



Osteopathic Medical Board of California

Teleconference Minutes

January 14, 2021

**MEMBERS
PRESENT:**

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

**MEMBERS
ABSENT:**

None

**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:**

Carrie Holmes, Board and Bureau Relations
Nick Birtcil, Osteopathic Physicians & Surgeons of California
Joseph Zammuto, D.O.
Rebecca Mitchell, Naturopathic Medicine Committee
Angie Burton
Students, A.T. Still University – Visalia Campus

Agenda Item 1 Call to Order and 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 10:03 a.m. Mark Ito called roll and determined a quorum was present. Due notice was provided to all interested parties.

Board Meeting Minutes – January 14, 2021

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)]

Mark Ito presented former Board President, Joseph Zammuto, D.O. with a plaque to thank him for all of the work that he performed on behalf of the Board during his term. The floor was subsequently opened for public comment so that members of the public were able to offer further praise and acknowledgment of Dr. Zammuto.

Agenda Item 3 Election of Officers

President

Mr. Ito called for a nomination/motion for election of Board President.

**Cyrus Buhari, D.O., was nominated for President by Andrew Moreno.
Elizabeth Jensen, D.O., was nominated for President by Claudia Mercado.**

Dr. Jensen thanked Ms. Mercado for her consideration for nomination/motion of Board President, however she declined and chose to second the nomination/motion of Dr. Buhari for election of Board President.

Motion – Mr. Moreno **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 unanimously elect Dr. Buhari as Board President.

Vice President

Mr. Ito called for a nomination/motion for election of Board Vice President.

Elizabeth Jensen, D.O., was nominated for Vice President

Motion – Dr. Patel **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

Board Meeting Minutes – January 14, 2021

- **Absent** – None
- Motion carried to unanimously elect Dr. Jensen as Board Vice President.

Secretary/Treasurer

Mr. Ito called for a nomination/motion for election of Board Secretary/Treasurer.

Andrew Moreno was nominated for Secretary/Treasurer

Motion – Ms. Williams **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 unanimously elect Mr. Moreno as Board Secretary/Treasurer.

Agenda Item 4 Review and Possible Approval of Minutes

Ms. Williams called for a motion for approval of the meeting minutes of the September 10, 2020 and December 4, 2020 Teleconference Board Meetings.

Motion to approve the September 10, 2020 and December 4, 2020 Teleconference Board Meeting minutes with no corrections.

Motion – Dr. Buhari **Second** – Mr. Moreno

- 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 September 10, 2020 and December 4, 2020 Teleconference Board Meeting minutes with no corrections.

Agenda Item 5 Petition for Early Termination of Probation, James Paul Maganito, D.O., 20A 11964

The Office of Administrative Hearing (OAH) Administrative Law Judge (ALJ) Julie Cox conducted the above hearing.

Board Meeting Minutes – January 14, 2021

CLOSED SESSION

Pursuant to section 11126(c)(3) of the Government Code, the Board will meet in closed session for discussion and to take action on disciplinary matters, including the above petition.

RECONVENE IN OPEN SESSION

Agenda Item 6 Department of Consumer Affairs (DCA) Update – Carrie Holmes, Deputy Director of Board and Bureau Relations, DCA

Deputy Director Holmes Introduced herself, thanked the Board for allowing her to participate, and congratulated Dr. Buhari, Dr. Jensen, and Mr. Moreno on being elected to Board President, Vice-President, and Secretary/Treasurer.

Deputy Director Holmes informed the Board that DCA has conducted three brown bag trainings in the past six months, to better equip Executive Officers with best practices on topics such as: appointments, managing staff remotely, and providing ADA compliant meeting materials to members of the public. She stated that DCA has partnered with SOLID to offer virtual Board Member Orientation Trainings for newly and reappointed Board members and will be preparing to execute its first Board President training.

Deputy Director Holmes provided an update on the measures that DCA has taken to ensure the health and safety of both staff and members of the public considering the current climate due to COVID-19.

Agenda Item 7 Budget Report – Carl Beermann

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

Mr. Ito inquired if the difference in appropriation for fiscal year 2020-21 and 2021-22 of the program expenditures was due in part to the five percent reduction in staff salary. He was informed by Mr. Beermann that the five percent reduction was not included in the 2021-22 projection at the time the report was generated, however the report did include the implementation of the Personal Leave Program (PLP) in the current year.

Agenda Item 8 Discussion and Possible Action to Initiate Rulemakings to Amend Board Regulations – Mark Ito

- California Code of Regulations (CCR) section 1635 – Required Continuing Medical Education
- CCR section 1636 – Continuing Medical Education Progress Report
- CCR section 1641 – Sanctions for Noncompliance

Board Meeting Minutes – January 14, 2021

Mr. Ito 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. He informed the Board members that there was duplicative language found within the law and the proposed language. Currently, the amount of CME required is already identified in Business and Professions Code (BPC) section 2454.5 so it is redundant and unnecessary to include the required hours in CCR section 1635. Mr. Ito also advised the Board of the revisions made to the CME reporting period. He stated that the language has been amended to reflect the CME reporting period is the “2 years immediately preceding the expiration date.” The revision should alleviate any confusion over the CME reporting dates.

Dr. Patel thanked Mr. Ito for requesting amendment and approval of the proposed language adding that the CME cycle has always been confusing not only for him but fellow physicians as well.

Motion to approve the proposed text for a 45 day public comment period and delegate to the Executive Director 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 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 approve the proposed text for a 45 day public comment period and delegate to the Executive Director 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 Executive Director the authority to make any technical and non-substantive changes that may be required in completing the rulemaking file.

Agenda Item 9 Discussion and Possible Adoption of the Osteopathic Medical Board of California’s Administrative Manual – Sabina Knight

Ms. Knight advised the Board of the final amendments that had been to the OMBC’S Administrative Manual. The Board previously met in December 2020 to delegate the ability to make non-substantive changes to the Executive Director, and also voted to

Board Meeting Minutes – January 14, 2021

approve all minor changes to the document for inclusion in the OMBC'S 2020 Oversight Report.

Additionally, Ms. Knight noted that the manual included a proposed provision for how many votes the Board would need to hold a closed session item for discussion. The Board would have the ability to discuss the topic at the next available board meeting in closed session pending two (2) Board members vote to add it as a closed session item.

Dr. Patel inquired if it would be easier moving forward to create a committee to assist with revisions to the Manual annually and alleviate some of the strain on Board staff regarding revision completion. Ms. Knight advised that it is something that the Board members could consider if they liked. However, it may not be necessary considering the major revisions that have been made and the only changes that would be needed moving forward would be any laws that have been revised.

Motion to adopt the Osteopathic Medical Board of California's Administrative Manual, as well as delegate to the Executive Director the ability to continue to make non-substantive changes to the OMBC's Administrative Manual.

Motion – Ms. Mercado **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 adopt the Osteopathic Medical Board of California's Administrative Manual, as well as delegate to the Executive Director the ability to continue to make non-substantive changes to the OMBC's Administrative Manual.

Agenda Item 10 Executive Director's Report – Mark Ito

Mr. Ito updated the Board on licensing statistics, staffing, regulations, and COVID-19 updates, 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 11 Discussion and Possible Approval of Guidelines for the Recommendation of Cannabis for Medical Purposes

Ms. Knight informed the Board that the Cannabis Prescribing Guidelines Committee opted to table the discussion until the next Board meeting. She stated that she has been

Board Meeting Minutes – January 14, 2021

working alongside the Board's committee to finalize the proposed language of the Guidelines for the Recommendation of Cannabis.

Ms. Mercado inquired if any of the professional members would be willing to read over the Guidelines and provide additional input. Dr. Jensen stated that she would be more than willing to and would provide her commentary on any items that she felt may need revision. Ms. Knight stated that any of the Board members could review and provide their feedback to Board staff once the document is disseminated if they would like.

Agenda Item 12 Future Agenda Items

- Review of Guidelines for the Recommendation of Cannabis for Medical Purposes (*Proposed Language*)
- Future Committees for Board related matters (*i.e. Telehealth, Outreach, etc.*)

Agenda Item 13 Future Meeting Dates

Mr. Ito suggested that the Board consider having additional meetings monthly to facilitate petitioner hearings as the Board had not completed any in the latter part of 2020. He stated that the Board need not make an immediate decision, however he recommended that they could revisit the topic at the next Board meeting.

Dr. Jensen inquired if Board staff could be provided a figure of petitioners that are awaiting to be heard and was informed by Mr. Ito that he would make that number available so that they could make an advised decision.

- Thursday, May 13, 2021 @ 10:00 am – *TBD*
- Thursday, September 23, 2021 @ 10:00 am – *TBD*

Agenda Item 14 Adjournment

There being no further business or public comment, Ms. Williams adjourned the meeting at 3:15 p.m.