



MEDICAL BOARD OF CALIFORNIA

Protecting consumers by advancing high quality, safe medical care.

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

California Board of Accountancy
2450 Venture Oaks Way, Suite 420
Sacramento, CA, 95833
May 23, 2024- May 24, 2024

MEETING MINUTES

Thursday, May 23, 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:

Randy W. Hawkins, M.D., President
James M. Healzer, M.D., Secretary
Michelle Anne Bholat, M.D.
Hemant Dhingra, M.D.
Nicole A. Jeong, J.D.
Kristina D. Lawson, J.D.
Asif Mahmood, M.D.
Richard E. Thorp, M.D.
Veling W. Tsai, M.D.
Eserick "TJ" Watkins
Felix C. Yip

Members Absent:

Laurie Rose Lubiano, J.D., Vice President

Staff Present:

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

Agenda Item 1 Call to Order/Roll Call/Establishment of a Quorum

Randy W. Hawkins, M.D., called the meeting of the Medical Board of California (Board) to order on Thursday, May 22, 2024, at 11:50 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:](#) Dr. Melissa Tran, Dylan Izasepa, Reverend Ruth Summers Tweedle, Dr. Ignacio Santana, Tiffany Graham, Terra Kittle, Dr. Khadijah Lang, and Marian Hollingsworth.

Agenda Item 3 Approval of Minutes from the February 29- March 1, 2024, Quarterly Board Meeting ([Link to Video](#))

Dr. Thorp moved to approve the minutes S:/ Ms. Lawson, 10-0-1 (Ms. Jeong abstained) (1 Absent)

[Public comments on Agenda Item 3 were made by:](#) Reverend Ruth Summers Tweedle and Terra Kittle.

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

President Randy W. Hawkins, M.D., stated that his tenure on the Board was coming to an end. He thanked the individuals who have helped him in his journey on the Board, including Governor Brown, Governor Newsom, public advocates, fellow Board members and staff. President Hawkins identified several events and activities that he had participated in since the last Board meeting.

Dr. Hawkins also announced that the Board will be reviewing the mental and physical health questions on the licensing applications, and he appointed Dr. Tsai and Ms. Jeong to a task force to assist. As part of this review, the Board will be holding an interested parties meeting in the future. He also stated that he attended an observership with the Pregnancy-Associated Mortality Review Committee to further the discussion relating to maternal health outcomes. He closed his statements by thanking everyone for allowing him to serve on the Board.

The Board members thanked Dr. Hawkins for his service on the Board.

[Public comments on Agenda Item 4 were made by:](#) Reverend Ruth Summers Tweedle, Michele Monserratt-Ramos, and Monte Goddard.

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

Dr. Mahmood stated that he has been in communication with doctors and applicants regarding the Board's processes, and he advised them to contact the Board.

Dr. Bholat stated that she spoke with PTL applicants.

No public comments were made on this agenda item.

Agenda Item 6 Executive Management Reports ([Link to Video](#))

Mr. Eichelkraut provided an update on the iOS application, the License Verification System (LVS), the Complaint Tracking System, the Department of Health Care Access and Information (HCAI) Survey, licensees printing their own wallet licenses, the Direct Online Certification Submission (DOCS), and the plan for the complaint form redesign.

Ms. O'Connor provided a Licensing Program update and mentioned, among other things, all documents are being scanned into Breeze. She also stated that there are significant strides being made to go paperless by requiring medical schools and postgraduate training programs to submit documents electronically to the Board through DOCS, with an exception of international medical schools. Ms. O'Connor explained the collaboration between FSMB and DCA on how to streamline application processes through electronic transfers to Breeze.

Mr. Varghese provided the Enforcement Unit summary and provided updates on, among other things, the Central Complaint Unit, and the Expert Reviewer Program training for medical consultants, the Discipline Coordination Unit (DCU) and their vacancies, the Probations Unit, and the Complaint Investigation Office.

Mr. Varghese provided the administrative summary, including updates on staffing and the vacancy rate, which he reported was below 13%.

Mr. Varghese proceeded with the budget update and stated that the Board received a fee increase that took effect January 1, 2024. He stated that staff predicted that this year's revenue will be higher than the previous fiscal year and referred to the current fund condition. Mr. Varghese stated that the \$10 million loan will be repaid by June 21, 2024.

He further reported that the Board continues to implement cost saving measures.

Mr. Varghese also provided an update on media relations and external communications.

Board members, Mr. Varghese, Ms. O'Connor, and Mr. Eichelkraut discussed the Executive Management Reports.

[Public comments on Agenda Item 6 were made by:](#) Kimberly Chiton, Michele Monserratt-Ramos, Marian Hollingsworth, Alka Airy, and Maria Ibarra Navarrette.

Agenda Item 7 Updates from External Stakeholders ([Link to Video](#))

Melissa Gear, Deputy Director for Board and Bureau Relations (BBR) for DCA, thanked Dr. Hawkins for his service on the Board.

Among other updates, Ms. Gear provided information about Tamika Moss, the new Secretary of the Business, Consumer Services, and Housing Agency, scam awareness; DCA's Diversity, Equity, and Inclusion (DEI) activities and trainings; outreach; and end of the fiscal year travel claims.

Kathleen Nicholls and Stephanie Whitley provided the Health Quality Investigation Unit (HQIU) update. Among other information, Ms. Nicholls discussed the timeline of the cases. She indicated that HQIU has 25 investigator vacancies, which is a 30% vacancy rate. She reported that HQIU has three new investigators.

Ms. Whitley provided an update on meetings and trainings attended by HQIU medical consultants, supervisors, and investigators.

The Board members and presenters discussed the updates.

[Public comments on Agenda Item 7 were made by:](#) Monte Goddard.

Agenda Item 8 Discussion and Possible Action on Legislation ([Link to Video](#))

Mr. Bone presented on the following bills:

AB 796 (Weber) Athletic Trainers

Mr. Bone indicated the bill was amended to provide for title protection, and no longer involves the Board. Consequently, no action was required.

[Public comments on Agenda Item 8A were made by:](#) Benjamin Bodea.

AB 1991 (Bonta) Licensee and Registrant Records

Requires the Medical Board of California (MBC) and other healing arts boards with the Department of Consumer Affairs (DCA) to collect specified demographic information about its licensees at the time of renewal. Under current law, licensees are requested to provide this information.

AB 1991 specifies that boards shall not deny a license renewal solely because the licensee fails to provide the required information.

Board members and staff discussed the bill.

Dr. Thorp moved to Oppose, Unless Amended S:/ Dr. Healzer, 8-2-1 (Dr. Mahmood abstained) (1 Absent)

[Public comments on Agenda Item 8B were made by:](#) Arnoldo Torres.

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

Prohibits the Medical Board of California (MBC) from requiring an applicant for a physician's and surgeon's (P&S) license or a postgraduate training license (PTL) to self-disclose the following:

- A condition or disorder that does not impair the applicant's ability to practice medicine safely.
- A condition or disorder for which the applicant is receiving appropriate treatment and which, because of the treatment, does not impair the applicant's ability to practice medicine safely.

Ms. Lawson moved to approve staff recommendation and Supporting the Bill S:/ Dr. Bholat, 9-2 (1 Absent)

[Public comments on Agenda Item 8C were made by:](#) Lucas Evanson, Alka Airy, Kimberly Turban, Eric Andrist, Maria Ibarra Navarrette, Abril Dozal, Marian Hollingsworth, and Michele Monserratt-Ramos.

AB 2860 (Garcia) Licensed Physicians and Dentists from the Mexico Programs

the bill extends the existing Licensed Physicians from Mexico Pilot Program (LPMPP) for approximately 20 years and authorizes increasingly larger cohorts of licensees (including up to a specified number of psychiatrists in each cohort) who would be authorized to practice medicine under a non-renewable three-year license to be employed by federally qualified health centers (FQHCs).

Ms. Lawson moved to Support, if Amended S:/ Dr. Mahmood, 11-0 (1 Absent)

[Public comments on Agenda Item 8E were made by:](#) Mr. Torres

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

Extends the expiration date of the existing Licensed Physicians from Mexico Pilot Program (LPMPP) licensees for a period of three years from their current expiration date. Provides for an unspecified fee amount to be paid to extend the license expiration date.

Ms. Lawson moved to Support, if Amended S:/ Dr. Mahmood, 11-0 (1 Absent)

[Public comments on Agenda Item 8F were made by:](#) Arnoldo Torres.

AB 3030 (Calderon) Health Care Services: Artificial Intelligence

Requires health facilities, clinics, and physicians in solo or group practice that use generative artificial intelligence (GenAI) to generate written or verbal patient communications to provide certain disclaimers to their patients.

D. Mahmood moved to Support S:/ Dr. Dhingra, 10-1 (1 Absent)

No comments were made on Agenda Item 8G

SB 357 (Portantino) Vehicles: Physicians and Surgeon Reporting

For a seven-year period, starting January 1, 2030, physicians would be permitted, instead of required per current law, to report to the Department of Motor Vehicles (DMV) certain information about a patient they have diagnosed with a condition severe enough to be likely to impair their ability to operate a motor vehicle. Maintains a mandatory reporting requirement for physicians to report to the DMV if their patient is of driving age and has been diagnosed with a case of Alzheimer's disease or a related disorder.

Provides physicians immunity from any civil, criminal, employment, or licensing/disciplinary action against them related to making or not making a report authorized by this bill.

Maintained an opposed position so no vote needed

No public comments were made on Agenda Item 8J

SB 1468

Requires each health professional licensing board that licenses a prescriber to develop informational and educational material regarding the federal Drug Enforcement Administration's (DEA) "Three Day Rule" to help ensure prescriber awareness of existing medication-assisted treatment pathways to serve patients with substance use disorder.

Requires those boards to post these materials on their website and distribute them to each licensed prescriber's email address on file. In addition, requires the Medical Board of California (Board) to disseminate these materials to each acute care hospital in California annually (email distribution is allowed).

Dr. Mahmood moved to support the bill S:/ Dr. Dr. Healzer, 11-0 (1 Absent)

No public comments were made on Agenda Item 8M

Agenda Item 9 Discussion and Possible Action on a New Legislative Proposal to Allow a Physician and Surgeon License who Fails to Meet the Requirements of the Business and Professions Code Section 2096 (a) to Renew their License
[\(Link to Video\)](#)

Public comments on Agenda Item 9 were made by: Lucas Evenson,

Randy W. Hawkins adjourned the meeting at 4:00 p.m.

RECESS

Friday, May 24, 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:

Randy W. Hawkins, M.D., President
Laurie Rose Lubiano, J.D., Vice President
James M. Healzer, M.D, Secretary
Michelle Anne Bholat, M.D
Hemant Dhingra, M.D
Kristina D. Lawson, J.D
Richard E. Thorp, M.D
Veling W. Tsai, M.D
Eserick "TJ" Watkins
Felix C. Yip

Members Absent:

Nicole A. Jeong, J.D

Asif Mahmood, M.D

Staff Present:

Aaron Bone, Chief of Legislation and Public Affairs

Sean Eichelkraut, Information Technology Manager I

Jacoby Jorgenson, Business Services Office Manager

Marina O'Connor, Deputy Director

Anthony Parker, Associate Governmental Program Analyst

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

Randy W. Hawkins called the meeting of the Medical Board of California (Board) to order on Friday, May 23, 2024, at 9:03 A.M A quorum was present and due notice was provided to all interested parties.

Agenda Item 11 Presentation on Successful Elements of Physician Health Programs ([Link to Video](#))

Ms. Lubiano arrived at 9:11 a.m.

President Hawkins introduced Dr. Christopher Bundy and Dr. Paul Earley.

Among other topics, Dr. Bundy discussed the problems that contribute to California not having a PHP program. He states that 30% of physicians will have an impairing health condition and 1 to 2 % are currently impaired. Dr. Bundy discusses the history of Washington Physician Health program (WPHP). Key elements that contribute to legislative initiatives to strengthen the program are mandatory reporting, authorizing regulator to contract with a PHP approved by the regulator, authorizing license surcharge, receive confidential referrals that are never known to the regulator, most notify regulator, records are protected from discovery, those making referral to PHP have immunity from civil liability. Dr. Bundy discusses the FSPHP triad of confidentiality. He refers to data in the materials to describe the impact of the program.

Dr. Earley discusses the mental health issues that physicians may have such as problems with work life balance, stress and burnout, compassion fatigue and many other things. He states that mental health issues are interrelated to substance misuse.

Dr. Early provides the notion that stress starts in medical school due to many factors. He brings awareness on the difference between illness and impairment. He discusses preventive measures for impairment. Dr. Early states that the Physician health programs know how to better balance the needs of physician's illness due to experience. He discloses that the research that the program has, and the establishment of best practices are promoted but the FSPHP. Lastly, he states that the best way of ensuring public safety is to have an independent state of the art PHP with the evolving trust of the California medical Board.

The Board members and Dr. Christopher Bundy and Dr. Paul Earley discussed the data and findings.

[Public comments on Agenda Item 11 were made by:](#) Marcus Freedman, Dr. Shannon Udovic-Constant, Reverend Ruth Summers Tweedle, John Rosenburg, Kimberly Turbin, Michele Monserratt-Ramos, Paul Yoder, David Gravetter, Alka Aire, Marian Hollingsworth, Maria Ibarra-Navarette, Tracy Dominguez, Bernard McNamara

Dr. Dhingra left during the break

Agenda Item 12 Discussion and Possible Action on Proposed Rulemaking and Proposed Responses to Public Comments Received During the 45-Day Comment Period on Originally Noticed Regulatory Text for the Physician and Surgeon Health and Wellness Program (Title 16 California Code of Regulation Sections 1357 through 1357.16, and 1361.5 (c)(3)) ([Link to Video](#))

Kerrie Webb discussed the proposed regulations to establish the Physician and Surgeon Health and Wellness Program (PHWP) (Title 16 California Code of Regulation Sections 1357 through 1357.16, and 1361.5 (c)(3)), and referred the members to the materials provided.

Dr. Hawkins stated that Dr. Dhingra wrote notes on how he felt about the program. Dr. Dhingra felt that the program should be administered by the medical board and not another entity. The funding should include hospitals, insurance carriers, physician groups. Categorize it as a disability. Employ advocate's help.

Dr. Thorp stated that what was done in the past was not successful and what is done currently has not been successful. He stated the board needs to develop a task force to have input from stakeholders. He stated that similar to Washington, the medical board should have oversight of the program but the agency that oversees the program is separate.

Dr. Tsai states that the status quo is not working. He states that if they vote on the bill, then it will be a start. This is an important issue. Having a separate entity from the medical board is the best option to prevent people from not self-reporting. Having legislation is a good start.

Dr. Thorp clarified that he is not in favor to go forward because it will divert the board from having an effective program. He believes that there should be a task force to see what practices should be used for physician health.

Dr. Healzer stated that the proposed regulation is not the best path for the board and would like to withdraw and request staff to create a proposal to legislation that will enable the creation of a PHP that follows the best practices of the Federation of Medical boards.

Ms. Lubiano supported not moving forward and would like to have legislation in place before moving forward.

Ms. Lawson acknowledged the comments that were made by the representative of CMA. She states 3 proposals: the board should develop a legislative proposal that establishes a physician health and wellness program. A substance abuse monitoring program will be a subset of the program; discussion about liberating the program from the uniform standards; Have a stakeholder meeting.

Mr. Watkins stated the importance of a task force and stakeholder meeting.

Dr. Yip stated that the board needs to start somewhere. He mentions the importance of consultation with legislation. He states that the program should be independent from the board.

Dr. Bholat stated that she would be reluctant to go forward without a legislative plan and do the program correctly. She discusses the chronic disease of addiction. Building a PHP program that addresses all mental health.

Dr. Yip discusses medical students' mental health.

Dr. Hawkins summarizes the comments that were made by the board members.

Mr. Varghese comments on the proposed rulemaking

Ms. Webb requested a member to make a motion to:

- Direct staff to withdraw the proposed rulemaking and work with stakeholders to develop proposed language for a legislative change.

Dr. Healzer moved to withdraw the proposed rulemaking S:/ Ms. Lawson, motion carried 9-0 (3 absent)

[Public comments on Agenda Item 12 were made by:](#) Lucas Evenson, Marcus Freedman, Michele Monserratt-Ramos, and Marian Hollingsworth.

Agenda Item 13 Discussion and Possible Action on Proposed Regulations to Add Title 16 California Code of Regulations Section 1352.3 (Fees for Petition and Penalty Relief) and to Amend 16 CCR section 1359 (Petitions for Reinstatement or Modification of Probation) to Establish Fees for Petition for Penalty Relief
[\(Link to Video\)](#)

Kerrie Webb discusses the proposed regulations to Add Title 16 California Code of Regulations Section 1352.3 (Fees for Petition and Penalty Relief) and to Amend 16 CCR section 1359 (Petitions for Reinstatement or Modification of Probation) to Establish Fees for Petition for Penalty Relief)

Ms. Webb discusses the process of the petitions for penalty relief.

Considering the new authority, staff proposed the regulation to set the fees to cover the cost for processing, litigating, and hearing petitions for penalty relief and amend the regulation. The fee will be broken into 2 stages and will not be refundable.

Dr. Tsai asks about the price fluctuation being considered within the regulation. Ms. Webb states that there is the ability to change the amount.

Dr. Thorp the effect the fee will have on the applicants.

Ms. Webb requested a member to make a motion to:

- 1) Approve the text.
- 2) Direct staff to prepare the necessary regulatory documents to submit to the Department of Consumer Affairs (DCA) and the Business, Consumer Services and Housing Agency (Agency).
- 3) Upon DCA and Agency approval, direct staff to submit the documents to the Office of Administrative Law (OAL) to notice the proposed regulatory language to add section 1352.3 and amend section 1359 of Title 16 of the California Code of Regulations; and
- 4) If no substantive adverse comments are received during the 45-day comment period, direct staff to finalize the rulemaking file and submit it to DCA and Agency, and upon approval, to the Office of Administrative Law, and to make any technical or non-substantive changes and adopt the text as noticed without returning to the Board.

Ms. Lawson made the motion requested by staff S:/ Dr. Tsai, motion carried 8-0-1 (3 absent)

[Public comments on Agenda Item 13 were made by:](#) Lucas Evenson and Reverend Ruth Summers Tweedle.

Agenda Item 14 Update and Discussion on the Midwifery Advisory Council Meeting ([Link to Video](#))

Madeline Wisner, the chair of the Midwifery counsel, provided an update on the previous Midwifery meeting that was held in February, which included midwifery legislation, update from task force of medi-cal and many other updates.

No comments were made on Agenda Item 14

Agenda Item 15 Election of the Board President and Other Vacant Board Officers, if Necessary ([Link to Video](#))

Dr. Hawkins nominated Ms. Lawson as President.

Dr. Bholat, Dr. Healzer, Ms. Lawson, Ms. Lubiano, Dr. Thorp, Dr. Tsai, Mr. Watkins, Dr. Yip, and Dr. Hawkins voted for Ms. Lawson. (3 absent)

Ms. Lawson Accepted the Position as President.

No comments were made on Agenda Item.

Agenda Item 16 Future Agenda Items ([Link to Video](#))

Dr. Hawkins and Dr. Bholat requested an Artificial Intelligence presentation.

Ms. Lawson requested a discussion on accountability and coordination between state agencies.

Dr. Healzer requested an update on the impact on cost recovery on the board's fund condition, experience with collections, a timeline for the repayment of the loans, and a 2025 meeting schedule.

Dr. Throp suggested a discussion of the fragmentation of health care delivery system and requested a discussion with the board of pharmacy about opioid prescriptions.

Dr. Tsai suggested a presentation on adverse events and the procedures similar to the organization, Beta-Heart.

Dr. Bholat suggested a presentation on substance abuse data from other healing arts organizations.

Dr. Thorp suggested a discussion on the data on Fentanyl.

[Public comments on Agenda Item 16 were made by:](#) Reverend Ruth Summers Tweedle and Monte Goddard..

Agenda Item 17 Closed Session ([Link to Video](#))

Pursuant to Government Code Section 11126(a)(1), the Board will meet in closed session to conduct the annual evaluation on the Executive Director

Return to Open Session

Agenda Item 18 Adjournment ([Link to Video](#))

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| <u>Signature on File</u> | August 22, 2024 |
| Randy W. Hawkins, M.D., President | Date |
| <u>Signature on File</u> | August 22, 2024 |
| James M. Healzer, M.D, Secretary | Date |
| <u>Signature on File</u> | August 22, 2024 |
| Reji Varghese, Executive Director | Date |