



Osteopathic Medical Board of California

Meeting Minutes

May 7, 2020

**MEMBERS
PRESENT:**

Joseph Zammuto, D.O., *President*
Cheryl Williams, *Vice President*
Cyrus Buhari, D.O., *Secretary Treasurer*
Elizabeth Jensen, D.O., *Board Member*
Claudia Mercado, *Board Member*
Andrew Moreno, *Board Member*
Hemesh Patel, D.O., *Board Member*
Gor Adamyan, *Board Member*

**MEMBERS
ABSENT:**

**STAFF
PRESENT:**

Sabina Knight, *Esq., Legal Counsel, DCA*
Mark Ito, *Executive Director*
Terri Thorfinnson, *Assistant Executive Director*
Machiko Chong, *Executive Analyst*
James Lally, D.O., *Medical Consultant*
Corey Sparks, *Enforcement Analyst*

**MEMBERS OF
THE AUDIENCE:**

Nick Birtcil, *Executive Director, Osteopathic Physicians & Surgeons of California (OPSC)*

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

The Board Meeting of the Osteopathic Medical Board of California (OMBC) was called to order by President, Joseph Zammuto, D.O. at 10:12 a.m. A quorum was present and due notice was provided to all interested parties.

Board Meeting Minutes – May 7, 2020

Agenda Item 2 Public Comment for Items not on the Agenda

Note: The Board may not discuss or take action on any matter raised during this public comment section except to decide whether to place the matter on the agenda of a future meeting [Government Code Sections 11125, 11125.7(a)]

There were no public comments upon inquiry.

Agenda Item 3 President's Report – Dr. Zammuto

Dr. Zammuto informed the Board that he attended a two-hour teleconference the National Board of Osteopathic Medical Examiners' (NBOME) quarterly meeting.

He stated that they discussed recommendations regarding COVID-19 which seemed to vary by state. The concerns regarding the expansion of practice for nurse practitioners and physician assistants seemed to be the same for each state, with some states having them with independent activities while others have them under the jurisdiction of physicians. Due to the Governor's Executive Order for COVID-19 the physician to supervisor ratio has changed from 1:4 to 1: unlimited.

The group discussed the American Osteopathic Association (AOA) daily COVID-19 updates, and web link for Osteopathic Manipulative Therapy (OMT) and respiratory infections treatment. They also discussed the NBOME increase in specialty matches into residency programs during the current cycle which reflects a 91% match and discussed how some of the testing formats would be changing to a pass or fail model.

He stated that he had access to two letters that we received from the AOA which were sent to the Osteopathic Physicians and Surgeons of California (OPSC) regarding osteopathic malpractice relief and malpractice premiums, which could be sent to the Governor requesting assistance with the matters.

Agenda Item 4 Review and Possible Approval of Minutes

Dr. Zammuto called for a motion for approval of the meeting minutes of the January 16, 2020 Board Meeting.

Motion to approve the January 16, 2020 Board meeting minutes with no corrections. Motion – Dr. Buhari, Second – Mr. Adamyan

- Roll Call Vote was taken
 - **Aye** – Mr. Adamyan, Dr. Buhari, Dr. Jensen, Ms. Mercado, Mr. Moreno, Dr. Patel, Mrs. Williams, Dr. Zammuto
 - **Nay** – None

Board Meeting Minutes – May 7, 2020

- **Abstention** – None
- **Absent** – None
- Motion carried to approve the January 16, 2020 Board meeting minutes with no corrections.

Agenda Item 5 Executive Director’s Report – Mark Ito

Mr. Ito updated the Board on licensing statistics, staffing, budget conditions, and CURES. Additionally, he provided a student survey that was created by Board staff and sent out to all postgraduate training programs that have attended the Board’s quarterly meetings to gain a better understanding of how the visiting students’ experiences at the meetings. All items discussed were included in the Board packet.

Enforcement/Discipline – The Board’s Lead Enforcement Analyst, Corey Sparks, presented the enforcement report to the Board and provided written materials showing various enforcement data.

Agenda Item 6 Proposed Regulations – Mark Ito

- Required Continuing Medical Education - Title 16, California Code of Regulations (CCR) section 1635.
- Continuing Medical Education Progress Report - Title 16, CCR section 1636.
- Sanctions for Noncompliance for ease and accessibility – Title 16, CCR section 1641.

Mr. Ito provided the Board members with background information regarding the regulatory packet being presented and notified them of the minor changes that were needed in order to move forward with processing the regulatory packet.

Dr. Zammuto called for a motion to amend Title 16, CCR § 1635 (e) as presented with additional amendments to subsection (e).

Motion to approve the proposed text for a 45 day public comment period and delegate to the ED the authority to adopt the proposed regulatory changes if there are no adverse comments received during the public comment period, to follow established procedures and processes in doing so, and also delegate to the ED the authority to make any technical and non-substantive changes that may be required in completing the rulemaking file. Motion – Dr. Buhari, **Second – Dr. Jensen**

- Roll Call Vote was taken
 - **Aye** – Mr. Adamyan, Dr. Buhari, Dr. Jensen, Ms. Mercado, Dr. Patel, Mrs. Williams, Dr. Zammuto
 - **Nay** – None
 - **Abstention** – None

Board Meeting Minutes – May 7, 2020

- **Absent** – Mr. Moreno
- Motion carried to amend Title 16, CCR § 1635 (e) as presented with additional amendments to subsection (e).

Agenda Item 7 Review of Medical Board of California Guidelines for the Recommendation of Cannabis for Medical Purposes and FSMB Telehealth Guidelines

Andrew Moreno who sits on the subcommittee with Claudia Mercado created to establish Guidelines for the Recommendation of Cannabis for Medical Purposes for the Board, requested that all discussion regarding the proposed language for the recommendation be tabled until the following board meeting. The subcommittee learned that the California Marijuana Research Program had also created guidelines and needed additional time to research and review the report that had been compiled.

Agenda Item 8 Pending Legislation

Mr. Ito informed the Board that most of the legislative items on the agenda were either no longer moving forward and/or did not apply to the Board. Mr. Ito provided a brief overview of each legislative item.

Agenda Item 9 Agenda Items for Next Meeting

- Review of Guidelines for the Recommendation of Cannabis for Medical Purposes (*Proposed Language*)
- Strategic Plan Update
- Pending Legislation

Agenda Item 10 Future Meeting Dates

- Thursday, September 10, 2020 @ 10:00 am – San Diego, CA
- Thursday, January 14, 2021 @ 10:00 am – *TBD*
- Thursday, May 13, 2021 @ 10:00 am – *TBD*

Nick Birtcil, *Executive Director, Osteopathic Physicians & Surgeons of California (OPSC)* recommended that the Board consider possibly hosting its January 2021 meeting at the OPSC annual conference, as the physicians and members of the public were very receptive to the Board's presence. He noted that the optimal time to attend would be on either the Friday or Saturday of the conference.

Board Meeting Minutes – May 7, 2020

****CLOSED SESSION****

Pursuant to Government Code section 11126, subdivision (a)(1), the Board will meet in closed session for discussion and to deliberate on the performance evaluation of the Executive Director.

The Board met in closed session at 11:30

Agenda Item 11 Adjournment

There being no further business or public comment, Dr. Zammuto adjourned the meeting at 12:15 p.m.