



MEDICAL BOARD OF CALIFORNIA
Licensing Program



AGENDA ITEM 2C

Division of Licensing
Quarterly Meeting

Hilton San Diego Mission Valley
Newport Ballroom
901 Camino del Rio South
San Diego, CA 92108

November 2, 2007

MINUTES

Agenda Item 1 Call to Order/Roll Call

Ms. Chang called the meeting to order on November 2, 2007, at 8:05 a.m. A quorum was present and due notice had been sent to all interested parties.

Members Present:

Hedy Chang, Vice President
Richard Fantozzi, M.D.
Gary Gitnick, M.D., Secretary
Gerrie Schipske, R.N.P., J.D.

Staff Present:

Anita Scuri, Supervising Senior Counsel, Department of Consumer Affairs
Armando Melendez, Business Services Assistant, Business Services Office
Billie Baldo, MST, Administrative Assistant, Licensing Program
Cindi Oseto, Associate Governmental Program Analyst (AGPA), Licensing Program
Elberta Portman, Executive Officer, Physician Assistant Committee
Gary Qualset, Chief, Licensing Program
Kathi Burns, Staff Services Manager I, Licensing Program
Kelly Nelson, Legislative Analyst, Legislative/Regulatory Unit
Kevin Schunke, Regulation Coordinator, Legislative/Regulatory Unit
Kimberly Kirchmeyer, Deputy Director
Kurt Heppler, Senior Counsel, Department of Consumer Affairs
Linda Whitney, Chief, Legislative/Regulatory Unit
Pat Park, AGPA, Licensing Program
Stacie Berumen, Staff Services Manager I, Licensing Program

Members of the Audience:

Carrie Sparrevohn, L.M., Midwifery Advisory Council (MAC)
Claudia Breglia, L.M., California Association of Midwives (CAM)
Faith Gibson, L.M., Chair, Midwifery Advisory Council (MAC)

Gaye Breyman, California Academy of Physician Assistants
Michelle Butler, Center for Public Interest Law, University of San Diego School of Law
Leighton Reynolds, Ph.D.

Agenda Item 5 Report on Actions Taken in Closed Session

No closed session was conducted.

Agenda Item 6 Approval of Minutes from the July 27, 2007 Meeting

It was M/S/C (Schipske/Gitnick) to approve the minutes of the July 27, 2007 meeting as amended.

Agenda Item 7 President's Report

Ms. Chang noted the Midwifery Advisory Council meeting, Cultural and Linguistic Physician Competency Program Workgroup meeting and Special Faculty Permit Review Committee meeting updates would be reported later in the day.

Agenda Item 8 Legislation and Regulation Update

A. 2007 Legislation

Ms. Whitney stated the 2007 legislative packet had been reviewed and reported upon at the full board meeting on November 1, 2007.

B. Status of Regulatory Actions

Ms. Whitney referred the members to the Status of Pending Regulations Matrix located in their packets.

C. Proposals for 2008 Legislation

Mr. Qualset referred to the 2008 proposed legislative packet and reported that a total of fourteen legislative concepts were being proposed. Nine of the fourteen addressed general clarification and clean-up items to be included in the Department of Consumer Affairs' next Omnibus bill. The remaining five proposals are intended to maintain consistency between the various licensing pathways to licensure, clarify that all coursework must be completed in an approved or recognized medical school, allow the board the option of issuing a public letter of reprimand to applicants (where circumstances did not warrant denial of an application or issuance of a probationary license), and make consistent the reapplication process for applicants who were denied licensure, regardless of appeal.

It was M/S/C (Gitnick/Schipske) to direct staff to pursue the legislative proposals as presented.

D. Proposals for 2008 Regulations

1. General Clean-Up

Mr. Qualset referred the members to the Proposed Regulation Changes Matrix and recommended the Legislative/Regulatory Unit move forward administratively with the non-substantive Section 100 changes. Additionally, a recommendation was made to amend sections 1318(a), 1319.1(a), 1319.2(a), and 1319.3(a) to adjust the number of days allowed for initial review of various applications from ten days to thirty days.

It was M/S/C (Gitnick/Fantozzi) to direct staff to pursue the regulatory changes as presented.

2. Continuing Medical Education Audit

Ms. Burns requested the members amend regulations relating to continuing medical education (CME). Ms. Burns reported current regulations require licensees to complete 100 hours of CME during a four period and require licensees to complete an average of 25 hours of CME during each calendar year. However, since the four year time period is not defined in regulation it is difficult to determine the four year period in question when a CME audit is performed. Additionally, the 25 hours per calendar year requirement causes further confusion since most licensees calculate CME hours based upon their renewal cycle and expiration date; a date established not by calendar year, but by the licensee's birth month.

Ms. Burns reported the proposed amendments: 1) direct licensees to complete at least 50 hours of approved CME during a renewal cycle, the two-year period immediately preceding the expiration of the license, (which is equivalent to the current requirement of 25 hours per year for a total of 100 every four years) in order to renew the license, 2) establish that the four year period consists of the two renewal cycles immediately preceding the license expiration date, and 3) eliminate the calculation of CME hours by calendar year.

Additionally, it was recommended the regulations be further amended to clearly identify that a licensee in a CME exempt status must complete 50 hours of CME prior to restoring the license to an active status; a requirement currently not clear in regulation.

It was M/S/C (Gitnick/Fantozzi) to approve the recommendations and set the matter for a regulatory hearing at the February 2008 meeting.

3. Equivalent Psychoanalytic Institutes

Ms. Burns reported on a request from a psychoanalytic institution and applicant for registration as a student research psychoanalyst that the board amend its regulations relating to equivalency of psychoanalytic institutes. The request was to include institutes accredited by the psychoanalytic accrediting body known as the American Board for Accreditation in Psychoanalysis, Inc. (ABAP).

The members requested more information be gathered regarding the ABAP and its

accreditation prior to making a decision.

Agenda Item 9 Physician Assistant Committee

A. Update

Ms. Portman, Executive Officer of the Physician Assistant Committee (PAC), reported the following:

Currently, there are 6439 California licensed physician assistants. In fiscal year 2006/2007, 649 applications for licensure were received and 577 licenses were issued. From July 1, 2007 through October 31, 2007, 237 applications were received and 212 licenses were issued.

A workgroup established at the request of the PAC, consisting of members from the California Medical Association, the California Academy of Physician Assistants, board staff and PAC staff, met to consider a continuing education (CE) requirement as a condition for license renewal for physician assistants. The workgroup developed a recommendation and proposed language and presented it to the PAC who approved the language and a fifty (50) hour CE requirement for renewal of a physician assistant's license. A concept paper has been submitted to the Department of Consumer Affairs Legislative Unit and is currently under review.

The next meeting of the PAC will be held November 8, 2007, and will include discussion of the implementation of AB 3 (Bass). This bill allows a physician assistant to administer, provide, or issue a drug order for certain classes of controlled substances without advance approval by a supervising physician and surgeon if the physician assistant completes specified educational requirements. Also, the bill increases the number of physician assistants a physician and surgeon may supervise and makes related changes.

B. Request to Set Regulatory Hearing for Proposed Amendment to Title 16 Section 1399.540 of the California Code of Regulations Regarding Delegation of Services Agreement

Ms. Portman reported on February 15, 2007, the PAC took action to amend Title 16, California Code of Regulations, section 1399.540 to require a written, signed, and dated Delegation of Services Agreement between physician assistants and supervising physicians. Based upon a request by the board, a workgroup was formed that included board and PAC staff and other interested parties. From that, proposed language was prepared and then approved by the PAC. There has been no opposition to the regulation language now presented to the DOL for consideration.

Dr. Gitnick asked about the regulatory history and what benefit the proposed changes would bring about. Ms. Portman reported the changes will formally name the Agreement and require both the supervising physician and the physician assistant to sign and date the Agreement, a change implemented to protect both parties. It will also identify that a physician assistant may have an agreement with more than one physician.

It was M/S/C (Gitnick/Fantozzi) to approve the recommendation and set the matter for a regulatory hearing at the February 2008 meeting.

Agenda Item 10 Action on Recommendation of Special Faculty Permit Review Committee

Dr. Gitnick reported at the October 17, 2007, Special Faculty Permit Review Committee (SFPRC) meeting the members reviewed one application for a Special Faculty Permit under Business and Professions Code section 2168.1. The SFPRC recommended approval of the application of Peter James Goadsby, M.D.

It was M/S/C (Fantozzi/Gitnick) to approve the application and issue a Special Faculty Permit to Peter James Goadsby, M.D.

Agenda Item 11 Cultural and Linguistic Physician Competency Program Workgroup Meeting Update

Ms. Chang reported on the Cultural and Linguistic Physician Competency Program Workgroup update given at the full board meeting on November 1, 2007.

Agenda Item 12 Midwifery Committee Report

Ms. Chang reported the following:

The Midwifery Advisory Council (MAC) and staff are working diligently 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.

The Midwifery Committee was advised of the difficulty some licensed midwives are experiencing obtaining lab service contracts.

A. Midwifery Advisory Council Report

Ms. Burns reported the MAC completed their work on the licensed midwife coding system, and 2007 reporting forms and instructions.

B. Midwifery Advisory Council Position Appointment Process

Mr. Qualset reported on the length of member terms and the appointment process for the MAC. Two member terms will expire in February 2008, so interest letters and applications for appointment will be mailed to all interested parties and licensees on or about November 15, 2007. The deadline for submitting an application will be December 31, 2007. A list of

recommendations will be presented to the board members at their meeting in February 2008.

Agenda Item 13 Recognition of International Medical School Programs

A. Kigezi International School of Medicine – Cambridge, England

Mr. Qualset reported a review of Kigezi International School of Medicine revealed its program does not meet the requirements established in Title 16, California Code of Regulations (CCR), section 1314.1 and therefore, recommended the international medical school be disapproved pursuant CCR 1314(c). Kigezi International School of Medicine-England is closed, not recognized by the government of the United Kingdom, and was not properly chartered in England thereby not qualifying the school for recognition by the board.

Dr. Gitnick asked if disapproving one and not other international medical schools in similar circumstances (not qualifying for and having not sought recognition), would somehow send an unintended message or consequence. Ms. Scuri advised the members they are authorized to issue such disapprovals and it is clearly within their discretion. She also commented that this school may be distinguished from others because it was not properly chartered in the country of its domicile.

It was M/S/C (Gitnick/Fantozzi) to disapprove Kigezi International School of Medicine.

Agenda Item 14 Division Chief's Report

Mr. Qualset reported the following:

During the first quarter of the fiscal year the board received 1,465 new physician and surgeon applications and issued 1,271 new licenses. Initial application review times for US and Canadian graduate applications are currently at 30 days and international graduate applications are at 65 days. Initial review times for international graduate applications increased due it being a high volume time of year and the recent turnover of experienced licensing staff.

The Consumer Information Unit received a total of 17,269 calls last quarter.

During the first quarter of the fiscal year the board's licensed midwife program received four applications, issued five licenses, and denied no applications. Three applications are currently pending. As of August 31, 2007, there were 172 current and renewed licensed midwives.

The next Midwifery Advisory Committee meeting is scheduled for December 6, 2007, and the Cultural and Linguistic Competency of Physicians Program Workgroup and Special Faculty Permit Review Committee meetings are expected to occur in January 2008.

Due to recent concerns with three of the eight medical schools in California who participate in the board's special programs pursuant to Business and Professions Code sections 2111, 2113, and 2168 suspensions were issued by the executive staff. One institution was ordered to cease

operation of all current and future participants. This school worked quickly with the board to resolve the concerns and within a few weeks current participants were allowed to resume activities. Once this school submits written procedures related to the internal operations of their special programs, the suspension of new applications will be lifted. One particular department within a school received a three-year suspension for new appointments under sections 2111 and 2113; however, the school can petition for early termination. Another school received a suspension of new appointments under sections 2111 and 2113. A site visit is scheduled at this school for December 5th and 6th to review the schools programs.

Dr. Gitnick expressed concern that the suspensions of these institutions were not fully and completely addressed by the division or an appropriate committee. The division supports and trusts staff but a process must be developed to include committee or division members in decisions relating to special program suspensions.

It was M/S/C (Gitnick/Fantozzi) to direct staff to develop a process for use when considering the suspension of special programs within a school or department.

Agenda Item 15 Public Comment on Items Not on the Agenda

None.

Agenda Item 17 Adjournment

Ms. Chang adjourned the meeting at 9:44 a.m.

Hedy Chang, Vice President

Gary Gitnick, M.D., Secretary