



# MEDICAL BOARD OF CALIFORNIA

Protecting consumers by advancing high quality, safe medical care.

2005 Evergreen Street  
Sacramento, CA 95815-5401  
Phone: (916) 263-2382  
[www.mbc.ca.gov](http://www.mbc.ca.gov)

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

**The Embassy Suites by Hilton**  
**9801 Airport Blvd**  
**Los Angeles, CA 90045**  
**Thursday, November 21, 2024 - Friday, November 22, 2024**

## MEETING MINUTES

**Thursday, November 21, 2024**

***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  
Irving Ayala-Rodriguez, M.D.  
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:**

N/A

### **Staff Present:**

Aaron Bone, Chief of Legislation and Public Affairs  
Sean Eichelkraut, Information Technology Manager I  
Douglas Hock, Chief of Licensing  
Jenna Jones, Chief of Enforcement  
Jacoby Jorgenson, Business Services Office Manager  
Keoni Lucas, Associate Governmental Program Analyst  
Marina O'Connor, Deputy Director  
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, November 21, 2024 at 11:05 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:](#) Michele Monserratt-Ramos, Family of Synder Lopez, Marian Hollingsworth, Rob Gordon, and Monty Goddard.

**Agenda Item 3 Approval of Minutes from the August 22-23, 2024, Quarterly Board Meeting ([Link to video](#))**

**Dr. Healzer moved to approve the minutes S:/ Dr. Thorp, 11-0-2 (Ms. Mitchell and Ms. Remke abstained)**

No Public comments were made on Agenda Item 3

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

Ms. Lawson welcomed the new members to the Board. She extended a thank you to Dr. Yip and Ms. Torres on leading the task force meeting on the Physician Health and Wellness Program. Ms. Mitchell and Ms. Remke introduced themselves to the Board.

No Public comments were made on Agenda Item 4

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

Dr. Thorp reported that he had a meeting with Mr. Varghese on September 23, 2024, with Mr. Goddard, Mr. Lawhern, Ms. Irving, and Ms. Ogden, who advocate for chronic pain patients. They discussed the challenges in obtaining appropriate medicine for chronic pain and the institutional barriers. He also attended the Board of Pharmacy meeting.

Dr. Mahmood had conversations with physicians about expert witness services and other specialties and referred them to Board staff.

Dr. Bholat met with the Director of Licensing and attended a meeting with the designated institutional officer at UCLA David Geffen school of medicine to clarify Postgraduate Training License requirements.

Ms. Lawson stated that she has received numerous inquiries on cases, and she forwarded them to staff for review.

[Public comment on Agenda Item 5 was made by:](#) Maisha Draves, Monty Goddard, and Pat Irving.

**Agenda Item 6      Third Annual Progress Report of Licensed Physicians from Mexico Pilot Program- UC Davis Health, Center of Reducing Health Disparities ([Link to video](#))**

Dr. Sergio Aguilar-Gaxiola, Founding Director of the Center for Reducing Health Disparities at UC Davis, discussed the background of the LPNPP program, which was established by Assembly Bill 1045 in 2002. It allowed 30 qualified Mexican physicians to practice in California's non-profit community health centers in medically underserved areas. Dr. Aguilar-Gaxiola discussed the positive impact of the program for expanding access to quality care, as well as some of the challenges faced by the Mexican physicians.

The Board members and Dr. Aguilar-Gaxiola further discussed the report.

[Public comments on Agenda item 6 were made by:](#) Rob Gordon.

**Agenda Item 7      Executive Management Reports ([Link to video](#))**

Mr. Eichelkraut provided the technology update including on, among other things, staffing, hardware refreshes, office mergers, iOS application, the Complaint Tracking System, the Department of Health Care Access and Information (HCAI) Survey, the Direct Online Certification Submission (DOCS) and new functionality in BreZEze.

Mr. Hock provided a Licensing Program update, including on, among other things, updates to various licensing forms, website changes, the continued efforts to go paperless, webmaster inquiries, licensing outreach events, and the Consumer Information Unit.

Ms. Jones provided the Enforcement Program summary and provided updates on, among other things, the Probation Unit, the Central Complaint Unit, Complainant Liaison Unit, the Expert Reviewer Program training, Complaint Investigation Office, and the Discipline Coordination Unit (DCU).

Mr. Varghese provided the administrative summary, including updates on staffing and the vacancy rate. He pointed out that the Board is hiring for nine new positions for the Complainant Liaison Unit and once that process is complete, the vacancy rate will go down.

Mr. Varghese proceeded with the budget update and stated the Board concluded FY 2023-24 under budget with 1.9 months in reserve and the total expenditure was under the budget amount and collected more than the estimated revenue. This will allow the Board to pay the loans off earlier. An additional loan with alternative repayment terms may be needed this fiscal year to ensure the Board's solvency while the fee increase takes effect. He stated that the 2024 Budget Act requires state agencies, departments, and entities to reduce expenditures by up to 7.95%. Both the expenditure and vacancy reduction proposals are still pending with the Department of Finance, and the Board may be required to make additional changes. The Board diligently continues its efforts to evaluate spending and resource utilization to improve its financial position and protect all Californians.

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

Board members and staff discussed the Executive Management Reports.

[Public comments on Agenda item 7 were made by:](#) Michele Monserratt-Ramos and Rob Gordon.

## **Agenda Item 8      Updates from External Stakeholders ([Link to video](#))**

Melissa Gear, Deputy Director for Board and Bureau Relations (BBR) for DCA, welcomed the new Board members Jodi Remke and Wendy Mitchell.

Among other updates, Ms. Gear provided information on DCA's Diversity, Equity, and Inclusion (DEI) Committee and its newly elected leadership, (Reji Varghese as chair and Marlon McManus as vice chair), new unconscious bias training for Board members, the Military Licensing Resources webinar, the new Business and Travel Expense Program, and the Our Promise Campaign launch.

Kathleen Nicholls and Stephanie Whitley provided the Health Quality Investigation Unit (HQIU) update. Among other information, Ms. Nicholls discussed that HQIU has 18 investigator vacancies, which is a 22% vacancy rate. She stated that the Division of Investigation has started a new wellness program.

Ms. Whitley stated that one challenge that they are facing with recruitment is the elimination of the State's hire above minimum (HAM) process. As of October 1<sup>st</sup>, all state departments lost individual delegation to issue HAMS. She also stated that HQIU has made progress on the pending workload and cases over a year old.

Gloria Castro introduced Ashely Hart and Maria Celerio from the Attorney General's Office (AGO), and provided information on the legal services revolving fund, cost recovery, billing process, and budget projections. They highlighted the critical role of the AGO in supporting the Board's legal needs and ensuring proper fiscal management of legal services.

Board Members and external stakeholders discussed the reports.

[Public comments on Agenda item 8 were made by:](#) Rob Gordon.

## **Agenda Item 9      Discussion and Possible Action on Legislation ([Link to video](#))**

Mr. Bone provided several updates on bills that the Board had already taken a position on, and discussed the implementation plans where applicable.

### **AB 796 (Weber) Athletic Trainers**

Prohibits a person from using the title of "athletic trainer," or related titles or terms, unless they meet certain requirements.

### **AB 1991 (Bonta) Licensee and Registrant Renewal: National Provider Identifier**

Requires a healing arts board licensee to report their individual National Provider Identifier, if they have one, when electronically renewing their license or registration.

### **AB 2164 (Berman) Physicians and Surgeons: Licensure Requirements: Disclosure**

Prohibits the Board from requiring an applicant for a physician's and surgeon's license or postgraduate training license to self-disclose certain conditions or disorders that do not impair their ability to practice medicine safely.

### **AB 2864 (Garcia) Licensed Physicians and Dentists from Mexico Pilot Program: Extension of Licenses**

Provides for a three-year license extension of eligible program participants.

### **AB 3030 (Calderon) Health Care Services: Artificial Intelligence**

Requires health facilities, clinics, and physicians in solo or group practice that use generative artificial intelligence, as specified, to provide certain disclaimers to their patients.

**SB 607 (Portantino) Controlled Substances**

Expands current law by requiring a prescriber to discuss the risks and dangers of opioids and opioid addiction with all patients, except under limited circumstances.

**SB 639 (Limón) Medical Professionals: Course Requirements**

Updates continuing medical education requirements to encourage physicians to pursue courses on the special care needs of patients with dementia by adding that topic to an existing CME requirement for general internists and family physicians with a substantial patient population aged 65 years or older.

**SB 1451 (Ashby) Professions and Vocations**

Alternative renewal pathway for physicians to allow additional time to obtain 36 months of approved postgraduate training.

**SB 1468 (Ochoa Bogh) Healing Arts Boards: Informational and Educational Materials or Prescribers of Narcotics: Federal “Three Day Rule”**

Requires the Board, and certain other health professional licensing boards, to develop and distribute informational and educational materials regarding the federal Drug Enforcement Administration’s “Three Day Rule.” Further, the bill requires the Board to disseminate these materials to each acute care hospital in California annually.

[Public comments on Agenda item 9 were made by:](#) Rob Gordon and Black Patients Matter.

**Kristina D. Lawson adjourned the meeting at 2:00 P.M.**

**RECESS**

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**Friday, November 22, 2024**

***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  
Irving Ayala-Rodriguez, M.D.  
Anni Chung  
Asif Mahmood, M.D.  
Wendy Mitchell (arrived at 9:33 a.m.)

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:**

**Staff Present:**

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

**Agenda Item 10 Call to Order/ Roll Call/ Establishment of Quorum**

Kristina D. Lawson called the meeting of the Medical Board of California (Board) to order on Friday, November 22, 2024 at 9:08 A.M. A quorum was present and due notice was provided to all interested parties.

**Agenda Item 11 Discussion and Possible Action Related to the Midwifery Advisory Council (MAC) ([Link to video](#))**

Madeline Wisner, LM, Chair of the Midwifery Advisory Counsel (MAC), provided an update on the previous MAC meeting, that was held in September. She stated that no approved applicants were received for the vacant public position on the MAC, so it has been reposted. Among other things, Ms. Wisner requested that the Board approve the agenda items for the January 23, 2025, MAC meeting.

**Dr. Healzer Moved to approve the requested action S:/ Dr. Bholat 12-0-0 (Ms. Mitchell absent)**

[Public comments on Agenda item 11 were made by:](#) Black Patients Matter.

**Wendy Mitchell arrived at 9:33 A.M.**

**Agenda Item 12 Discussion and Possible Action on a New Legislative Proposal to Establish a Physician Health and Wellness Program ([Link to video](#))**

Ms. Lawson made opening remarks regarding the Board's goal of establishing an effective, modern Physician Health and Wellness Program in California. She acknowledged the Board's past failed Diversion Program, and its many shortcomings. California is one of only a few states that do not currently have physician health program. Ms. Lawson highlighted the importance of addressing physician impairment confidentially, where appropriate, while maintaining strong accountability measures that prioritize patient safety.

Ms. Torres and Dr. Yip reported on the interested parties meeting that was held on October 24, 2024, to discuss the proposed language for the PHWP.

Mr. Bone provided a PowerPoint presentation and discussed the program structure.

Board members and staff discussed the proposed legislation. Ms. Lawson invited Dr. Chris Bundy to answer questions regarding physician health programs.

**Ms. Remke Moved to approve the requested action S:/ Dr. Yip 12-1-0 (Mr. Watkins opposed)**

[Public comments on Agenda item 12 were made by:](#) Marcus Freedman, Kimberly Turbin, Lucas Evanson, Cristen Bildering, Snyder Lopez's Family, Teresa Lopez, Laslie Soldana, Michele Monsserrat-Ramos, Dylan Izaccepta, Christy Waters, Xavier De Leon, Denise Johnson, Dr. Michael Ulrich, Marian Hollingsworth, Suzan Shinazy, Alka Airy, Maria Ibarra-Navarrete, David Granovetter, Tracy Dominguez, Dr. Chris Bundy, John Rosenberg, Black Patients Matter, and Eric Andrist.

**Agenda Item 13 Future Agenda Items ([Link to video](#))**

Mr. Watkins requested an in-person stakeholder meeting.

Dr. Mahmood requested an update on vaccinations and what the future holds.

Dr. Thorp requested an update on the multistate injunction against the pharmaceutical distributors and pharmaceutical companies.

Dr. Yip requested a discussion on the overview of the Medical Board and its processes.

Dr. Ayala-Rodriguez requested another presentation about AI.



[Public comments on Agenda Item 13 were made by:](#) Marcus Freedman, Snyder Lopez's Family, Monty Goddard, Marian Hollingsworth, Black Patience Matter, and Tracy Dominguez,

**Agenda Item 14    Adjournment**