



MEDICAL BOARD OF CALIFORNIA

Executive Office



AGENDA ITEM 2A

Hilton San Diego Mission Valley
Carmel 3 Room
901 Camino Del Rio South
San Diego, CA 92108

November 1 - 2, 2007

MINUTES

Agenda Item 1 Call to Order/Roll Call

Dr. Fantozzi called the meeting to order on November 1, 2007 at 2:30 pm. A quorum was present and notice had been sent to interested parties.

Members Present:

Richard Fantozzi, M.D., President
Steve Alexander
Cesar Aristeiguieta, M.D.
Hedy Chang
John Chin, M.D.
Shelton Duruisseau, Ph.D.
Gary Gitnick, M.D.
Reginald Low, M.D.
Mary Lynn Moran, M.D.
Janet Salomonson, M.D.
Gerrie Schipske, R.N.P., J.D.
Ronald H. Wender, M.D.
Barbara Yaroslavsky
Frank V. Zerunyan, J.D.

Members Absent: None

Staff Present:

Barbara Johnston, Executive Director
Kimberly Kirchmeyer, Deputy Director
Stacie Berumen, Staff Services Manager
Kathi Burns, Manager, Licensing Unit
Candis Cohen, Public Information Officer
Janie Cordray, Research Specialist
Nancy Edwards, Supervising Investigator, San Diego Office
Kurt Heppler, Staff Counsel, DCA Legal Office
Valerie Moore, Associate Analyst
Kelly Nelson, Legislative Analyst
Cindi Oseto, Associate Analyst

Gary Qualset, Chief of Licensing
Regina Rao, Business Services
Paulette Romero, Associate Analyst
Teresa Schaeffer, Executive Assistant
Kevin Schunke, Regulation Coordinator
Anita Scuri, Senior Staff Counsel, DCA Legal Office
Renee Threadgill, Chief of Enforcement
Lori Taul, Office Technician
Frank Valine, Diversion Program Administrator
Linda K. Whitney, Chief of Legislation

Members of the Audience:

Sandra Bressler, California Medical Association
Michelle Butler, Center for Public Interest Law
Zennie Coughlin, Kaiser Permanente
Julie D'Angelo Fellmeth, Center for Public Interest Law
James Hay, M.D., California Medical Association
Sara Huebel, Senate Office of Research
Tara Kittle, General Public
Mary Agnes Matyszewski, Deputy Attorney General
Brett Michelin, California Medical Association
Janet Mitchell, General Public
Carlos Ramirez, Senior Assistant Attorney General
Carmen Rodriguez, General Public
Jesus Rodriguez, M.D., General Public
Carolyn Sam, Center for Public Interest Law
Antonette Sorrick, Deputy Director, Department of Consumer Affairs

Agenda Item 1 Approval of Minutes from July 26 - 27, 2007 Meeting

It was M/S/C (Alexander/Wender) to approve the minutes from the July 26 – 27, 2007 meeting.

In order to remain consistent with the record, the agenda items presented in these minutes are listed in the order discussed at the November 1 - 2, 2007 meeting.

Agenda Item 3 Discussion on Fiscal Audit Report

Dr. Fantozzi asked that any discussion or motions related to potential legislation regarding the audit be deferred until Linda Whitney's legislative report.

Barbara Johnston, Executive Director, reported on the California State Auditor's Report and directed the members' attention to page 19 thru 33 of their board packet for further information regarding the auditor's recommendation to reduce or refund fees to maintain the mandated fund balance not to exceed two months; with an amendment to allow flexibility to adjust fees. Ms. Johnston referred the members' to Tab 7 of their board packet for comparison of the Board's Fund balance to other DCA Boards' Fund balances, most of which have balances of two or more years. Ms. Johnston explained the proposed fund condition also reflects future projected spending, as well as what will happen to our fund balance if we refund or reduce the licensing fees.

Agenda Item 4 Legislation Update

Linda Whitney, Chief of Legislation, provided an update on 2007 Legislation and implementation.

The board took the following positions on legislation:

AB3 (Bass)	Physician Assistants	Support
AB 253 (Eng)	MBC: Restructuring	Sponsor/Support
AB 329 (Nakanishi)	Chronic Diseases: Telemedicine	Sponsor/Support
AB 1025 (Bass)	Professions: Dental of Licensure	Oppose
AB 1073 (Nava)	Work Comp: CA lic. Physicians on Utiliz. Review	Support
AB 1224 (Hernandez)	Telemedicine (Optometrists)	Support
SB 102 (Migden)	Blood Transfusions: Brochure	Support
SB 472 (Corbett)	Prescription Drugs: Labeling Req. & Panel	Support
SB 620 (Correa)	Anesthesia Permit for Physicians in Dental Offices	Support
SB 761 (Ridley-Thomas)	Diversion & Vertical Enforcement	Sponsor/Support
SB 764 (Migden)	MBC Reporting Licensee Information to OSHPD	Support w/conditions
SB 767 (Ridley-Thomas)	Drug Overdose Treatment; Liability	Neutral
SB 797 (Ridley-Thomas)	Professions & Vocations	Support
SB 1048 (Comm: B,P&ED)	Healing Arts: Omnibus	Support

It was M/S (Aristeiguieta/Alexander) to assign AB 329 to the Access of Care Committee.

Sandra Bressler, California Medical Association (CMA), requested to comment on the fiscal audit. She stated the CMA does not have a position but indicated if the board were to maintain a two-year reserve, due to the size of its budget, there would be a \$100,000,000 reserve. She also indicated the Board has been able to operate on a two month reserve in the past.

Dr. Fantozzi called for the vote on the motion regarding AB 329. The motion carried by unanimous vote.

Ms. Whitney reported AB 253 combines the two divisions of the board into one board effective January 1, 2008, revises the decision-making authority of the board by allowing the Executive Director

the authority to adopt default decisions and stipulations to surrender a license, and reduces the board membership from 21 to 15 members.

Ms. Whitney reported the board will need to elect officers for President, Vice President and a Secretary for the new restructured board and recommended the board hold elections at this meeting.

It was M/S/C (Yaroslavsky/Aristeiguieta) to hold elections to establish officers effective January 1, 2008.

Ms. Whitney stated the board also needed to determine whether to hold elections again in May or to restructure the terms for the calendar year and hold elections in November. She stated the board must establish and appoint the panels and committees for 2008 pursuant to restructuring.

Ms. Whitney advised the board needed to delegate the authority to the Executive Director to adopt default decisions and stipulations to surrender license. She recommended the board have the Secretary review and report back to the board on the delegation of this authority on January 1, 2009.

It was M/S/C to delegate the authority to the Executive Director.

Ms. Whitney reported SB 761 was held in the Assembly Appropriations Committee. The bill was held in committee due to concerns about legislating classifications. Consequently, the provisions of SB 761 regarding Vertical Enforcement/Prosecution were incorporated into SB 797, which was held on the assembly floor.

Ms. Whitney discussed implementation of the following legislation:

Sunset Diversion Program – Ms. Whitney deferred discussion on this issue to the full board meeting on Friday.

Sunset of the Vertical Prosecution Pilot Program – As reported SB 761 and SB 797 failed to move forward to extend the pilot program and the current legislation will become inoperative on July 1, 2008. Ms. Whitney advised senior management staff and Health Quality Enforcement Staff (HQES) have met and committed to a plan that aligns with the VE model as recommended by the board. Additionally, staff will continue to move forward with consideration of the feasibility of co-location between HQES and District offices, where appropriate, and implementation of an information technology system interoperable with the current system used at DOJ. Ms. Whitney asked for a motion authorizing staff to continue discussions and any necessary budget augmentation for the Attorney General positions that were added to the program.

It was M/S/C (Wender/Chang) to authorize staff to continue discussions regarding the extension of the pilot program and pursue budget augmentation as necessary.

Julie D'Angelo Fellmeth, Center for Public Interest Law (CPIL) and former enforcement monitor, strongly urged the board to support reintroducing a version of SB 797.

Ms. Whitney asked for a motion to authorize a study within existing resources to determine the correct classification and level of pay for board investigators.

A motion was moved and seconded to approve this study. The motion carried.

Next Ms. Whitney referred the members' to the orange-highlighted bills on the Tracker II list in their legislative packet and explained these bills were signed, the green-highlighted bills were vetoed, white and yellow highlighted bills are in a two-year status and could move forward in 2008. Additionally, she noted the board has taken a position on the yellow-highlighted bills.

The following proposed legislation for the 2008 legislative session was presented to the board for consideration and recommendation:

- Allow for a "cap" on the initial and renewal license fee instead of having a "fixed" amount prescribed by law.

It was M/S/C (Yaroslavsky/Wender) to authorize staff to begin discussions and seek legislation to allow for a cap on the current \$790 physician initial and renewal fees.

- Revise the fund reserve language from two months to not more than four or six months.

Mr. Alexander made a motion that, in light of the inconsistency in the board's fiscal reserve of only two months and the inherent risk such a minimum reserve poses to the successful long-term and ongoing operation of the board and its fulfillment of its consumer protection mission; and considering the board has programs and plans ready for implementation that will advance its critical consumer protection mission, the board seek authority to rectify this inconsistency in reserve fund balances and modify the reserve fund allocation to a minimum of six months or as otherwise recommend by the board's executive director to ensure the board's mission, vision and programs are no longer at risk based upon the inconsistency in fund balance requirements, and the board's licensing and enforcement programs can be properly implemented and maintained. A lengthy discussion by the board followed.

Mr. Alexander withdrew his motion.

It was M/S/C (Alexander/Wender) to modify the reserve fund allocation as recommended.

- Extend Vertical Enforcement as an ongoing program with no sunset date, using the language currently in SB 797.

It was M/S/C (Wender/Alexander) to authorize staff to continue discussions regarding the extension of the pilot and seek legislation or budgetary authority.

- Address the outstanding sections of law related to the diversion program that have not been addressed with the sunset of the program. Business and Professions Code section 821.5 references the diversion program administrator and includes confidentiality of reports.

It was M/S/C (Yaroslavsky/Wender) to authorize staff to meet with interested parties to develop language that would be consistent with existing law in terms of the reporting and confidentiality, continue reporting to this board, and appoint a member of the board to participate in these discussions. *Dr. Fantozzi asked Dr. Salomonson to represent the board in these discussions.*

- Develop an initial licensing category for disabled physicians.

It was M/S/C (Yaroslavsky/Wender) to authorize staff to re-open the discussion regarding an initial limited license and appoint a member of the board to be a part of the discussions. *Dr. Fantozzi asked Dr. Gitnick to represent the board in these discussions.*

Ms. Whitney stated the Division of Licensing had numerous legislative proposals that will be discussed at the Division meeting on Friday and brought back to the full board.

- Allow an educational course be required when issuing a public letter of reprimand.

It was M/S/C (Yaroslavsky/Wender) to authorize staff to fully examine pros and cons of an amendment to Business and Professions Code section 2233, allowing an education course be required with a public letter of reprimand and appoint a board member to work with staff. *Dr. Fantozzi asked Mr. Zerunyan to represent the board in these discussions.*

- Clarify Business and Professions Code section 801 reporting relating to multiple physicians and clarify cancelled license definition.

It was M/S/C (Yaroslavsky/Chang) to authorize staff to fully examine these clarifications. *Dr. Fantozzi asked Mr. Zerunyan to represent the board in these discussions.*

No action was taken on the omnibus bill which carries the technical clean up language for the board.

Ms. Whitney also provided a brief update on the Governor's Healthcare Proposal Plan and explained this is expected to be heard at the end of this year.

Ms. Whitney reported there are seven Assembly bills and twenty-six Senate bills in extraordinary session. The board took the following position on the following four bills presented for their review and consideration:

SBIX 6 (Runner) Watch
SBIX 12 (Runner) Watch
SBIX 19 (Harman) Oppose
SBIX 24 (Ashburn) Oppose

It was M/S (Gitnick/Yaroslavsky) to seek legislative authorization for the transfer of \$500,000 per year for two years to the Stephen Thompson Physician Loan Repayment Program. Following discussion, Dr. Wender requested an amendment to the motion for a one-time allocation of \$500,000. It was accepted.

Dr. Hay, CMA, stated the CMA does not have a position on whether the board should fund this program but supports funding it through the General Fund. CMA does not have financial resources to do this but would be happy to work with the board to assist in obtaining funding.

Tara Kittle, healthcare consumer, spoke in support of the motion and stated there is a great need for this funding.

Mr. Alexander requested an amendment to the motion that board funds be spent only if there are matching funds from other sources up to \$500,000. Dr. Gitnick rejected this amendment. The motion carried (7-4) for a one-time allocation of \$500,000 to the program.

Agenda Item 5 Elections

A. Timing of Elections

Dr. Fantozzi brought forward the issue of changing the officers' terms to a calendar year to stay in concert with the legislative process, as discussed during Ms. Whitney's report on legislation.

Following a discussion by the members it was M/S (Yaroslavsky/Wender) to change the terms of the officers of the board to a calendar year.

Mr. Alexander requested an amendment to the motion to hold elections today (November 2007) and the terms to take effect immediately. This amendment was accepted and the motion carried.

B. Fill Board Officer Positions

Dr. Fantozzi asked for nominations for the office of President. Ms. Yaroslavsky nominated Dr. Fantozzi as President. Dr. Fantozzi was elected President of the Medical Board by acclamation.

Dr. Fantozzi asked for nominations for the office of Vice President. Dr. Gitnick nominated Dr. Aristeiguieta as Vice President. Dr. Aristeiguieta was elected Vice President of the Medical Board by acclamation.

Dr. Fantozzi asked for nominations for the office of Secretary. Dr. Salomonson nominated Ms. Chang as Secretary. Ms. Chang was elected Secretary of the Medical Board by acclamation.

Agenda Item 6 President's Report

Dr. Fantozzi stated the board is in a time of change and transition. A summit will be held January 24, 2008 as a public forum to discuss alternatives following sunset of the Diversion Program. The Strategic Plan will be reviewed and approved. He also discussed plans to move forward to re-establish Operation Safe Medicine.

Dr. Fantozzi directed staff, upon approval of the Strategic Plan, to review the list of existing committees and task forces of the board to determine their necessity and report back with a plan at the February meeting.

Dr. Fantozzi made the following appointments and changes to the committees:

- The members of the Executive Committee will include: President, Vice President, Secretary, Past President, and one member.
- Mr. Zerunyan was appointed to the Strategic Planning Committee.
- Ms. Yaroslavsky was appointed to the Cultural and Linguistic Workgroup.
- Ms. Schipske was appointed to the Medical Errors Task Force.
- Dr. Moskowitz and Dr. Giang were appointed to the Wellness Committee.
- Mr. Alexander, Dr. Aristeiguieta, Ms. Chang, Dr. Duruisseau, Dr. Low, and Dr. Moran were appointed to Panel A.
- Dr. Gitnick, Ms. Schipske, Dr. Salomonson, Dr. Wender, Ms. Yaroslavsky, and Mr. Zerunyan were appointed to Panel B.
- Ms. Chang, Dr. Duruisseau, and Dr. Chin were appointed to the Special Programs Committee.
- Dr. Gitnick, Dr. Low, and Ms. Schipske were appointed to the Application Review Committee.

Agenda Item 7 Executive Director's Report

A. Budget Overview and Staffing Update

Ms. Johnston provided an update on staffing and reported on her tour of the district offices to meet and visit with staff. She noted staff moral was low and disappointment was high due in part to anticipated pay raises that did not occur.

Ms. Threadgill was asked to provide an update on the Enforcement Program. She reported the board continues to struggle to retain seasoned investigators and explained investigators are leaving for other agencies and/or retiring. In addition, she provided an update on the transition of the probation

monitoring functions from investigators to inspectors and discussed plans to re-establish the Operation Safe Medicine program. She also reported additional medical consultants have been hired and plans are underway to hold a training program on December 11, and 12, 2007 in Cerritos.

B. Proposed Meeting Dates for April or May 2008.

Dr. Fantozzi directed the members' attention to page 64 of their board packet for information regarding a conflict with May 1, 2, 2008 meeting date which is scheduled to be held on the same time as the annual FSMB meeting. The members were asked to check their calendar and provide their availability on April 24-25 and May 8-9, 2007 to staff.

C. Board Meeting Survey

Ms. Johnston stated staff reviewed members' suggestions from the board meeting surveys and have implemented necessary changes as indicated.

Agenda Item 8 Approval of Vertical Enforcement Report

Ms. Threadgill referred the members to page 66 of their board packet for a copy of the Vertical Enforcement Report to Legislature and requested the members' approval of the report as required by SB 231.

Dr. Wender moved to approve the Vertical Enforcement Report. The motion was seconded by Ms. Yaroslavsky. Discussion by the members followed. Dr. Aristeiguieta requested staff continue to monitor this program and collect data to determine if the trends are due to VE or other factors. Ms. Johnston stated staff will continue to collect data for review.

Mr. Alexander requested an amendment to the motion to change the language of the recommendation on page 90 to replace the word significant with trends indicate and are likely to continue. In addition, he requested a statement be added to the report indicating the board shall monitor, at the minimum of an annual basis, the measurable outcomes from this program to ensure that consumer benefits continue to be demonstrated in the future. The amendment was accepted and the motion carried unanimously.

Agenda Item 9 California Physician Corp Program Update

Ms. Yaroslavsky stated there were no significant updates to report at this time.

Agenda Item 10 Cultural and Linguistic Physician Competency Workgroup Meeting Update

Ms. Chang reported the workgroup met on September 25, 2007 in Sacramento. They heard presentations from IMQ with CMA, and Sergio Aquigilla, M.D, PhD, Director of the UCD Center for Reducing Health Disparities. The workgroup established two sub-committees to work on further advancement of Cultural and Linguistic components. The next meeting will be held in January 2008.

Agenda Item 11 Access to Care Meeting Update

Dr. Gitnick stated the committee did not meet and there was no new information to report at this time.

Agenda Item 12. Public Comments on Items not on the Agenda –

- Carmen Rodriguez, Jesus Rodriguez and Gaby Rodriguez all spoke in support of Gaby Rodriguez and her complaint against her doctor and fraudulent concealment.
- Tara Kittle presented an idea that the board should host an annual conference.
- Janet Mitchell spoke regarding citizen's concerns regarding their doctors and her concerns regarding the Medical Board.

There being no further business, the meeting adjourned at 6:12 pm.

Friday, November 2, 2007

Agenda Item 13 Call to Order/Roll Call

Dr. Fantozzi called the meeting to order on November 2, 2007 at 10:00 am. A quorum was present and notice had been sent to interested parties.

Members Present:

- Richard Fantozzi, M.D., President
- Steve Alexander
- Cesar Aristeiguieta, M.D.
- Hedy Chang
- John Chin, M.D.
- Shelton Duruisseau, Ph.D.
- Gary Gitnick, M.D.
- Mary Lynn Moran, M.D.
- Janet Salomonson, M.D.
- Gerrie Schipske, R.N.P., J.D.

Ronald H. Wender, M.D.
Barbara Yaroslavsky
Frank V. Zerunyan, J.D.

Members Absent:

Reginald Low, M.D.

Agenda Item 14 Physician Humanitarian Award

Dr. Fantozzi stated it was his honor to announce Dr. Ron Bangasser was selected as the recipient of Physician Humanitarian Award. He stated it was his sad duty to inform the board that Dr. Bangasser passed away on May 2, 2007. Dr. Bangasser was a family practitioner and director of the Wound Care Center at Redlands Community Hospital. He introduced the hyperbaric chambers to the wound care ward at Redlands Community Hospital in 1982, which treats more than 4,000 patients a year. Dr. Fantozzi introduced Dr. Susan Bangasser, and her daughter, Dr. Debra Bangasser who accepted the award on behalf their late husband and father, Dr. Ron Bangasser.

Agenda Item 15 Strategic Planning

Ms. Kirchmeyer, Deputy Director, directed the members' attention to page 131 of their board packet for a copy of the newly revised draft Strategic Plan and requested the members' approval.

It was M/S/C (Yaroslavsky/Wender) to approve the Strategic Plan as presented.

Dr. Aristeiguieta called for a point of personal privilege and commended the board and staff on the new strategic plan.

Agenda Item 16 Information Technology Application Demonstration

Diane Ingram, Manager, Information Systems Branch introduced Angelo Whitfield, principal with Sophus Consulting. Mr. Whitfield provided a powerpoint presentation and demonstration of the application system used by DOJ which could replace the outdated non-interoperable CAS system. This system would allow the board to become fully interoperable with the DOJ's information systems for vertical enforcement as required by SB 231.

It was M/S/C (Wender/Yaroslavsky) to approve MBC Information Technology (IT) replacement to improve interoperability with DOJ's information system for vertical enforcement. Staff was directed to proceed with a Request For Proposal (RFP) and contract to perform the work to consolidate the systems.

Ms. Johnston stated the estimated cost of the project would be between 2.5 – 3 million dollars. She advised she would bring the RFP and cost back to the board at a later meeting.

Agenda Item 17 Wellness Committee Update

Dr. Duruisseau reported the Committee held its first official meeting on September 26, 2007 in Sacramento. The Committee discussed how to provide outreach and publications to promote wellness. Dr. Gregg agreed to assist with publications and Dr. Norcross agreed to assist with outreach efforts and development of partnerships. The Committee is currently creating a central listing of Wellness programs throughout the state. Dr. Duruisseau also reported the Committee is exploring the possibility of malpractice carriers providing incentives for physicians to participate in wellness programs. The committee will be hearing presentations at a future meeting.

Dr. Peter Moskowitz, Executive Director of the Center for Professional and Personal Renewal, was introduced and provided a presentation of physician wellness and renewal.

Agenda Item 18 Reports from the Divisions/Committees

A. Division of Licensing (DOL)

Ms. Chang reported the following:

- The DOL directed staff to pursue the legislative proposals and regulatory changes as presented and make recommendations back to the full board including clarifying medical education and post graduate training issues, public letters of reprimand, and clarifying re-application procedures.
- The DOL approved proposed language to revise CME regulations and the board set a hearing.
- The DOL approved the Physician Assistant Committee's language to amend title 16 section 1399.540 and requested a regulatory hearing be scheduled for the February 2008 board meeting.
- The DOL approved the issuance of a special faculty permit to Peter James Goadsby, M.D.
- The DOL disapproved Kigezi International School of Medicine.
- The DOL directed staff to develop a process for use when considering the suspension of special program suspensions.

Midwifery Committee

- The Midwifery Advisory Council (MAC) and staff is working with the Office of Statewide Health Planning and Development regarding the annual midwife coding system and annual reporting documents.
- The MAC was directed to continue working on the topic of remedial training and re-education of licensed midwives.

Dr. Fantozzi asked for a motion to approve the proposals for licensing legislation as presented. A motion was made and carried.

B. Division of Medical Quality (DMQ)

Dr. Aristeiguieta reported the following:

- The DMQ directed staff to re-examine its proposal for an award recognition program for expert reviewers. Dr. Wender will be working with staff on this project.
- The DMQ held a regulatory hearing to amend section 1364.30 and 1364.32 in Article 8 of chapter 2 – oral and written arguments.
- The DMQ voted to adopt the proposed regulations with minor changes to reflect the new structure of the board.
- Mr. Ramirez and Ms. Threadgill will work together to develop an integrated operations manual for DOJ and present it at the next board meeting.

Diversion Committee

Dr. Janet Salomonson thanked Dr. Wender, Frank Valine, Dr. David Pating, and Kim Kirchmeyer for all their hard work during this transition. Ms. Kirchmeyer was asked to present the plan and directed the members' attention to page 142 of their board packet to the staff report regarding the transition plan for Diversion Program. Ms. Kirchmeyer provided a brief overview of the plan and asked the members' for approval to proceed with of the proposed policies and implementation plan as outlined.

It was M/S to approve the transition plan and policy statements for the Diversion Program.

Public comment was heard from the following:

Julie D'Angelo Fellmeth, CPIL, voiced her objection to the plan's language regarding biological fluid testing. She believes the language proposed allows too long a period to obtain a collector for urine testing.

Sandra Bressler, CMA, voiced her objection to the language requiring a minimum of 4 urine tests per month throughout probation. The CMA would like to see some language allowing for a reduction in testing for physicians with clear urine screens. They would like more flexible language such as "as needed," or reference to being able to petition for less testing.

Ms. Kirchmeyer responded and stated probationers are allowed to petition for modification of probation under Business and Professions Code section 2307.

Dr. James Hay, representing the CMA reported a work-group has been meeting and has created a framework of preliminary recommendations on the goals and parameters of a new Public Protection and Physical Health Program to protect California patients. A copy of the proposal was handed-out.

Dr. Pating spoke in support of the transition plan and recommended the board approve it.

Following discussion by the members, the motion was amended to include adopting the change to the language as suggested by Ms. Fellmeth.

Ms. Kirchmeyer addressed the issue of hospital reporting pursuant to Business and Profession Code section 821.5 and stated the current law requires the hospital to notify the diversion program administrator. She advised after June 30 2008 and until new legislation is introduced, the reporting will be directed to the Deputy and Executive Director.

Ms. Bressler, CMA stated they will be working with the Hospital Association and the board to revise a better reporting system than to the Executive Director of the Medical Board.

It was moved to approve the transition plan with the amendment. The motion carried by unanimous vote.

As a reminder, Dr. Salomonson announced there will be a Diversion Summit on January 24, 2008 in Sacramento and stated further meeting information would be made available on the board's Web site.

Agenda Item 19 Forums on Use of Lasers Update

Dr. Mary Lynn Moran provided a brief overview of SB 1423 passed in September 2006 which added Business and Professions Code section 2023.5 requiring the Medical Board of California, in conjunction with the Board of Registered Nursing, to review issues and problems with the use of lasers and other devices for elective cosmetic procedures. Dr. Moran reported three public forums have been held and provided an update of these forums. She requested this item be placed on the agenda for discussion at the full board meeting in February 2008.

Agenda Item 20 Agenda Items for February 2008 Meeting

Mr. Alexander requested staff develop a statement to explain the constraints and limitations of the board during discussion of public comment on items not on the agenda. The statement should be placed next to the public comment forms so that anyone completing the form will be placed on notice as to the limitations placed on the members.

Agenda Item 21 Public Comment on Items not on the Agenda

Public Comment was heard from the following:

- Tara Kittle spoke in support of the wellness program for addressing solutions to physician stress and burnout.
- Judy Michel spoke regarding her concern about the reinstatement of Andrew Rutland's license and his ability to practice medicine.
- Beth Pimentel spoke regarding her concerns about the reinstatement of Andrew Rutland's license and his ability to practice medicine.

- Faith Gibson, spoke in support of physician wellness and suggested the board may want to reconsider their position on widening the nurse practitioner's scope of practice to take some of the burden off physicians.

Agenda Item 22 Adjournment

There being no further business, it was M/S/C to adjourn the meeting at 11:28 am.

Richard Fantozzi, M.D, President

Cesar Aristeiguieta, Vice President

Barb Johnston, Executive Director