



## MEDICAL BOARD OF CALIFORNIA Executive Office



Education Committee Meeting  
Embassy Suites San Francisco Airport  
Mendocino/Burlingame Ballroom  
150 Anza Boulevard  
Burlingame, CA 90410

**May 7, 2009**

### MINUTES

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

The Education Committee of the Medical Board of California was called to order by Chair Barbara Yaroslavsky at 8:35 a.m. A quorum was present, and due notice had been mailed to all interested parties.

#### **Members of the Committee Present:**

Barbara Yaroslavsky, Chair  
Hedy Chang  
Mary Lynn Moran, M.D.  
Janet Salomonson, M.D.  
Gerrie Schipske, R.N.P., J.D.

#### **Board Members, Staff and Guests Present:**

Adam Brearley, Investigator  
Jorge Carreon, M.D., Board Member  
Yvonne Choong, California Medical Association  
Candis Cohen, Public Information Officer  
Janie Cordray, Research Specialist  
Julie D'Angelo Fellmeth, Center for Public Interest Law  
Shelton Duruisseau, Ph.D., Board Member  
Richard Fantozzi, M.D., Board Member  
Kurt Heppler, Staff Counsel, DCA  
Teri Hunley, Business Services Office  
Barb Johnston, Executive Director  
Kim Kirchmeyer, Deputy Director  
Ross Locke, Business Services Office  
Armando Melendez, Business Services Office  
Deborah Pellegrini, Chief of Licensing  
Regina Rao, Business Services Office  
Paulette Romero, Associate Analyst  
Kevin Schunke, Regulation Coordinator

Anita Scuri, Senior Staff Counsel, DCA  
Susan Thadani, Investigator  
Cheryl Thompson, Executive Assistant  
Renee Threadgill, Chief of Enforcement  
Linda Whitney, Chief of Legislation  
Frank V. Zerunyan, J.D., Board Member

**Agenda Item 2      Approval of the January 29, 2009 Minutes**

It was M/S/C to approve the minutes of the January 29, 2009 meeting.

**Agenda Item 3      Opening Remarks by the Chair – Ms. Yaroslavsky**

Committee Chair Barbara Yaroslavsky reminded everyone this is the third meeting in a row to find language acceptable to the Committee for a proposed regulation for the full Board to adopt and set a regulatory hearing. The subject of the discussions has been the requirement by physicians to inform their patients that they are licensed and regulated by the Medical Board of California, and include the Board's contact information. At its last meeting, the Committee discussed Ms. Cohen's proposal for a sign to be posted in physicians' offices, and concerns were raised about how to provide the same information to those physicians who practice in other than traditional office settings, like hospitals, skilled nursing facilities, and surgical centers. Ms. Yaroslavsky asked Ms. Cohen to work with the Board's counsel and come back to this meeting with more comprehensive language to address the members' concerns.

**Agenda Item 4      Consideration of Regulations Requiring Posting of a Sign Regarding Physician Regulation by the Medical Board of California – Ms. Cohen**

Information Officer Candis Cohen said at the Committee's last meeting, Ms. Yaroslavsky also asked her to provide the Committee with information about how other boards and bureaus within the Department of Consumer Affairs require similar information to be provided to their patients, clients, and customers. She said to the best of her knowledge, nine other licensing agencies have such a requirement, and she reviewed with the Committee some of those agencies' specific requirements.

Ms. Cohen said after the last Committee meeting, she met with counsel to the Board, Anita Scuri and Kurt Heppler, and Medical Board Deputy Director Kim Kirchmeyer to discuss the Committee's comments. Ms. Cohen discussed with the Committee the proposed changes to the regulation. She stated it addressed their concerns by offering physicians three options to comply with the disclosure requirement: 1) posting a sign where patients can see it; or 2) including the information in a written notice to be signed by the patient and kept in his/her medical file; or 3) including the information just above the signature line on a document given to the patient that the patient signs. These options are intended to serve a multitude of practice settings, as the goal is to reach as many patients as possible.

Public comment on the proposal was taken.

Yvonne Choong, California Medical Association, directed the Committee's attention to AB 583, sponsored by the CMA, which would require additional information to be printed on a physician's nametag, including the highest degree obtained and board certification. She said CMA objects to the proposed regulation as an

additional piece of paperwork and a burden for physicians. CMA would prefer adding the Committee's information to the physician's license, which is already required to be posted in their offices. CMA would rather  
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see current law enforced than adding a new requirement.

Julie D'Angelo Fellmeth, Center for Public Interest Law, supported the proposal and noted it has been required for 10 years under Business and Professions Code section 138.

There being no further comment, Ms. Yaroslavsky asked for a motion to recommend to the full Board to set the proposal for a regulatory hearing at its July meeting. A motion was M/S/C. The vote was unanimous.

**Agenda Item 5          Public Comment on Items not on the Agenda**

No public comment was offered.

**Agenda Item 6          Agenda Items for Future Discussion**

Dr. Moran suggested educating the public about medi-spas, and Ms. Yaroslavsky agreed.

**Agenda Item 7          Adjournment**

The meeting was adjourned at 8:50 a.m.