



Osteopathic Medical Board of California

Teleconference Minutes

September 10, 2020

MEMBERS

PRESENT:

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

MEMBERS

ABSENT:

None

STAFF

PRESENT:

Sabina Knight, *Esq., Legal Counsel, DCA*
Mark Ito, *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)*

Students, *Midwestern University (Glendale, AZ)*

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, Cheryl Williams at 10:12 a.m. Machiko Chong called roll and determined a quorum was present. Due notice was provided to all interested parties.

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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)]

Dr. Patel noted that he had been approached by a fellow practicing physician regarding the required continuing medical education (CME) needed to renew licensure with the OMBC. He stated that there is confusion over the CME reporting period at the time of renewal. Board staff and Legal Counsel made note of the concern and stated that the topic could be placed on the agenda for the upcoming Board Meeting.

Nick Birtcil, Director, OPSC, thanked Board staff for their hard work during this unprecedented time.

Agenda Item 3 Review and Possible Approval of Minutes

Ms. Williams called for a motion for approval of the meeting minutes of the May 7, 2020 Board Meeting.

Motion to approve the May 7, 2020 Board Meeting minutes with no corrections.

Motion – Dr. Buhari, **Second** – Dr. Jensen

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

- Motion carried to approve the May 7, 2020 Board Meeting minutes with no corrections.

Agenda Item 4 Proposed Regulations – Mark Ito

- Discussion and Possible Action to Initiate a Rulemaking to Amend Section 1654 Substantial Relationship Criteria Under Title 16, California Code of Regulations (CCR)
- Discussion and Possible Action to Initiate a Rulemaking to Amend Section 1655 Rehabilitation Criteria for Denial, Suspension, or Revocation of Licensure Under Title 16, CCR
- Discussion and Possible Action to Initiate a Rulemaking to Amend Section 1657 Rehabilitation Criteria for Petition for Reinstatement or Modification of Penalty Under Title 16, CCR

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- Discussion and Possible Action Regarding Comments Received Regarding [AB 2138](#) (Licensing Boards: Denial of Application: Revocation or Suspension of Licensure: Criminal Conviction)

Sabina Knight, Legal Counsel, provided the Board members with background information regarding the regulatory packet being presented and notified them of the changes that were needed in order to move the process forward. She informed the Board members that there was an error in *Comment #5* on page 6. The response needed to be amended, to change the code section from Business and Professions Code (BPC) Sections 4256, 4258 and 4259 to BPC Sections 1655 and 1657. Ms. Knight noted that the comments received by the Board have been consistent with what other programs within DCA have received. She also indicated that the Board wants to refrain from including duplicative information in the language.

Motion to reject the proposed comments, provide the responses to the comments as indicated in the meeting materials and complete the regulatory process as authorized by motion at the Board’s May 16, 2019 meeting, with amendments to Comment #5; and allow the Executive Director the authority to make any technical and non-substantive changes that may be required in completing the rulemaking file.

Motion – Dr. Jensen, **Second** – Dr. Buhari

- Roll Call Vote was taken
 - **Aye** – Mr. Adamyan, Dr. Buhari, Dr. Jensen, Ms. Mercado, Mr. Moreno, Dr. Patel, Ms. Williams
 - **Nay** – None
 - **Abstention** – None
 - **Absent** – None
- Motion carried to reject the proposed comments, provide the responses to the comments as indicated in the meeting materials and complete the regulatory process as authorized by motion at the Board’s May 16, 2019 meeting, with amendments to Comment #5; and allow the Executive Director the authority to make any technical and non-substantive changes that may be required in completing the rulemaking file.

Agenda Item 5 Discussion and Possible Action on Pending Legislation – Mark Ito

Mr. Ito informed the Board that the staff has been following the progression of AB 1616 (*Low*) Department of Consumer Affairs: Boards: Expunged convictions and SB 878 (*Jones*) Department of Consumer Affairs Licensing: applications: wait times. Mr. Ito informed the Board that OMBC is no longer following AB 1616 as the bill is dead. However, SB 878 has since been enrolled on September 4th and is with the Governor awaiting a final decision.

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Dr. Buhari asked how difficult it would be to begin listing our application time frames online. Mr. Ito stated that it should hopefully not be too difficult as the Board will work with OIS on the best way to update the website to include the information in a timely and efficient manner.

Agenda Item 6 Review of Medical Board of California Guidelines for the Recommendation of Cannabis for Medical Purposes and FSMB Telehealth Guidelines

The subcommittee opted to table the discussion until the next board meeting, as they have been attempting to procure a copy of the Guidelines for the Recommendation of Cannabis in a text document that is editable. Ms. Chong stated that she would attempt to locate a copy that they could edit and would let them know.

Agenda Item 7 Budget Report – Paul McDermott

Paul McDermott, DCA Budget Analyst, provided the Board with a detailed overview of the Board's budget for this fiscal year. Mr. McDermott indicated that the OMBC has a healthy fund condition and is anticipated to spend within their appropriation.

Dr. Jensen stated that the OMBC's budget is in good condition due to Mr. Ito's past experience as the OMBC's prior DCA budget manager. Dr. Jensen asked Mr. McDermott if there was anything that the OMBC should be planning for from a budget perspective. Mr. McDermott responded that the OMBC's reversion is higher than normal, but the budget looks solid moving forward.

Ms. Mercado inquired about what types of purchases fall under the Information Technology (IT) line item as there will cost savings this fiscal year. Mr. Ito responded that he is not certain what falls under this line item, but believes that printer toner would be the primary expense.

Agenda Item 8 Executive Director's Report – Mark Ito

Mr. Ito updated the Board on licensing statistics, staffing, COVID-19, and CURES, which 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 9 Agenda Items for Next Meeting

- Review of Guidelines for the Recommendation of Cannabis for Medical Purposes (*Proposed Language*)
- Renewal requirements – Clarification re:CME

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Agenda Item 10 Future Meeting Dates

- Thursday, January 14, 2021 @ 10:00 am – *TBD*
- Thursday, May 13, 2021 @ 10:00 am – *TBD*

Agenda Item 11 Adjournment

There being no further business or public comment, Ms. Williams adjourned the meeting at 11:28 a.m.