



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

Thursday, August 22, 2024- Friday, August, 2024

MEETING MINUTES

Thursday, August 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., Secretary
Irving Ayala-Rodriguez, M.D.
Michelle Anne Bholat, M.D.
Anni Chung
Marina Torres, J.D.
Richard E. Thorp, M.D.
Veling W. Tsai, M.D.
Eserick "TJ" Watkins
Felix C. Yip, M.D.

Members Absent:

Asif Mahmood, M.D.
Wendy Mitchell

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
Alexandria Schembra, Public Affairs Manager
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

Kristina D. Lawson called the meeting of the Medical Board of California (Board) to order on Thursday, August 22, 2024 at 11:04 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:](#) Monty Goddard, Marian Hollingsworth, and Rob Gordon

Agenda Item 3 Approval of Minutes from the May 23-24, 2024, Quarterly Board Meeting ([Link to Video](#))

Ms. Lawson stated that Dr. Healzer's Secretary title will be added next to his name.

Dr. Thorp moved to approve the minutes S:/ Dr. Healzer, 7-0-3 (Dr. Ayala-Rodriguez, Ms. Chung, and Ms. Torres abstained) (2 Absent)

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 introduced the new members on the Board, Dr. Irving Ayala-Rodriguez, M.D., Anni Chung, Marina Torres, J.D., and Wendy Mitchell. She announced that Dr. Dhingra and Ms. Jeong have concluded their service with the Board. She also announced that the Board has a new Chief of Licensing, Douglas Hock.

Ms. Lawson stated that staff have been hard at work on a variety of matters for the Board, including addressing budget matters and the requirement to reduce staffing. She further stated that she will be establishing a task force for the Physician Health and Wellness Program.

[Public comments were made on Agenda Item 4 by:](#) Michele Monserratt-Ramos.

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

Mr. Watkins stated he met with NPR.

Dr. Thorp stated that he would like to follow up with the Board of Pharmacy and DEA on the opioid restrictions.

Dr. Bholat stated that she met with the UCLA department of surgery regarding PTL's.

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

No public comments were made on Agenda Item 5.

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

Mr. Eichelkraut provided an update on the refresh for the iOS application, the License Verification System (LVS), the Complaint Tracking System, the Department of Health Care Access and Information (HCAI) Survey, the wallet card project, the Direct Online Certification Submission (DOCS), Volunteer Registry Program, the plan for the complaint form redesign, and new functionality in BreEZe.

Mr. Hock provided a Licensing Program update and mentioned, among other things, the development of a new form (Form ILR) for reporting credit of Board-approved postgraduate training required for the initial renewal of a physician's and surgeon's license. He also stated that the Licensing Program began sending continuing medical education (CME) audit letters via email instead of by mail, saving staff time and resources. The Board also began accepting CME audit documents electronically to make the process more convenient for licensees. He further provided an update on participation in DOCS, 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 Probations 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, which he reported was 17.37%. He pointed out that the vacancy rate has gone up in part because the Board just gained nine new positions to stand up the Complainant Liaison Unit.

Mr. Varghese proceeded with the budget update and stated that the Board estimated that the total revenue collection exceeds the prior fiscal year collections due to the fee increase. With these results, the Board may be able to repay the two 24-month term loans early this fiscal year (FY 24-25) and save on interest. 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. The Board diligently continues its efforts to evaluate spending and resource utilization to improve financial position and protect all Californians.

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

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 were made on Agenda Item 6 by:](#) Dylan Izadzeta, Michele Monserratt-Ramos, Christine Bildaring, Marian Hollingsworth, Kimberly Turbin, Tracy Dominguez, Monty Goddard, Kelly Garcia, and Rob Gordon.

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

Melissa Gear, Deputy Director for Board and Bureau Relations (BBR) for DCA, welcomed the new Board Members Dr. Ayala-Rodriguz, Anni Chung, Marina Torres, and Wendy Mitchell. She congratulated Dr. Yip for completing his Senate Confirmation. She thanked Nicole Jeong and Dr. Hemant Dhingra for their service on the Board.

Among other updates, Ms. Gear provided information about Budget letter 2420 regarding vacancy savings and position elimination, updated Workplace Violence Prevention Policy and training, and Board Member Orientation Training.

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 19 investigator vacancies, which is a 23% vacancy rate. She reported that HQIU has five new investigators. She stated that in June 2024, members of the Health Quality Enforcement Section of the Attorney General's Office and HQIU staff met to discuss Business and Professions Code section 2234(g) regarding the enforcement of the requirement that licensees attend and participate in subject interviews within 30 days of the request.

Ms. Whitley provided an update on meetings and trainings attended by HQIU medical consultants, supervisors, and investigators. She discussed the collaboration to create better enforcement outcomes.

[Public comments were made on Agenda Item 7 by:](#) Monty Goddard and Rob Gordon.

Agenda Item 8 Updates from the Task Force on License Application Impairment Questions and Possible Action to Update the Board's License Applications ([Link to Video](#))

Dr. Tsai provided an update on the interested parties meeting that was held on July 30, 2024. He stated that the task force included himself and Ms. Jeong. The goal of the task force was to examine the licensing question because of concerns of potential discouragement from practicing in California and the question having the potential to deter individuals from enrolling in monitoring programs or seeking health care. Dr. Tsai stated that the task force had proposed significant changes to the Board's licensing application questions regarding mental and physical health. He stated that the modifications aim to create a supportive environment for healthcare providers while ensuring patient safety. By revising the questions and introductory statement, the Board hopes to encourage professionals to seek necessary health care without fear of disqualification from licensure if they do not have a current impairment. This change will be effective at least by January 1, 2025.

The Board members discussed the proposed changes and Dr. Tsai and Ms. Webb answered questions.

Dr. Tsai requested a motion from the Board members to approve the proposed changes to the introductory statement and questions on impairment so that they would state:

Important: The Board recognizes that healthcare providers encounter health conditions, including those involving physical, mental, and substance use disorders, just as their patients and clients do. In addition to providing care for others, the Board encourages and expects its licensees to also seek care for their own health needs and recognizes that doing so is critical to consumer safety and helps sustain California's healthcare workforce.

An affirmative answer to the question below will not automatically disqualify you from licensure. The Board will make an individualized assessment of the nature, the severity and the duration of the risks associated with an ongoing medical condition to determine whether an unrestricted license should be issued, whether conditions should be imposed, or whether you are eligible for licensure. Please note that a limited practice license may be available.

- Are you currently suffering from any condition that impairs your judgment or otherwise adversely affects your ability to practice medicine safely, that is, in a competent, ethical, and professional manner? You may answer "No" if you have any condition which does not impair your ability to practice medicine safely or if you are receiving appropriate treatment for a condition, and due to that treatment, the condition does not impair your ability to practice medicine safely.

Dr. Tsai Moved to approve the requested action S:/ Dr. Healzer 10-0-0 (2 Absent)

[Public comments on Agenda Item 8 were made by:](#) Lucas Evenson, Kimberly Turbin, Dylan Izadzeta, Tracy Dominguez, Michele Monserratt-Ramos, Kelly Garcia, Dr. Anni Hwang, Dylan Elliot, Abril Dozal, Rob Gordon, and Maria Ibarra-Navarette.

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

Mr. Bone provided several updates on bills that the Board has already taken a position on. Mr. Bone presented on the following bill:

9J: SB 639 (Limón)- Medical Professionals: Course Requirements

This bill updates an existing CME requirement for general internists and family physicians if at least 25 percent of their patient population is aged 65 years, or older, by allowing them to meet their CME requirements by obtaining training on the special care needs of patients with dementia.

Dr. Tsai Moved to support staff's recommendations S:/ Dr. Healzer 10-0-0 (2 Absent)

[Public comments on Agenda Item 9J were made by:](#) Kelly Garcia.

Agenda Item 10 Discussion and Possible Action on Proposed 2025 Quarterly Board Meeting Dates ([Link to Video](#))

Mr. Varghese presented the Board with two options for the upcoming 2025 meeting dates. Mr. Varghese and the Board discussed the pros and cons of the presented options.

Dr. Tsai Moved to support option 2 for the 2025 Board meeting dates S:/ Dr. Healzer 7-3-0 (Dr. Thorp, Dr. Bholat, and Ms. Lawson Opposed) (2 Absent)

No public comments were made on Agenda Item.

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

Madeline Wisner, the chair of the Midwifery counsel, provided an update on the previous Midwifery meeting, that was held in May. She stated that t 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 September 12, 2024, MAC meeting.

Dr. Thorp Moved to approve the requested action S:/ Dr. Tsai 10-0-0 (2 Absent)

No comments were made on Agenda Item 11.

Kristina D. Lawson adjourned the meeting at 2:41 p.m.

RECESS

Friday, August 23, 2024

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Members Present:

Kristina D. Lawson, J.D., President
James M. Healzer, M.D., Secretary
Irving Ayala-Rodriguez, M.D.
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Richard E. Thorp, M.D.
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Felix C. Yip, M.D.

Members Absent:

Asif Mahmood, M.D.
Wendy Mitchell

Staff Present:

Aaron Bone, Chief of Legislation and Public Affairs
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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 12 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, August 23, 2024, at 9:04 a.m. A quorum was present and due notice was provided to all interested parties.

Agenda Item 13 Presentation: “Navigating the AI Frontier: Regulatory Challenges and Opportunities for state Licensing Boards” ([Link to Video](#))

President Kristina Lawson introduced Frank Meyers, who is the deputy legal counsel from the Federation of State Medical Boards.

Mr. Meyers discussed the transformative potential of AI in Healthcare while highlighting significant regulatory and ethical challenges. Among other things, he stated that AI’s role in healthcare includes uses in medical documentation, diagnostics, and patient interaction. He discussed the regulatory process and explained how there is no comprehensive Federal AI regulation in the United States, yet, but there are state-level initiatives that are emerging.

The Board members and Frank Meyers further discussed the topic of AI in healthcare, including how AI models are trained.

[Public comment on Agenda Item 13 was made by:](#) Black Patients Matter and Paloma Serna.

Agenda Item 14 Officer Elections ([Link to Video](#))

Dr. Bholat nominated Ms. Lawson for President and Dr. Healzer for Vice President.

Dr. Yip seconded the nominations.

Ms. Lawson and Dr. Healzer accepted the nominations.

There were no public comments on these nominations.

The members voted to approve Ms. Lawson as President and Dr. Healzer as Vice President, 10-0 (Absent). Motion Carried.

Ms. Lawson nominated Dr. Bholat for Secretary.

Dr. Healzer seconded the nomination.

Dr. Bholat accepted the nomination.

Dr. Bholat as Secretary, 10-0 (2 Absent). Motion Carried.

[Public comment on Agenda Item 14 was made by:](#) Black Patients Matter.

Agenda Item 15 Future Agenda Items ([Link to Video](#))

Dr. Yip requested a discussion on including a question about impairment on licensure renewals and on creating an approved slide deck or list of topics for when Board members or staff present at schools.

Mr. Watkins requested a discussion on the providing notice to the public when doctors are under investigation.

Dr. Bholat requested further discussion on understanding AI integration.

[Public comments on Agenda Item 15 were made by:](#) Black Patients Matter.

Agenda Item 16 Adjournment

<u>Signature on File</u>	<u>November 22, 2024</u>
Kristina D. Lawson, J.D., President	Date
<u>Signature on File</u>	<u>November 22, 2024</u>
Michelle A. Bholat, M.D., Secretary	Date
<u>Signature on File</u>	<u>November 22, 2024</u>
Reji Varghese, Executive Director	Date