



# MEDICAL BOARD OF CALIFORNIA

## QUARTERLY BOARD MEETING AGENDA

**Thursday, May 9, 2019 2:30 p.m.-5:30 p.m.**

**Friday, May 10, 2019 9:00 a.m.-1:00 p.m.**

Hilton Los Angeles Airport  
5711 West Century Boulevard Los Angeles, CA 90045  
Los Angeles Ballroom | (310) 410-4000

*Action may be taken on any item listed on the agenda.  
Meeting times and order of agenda items are subject to change.  
Please see the last page for information on public participation.*

Denise Pines  
President

Ronald H. Lewis, M.D.  
Vice President

Michelle Anne Bholat, M.D.  
Secretary

Susan F. Friedman  
Dev GnanaDev, M.D.  
Randy W. Hawkins, M.D.  
Howard R. Krauss, M.D.  
Kristina D. Lawson, J.D.  
Laurie Rose Lubiano, J.D.  
Brenda Sutton-Wills, J.D.

David Warmoth  
Jamie Wright, J.D.

Felix C. Yip, M.D.  
Vacant  
Vacant

### **Thursday, May 9, 2019**

1. Call to Order/Roll Call/Establishment of a Quorum
2. Public Comments on Items not on the Agenda  
*Note: The Board may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting [Government Code sections 11125, 111257(a)].*
3. Approval of Minutes from the January 31–February 1, 2019 Quarterly Board Meeting
4. President's Report, including notable accomplishments and priorities – Ms. Pines
5. Board Member Communications with Interested Parties – Ms. Pines
6. Discussion and Possible Action on 2020 Proposed Board Meeting Dates – Ms. Kirchmeyer
7. Executive Management Reports – Ms. Kirchmeyer
  - A. Administrative Summary, including budget, personnel, and technology updates
  - B. Enforcement Program Summary, including personnel, expert reviewer program, statistics, and enforcement unit updates
  - C. Licensing Program Summary, including personnel, statistics, and licensing unit updates
  - D. Update on the Federation of State Medical Boards
8. Update on the Physician Assistant Board – Mr. Grant, President, and Mr. Sachs, Vice President

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9. Discussion and Possible Action on Legislation/Regulations – Ms. Simoes
  - A. 2019 Legislation
    1. AB 149 (Cooper) Controlled Substances: Prescriptions
    2. AB 241 (Kamlager Dove) Implicit Bias: Continuing Education: Requirements
    3. AB 387 (Gabriel) Physicians and Surgeons: Prescriptions
    4. AB 407 (Santiago) Fluoroscopy Permit or Certification and Continuing Education: Exceptions
    5. AB 528 (Low) Controlled Substances: CURES Database
    6. AB 544 (Brough) Professions and Vocations: Inactive License Fees and Accrued and Unpaid Renewal Fees
    7. AB 613 (Low) Professions and Vocations: Regulatory Fees
    8. AB 714 (Wood) Opioid Prescription Drugs: Prescribers
    9. AB 845 (Maienschein) Continuing Education: Physicians and Surgeons: Maternal Mental Health
    10. AB 888 (Low) Opioid Prescriptions: Information: Nonpharmacological Treatments for Pain
    11. AB 890 (Wood) Nurse Practitioners: Scope of Practice: Unsupervised Practice
    12. AB 1030 (Calderon) Gynecological Examinations: Informational Pamphlet
    13. AB 1264 (Petrie-Norris) Healing Arts Licensees: Self-Administered Hormonal Contraceptives
    14. AB 1467 (Salas) Optometrists: Scope of Practice: Delegation of Services Agreement
    15. AB 1468 (McCarty) Opioid Prevention and Rehabilitation Act
    16. AB 1544 (Gipson) Community Paramedicine or Triage to Alternate Destination Act
    17. SB 159 (Wiener) HIV: Preexposure and Postexposure Prophylaxis
    18. SB 377 (McGuire) Juveniles: Psychotropic Medications: Medical Records
    19. SB 425 (Hill) Health Care Practitioners: Licensee's File: Probationary Physician's and Surgeon's Certificate: Unprofessional Conduct
    20. SB 697 (Caballero) Physician Assistants: Practice Agreement: Supervision
    21. SB 786 (Comm. on Bus., Professions and Econ. Dev.) Healing Arts
  - B. Regulatory Actions
    1. Approved Postgraduate Training, 16 CCR, Section 1321
    2. Physician Health and Wellness Program, 16 CCR, Sections 1357.10, 1357.11, 1357.12, 1357.13, 1357.14, 1357.15, and 1357.16
    3. Supervision Required for Physician Assistants, 16 CCR Section 1399.545
    4. Notice to Consumers, 16 CCR, Sections 1355.4, 1378.5, 1379.4, and 1379.58
    5. Postgraduate Training Requirements, 16 CCR, Sections 1320 and 1321
10. Discussion and Possible Action on Recommendation from the Special Faculty Permit Review Committee – Dr. Bholat
11. Discussion and Possible Action on Questions Pertaining to Impairment on the Applications for Licensure and Registration – Ms. Kirchmeyer
12. Update on the Health Professions Education Foundation – Dr. Hawkins and Ms. Lawson

## **Recess**

## **Friday, May 10, 2019**

13. Call to Order/Roll Call/Establishment of a Quorum

14. Public Comments on Items not on the Agenda  
*Note: The Board may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting [Government Code sections 11125, 111257(a)].*
15. Presentation on the Waiver for Physicians to Prescribe or Dispense Buprenorphine – Dr. Fishman and Dr. Henry, University of California, Davis
16. Discussion and Possible Action on Midwifery Advisory Council Appointments – Ms. Alameda
17. Presentation on HIV and Pre-Exposure Prophylaxis (PrEp): an Update on PrEp use for HIV Prevention in California – Dr. Peters, Office of AIDS Medical Center, Department of Public Health
18. Discussion and Possible Action to Amend Title 16, California Code of Regulations, Sections 1309, 1360, 1360.1, and 1360.2 Regarding Rehabilitation Criteria and Substantial Relationship Criteria, and to Repeal Sections 1379.68, 1379.70, and 1379.72 Regarding Rehabilitation Criteria and Substantial Relationship Criteria – Ms. Webb
19. Presentation and Update on Changes to Postgraduate Training Requirements Effective January 1, 2020 – Ms. Alameda
20. Update from the Attorney General's Office – Ms. Castro
21. Update from the Health Quality Investigation Unit – Mr. Chriss and Ms. Nicholls
22. Update from the Department of Consumer Affairs, which may include updates on the Department's Administrative Services, Human Resources, Enforcement, Information Technology, Communications and Outreach, as well as Legislative, Regulatory, and Policy Matters – Mr. Le, Assistant Deputy Director, Board and Bureau Services
23. Future Agenda Items
24. Adjournment

## Public Participation

While the Board intends to [livestream](#) this meeting, it may not be possible to livestream the entire open meeting due to limitations on resources or technical difficulties.

This meeting will also be available via teleconference. Individuals listening to the meeting will have an opportunity to provide public comment as outlined below.

**For Thursday, May 9, 2019 and Friday, May 10, 2019**

**Call in number: (888) 455-9726**

**Passcode: 8280664 (callers will be asked to verbally provide this code)**

1. Please wait until the operator has introduced you before you make your comments.
2. To request to make a comment during the public comment period, press \*1; you will hear a tone indicating you are in the queue for comment. If you change your mind and do not want to make a comment, press \*2. Assistance is available throughout the teleconference meeting. To request a specialist, press \*0.
3. During Agenda Items **2** and **14** – Public Comments on Items not on the Agenda, the Board has limited the total public comment period via teleconference to twenty minutes. Therefore, after twenty minutes, no further comments will be accepted. Each person will be limited to three minutes per agenda item.
4. During public comment on any other agenda item, a total of ten minutes will be allowed for comments via the teleconference line. After ten minutes, no further comments will be accepted. Each person will be limited to three minutes per agenda item.
5. Comments for those in attendance at the meeting will have the same time limitations as those identified above for individuals on the teleconference line.
6. PLEASE NOTE: Because there is an audio delay, if you are participating by phone and simultaneously watching the livestream, the Board requests you turn off the sound to the livestream for improved clarity.

Meetings of the Medical Board of California are open to the public except when specifically noticed otherwise in accordance with the Open Meeting Act. The audience will be given appropriate opportunities to comment on any issue presented in open session before the Board, but the President may apportion available time amount those who wish to speak. For additional information, call (916) 263-2389.

NOTICE: The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Mary Kathryn Cruz Jones at (916) 263-2389 or send a written request to [marykathryn.cruzjones@mbc.ca.gov](mailto:marykathryn.cruzjones@mbc.ca.gov). Providing your request at least five business days before the meeting will help ensure availability of the requested accommodation.

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*The mission of the Medical Board of California is to protect health care consumers through the proper licensing and regulation of physicians and surgeons and certain allied health care professionals and through the vigorous, objective enforcement of the Medical Practice Act, and to promote access to quality medical care through the Board's licensing and regulatory functions.*

# GUIDELINES FOR PUBLIC COMMENT

The Medical Board of California (Board) is a public agency whose mission is to protect health care consumers through the proper licensing and regulation of physicians and surgeons and certain allied health care professionals and through the vigorous, objective enforcement of the Medical Practice Act, and to promote access to quality medical care through the Board's licensing and regulatory functions.

The Board welcomes your comments, concerns, and information you wish to share.

Please note that the Board must comply with the Open Meeting Act, the Administrative Procedure Act, and other sections of law when taking public comments. The Board's staff is here to help you with this process, so please feel free to seek additional assistance and clarification if you need it.

Please keep the following points in mind:

- Please be aware that the Board imposes time frames for public comment. Public comment is limited to three minutes per person; however, that time frame may be subject to change depending upon the number of speakers on a topic. Public comment, with the exception of comments received under "Public Comment on Items Not on the Agenda," must stay on topic with the specific agenda item being discussed, or the president or chair may have to rule the comments out of order.
- Only during the agenda item "Public Comment on Items Not on the Agenda" can the public make comments regarding any other items not listed on the Board's agenda. Please be aware that public comment during this agenda item should provide information to the Board Members and is not a discussion between the Board Members and the public. The only action Board Members can take is to listen to the comments and decide whether they want a future agenda item on the topic. No other action can be taken on the item at this meeting. Though this may seem at times like the Board Members are not being responsive, following these guidelines is critical to ensure the rules of the Open Meeting Act are followed to avoid compromising the speaker's goals or the Board's mission.
- When making comments, please do not discuss pending complaints, pending applications, or pending disciplinary actions that may come before the Board for a decision. Such discussions are considered 'ex parte' communications, and could provide information to the Members that is outside of the record, in violation of the Administrative Procedure Act. Therefore, such discussions could create a conflict and lead to a Board decision being challenged in superior court.
- The Board can receive comments regarding the Board's processes in general. It cannot receive comments on specific case circumstances where the decision is still pending. Board staff is available to speak with you about any pending matter.
- The Board requests that public comments be addressed to the Board as a whole and not to individual Members.

The Board appreciates the public's attendance and the input received from the public on the issues discussed at Board meetings.

