DCA will begin the process to fill the Deputy Chief position in the Health Quality Investigations Unit as soon as possible.

Ms. Gear provided an update related to the Diversity, Equity and Inclusion (DEI) Steering Committee. Director Kimberly Kirchmeyer established DCA's first Diversity, Equity and Inclusion (DEI) Steering Committee to guide DCA in its equity strategy, initiatives and action plans. The DEI Steering Committee held its official kick off meeting on November 9, 2022, and will convene the second meeting in January 2023. Ms. Gear stated that the committee will focus on three core areas: workforce, workplace, and the marketplace. Ms. Gear indicated that in accordance with Governor Gavin Newsom's Executive Order, Strategic Plans in effect in 2023 and beyond, must be developed and updated to more effectively advance equity and drive outcomes that increase opportunities for all. DCA is revising its Strategic Planning processes to incorporate more inclusive public engagement, data analysis, and embedding diversity, equity, and inclusion into the strategic planning process.

Ms. Gear also provided an update on DCA's new Strategic Plan and logo, and stated that DCA will be participating in the annual Our Promise State Employees Giving at Work Campaign.

Ms. Gear reminded Board members that all state travel arrangements must be made through DCA's Cal Travel Store or Concur as travel resumes within the state. She provided further mandatory training updates. Lastly, Ms. Gear discussed a partnership between DCA and the State Controller's Office to share information with consumers and licensees regarding the Unclaimed Property Program and how to locate unclaimed property.

Ms. Nicholls with DCA's Division of Investigations (DOI) Health Quality Investigations Unit (HQIU) provided a description of the role of DOI and HQIU. Ms. Nicholls told the Board HQIU currently holds 21 investigator vacancies with 18 candidates in background and one candidate with a start date of December 5, 2022. Ms. Nichols said they are continuing to conduct hiring panels to identify possible candidates to fill the remaining vacancies. Ms. Nicholls discussed investigator and supervisor training.

She states she has met several times with the Board's Enforcement Monitor to provide details regarding the Board's investigations. She ended her presentation with a brief overview of HQIU's workload, and aged and priority cases.

Dr. Thorp expressed concerns regarding the cases that are presented to the Panel for discipline, the vacancies for investigators, and concerns with expert issues resulting in the Board dismissing or decreasing discipline.

Ms. Nicholls responded to Dr. Thorp's concerns addressing the staff vacancies and retention of investigators, stating the difficulty hiring and retaining staff due to the compensation lower than most departments with less caseloads per investigator. She said she was optimistic that a new contract will assist DOI in retaining staff.

Dr. Mahmood also expressed his concerns with the vacancies and that it has been a chronic problem. Mr. Bone and Dr. Thorp discussed whether the issue of compensation for investigators could be addressed in the December 2, 2022 review of the Sunset Review report, and may be mitigated with a fee increase.

Dr. Hawkins and Ms. Nicholls discussed the statute of limitation of cases and the part HQIU investigators play in this factor.

Board members and Ms. Nicholls further discussed concerns with experts and quality of care cases.

[Public comments on Agenda Item 6 were provided by:](#) Wendy Connor, Eric Andrist, Madeleine Wisner, Susan Lauren, and Virginia Farr.

Agenda Item 7: Updates from External Boards ([Link to Video](#))

Dr. Hawkins gave an update on the Physician Assistant Board's recent meetings and stated their agenda and meeting materials can be located at pab.ca.gov. Dr. Hawkins also spoke about SB 697 and will report at a future Physician Assistant Board meeting scheduled February 6, 2023.

[Public comments on Agenda Item 7 were provided by:](#) Wendy Connor

Agenda Item 8: Executive Management Report ([Link to Video](#))

Mr. Prasifka discussed a number of meetings have happened since the last Board meeting and Board staff has intensely engaged with main stakeholders including HQIU, AGO and DCA. He provided a staffing update stating staff is continuously conducting interviews to fill vacancies. The Board is currently at a 17 percent vacancy rate, and staff is implementing strategies involving staff retention. He mentioned filling the vacancies is an absolute priority and staff will continue doing so as efficiently as possible.

Mr. Prasifka continued with a budget update and discussed that the Medical Board acknowledges there is not a sustainable financial basis to operate. He stated the fee study was submitted to the Board in January 2020 and still maintains its credibility. Mr. Prasifka stated the Board has received a \$10 million dollar loan which allows the Board to operate within statutory guidelines; however, until the structural deficit is addressed the problem remains and increases.

He indicated that media relations has been in a very active period.

He stated that the Board issued an announcement that paper applications will soon no longer be accepted for postgraduate training licenses, as the Board is doing all it can to make the application process as effective and paperless as possible.

Mr. Prasika stated the Board has released the third quarter newsletter. He discussed his presentation at the California Society of Interventional Pain Physicians regarding the issues of pain management and updating the prescribing guidelines.

Mr. Prasifka discussed updates on the release of the Annual Report.

He further indicated that Board staff has spoken to several members of the patient safety community and remains committed to doing so going forward.

Mr. Prasifka continued with an update regarding the Information System Branch (ISB) and advised that the Physician Survey has been redesigned pursuant to legislation, which directs the Board to collect additional workforce information as part of the survey. He mentioned work continues on the complaint tracking system and the process of offering sessions with stakeholders to demonstrate how the system will run. He told the Board over 40,000 wallet licenses have been generated through the new system.

Mr. Prasifka provided the Enforcement update and stated that the Board has been working with the Enforcement Monitor and senior staff members met with them. He stated the ISB team has provided the Enforcement Monitor with all the information they were seeking. Mr. Prasifka stated the HQIU and AG's office has also been actively working with the Enforcement Monitor. Mr. Prasifka discussed expert reviewer training sessions and advised that Board members are highly encouraged to participate in the trainings. He mentioned the Board has had some successful additional staff recruitment and hiring of additional experts.

Mr. Prasifka provided an update for the Central Complaint Unit (CCU) stating the average number of days to initiate a complaint in CCU is five days in the first quarter of 2022/2023. He acknowledged the staff vacancies; however, they are keeping up with the number of complaints received.

He provided the Licensing update and stated there was a 71% increase of applicants in the period of January-June 2022 and an increase of 44% from September to present. He stated the average initial application review takes 84 days, which is too high, and he acknowledged this. The licensing team has made an extraordinary effort to push through these unprecedented application numbers. He said he believes the number of days will decrease and staff has been working overtime to assist with applications.

With regard to the Mexico Pilot Program, Mr. Prasifka stated the Board has issued 21 licenses. He stated the first UC Davis evaluation update was done at a previous Board meeting.

Board members and staff discussed the application process, department vacancies, communication with the applicants on the status of their license, and funding to improve licensing and enforcement.

Dr. Thorp discussed the Board being underfunded and concerns with the percentage of vacancies. He expressed his concerns regarding the amount of attorney fees paid to the Attorney General's Office and concerns regarding other structural issues. Dr. Thorp proposed implementing a program that better manages attorney fees. He went on to express concerns with the length of the application process and applicant's jobs in jeopardy due to a delay in the application process and not meeting the deadline.

Dr. Thorp and Ms. O'Connor discussed processing times for applications without deficiencies and Ms. O'Connor stated all applicants that needed a license by November 30, 2022, and had no remaining deficiencies were licensed by November 30, 2022.

Dr. Mahmood and Ms. O'Connor discussed addressing concerns with application processing times.

Dr. Healzer and Ms. O'Connor discussed how to improve communication with applicants on the status of their license. Ms. O'Connor stated an applicant can log into their Breeze account and check the status of their application and license.

[Public comments on Agenda Item 8 were provided by:](#) Wendy Connor, Eric Andrist, Marian Hollingsworth, Michele Monserratt-Ramos, Naomi Sweatt, Denise Johnson, Xavier De Leon, Christina Hildebrand, Robert Andrian, Alka Airy, Virginia Farr, and Susan Lauren.

Agenda Item 9: Update on Revising Guidelines for Prescribing Controlled Substances for Pain ([Link to video](#))

Mr. Prasifka stated since the last Board meeting the task force has been working with the executive management team and prepared another draft of the update of the Guidelines for Prescribing Controlled Substances for Pain, which has been published. Mr. Prasifka advised that a second interested parties meeting was held on November 15, 2022. He acknowledged the comments received and stated the task force will be meeting and considering the comments that were made and will do a final proofing of the document which should be ready for review by the Board at the February 2023 Board meeting.

Dr. Thorp and Board members discussed the revised document and the challenges of prescribing controlled substances.

[Public comments on Agenda Item 9 were provided by:](#) Anne Fuqua, Virginia Farr, Susan Lauren, and Kristin Ogden.

Agenda Item 10: Discussion on Mandatory Reporting Requirements (Postponed to February 2023 Board Meeting ([Link to Video](#))

This Agenda Item was postponed to the February 2023 Quarterly Board Meeting

Agenda Item 11: Discussion and Possible Action on Legislation/Regulation ([Link to Video](#))

Mr. Bone stated at the end of August 2022, the Legislature completed their work for the two-year session; therefore, all bills not approved by the Legislature and signed into law by the governor are now dead. Mr. Bone said the Legislature will convene to swear in newly elected legislators from the November 2022 election and will soon be introducing legislation for consideration in the next two-year legislative session. Mr. Bone briefly discussed the implementation plans for each bill on the agenda.

Legislation

AB 657 ([Link to Video](#))

Mr. Bone presented AB 657. This bill requires the Board, as well as other licensing boards, to expedite the application for licensure from a provider who intends to provide abortions in California. He stated in wake of a recent Supreme Court decision certain stakeholders expect California to receive an influx of patients coming to the state and a need for providers. He further stated AB 657 does not change licensing standards for these applicants; however, would require staff to expedite the review of such applications, reducing the processing time.

AB 852 ([Link to Video](#))

Mr. Bone presented AB 852. This bill updates requirements related to pharmacies when dispensing medications pursuant to an electronic prescription. The bill also provides subscribers additional exemptions from the electronic prescribing requirement. Mr. Bone stated staff intends to coordinate the timing of our messaging on the electronic prescribing exemptions with the Board of Pharmacy as the bill requires subscribers who meet one of those exemptions to register with the Board of Pharmacy. Implementation includes a newsletter article in the Board's quarterly newsletter, which will be shared with physician organizations.

AB 1102 ([Link to Video](#))

Mr. Bone presented AB 1102. This bill would clarify existing law that requires healthcare professionals providing telephone medical advice services from an out of state location to do so consistent with state laws governing their respective licenses. The bill will also be mentioned in the Board's newsletter.

AB 1278 ([Link to Video](#))

Mr. Bone presented AB 1278. This bill requires all physicians except those practicing in hospital emergency rooms to provide specified notices to their patients about the open payments database which is maintained by the Federal Centers for Medicare and Medicaid (CMS). In addition to what is included in the meeting materials, Mr. Bone stated the Board sent an email notification to all physician licensees who have subscribed to news updates from the Board to inform them of the requirements of the bill and staff intend to update the website and provide an FAQ that answers common questions that we receive about this requirement.

AB 1636 ([Link to Video](#))

Mr. Bone presented AB 1636. This bill has multiple provisions related to applicant and licensee sexual misconduct and the Board will be updating any relevant website content related to these and include an article about this new law in the newsletter early next year.

AB 2178 ([Link to Video](#))

Mr. Bone presented AB 2178. This bill makes minor adjustments to requirements related to academic medical centers. To implement this bill, the licensing staff will contact Cedar Sinai which is the only qualified AMC so far to obtain new documentation regarding the updated requirements and this bill will be mentioned in the Board's newsletter.

AB 2626 ([Link to Video](#))

Mr. Bone presented AB 2626. This bill prohibits the Medical Board and other licensing boards from disciplining a licensee or denying an application for licensure solely for performing an abortion consistent with the standard of care. This bill is not expected to change the Board's licensing or disciplinary outcomes; therefore, will be mentioned in December's newsletter.

SB 528 ([Link to Video](#))

Mr. Bone presented SB 528. This bill requires certain forms related to prescriptions of psychotropic medications to foster youth be included within the case plan of that foster youth. The bill will be mentioned in the Board's newsletter.

SB 923 ([Link to Video](#))

Mr. Bone presented SB 923. The provisions in this bill pertain to organizations and units beyond the jurisdiction of the Board but the bill also suggests additional recommended topics to address the cultural competency requirements related to CME specifically with respect to patients who identify as transgender, gender diverse or intersex. The bill does not create new requirements for licensees, rather it provides them additional options while they are pursuing CME, so staff proposed the bill be mentioned in the December newsletter.

SB 1259 ([Link to Video](#))

Mr. Bone presented SB 1259. This bill authorizes pharmacists to independently furnish to patients any opioid antagonist approved by the FDA subject to protocols that are adopted by both the Board of Pharmacy and the Medical Board. Mr. Bone stated he has begun initial discussions with Pharmacy Board staff on the process to update those protocols and the Board will mention this in the December newsletter.

SB 1440 ([Link to Video](#))

Mr. Bone presented SB 1440. This bill makes a technical and clarifying change to the licensed Midwifery Practice Act relating to investigating quality of care complaints against a licensed midwife and will be mentioned in the December newsletter.

[Public comments on Agenda Item 11 were provided by:](#) Wendy Knecht, Susan Lauren, Tracy Dominguez (commenting on Agenda Item 8 as noted in the Board meeting), and Christina Hildebrand.

Regulations

Discussion and Possible Action to Amend Title 16, California Code of Regulations, Sections 1364.10 and 1364.11 Regarding Citations and Fines ([Link to Video](#))

Ms. Webb provided an update to the Board stating Board staff is working on updating the citation and fine regulations and changing the structure of the regulations to help them stay current. Ms. Webb mentioned Section 1364.11 is in the materials and contains a list of statutes and regulations for which a citation and fine and/or order of abatement may be issued. Ms. Webb went on to mention Board staff explored elimination the list of citable offenses and modifying the regulations to indicate that the Board official could issue citations including those containing orders of abatement and/or fines to any licensee for a violation of any statute or regulation which would be grounds for discipline by the Board; however, through further review staff determined that eliminating the entire list could result in the Board's authority to issue the citation being challenged in certain circumstances.

Ms. Webb continued stating the Board recommends maintaining a streamlined list of citable offenses in additional language to include relevant practice acts and any other statutes or regulations upon which the Board may base a disciplinary action. This is due to some statutes and regulations on the list that are not within the Medical Practice Act and not within the Board's own regulation; however, they have already been approved for the Board to issue cite and fines.

Ms. Webb further discussed amending the provisions relating to fine assessment to indicate that the amount shall not exceed the amount specified in Business and Professions Code section 125.9(b)(3). Ms. Webb requested a motion to approve the text to direct staff to prepare the necessary regulatory documents to submit to DCA and the Business Consumer Services and Housing Agency (Agency) and upon DCA and Agency approval submit the documents to the Office of Administrative Law to notice the proposed regulatory language to amend sections 1364.10 and 1364.11 of Division 13 of Title 16 of the California Code of Regulations, and if no substantive adverse comments are received during the 45-day comment period, authorize staff to finalize the rulemaking file and submit it to DCA and Agency and upon approval, to the Office of Administrative Law, and to make any technical or non-substantive changes and adopt the language without returning to the Board.

Dr. Hawkins so moved to adopt Action to Amend Title 16, California Code of Regulations, Sections 1364.10 and 1364.11 Regarding Citations and Fines as requested by Ms. Webb; S:/ Dr. Healzer; Motion carried 11-0

No public comments were provided on Agenda Item 11B.

Agenda Item 12: Discussion and Possible Action on Recommendation from the Special Faculty Review Committee ([Link to Video](#))

Dr. Healzer indicated that the Specialty Faculty Review Committee held a meeting on September 21, 2022, where applications for special faculty permits were reviewed and discussed for Dr. Hatice Kader Karli Oguz for UC Davis School of Medicine and Dr. Karl Peter Lindholm for UCSD

School of Medicine. Dr. Healzer highlighted Dr. Karli Oguz's and Dr. Lindholm's credentials, background and experience. Dr. Healzer requested the Board's approval of the Specialty Faculty Permit appointment for Dr. Karli Oguz and Dr. Lindholm.

No public comments were provided on Agenda Item 12.

Dr. Healzer made a motion to approve the Special Faculty Permits for Dr. Karli Oguz and Dr. Lindholm; S:/ Dr. Hawkins; Motion carried 11-0

Agenda Item 13: Discussion and Possible Action on 2023 Quarterly and Interim Board Meeting Dates ([Link to Video](#))

Board members discussed 2023 proposed Quarterly Board meeting dates and discussed option one or option two. Board members discussed possible scheduling conflicts as well as possible virtual meetings. Board members discussed scheduling future Board meeting dates further in advance.

No public comments were provided on Agenda Item 13.

Dr. Tsai motioned to approve option one for 2023 Quarterly Board meeting dates; S:/ Dr. Mahmood; motion carried 9-2 (Dr. Healzer and Ms. Jeong abstained)

Agenda Item 14: Discussion and Possible Action on Proposed Agenda Item for the Midwifery Advisory Council Meeting ([Link to Video](#))

Ms. O'Connor requested the Board's approval to add an agenda item to the next Midwifery Advisory Council (MAC) meeting; Discussion and Possible Action regarding 2023 MAC meeting dates.

No public comments were provided on Agenda Item 14.

Dr. Healzer moved to approve proposed agenda Item for Midwifery Advisory Council Meeting S:/ Dr. Hawkins; Motion carried 11-0

RECESS

Friday December 2, 2022

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
Randy W. Hawkins, M.D., Vice President

Michelle Anne Bholat, M.D.
James M. Healzer, M.D.
Laurie Rose Lubiano, J.D., Secretary
Asif Mahmood, M.D.
Richard E, Thorp, M.D.
Veling Tsai, M.D.
Eserick "TJ" Watkins

Members Absent:

Ryan Brooks
David Ryu
Nicole Jeong

Staff Present:

Aaron Bone, Chief of Legislation and Public Affairs
Jacoby Jorgenson, Business Services Office Manager
Jeannele Lopez, Executive Assistant
Marina O'Connor, Chief of Licensing
William Prasifka, Executive Director
Angel Vang, Information Systems Branch Analyst
Reji Varghese, Deputy Director
Carlos Villatoro, Public Information Manager
Kerrie Webb, Staff Counsel

Agenda Item 15: Call to Order/Roll/Establishment of a Quorum ([Link to Video](#))

President Lawson called the meeting of the Medical Board of California (Board) to order on December 2, 2022 at 9:12 a.m. A quorum was present and due notice was provided to all interested parties.

Agenda Item 16: Presentation on Overcoming Health Inequities in LGBT+ Communities: Implications for Continuing Medical Education ([Link to Video](#))

President Lawson opened with introductions of speakers Dr. Sergio Aguilar-Gaxiola and Mr. Jonathan Cook, discussing their backgrounds, education, and experience. Mr. Cook and Dr. Aguilar-Gaxiola provided their presentation on Overcoming Health Inequities in LGBT+ Communities: Implications for Continuing Education. Dr. Aguilar-Gaxiola discussed health inequities in LGBT+ communities and how to advance health equities.

Mr. Cook discussed his role as Director of Solano Pride Center and the services they offer to members of the LGBT+ community. Mr. Cook stated their mission was to focus on an intersectional approach across Solano County including working with the Filipino and Latino

communities and intersection of sexual orientation and gender identity, as well as mental health outcomes.

Board members had a lengthy discussion regarding the presentation with Dr. Aguilar-Gaxiola and Mr. Cook. Board members also discussed community outreach with Mr. Cook.

[Public comments on Agenda Item 16 were provided by:](#) Virginia Farr and Susan Lauren.

Agenda Item 17: Discussion and Possible Action on the Board 2022 Sunset Report ([Link to Video](#))

Mr. Bone discussed the process involved in sunset review and the process is called sunset review because the statutory authority to appoint Board members and the Executive Director contain a sunset date which is the date for the authority to expire. Mr. Bone went on to say, for the Medical Board, the next Sunset date is January 1, 2024. Mr. Bone stated the task presented to the Board members for today's meeting was to consider and approve the sunset report. Mr. Bone stated to complete the report staff were provided a questionnaire from the Legislature which required a significant amount of narrative writing in a production of a multitude of statistics about the Board's Licensing and Enforcement programs including certain administrative matters such as the condition of the Board's financial position.

Mr. Bone continued stating after the Sunset Report is approved, staff will spend the month of December making changes that the Board directs in today's meeting and will complete a final review of the content before submitting it by January 3, 2022 deadline. The first report from the Enforcement Monitor will be published around this time. Mr. Bone stated once the Board submits the Sunset Report, Legislative staff will review the content as it will help to inform the topics that will be discussed at upcoming sunset hearings. Sunset hearings, for various boards going through sunset review, are typically held between late February and late March. Mr. Bone stated although most boards have one hearing, the Medical Board had two multi-hour hearings during the 2021 sunset review.

Mr. Bone said the Sunset Report is broken down into multiple sections that correspond to different topics of Board operations such as financing and staff as well as licensing and enforcement. The committees with the primary oversight of the Board pose specific questions to the Board that require a narrative response, a statistical response or sometimes both. Mr. Bone said most of the content in the draft is fact-based which is to say staff is responding to questions to describe the Board's practices, policies, and procedures on a variety of topics.

Mr. Bone discussed Section 12, which gives the Board the opportunity to raise issues or concerns to the Legislature or make specific requests. Mr. Bone mentioned the previously requested fee amount of \$1,150 for initial licensure and renewal is no longer sufficient to cover the Board's financial needs and additional details are provided in Section 3 of the report. Based on current and future expected expenditures, including the re-payment of additional future anticipated loans, the

Board is now requesting the physician's license fee be increased to \$1,350. To address future expenses, the Board requests authorization to use the rulemaking process to further increase the amount by up to 10 percent.

The Board receives reports about licensees who are arrested or convicted of crimes, however, a statutory change is needed to receive such reports about licensees who are arrested outside of California. The Board is working with the Department of Justice to address this issue at next year's sunset review.

Mr. Bone also advised that the Board has been facing exceptionally long application time frames which is largely due to an increase in application volume due to a change in the law to help ensure patient's access to care by PTL holders who are transitioning to a physician's and surgeon's license, language has been included to inform the legislature of proposed changes to statutory laws to allow a PTL to be issued for a longer period of time or to allow the Board more authority to extend the expiration date of a PTL.

Lastly, Mr. Bone discussed the final Sunset Report draft proposal for a Complainant Liaison Unit which calls for the Board's Executive Director to develop a stakeholder engagement process after establishment of this unit. Mr. Bone requested the Board to direct staff how they wish to prioritize various requests in Section 12 and will require a motion and vote to approve the Sunset Report and the final version will include a cover letter from the President which will be drafted after the meeting.

Board members engaged in a lengthy discussion regarding proposed legislative changes and Mr. Watkins' request for the Board to approve his 14-point Accountability Act. Board members expressed interest in the document; however, Mr. Watkins provided it the day before this Board meeting and several Board members advised that there was insufficient time to review his proposed Accountability Act. President Lawson indicated that the draft sunset report is probably the most progressive set of proposals from the Board to protect the public in its history and contains many of the ideas in Mr. Watkins' proposal.

Dr. Hawkins made a motion to adopt the Sunset Report as-is. Dr. Healzer seconded it.

Further discussion ensued. Ms. Lubiano suggested a pause and for staff to provide additional information and a comparison between what is in the Sunset Report and in Mr. Watkins' proposal and Dr. Tsai expressed the same interest. President Lawson expressed that there is not enough time to review the document and have a discussion in time for the deadline of January 3, 2023. Moreover, President Lawson indicated that many of Mr. Watkins' ideas will be considered as part of working through the strategic plan goals.

[Public comments on Agenda Item 17 were provided by:](#) Eric Andrist, Wendy Knecht, Marian Hollingsworth, Robert Andrian, Tracy Dominguez, Tammy and Tim Schmick, Carmen Balber, Madeleine Wisner, Kimberly Turbin, Michele Monserratt-Ramos, Susan Lauren, Denise Johnson, Naomi Sweatt, Joseph Cervantes, Christina Hildebrand, Monty Goddard, Xavier De Leon, Virginia

Farr, Hannah Rhee, Suzan Shinazy, Alka Airy, Mark Wilson, Annette Ramirez, Helena Pappas, and a member of the audience.

Dr. Thorp requested an amendment the motion to adopt the sunset report as-is to delegate President Lawson and Dr. Hawkins to work with staff to prioritize the agenda for the Sunset Review and finalize the report for submission to the Legislature. Dr. Hawkins and Dr. Healzer agreed.

Dr. Thorp moved to approve the Sunset Report and delegate to President Lawson and Dr. Hawkins the authority to work with staff to prioritize the . S:/ Dr. Hawkins; Motion carried 6-3 (Ms. Lubiano, Dr. Mahmood, Mr. Watkins-No, Mr. Brooks, Mr. Ryu and Ms. Jeong-Absent)

Agenda Item 18: Future Agenda Items ([Link to Video](#))

Dr. Thorp requested an agenda item on outreach done with Board of Pharmacy on implementing guidelines for prescribing opioids.

Dr. Tsai requested an agenda item for a presentation on a side-by-side comparison for Mr. Watkins proposal of his Accountability Act.

Ms. Lubiano requested a presentation on Neurodivergence and Neurotypicals and when diagnosed how it fits in a doctor patient relationship.

Mr. Watkins requested an Agenda item for a presentation on the role of a Board member acting in the interest of the public.

Dr. Healzer asked that the presentation on mandatory reporting gets rescheduled.

President Lawson asked for a presentation on Business and Professions Code section 2220.08.

[Public comments on Agenda Item 18 were provided by:](#) An unidentified caller (who commented on Agenda Item 17), Christina Hildebrand, a member of the audience, Madeleine Wisner, Susan Lauren, Helena Pappas, Hannah Rhee, Virginia Farr, and Wendy Knecht.

Agenda Item 19: Closed Session ([Link to Video](#))

Agenda Item 20: Adjournment 2:34 p.m. ([Link to Video](#)).

<u>Signature on File</u>	<u>May 18, 2023</u>
Kristina D. Lawson, J.D., President	Date
<u>Signature on File</u>	<u>May 18, 2023</u>
Laurie Rose Lubiano, J.D., Secretary	Date
<u>Signature on File</u>	<u>May 18, 2023</u>
Reji Varghese, Interim Executive Director	Date