



## MEDICAL BOARD OF CALIFORNIA Executive Office



### Executive Committee

Medical Board of California  
Lake Tahoe Room  
2005 Evergreen Street  
Sacramento, CA 95815

July 27, 2011

### MINUTES

#### **Agenda Item 1            Call to Order/Roll Call**

The Executive Committee of the Medical Board of California was called to order by the Chair, Barbara Yaroslavsky at 2:30 p.m. A quorum was present and notice had been sent to interested parties.

#### **Committee Members Present:**

Barbara Yaroslavsky, President  
Hedy Chang, Secretary  
Shelton Duruisseau, Ph.D.  
Sharon Levine, M.D.  
Janet Salomonson, M.D.

#### **Other Members Present:**

Gerrie Schipske, R.N.P., J.D.

#### **Staff Present:**

Janie Cordray, Research Analyst  
Kurt Heppler, Legal Counsel  
Diane Ingram, Information Systems Manager  
Kimberly Kirchmeyer, Deputy Director  
Ross Locke, Business Services Staff  
Cindy Oseto, Licensing Manager  
Letitia Robinson, Licensing Manager  
Anthony Salgado, Licensing Manager  
Kevin Schunke, Education Outreach Manager  
Anita Scuri, Department of Consumer Affairs, Supervising Legal Counsel  
Jennifer Simoes, Chief of Legislation  
Laura Sweet, Deputy Chief of Enforcement  
Kathryn Taylor, Licensing Manager  
Cheryl Thompson, Executive Assistant  
Renee Threadgill, Chief of Enforcement  
Sarah Walton, Department of Consumer Affairs  
Linda Whitney, Executive Director  
Curt Worden, Chief of Licensing

**Members of the Audience:**

Julie D'Angelo Fellmeth, Center for Public Interest Law  
Carlos Ramirez, Office of the Attorney General  
Rehan Sheikh, Member of the Public

**Agenda Item 2                      Public Comment on Items Not on the Agenda**

No public comment was offered.

**Agenda Item 3                      Approval of Minutes from the May 6, 2011 Meeting**

*Dr. Levine made a motion to approve the minutes from the May 6, 2011 meeting; s/Duruisseau; motion carried.*

**Agenda Item 4                      Discussion of Draft Strategic Plan Presented by Staff / Subcommittee**

Sarah Walton, Department of Consumer Affairs (DCA) Strategic Planning Unit, announced the objective for the session was to achieve conceptual concurrence with the Strategic Planning Subcommittee's plan and set priorities for the objectives. She advised members to consider whether or not the proposed objectives were measurable and, if so, how they would be measured.

The Committee members discussed an outline which was a compilation of ideas and suggestions of Board members and staff obtained from interviews and surveys conducted in June 2011. The mission statement adopted in the 2008 strategic plan was reviewed:

*“The mission of the Medical Board of California is to protect healthcare consumers through proper licensing and regulation of physicians and surgeons and certain allied healthcare 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.”*

Although there was concern that the portion of the mission statement “and to promote access to quality medical care through the Board's licensing and regulatory functions” might be beyond the function and ability of the Board, members agreed that it simply stated “promote” rather than “ensure” and was, therefore, appropriate to the Board's authority and mandate and should remain in the statement.

The Strategic Planning Committee proposed that there be some amendments to the 2008 goals as outlined in the report to the Executive Committee. The Committee proposed that the following should be the goals for the 2012 plan:

1. **Professional Qualifications:** Promote the professional qualifications of medical practitioners by setting requirements for education, experience, and examination.
2. **Regulations and enforcement:** Protect the public by effectively enforcing laws and standards to deter violations.
3. **Consumer and Professional Education:** Increase Public and Professional Awareness of the Board, its mission, activities and services.
4. **Organizational Relationships:** Improve effectiveness of relationships with related organizations to further the Board's mission and goals.

5. **Organizational Effectiveness:** Evaluate and enhance organizational effectiveness and systems to improve service.
6. **Access to Care, Workforce, and Public Health:** Understanding the implications of Health Care Reform and evaluating how it may impact access to care and issues surrounding healthcare delivery, as well as promoting public health, as appropriate to the Board's mission in exercising its licensing, disciplinary and regulatory functions.

The Executive Committee reviewed the ideas from Board members and staff that were selected by the Strategic Planning subcommittee for discussion. These ideas or concepts were selected as those with the potential to be developed into objectives for the Strategic Plan. As a result, the Executive Committee selected the following to be developed into objectives:

1. *Goal: Professional Qualifications: Promote the professional qualifications of medical practitioners by setting requirements for education, experience, and examination.*

- Examine and identify methods to ensure physicians remain current.
- Current CME should be examined. The Board should invite organizations that accredit CME (such as the ACCME, IMQ, or ABMS Boards and their member societies) to educate the members on how requirements have changed, what is required for course accreditation, what is done to ensure compliance, and so forth. In addition, the whole concept, practice, and the requirements should be evaluated to determine if they are relevant to keeping physicians current, including elements of the training that promote education in cultural issues that affect medical practice. Obtain and present to the Board membership statistical data on the scope of CME in California, as well as compliance data from the Board's audits.
- Conduct a study to define what is necessary to promote safe re-entry into medical practice after extended absences.
- Establish a committee to examine the FSMB Maintenance of Licensure initiative to study what should be adopted in California, and how it can collaborate with the FSMB and ABMS certifying boards.
- Develop a plan to conduct a comprehensive review of international schools to ensure the Board has accurate information in order to identify those that may need site visits or additional information. Also, names and locations should be updated in instances where schools have moved and changed their names. Part of this review should include an update of the schools' application process, updating the surveys and evaluations, determining if application fees cover the Board's cost, and identifying ways to expedite the approval process.
- Conduct a study of disciplinary actions, taking into consideration individual professional qualifications, including the performance of disciplined physicians while they were in training.

2. Goal: Regulations and Enforcement: Protect the public by effectively enforcing laws and standards to deter violations.

- Develop a plan to conduct a complete review of all laws and regulations relating to licensing to identify which are no longer relevant, and what needs to be added or eliminated. Identify requirements that may no longer be necessary to the safety of practice but may be serving as barriers for qualified applicants, as well as simply updating requirements to be congruent with current educational environments.
- Develop a plan to conduct a complete review of all laws and regulations relating to enforcement to identify those that are no longer useful, and augment those that are needed for public protection. Identify the Board's regulatory authority for promulgating new regulations and also identify those issues that require legislation.
- Conduct a review of the Vertical Enforcement model to assure uniform implementation in all offices and identify any redundancies that are increasing cost without producing benefits. Part of this review should include examining enforcement timelines to identify which areas may delay the process.
- Examine complaint handling priorities. Educate members on how complaints are prioritized, as well as the legislatively mandated priorities. Determine if there is a need to change the priorities.
- Study disciplinary cases and final decisions to identify trends or issues that may signal dangerous practices or risks.
- Examine the Expert Reviewer Program and policies to determine how it may be improved, including recruitment, evaluation of experts, opportunities for education, and policies governing the Board's use of experts.
- Identify opportunities to better educate experts and Administrative Law Judges/Hearing Officers.
- Work to clarify the Board's responsibility to regulate Outpatient Surgery Centers, and obtain the resources to be effective.
- Examine Board responsibilities that could be eliminated or moved to a more appropriate board, bureau, or program. (Midwives, Registered Dispensing Opticians, Research Psychoanalysts, approval of non-ABMS specialty boards, etc.)

3. Goal: Consumer and Professional Education: Increase Public and Professional Awareness of the Board, its mission, activities and services.

- Improve and expand professional educational outreach, including outreach to students and new graduates, about the laws and regulations that govern medical practice. Utilize the website and newsletters to inform licensees of issues relating to legal responsibilities, changes in law and regulation, practice patterns and tools (telemedicine, translation methods and opportunities, etc.), issues of public health and cultural and linguistic literacy. Educate physicians about complying with the law. Initiate programs to promote the Board's information and programs to its licensees. If resources permit, send every physician a new handbook with license renewals (at present, they are

only sent to new licensees). Perhaps re-establish a speakers' bureau, expand the newsletter, and conduct outreach to various organizations such as hospitals and practice groups.

- Improve public education by expanding current outreach efforts and initiating more outreach programs to educate the public on the Board's programs, the rights of patients, and how to file complaints.
- Identify more effective methods to promote the Expert Reviewer Program to recruit qualified physicians.
- Evaluate the appropriateness and effectiveness of the Physician Recognition Award, and the methods used to promote nominations.
- Establish a more assertive approach in communicating with the media to educate consumers and publicize disciplinary cases and criminal investigations, including those done in cooperation with other agencies.
- Expand the newsletter to better educate physicians, if the cost is not too great.
- Evaluate and improve the Board's website.
- Expand the Board's website to create a portal that provides an intuitive and searchable web experience. Develop more online services and surveys to help improve the Board's programs.
- Examine how the Board might provide training to the profession via the Internet, including hosting webinars on subjects of importance to public protection and public health.
- Establish a method of holding public briefings taught by legal or enforcement personnel on disciplinary cases, the laws violated, and other issues of importance to the profession and public.

4. *Goal: Organizational Relationships: Improve effectiveness of relationships with related organizations to further the Board's mission and goals.*

- Improve relationships with elected officials and their staffs. Build and tighten collaborative relationships to work toward common goals – create partnerships on areas of common interests.
- Work with California medical schools and training programs on common needs and goals. Create a better partnership with them on educational issues beyond licensing requirements, such as those relating to professionalism, ethics, unprofessional behavior, etc.
- Work to establish better relationships with the accreditation agencies, associations representing hospitals and medical groups, professional associations and societies, the Federation, Federal government agencies, and other state agencies, including Department of Consumer Affairs and State & Consumer Services Agency.
- Improve educational outreach to hospitals, health systems, and similar organizations about the Board and its programs. Educate the profession not only about the Medical Board, but all of the health boards in DCA. Re-establish a speakers' bureau or some other outreach for this purpose.

5. Goal: Organizational Effectiveness: Evaluate and enhance organizational effectiveness and systems to improve service.

- Conduct a review of all outside agencies' billing (Department of Consumer Affairs, Attorney General, Office of Administrative Hearings, etc.) to identify redundancies, save money, and promote better efficiency.
- Conduct an annual review of all of the Committees established by the Board to determine if they are still needed, if they are fulfilling the purpose for which they were established, and determine if they should continue, be eliminated, or be merged with other committees.
- Evaluate and enhance organizational effectiveness through the establishment of criteria for a periodic self-evaluation procedure.
- Establish a means of better educating staff about the Board's activities and priorities set by the membership, including encouraging field staff to attend meetings, and board members to visit field offices when they are at or near the location of Board meetings.
- Establish a means of better educating the Board membership about operational activities by providing tours of headquarters, district or regional offices when they are at or near the location for Board meetings.

6. Goal: Access to Care, Workforce, and Public Health: Understanding the implications of Health Care Reform and evaluating how it may impact access to care and issues surrounding healthcare delivery, as well as promoting public health, as appropriate to the Board's mission in exercising its licensing, disciplinary and regulatory functions.

- Educate the Board on the new healthcare reform law and how it may impact physicians' practice, workforce (possible shortages), and utilization of allied healthcare professionals.
- Study and identify appropriate methods to deal with the evolving medical practice environment in how it affects patient care, such as examining methods to deal with workforce shortages, scope of practice of physician extenders, technological changes (including use of diagnostic and communication technologies), licensing requirements, among other relevant issues to be identified.
- In general, identify issues and areas in which the Board may assist in promoting better public health.

At the Friday, July 29<sup>th</sup> Board meeting, members will be asked to review the above outline of the Executive Committee, and be asked for their concurrence so that staff may move forward in drafting a strategic plan for future discussion by the members.

Once there is a conceptual consensus of the ideas presented, staff will work to draft fully formed objectives that are measurable, including developing benchmarks and methods of evaluation. These objectives will serve as a blueprint for staff to develop action plans and reporting methods.

Between the July and October Board meetings, the subcommittee and Executive Committee will meet to provide input to staff on refining the plan outline, developing objectives, and identifying measurement methods and evaluations. Once they have completed their work, the first draft of the plan will be presented to the full Board membership. If a consensus has been reached, there will be a half-day meeting scheduled with the full Board in October. Staff is anticipating that the full membership will reach agreement on most of the important issues at the October meeting, enabling staff to present a fully written plan for adoption at the February 2012 Board meeting.

During public comment, Julie D'Angelo Fellmeth suggested that the Board examine the trend of the decline of reports required by Business & Professions Code Section 805 and add this as an objective for Goal #2 – Regulations and Enforcement.

Rehan Sheikh supported the concept of studying Administrative Law Judges' decisions under Goal #2. He suggested that the term "Administrative Law Judge" (ALJ) be changed to "Hearing Officer" and that the factors for determining an ALJ's competency be examined.

Ms. Cordray will serve as the repository of the Board and staff's ideas. Members were encouraged to contact Ms. Cordray with ideas or suggestions.

**Agenda Item 5**

***Dr. Duruisseau made a motion to adjourn the meeting; s/Salomonson. The meeting was adjourned at 4:44 p.m.***