MEDICAL BOARD
OF CALIFORNIA
Protecting consumers by advancing high quality, safe medical care.

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

Saint Agnes Medical Center
1303 E Herndon Avenue
Fresno, CA 93720
Thursday, February 13, 2025- Friday, February 14, 2025

MEETING MINUTES

Thursday, February 13, 2025

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, J.D., President
James M. Healzer, M.D., Vice President
Michelle A. Bholat, M.D., Secretary
Anni Chung
Wendy Mitchell
Asif Mahmood, M.D.
Jodi Remke, J.D
Marina Torres, J.D.
Richard E. Thorp, M.D.
Veling W. Tsai, M.D.
Eserick “TJ” Watkins
Felix C. Yip, M.D.

Members Absent:
Irving Ayala-Rodriguez, M.D.

Staff Present:
Aaron Bone, Chief of Legislation and Public Affairs
Sean Eichelkraut, Information Technology Manager II
Douglas Hock, Chief of Licensing
Jacoby Jorgenson, Business Services Office Manager
Keoni Lucas, Associate Governmental Program Analyst
Marina O’Connor, Deputy Director
Sharlene Smith, Chief of Enforcement
Angelaya Strother, Associate Governmental Program Analyst
Reji Varghese, Executive Director
Kerrie Webb, Legal Counsel

Members of the Audience:

Agenda Item 1 Call to Order/Roll Call/Establishment of a Quorum

Kristina D. Lawson called the meeting of the Medical Board of California (Board) to order on Thursday, February 13, 2025 at 9:06 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 made by: Patt Irving, Susan Zuraskia, Eric Andrist, Monty Goddard, Marian Hollingsworth, and Kurt Kitzak.

Agenda Item 3 Approval of Minutes from the November 21-22, 2024, Quarterly Board Meeting (Link to video)

Dr. Healzer moved to approve the minutes S:/ Dr. Mahmood, 12-0 (1 Absent)

No public comments were made on agenda item.

Agenda Item 4 President's Report, including notable accomplishments and priorities (Link to video)

Ms. Lawson extended a thank you to the host, Saint Agnes Medical Center, and discussed the importance of having meetings in rural communities. She acknowledged the recent wildfires in California. She stated that she and Dr. Healzer terminated task forces and committees that are non-active and will reestablish them as necessary. She highlighted the progress made on the Complainant Liaison Unit, the Board's financial condition, and the Physician Health and Wellness Program.

Board members discuss the report.

Public comments on Agenda item 4 were made by: Eric Andrist.

Agenda Item 5 Board Member Communications with Interested Parties (Link to video)

Mr. Watkins had conversed with patient advocates and MBC LA to discuss his legislative proposal.

Dr. Healzer and Dr. Mahmood reported that they forwarded inquiries from individuals to the Board staff.

Public comments on Agenda item 5 were made by: Eric Andrist.

Agenda Item 6 Executive Management Reports (Link to video)

Mr. Eichelkraut provided the technology update including on, among other things, staffing, network maintenance, moving offices, iOS application, Compliant Tracking System, the Direct Online Certification Submission (DOCS), Volunteer Physician

Registry, the Department of Health Care Access and Information (HCAI) Survey, wallet card license generator, BreEZe online complaint form redesign, and the conversion of BreEZe renewal notices to electronic form.

Mr. Hock provided a Licensing Program update, including on, among other things, updates to the unit's procedural manual, continuing to scan and shred items per the retention schedule, updates to various licensing forms, website changes, the continued efforts to go paperless, webmaster inquiries, licensing outreach events, and the Consumer Information Unit.

Ms. Smith provided the Enforcement Program summary and provided updates on, the Central Complaint Unit, Complainant Liaison Unit, Expert Reviewer Program training, Probation Unit, and the Complaint Investigation Office.

Mr. Varghese provided the administrative summary, including updates on staffing and the vacancy rate. He reported that the vacancy rate went down due to the hiring of individuals for the Complainant Liaison Unit.

Mr. Varghese proceeded with the budget update and stated that the Board is projected to end the financial year with a budget surplus of an estimated surplus of 3.5-4%. He stated that in FY 21-22 there was a loan of $24 million and the Board has already repaid $10 million and anticipated repaying the remainder of the loan this year. He stated that if the Board maintains its current trajectory, the Board may only need a smaller loan or no loan in the near future. He thanked the staff, Legislature, Board members, stakeholders, and public advocates for supporting the improvement of the financial standing of the Board.

Mr. Varghese also provided an update on media relations and external communications and provided a detailed review of the budget charts within the materials.

Board members and staff discussed the Executive Management Reports.

Public comments on Agenda item 6 were made by: Michele Monserratt-Ramos, Monique Himes, Marian Hollingsworth, Eric Andrist, Maria Ibarra-Navarette, and Denise Johnson.

Agenda Item 7 Updates from External Stakeholders (Link to video)

Melissa Gear, Deputy Director for Board and Bureau Relations (BBR) for DCA, among other updates, reported on Governor Newsom's executive order providing relief for those impacted in the LA fires, Governor Newsom's 2025-2026 proposed budget, and the Form 700 filing changes.

Kathleen Nicholls and Stephanie Whitley provided the Health Quality Investigation Unit (HQIU) update. Among other information, Ms. Nicholls discussed that HQIU has 13

investigator vacancies, which is a 16% vacancy rate. She indicated that the Fresno office and all supervision investigator and commander positions are fully staffed.

Ms. Whitley stated that in January medical consultants attended the biannual statewide meeting. She also stated that HQIU continues to make progress on the pending workload and cases over a year old. She stated that HQIU leadership continues to hold regular meetings with Board staff. She congratulated Sharlene Smith on her new position as the Chief of Enforcement.

Board members and external stakeholders discussed the reports.

Public comments on Agenda item 7 were made by: Denise Johnson.

Agenda Item 8 Discussion and Possible Action on Legislation (Link to video)

Mr. Bone provided an update on progress on finding an author for the Board's proposed Physician Health and Wellness Program (PHWP). He stated that Assemblymember Marc Berman has agreed to author the Board's legislation.

Board members and staff discussed the proposed legislation on the PHWP.

Public comments on Agenda item 8 were made by: Lucas Evensen, Monique Himes, Michele Monserratt-Ramos, Tracy Dominguez, Eric Andrist, Xavier DeLeon, Denise Johnson, Marian Hollingsworth, Maria Ibarra-Navarette, Alka Airy, and Rob Gordon.

Agenda Item 9 Discussion and Possible Action on Proposed Rulemaking and Proposed Responses to Public Comments Received During the 45-Day Comment Period on Originally Noticed Regulatory Text to Add Title 16 California Code of Regulations section 1352.3 (Fees for Petitions for Penalty Relief) and to Amend 16 CCR section 1359 (Petitions for Reinstatement or Modification of Probation) to Establish Fees for Petitions for Penalty Relief (Link to video)

Kerrie Webb presented the proposed rulemaking to add Title 16 California Code of Regulations (CCR) section 1352.3 (Fees for Petitions for Penalty Relief) and to amend 16 CCR section 1359 (Petitions for Reinstatement or Modification of Probation). Ms. Webb discussed petitions for penalty relief and the costs associated with processing and adjudicating the petitions.

Ms. Webb indicated that the Board received nine comments during the 45-day public comment period, and that the comments and proposed responses were included in the materials.

Ms. Webb advised that Board staff developed modified text to address some of the concerns raised by several commenters regarding the proposed upfront costs for petitions for penalty relief posing a barrier to individuals seeking such relief, among other things.

Ms. Webb requested a member to make the following motion to:

1) Approve the proposed responses to written comments received on the originally noticed text for the proposed rulemaking on Fees for Petitions for Penalty Relief to add Title 16 California Code of Regulations (CCR) section 1352.3 (Fees for Petitions for Penalty Relief) and to amend 16 CCR section 1359 (Petitions for Reinstatement or Modification of Probation) and direct staff to proceed as recommended to reject the comments as specified and provide the responses to the comments as indicated in the meeting materials; and

2) Approve the modified regulatory text as well as direct staff to take all steps necessary to complete the rulemaking process. This includes preparing modified text for an additional 15-day comment period, which incorporates amendments discussed at this meeting. If after the 15-day public comment period, the board does not receive any comments providing objections or adverse recommendation specifically directed at the proposed action or to the procedures followed by the board in proposing or adopting the action, then the Board authorizes the executive officer to make any non-substantive changes to the proposed regulations and the rulemaking file and adopt the proposed regulations as described in the modified text notice.

Board Members and staff discuss the proposed modified text. Dr. Tsai asked if there should be a mechanism included in the proposed text to increase the fee based on increased costs, such as the cost for the Attorney General's Office. Ms. Webb indicated that this would be better addressed in a future rulemaking to increase the fee, rather than to try to include such a mechanism in this proposal.

Dr. Thorp indicated that physicians who have been disciplined do not have the same financial opportunities as those who have not been disciplined, so he is sensitive that they may not have significant revenue streams that other physicians have access to. He asked if the fee was necessary for financial stability or are we using it as a way to reinforce discipline.

Ms. Lawson indicated that we have had one report showing that our finances are heading in the right direction. To bolster our finances in the long term, we should implement the things identified in the Sunset Report, including the option to recover costs expended on these discretionary petitions.

Dr. Thorp indicated that we recover costs for investigations, which are often significant, and he is concerned about piling on.

Dr. Yip pointed out that the annual costs for such petitions are over $1.8 million and we need to recover those costs.

Ms. Webb indicated that if the Board does not set fees for petitions for penalty relief, then it means that all physicians are subsidizing the disciplined physicians in filing these petitions. She also advised that in setting a fee, staff anticipates that the quality of the petitions may improve as physicians focus on demonstrating rehabilitation.

Dr. Bholat said that physicians should invest their time into their rehabilitation, and this proposal is not about the Board being retaliatory or punitive.

Dr. Yip moved to approve the requested action S:/ Dr. Mahmood 12-0 (1 Absent)

Public comments on Agenda item 9 were made by: Lucas Evensen with the California Medical Association (CMA), who thanked staff for the proposed modifications, but indicated that CMA is still concerned that the modified text would continue pose financial barriers to individuals seeking penalty relief. Mr. Evensen pointed out that the Board was authorized to establish a fee, but was not mandated to do so, and that the Board's financial reports show it anticipates having a $10 million surplus at the end of this fiscal year, which is expected to grow, even without this proposed fee. Consequently, since the Board's financial outlook has improved without imposition of a fee that could be a barrier to otherwise qualified individuals seeking penalty relief, CMA requests that the Board withdraw the proposed rulemaking.

Agenda Item 10 Discussion and Possible Action to Update the Board Member Administrative Procedure Manual (Link to video)

Kerrie Webb discussed the proposed changes to the Board Member Administrative Procedure Manual.

Board members and staff discussed the proposed changes to the manual.

Dr. Bholat moved to approve the requested action S:/ Dr. Yip 12-0 (1 Absent)

Public comments on Agenda item 10 were made by: Marian Hollingsworth and Eric Andrist.

RECESS

Friday, February 14, 2025

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, J.D., President
James M. Healzer, M.D., Vice President
Michelle A. Bholat, M.D., Secretary
Anni Chung
Wendy Mitchell
Asif Mahmood, M.D.
Jodi Remke, J.D
Marina Torres, J.D.
Veling W. Tsai, M.D.
Eserick “TJ” Watkins
Felix C. Yip, M.D.

Members Absent:
Irving Ayala-Rodriguez, M.D.
Richard E. Thorp, M.D.

Staff Present:
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Keoni Lucas, Associate Governmental Program Analyst
Marina O’Connor, Deputy Director
Angelaya Strother, Associate Governmental Program Analyst
Sharlene Smith, Chief of Enforcement
Reji Varghese, Executive Director
Kerrie Webb, Legal Counsel

Agenda Item 11 Call to Order/Roll Call/Establishment of a Quorum

Kristina D. Lawson called the meeting of the Medical Board of California (Board) to order on February, February 14, 2025 at 9:04 A.M. A quorum was present and due notice was provided to all interested parties.

Agenda Item 12 Update on the Board's 2023-2027 Strategic Plan (Link to video)

Letitia Robinson provided an update on the Strategic Plan. She stated that the plan was created in conjunction with the Board and the Department of Consumer Affairs, SOLID Program. Among other things, Ms. Robinson provided an update on the process to streamline the licensing requirements and the verification process; the implementation of the Complainant Liaison Unit (CLU); increasing the number of medical expert reviewers and their effectiveness; outreach efforts; update to the Board Member Administrative Procedure Manual; and participation in diversity, equity, and inclusion (DEI) initiatives.

Board members and staff discussed the update on the Strategic Plan.

Public comments on Agenda item 12 were made by: Angel Outreach.

Agenda Item 13 Discussion and Possible Action on Board Members' Legislative Proposals (Link to video)

This item provided an opportunity for Board members to propose legislation for the Board to collectively consider.

Mr. Watkins requested the Board to pursue a legislative change to post each complaint against a physician on the physician's profile once the complaint is referred to HQIU for investigation.

Board Members discussed the legislative proposal.

Dr. Tsai moved for the Board to get more information about the proposal and about where in the enforcement process it is legally possible to post information about a complaint for discussion at a later time S:/ Dr. Healzer, 10-0 (2 Absent)

Public comments on Agenda item 13 were made by: Lucas Evensen, Eric Andrist, Marian Hollingsworth, Wendy Knecht, Angel Outreach, Michele Monserratt-Ramos, and Charles Johnson.

Agenda Item 14 Future Agenda Items (Link to video)

Mr. Watkins suggested an in-person stakeholder meeting.

Dr. Mahmood requested a presentation on AI.

Dr. Yip requested a presentation on GLP, Ozempic.

Public comments on Agenda item 14 were made by: Marian Hollingsworth, Monty Goddard, Angel Outreach, and Eric Andrist.

Agenda Item 15 Adjournment

Kristina D. Lawson adjourned the meeting at 10:30 A.M.

Signature on File	May 15, 2025
Kristina D. Lawson, J.D., President	Date
Signature on File	May 15, 2025
Michelle A. Bholat, M.D., Secretary	Date
Signature on File	May 15, 2025
Reji Varghese, Executive Director	Date