



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

DCA Headquarters

1625 North Market Blvd

Sacramento, Ca, 95834

November 30, 2023- December 1, 2023

MEETING MINUTES

Thursday, November 30, 2023

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

Members Present:

Randy W. Hawkins, M.D., President
Laurie Lubiano, J.D., Vice President
Ryan Brooks, Secretary
Michelle Anne Bholat, M.D
James Healzer, M.D
Kristina D. Lawson, J.D
Asif Mahmood, M.D
Velling Tsai, M.D
Eserick "TJ" Watkins

Members Absent:

Nichole Jeong, J.D
David Lee
Richard E. Thorp, M.D

Staff Present:

Aaron Bone, Chief Director of Legislation and Public Affairs
Sean Eichelkraut, Information Technology Manager I
Jacoby Jorgenson, Business Services Office Manager
Keoni Lucas, Associate Governmental Program Analyst
Marina O'Connor, Chief of Licensing
Anthony Parker, Associate Governmental Program Analyst
Angelaya Strother, Associate Governmental Program Analyst
Angel Vang, Information Systems Branch Analyst
Reji Varghese, Executive Director
Kerrie Webb, Legal Counsel

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

President Randy W. Hawkins called the meeting of the Medical Board of California (Board) to order on November 30, 2023 at 11:03am. 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:](#) Rosana Davis, Heidi Marshall, Arielle Jackson, Jackie Jorgeson, Marian Hollingsworth, Rosie Arthursdotter, and Michele Monserratt-Ramos.

Agenda Item 3 Approval of Minutes from the August 24-25, 2023 Quarterly Board Meeting ([Link to Video](#))

Dr. Tsai indicated that his name was misspelled in the minutes. Dr. Hawkins indicated that the date of the interested parties meeting for the Complaint Tracking System on page 3, should be changed to June 21, 2023, rather than June 21, 2021.

Dr. Healzer moved to approve the minutes S:/ Ms. Lawson, 9-0 (3 Absent)

[Public Comments on Agenda Item 3 were provided by:](#) Rosie Arthursdotter.

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

President Randy Hawkins recited the Mission of the Medical Board and highlighted some notable accomplishments of the Board which include, the passage of Senate Bill (SB) 815, the fee increase, progress on the online tracking system, the Complainant Liaison Unit, and complainant interview prior to closure of quality-of-care cases. He thanked Governor Gavin Newsom, Department of Consumer Affairs (DCA) leadership, the legislature, and the patient advocates. President Hawkins also thanked Ms. Lawson for her dedication and work and thanked the Board's staff. Dr. Hawkins indicated there will be further discussion about the topic of maternal mortality and advised that he will be attending a guest observership with the California Pregnancy-Associated Review Committee and will report back at a future meeting. He talked about the updated Guidelines for Prescribing Controlled Substances for Pain and thanked Dr. Thorp and Mr. Brooks for their work on these guidelines. President Hawkins described some of his goals as president. He also acknowledged the death of patient advocate, Susan Lauren, who will be missed. Dr. Hawkins looks forward to working together with mutual respect for the greater good.

[Public Comments on Agenda Item 4 were provided by:](#) Rosie Arthursdotter.

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

Dr. Mahmood states that he has been in communication with doctors and has advised them to contact the Board.

Mr. Watkins stated that he continues to talk to the patient advocates, talked with Susan Lauren after she missed the August 2023 Board meeting, and requested a moment of silence for Susan Lauren.

The Board held a moment of silence for Susan Lauren.

President Hawkins stated that he continues talking to medical students and residents about the very special gift they have to be able to provide care to Californians and their associated responsibility. He also talks with them about the mission of the Medical Board, and he advises them to listen to their patients.

There were no Public Comments on Agenda Item 5.

Agenda Item 6 Executive Management Reports- Reji Varghese ([Link to Video](#))

Mr. Varghese acknowledged the loss of Susan Lauren and the impact of her passing on staff.

Mr. Varghese discussed the Executive Management Reports which are provided in detail in the materials.

Mr. Varghese provided staffing updates and indicated that the Board vacancy rate is currently 11.2%, which is down from the last report of 17.2%. Mr. Varghese announced the new Deputy Director, Marina O'Connor, and the new Executive Secretary, Angelaya Strother.

Mr. Varghese proceeded with the budget update. He stated that FY 2022-2023 was concluded with 1.9 months of reserve and decreased the total expenditure by \$1.9 million from the previous year. Mr. Varghese stated that the Board took a \$10 million loan in FY 2021-22 and another 8 million in FY 2022-23. These loans were taken from a DCA special fund with a 24-month repayment period. Mr. Varghese stated that the Board received a fee increase that will take effect January 1, 2024, because of the passing of SB 815. The fund condition report, however, shows that the Board may need to get another loan this year to provide a cushion.

Mr. Varghese provided an update on media relations and external communications.

Mr. Varghese indicated that there has not been a change to the number of staff working remotely since the last update.

Mr. Varghese provided an update on the Information Systems Branch, including an update on the number of physicians who have completed the new survey; the Complaint Tracking System; licensees printing their own wallet cards; use of DOCS; and efforts to redesign the online complaints.

Mr. Varghese referred the members to a budget report provided by the Attorney General's Office included within the materials and indicated that the new reports are designed to provide more information to the Board members about the budget and breakdown of fees.

Mr. Varghese provided an update to the members on the fund condition, and the possible options for loan repayment.

Mr. Varghese provided an update on the Enforcement Program and indicated that Enforcement was looking forward to additional staff for the Complainant Liaison Unit and to start conducting interviews in quality-of-care complaints. Among other updates, he indicated that staff was working on a new plan for a collaborative process for working with HQIU and the AGO.

Mr. Varghese provided an update on the Licensing Program. Among other updates, he stated that the numbers of licenses issued has significantly increased. Effective January 1, 2024, the Board will not accept certain application documents through the mail, and they will have to be uploaded through the DOCS portal. Mr. Varghese discussed how the Licensing Program is working to reduce the current backlog.

Mr. Varghese provided an update on the Webmaster and the Consumer information Unit.

Board members and Mr. Varghese discussed the Executive Management Reports.

[Public Comments on Agenda Item 6 were provided by:](#) Michael Luszczak, D.O., and Rosie Arthursdotter.

Agenda Item 7 Updates for External Stakeholders

Melissa Gear, Deputy Director for Board and Bureau Relations (BBR) for DCA, congratulated Marina O'Connor, the Board's new Deputy Director, and Angelaya Strother, the new Executive Secretary.

Among other updates, Ms. Gear provided information about Tamika Moss, the new Secretary of the Business, Consumer Services, and Housing Agency; DCA's efforts to provide training in Diversity, Equity, and Inclusion (DEI); the Federal Professional License Portability and State Registration Portal; the Open Meeting Act and meeting options; mandatory trainings; the elimination of the restricted states travel list; the Our Promise Campaign: the annual food drive, and the BBR newsletter.

Kathleen Nicholls and Sephanie Whitley provided the Health Quality Investigation Unit (HQIU) update. Among other information, Ms. Nicholls stated that HQIU is working on maximizing cost savings by merging offices. She indicated that HQIU has 26 investigator vacancies.

Ms. Whitley provided an update on meetings and training attended by HQIU supervisors and investigators.

The Board members discussed the update.

[Public Comments on Agenda Item 7 were provided by:](#) Rosie Arthursdotter.,

Agenda Item 8 Discussion and Possible Action on Legislation ([Link to Video](#))

A. Implementation Plans for 2023 Legislation

Mr. Bone discussed the implementation plans for bills that the Board took a position on and the Governor approved, including the following:

SB 815

Includes many Board-requested statutory changes that support the consumer protection mission of the Board, including a fee increase, and enforcement and licensing changes.

Assembly Bill (AB) 470

This Bill updates continuing medical education (CME) requirements to encourage physicians to pursue CME courses that improve the quality of patient and physician communication in a cultural and linguistical competent manner.

AB 1070

Allows physicians to supervisor up to eight physician assistants at one time who are performing home health evaluations.

AB 1369

This Bill exempts certain out-of-state physicians from licensing requirements, authorizing them to practice medicine in California through telehealth with a patient that has an immediate life threatening condition without a license from the Board.

AB 1395

Requires the Board to issue a license to applicants under the Licensed Physicians from Mexico Pilot Program who do not yet have a social security number or individual tax identification number.

AB 1646

Expands an existing Board regulation to authorize a resident that is enrolled in an Accreditation Council for Graduate Medical Education (ACGME) accredited out-of-state

postgraduate training program to receive training in California in a guest rotation up to 90 days.

AB 1707

Protects California licensees from adverse licensing actions or losing their staff privileges in this state due to certain adverse actions taken in other states relevant to the provision of sensitive services.

AB 1731

Exempts a healthcare practitioner from the requirement to check the CURES database prior to prescribing or providing buprenorphine in the emergency department of a hospital.

SB 345

This bill is very similar to AB 1707 and protects California licensees from adverse licensing and enforcement actions in this state due to certain adverse actions taken in other states relevant to the provision of sensitive services permitted under California Law.

SB 544

Establishes an optional pathway under the Bagley-Keene Open Meeting Act for state bodies to meet via teleconference or an online platform like WebEx.

Public Comments on Agenda Item 8 were provided by: Judy Gorcey Rosie Arthursdotter, Maria Ibarra Navarrette, Tracy Dominguez, Alka Airy, Michele Monserratt-Ramos, Kimberly Turbin, Denise Johnson, and Christina Hildebrand.

Agenda Item 9 Discussion and Possible Action on New Legislative Proposals ([Link to Video](#))

A. Proposed Updates to Business and Professions Code Sections 802.1, 802.5, and 805 to Include Those Practicing Medicine in a Postgraduate Training Setting, Postgraduate Training License Holders, and Special Permit Holders for the Purposes of Submitting Certain Mandated Reports to the Board.

Mr. Bone stated that the staff have two legislative proposals for the Board to consider. The first will add to specified mandatory reporting statutes, those who are practicing in a postgraduate training environment or with one of the Board's special permits. There are three existing statutes that the staff propose to amend: 1) Business and Professions Code (BPC) section 802.1, which requires certain licensees to report felony charges and felony and misdemeanor convictions to their licensing Board; 2) BPC section 802.5, which requires coroners to report to the appropriate board findings that a death may be the result of a healthcare provider's gross negligence or incompetence; 3) BPC section 805 which requires peer review bodies to report to the appropriate board that a licensee was subject to certain sanctions by that peer reviewed body.

Ms. Lawson moved to approve the legislative proposal to update BPC section 802.1, 802.5 and 805 as recommended by staff under 9.A. S:/ Dr. Mahmood, 9-0 (3 Absent)

[Public Comments on Agenda Item 9.A. were provided by:](#) Michele Monserratt-Ramos, Rosie Arthursdotter, Alka Airy, Maria Ibarra Navarrette, Tracy Dominguez, Christina Hildebrand, Kimberly Turbin, and Denise Johnson.

B. Proposal to Require Posting a Notification on the Board Website When Civil Penalties Are Imposed by the Board.

Mr. Bone stated that the staff proposes to add a statute that requires posting online an order from the Board that involves civil monetary penalties. Currently these orders are public documents, but the law does not authorize the Board to post them online. Therefore, to access these documents, the individual must contact the Board to request a copy.

Ms. Lawson moved to approve the legislative proposal to seek a requirement to post a notification on the Board's website when civil penalties are imposed by the Board as recommended by staff under 9.B. S:/ Dr. Healzer, 9-0 (3 Absent)

[Public Comments on Agenda Item 9.B were provided by:](#) Rosie Arthursdotter.

President Randy W. Hawkins, M.D adjourned the meeting at 2:33 p.m.

RECESS

Friday, December 1, 2023

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

Members Present:

Randy W. Hawkins, M.D., President
Laurie Lubiano, J.D., Vice President
Ryan Brooks, Secretary
Michelle Anne Bholat, M.D
James Healzer, M.D
Kristina D. Lawson, J.D
Asif Mahmood, M.D
Velling Tsai, M.D

Eserick "TJ" Watkins

Members Absent:

Nichole Jeong, J.D
David Lee
Richard E. Thorp, M.D

Staff Present:

Aaron Bone, Chief Director of Legislation and Public Affairs
Sean Eichelkraut, Information technology Manager
Jenna Jones, Chief of Enforcement
Jacoby Jorgenson, Business Services Office Manager
Keoni Lucas, Associate Governmental Program Analyst
Marina O'Connor, Chief of Licensing
Anthony Parker, Associate Governmental Program Analyst
Angelaya Strother, Associate Governmental Program Analyst
Angel Vang, Information Systems Branch Analyst
Reji Varghese, Executive Director
Kerrie Webb, Legal Counsel

Agenda Item 10 Call to Order/ Roll Call/ Establishment of a Quorum ([Link to Video](#))

President Randy W. Hawkins called the meeting of the Medical Board of California (Board) to order on December 1, 2023, at 9:06am. A quorum was present and due notice was provided to all interested parties.

Agenda Item 11 Presentation of Findings from the Mandatory Licensure Renewal Survey ([Link to Video](#))

Dr. Janet Coffman, PhD., described the work of the Health force Center at UC San Francisco. Among other information, Dr. Coffman shared the findings from the 2021 surveys revealing information regarding the supply and distribution of physicians providing patient care; a breakdown of specialties, and their regional distribution; where physicians completed their medical education; the age, gender, race, and ethnicity distribution of physicians; and data on physicians who speak a language other than English.

Dr. Coffman advised the Board that there are new questions posed by the Department of Health Case Access and Information (HCAI) that she looks forward to seeing the responses to, including practice setting, employment status, retirement plans, residency location, gender identity, and sexual orientation.

Dr. Coffman thanked everyone who has helped with the project.

The members and Dr. Coffman discussed the data further.

[Public Comments on Agenda Item 11 were provided by:](#) Rev. Ruth Summers Tweedle, Rosie Arthursdotter, Mariane Hollingsworth, and Michele Monserratt-Ramos.

Agenda Item 12 Second Annual Progress Report of Licensed Physicians from Mexico Pilot Program- UC Davis Health, Center for Reducing Health Disparities
[\(Link to Video\)](#)

Dr. Sergio Aguilar-Gaxiola discussed the importance of the data presented by Dr. Coffman.

Dr. Aguilar-Gaxiola presented slides that summarize the background of the Mexico Pilot Program, and discussed California's primary care physician workforce challenges, including the uneven distribution of primary care physicians across the state and how some primary care physicians do not accept Medi-Cal patients.

Dr. Aguilar-Gaxiola discussed the evaluation of the Mexico Pilot Program, and the six outcome measures that were focused on, including quality of care, adaptability of physicians, impact on working and administrative environment in nonprofit community health centers and impact on interpersonal relations with medical licensed counterparts in health centers, response and approval by patients (patient experience), impact on cultural and linguistical services (culturally and linguistically appropriate services), impact on limited-English speaking patient (LEP) encounters, and recommendation on whether the program should be continued, expanded, altered, or terminated.

Dr. Aguilar-Gaxiola discussed the reports takeaways and indicated that based on the interview results the community clinics have found this program valuable; the physicians from Mexico are adapting seamlessly to the clinic environment, and are anticipated to enhance clinic productivity, resulting in greater access to health care for patients. The alignment between cultural beliefs and customs with the integration of physicians from Mexico in the clinic has led to an increase in patient trust.

Dr. Aguilar-Gaxiola discussed the takeaways and the next steps for the review. Dr. Aguilar-Gaxiola thanked the individuals who have helped with the review of the program.

The members and Dr. Aguilar-Gaxiola discussed his report and findings, as well as ideas for scaling up the program.

[Public Comments on Agenda Item 12](#) were provided by: Rev. Ruth Summers Tweedle.

Agenda Item 13 Discussion on the Final Report of the Enforcement Monitor

This presentation was rescheduled to the next Board meeting.

Mr. Brooks left the meeting at 11:02 am.

Agenda Item 14 Discussion and Possible Action on the Online Complaint Tracking System ([Link to Video](#))

Mr. Eichelkraut provided a presentation on the concept for the Online Complaint Tracking System. The Board held two interested parties' meetings, March 6, 2023, and June 21, 2023, and the discussions were productive and aided in further clarifying the objectives for the proposed system. Mr. Eichelkraut reported that all suggestions were reviewed for technical and legal feasibility, and the outcome of the review is included in the materials.

Mr. Eichelkraut explained that patients and their authorized representatives are the only ones who would be able to access the complaint through the system. Mr. Eichelkraut shared an artistic rendering of what the Complaint Tracking System could look like, and described some of the anticipated features.

Mr. Eichelkraut discussed the next steps, including the need for approval from the Board, developing and submitting a Stage 1 business analysis for the California Department of Technology and Department of Consumer Affairs approval. If the project gets approved, he anticipates that it will go into the development process and testing phase and hopes to release the system in mid-2025.

Mr. Eichelkraut then described some potential post-release enhancements that are being considered. Finally, Mr. Eichelkraut thanked Nicole Kraemer for her assistance with the project.

Board members and staff discussed the Complaint Tracking System.

Dr. Healzer made a motion to approve staff's proposed Minimum Viable Product functionality for preparation and submission of a Stage 1 Business Analysis (S1BA) as required by the Statewide Information Management Manual (SIMM) Section 19 Project Approval Lifecycle to pursue development of the online complaint tracking system S:/ Dr. Tsai, 8-0 (4 Absent)

[Public Comments on Agenda Item 14 were provided by:](#) Rev. Ruth Summers Tweedle, Michele Monserratt-Ramos, and Rosie Arthursdotter.

Agenda Item 15 Discussion and Possible Action on the Selection of Two Members to the Midwifery Advisory Council ([Link to Video](#))

Ms. Morarity discussed the applicants for the licensed midwife position and public member position, for the Midwifery Advisory Council (MAC), Faith Freeman, L.M., and Tamara Robertson.

Both applicants made a statement on their interest in being appointed to the MAC.

Ms. Lawson moved to approve Faith Freeman, L.M., and Tamara Robertson as members of the Midwifery Advisory Council S:/ Mr. Watkins, 8-0 (4 Absent)

The were no public comments for Agenda Item 15.

Agenda Item 16 Future Agenda Items ([Link to Video](#))

Ms. Lawson requested a presentation on generative artificial intelligence (AI) and its impact in the medical field.

Dr. Bholat also requested a presentation on AI.

Mr. Watkins requested an agenda item for proposed legislation by Board members.

Ms. Lubiano requested a presentation on AI and a presentation on neurodiversity.

[Public Comments on Agenda Item 16 were provided by:](#) Rev. Ruth Summers Tweedle, Rosie Arthursdotter, and Michele Monserratt-Ramos.

Agenda Item 17 Adjournment ([Link to Video](#))