

**OSTEOPATHIC MEDICAL
BOARD
OF CALIFORNIA**

**Teleconference, Thursday, September 23, 2021
10:00 a.m.**

**Osteopathic Medical Board of California
1300 National Drive, Suite 150
Sacramento, CA 95834-1991**

OMBC Phone (916) 928-8390

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- **SB 310 (*Rubio*) Unused medications: cancer medication recycling**
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Tab 1



TELECONFERENCE BOARD MEETING NOTICE AND AGENDA

Date: Thursday, September 23, 2021
Time: 10:00 a.m. to 5:00 p.m. (or until the conclusion of business)

NOTE: Pursuant to the provisions of Governor Gavin Newsom's Executive Order N-08-21, dated June 11, 2021, neither Board member locations nor a public meeting location are provided. Public participation may be through the WebEx link as provided below. If you have trouble getting on the call to listen or participate, please call 916-928-8390.

The Osteopathic Medical Board of California will hold a public meeting via WebEx Events. To participate in the WebEx Events meeting, please log on to this website on the day of the meeting:

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=m300e9dd629c9d66572e06c766941a3b1>

Instructions to connect to the meeting can be found at the end of this agenda. Members of the public may but are not obligated to provide their names or personal information as a condition of observing or participating in the meeting. When signing into the WebEx platform, participants may be asked for their name and email address. Participants who choose not to provide their names will need to provide a unique identifier such as their initials or another alternative, so that the meeting moderator can identify individuals who wish to make public comment; participants who choose not to provide their email address may utilize a fictitious email address like in the following sample format: XXXXX@mailinator.com.

AGENDA

Discussion and possible action may be taken on any items listed on the agenda, and items may be taken out of order to facilitate the effective transaction of business.

OPEN SESSION

1. Call to Order and Roll Call / Establishment of a Quorum
2. Public Comment on Items Not on the Agenda

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).)

3. Review and Possible Approval of Minutes
 - May 13, 2021 Teleconference Board Meeting
4. Petition for Modification of Probation, David Keith Padgett, D.O., 20A 5134

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.

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

RECONVENE IN OPEN SESSION

5. Department of Consumer Affairs (DCA) Update – Board and Bureau Relations, DCA
6. Budget Update – Mark Ito
7. Update on Board Rulemaking Proposals
8. Executive Director's Report – Mark Ito
 - Licensing Report
 - Staffing Report
 - Strategic Plan Update
 - COVID-19 Update
 - Enforcement Report – Corey Sparks
9. Discussion and Possible Action on Pending Legislation:
 - [AB 29](#) (Cooper) State bodies: meetings
 - [AB 105](#) (Holden) The Upward Mobility Act of 2021
 - [AB 107](#) (Salas) Licensure: veterans and military spouses
 - [AB 356](#) (Chen) Fluoroscopy: temporary permit
 - [AB 359](#) (Cooper) Physicians and surgeons: licensure: examination
 - [AB 361](#) (Rivas) Open meetings: state and local agencies: teleconferences
 - [AB 1156](#) (Weber) Healing Arts: medical school graduates: postgraduate training license
 - [AB 1236](#) (Ting) Healing Arts: licensees: data collection
 - [AB 1278](#) (Nazarian) Physicians and surgeons: payments: disclosure: notice
 - [AB 1477](#) (Cervantes) Maternal mental health
 - [AB 1534](#) (Business and Professions) California State Board of Optometry: optometry
 - [SB 310](#) (Rubio) Unused medications: cancer medication recycling
 - [SB 731](#) (Durazo) Criminal records: relief
 - [SB 806](#) (Roth) Healing Arts
10. Future Agenda Items
11. Future Meeting Dates
12. Adjournment

For further information about this meeting, please contact Machiko Chong at 916-928-7636 or in writing at 1300 National Drive, Suite 150, Sacramento, CA 95834. This notice and agenda, as well as any available Board meeting materials, can be accessed on the Board's website at www.ombc.ca.gov

In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Board are open to the public. Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Board prior to the Board taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Board, but the Board President, at his or her discretion, may apportion available time among those who wish to speak. Individuals may appear before the Board to discuss items not on the agenda; however, the Board can neither discuss nor take official action on these items at the time of the same meeting. (Government Code sections 11125, 11125.7(a).)

Board meetings are held in barrier free facilities that are accessible to those with physical disabilities in accordance with the Americans with Disabilities Act (ADA). If you are a person with a disability requiring disability-related modifications or accommodations to participate in the meeting, including auxiliary aids or services, please contact Machiko Chong, ADA Liaison, at (916) 928-7636 or e-mail at Machiko.Chong@dca.ca.gov or send a written request to the Board's office at 1300 National Drive, Suite 150, Sacramento, CA 95834-1991. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation. Requests should be made as soon as possible, but at least five (5) working days prior to the scheduled meeting. You may also dial a voice TTY/TDD Communications Assistant at (800) 322-1700 or 7-1-1.

Tab 2



Osteopathic Medical Board of California

Teleconference Minutes

May 13, 2021

**MEMBERS
PRESENT:**

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

**MEMBERS
ABSENT:**

Denise Pines, MBA

**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:**

John R. Gimpel, D.O. MED – President and CEO, National Board of Medical Examiners (NBOME)
Douglas Murray, Esq, General Counsel, NBOME
Geraldine O’Shea, D.O., Board Chair, NBOME
Nick Birtcil, Osteopathic Physicians & Surgeons of California 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, Cyrus Buhari, D.O. at 10:10 a.m. Executive Analyst, Machiko Chong, called roll and determined a quorum was present. Due notice was provided to all interested parties.

Board Meeting Minutes – May 13, 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)]

There were no public comments upon inquiry.

Agenda Item 3 Review and Possible Approval of Minutes

Dr. Buhari called for a motion for approval of the meeting minutes of the January 14, 2021 Teleconference Board Meeting.

Motion to approve the January 14, 2021 Teleconference Board Meeting minutes with no corrections.

Motion – Mr. Moreno **Second** – Mr. Adamyan

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

- Motion carried to approve the January 14, 2021 Teleconference Board Meeting minutes with no corrections.

Agenda Item 4 Petition for Reinstatement of Revoked License, Keith Ky Ly, D.O., 20A 7355

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

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.

Board Meeting Minutes – May 13, 2021

RECONVENE IN OPEN SESSION

Agenda Item 5 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.

Agenda Item 6 Presentation and Update on the COMLEX USA Level 2 Performance Evaluation Exam and Alternative Pathways by the National Board of Osteopathic Medical Examiners (NBOME) –John R. Gimpel, D.O., MED –President and CEO, Douglas Murray, Esq, General Counsel and Geraldine O'Shea, D.O., Board Chair

Dr. Gimpel gave the Board Members a brief overview of the National Board of Osteopathic Medical Examiners (NBOME) and gave the Board a short introduction of his background. He went on to give an in-depth PowerPoint presentation on the mission and vision of the NBOME. A copy of the presentation was also included in the meeting materials. He explained the safety measures that were put into place to ensure safe testing for all physicians and surgeons who were needing to complete the Comprehensive Osteopathic Medical Licensing Examination (COMLEX) testing for graduation and impending licensure in light of the current climate.

Ms. Mercado inquired if NBOME captured the ethnic group of those individuals who were completing COMLEX examinations and inquired how NBOME handled diversity and the lack of representation for physicians in the consultation rooms for people of color. Dr. Gimpel states that the race/ethnicity information is optional information that is reported, however the information provided may be studied to assess if there are any psychometric biases that are taking place. Additionally, although the Level 2-PE examination has been suspended, those patients that were being seen were extremely diverse. Lastly, the assessment of doctor-patient communication skills also incorporated culture competency behaviors. Ms. Mercado asked if there was a way to rate how well a physician is able to provide information to a patient via a translator and also inquired how they were able to ensure the correct information was being provided to the patient. Dr. Gimpel informed her that translation services was actually something that had been tested during pilot testing, however it would be hard to obtain a reliable rating on its efficiency as there were fewer than one (1) instance where a translator was needed.

Board Meeting Minutes – May 13, 2021

Agenda Item 7 Discussion, Review, and Possible Approval of the Board’s Final Responses to the Sunset Review Background Paper Issues

Mr. Ito provided the Board with a brief synopsis of the Sunset Review Background Paper Issues that were addressed by the Senate and Assembly during the 2020 Oversight.

Motion to adopt the Board’s Final Responses to the Sunset Review Background Paper Issues, as well as delegate to the Executive Director the ability to continue to make non-substantive changes to the Sunset Review Background Paper Issues.

Motion – Dr. Jensen **Second** – Mr. Adamyan

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

- Motion carried to adopt the Board’s Final Responses to the Sunset Review Background Paper Issues, as well as delegate to the Executive Director the ability to continue to make non-substantive changes to the Sunset Review Background Paper Issues.

Agenda Item 8 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 9 Discussion and Possible Action on Pending Legislation

Mr. Ito and Mrs. Thorfinnson briefly went through the legislative bills that pertained to the osteopathic profession and noted the bills that could have a possible fiscal impact on the Board. The Board did not take action on any of the items presented.

Agenda Item 10 Discussion and Possible Approval of Guidelines for the Recommendation of Cannabis for Medical Purposes

The subcommittee comprised of Ms. Mercado and Mr. Moreno, presented the Board with a copy of the proposed Guidelines for the Recommendation of Cannabis for Medical Purposes that they were requesting to have approved. The document examines a

Board Meeting Minutes – May 13, 2021

physician's ability to recommend cannabis in accordance with the accepted standards of medical responsibility without facing disciplinary action. The document was not created nor intended to state the standard of care, although there may be instances where deviation may be found appropriate. Additionally, the document includes all applicable statutes regarding the recommendation of cannabis for medical purposes, and addresses what is considered a "serious medical condition" for which a recommendation may be considered.

Ms. Knight stated that the document is currently dated for May 2021 should the Board choose to make a motion to adopt the current text. She also noted that the Board President may choose to make amendments at any time in the future to the subcommittee, however it is an occurrence that does not have to take place during a meeting.

Dr. Patel inquired whether the document included an advisory on how to address cannabis and its inability to be prescribe with opiates and was advised that it was not something that had been discussed in the document. However, Mr. Moreno did note that extensive research had been conducted between himself and Ms. Mercado and much attention was paid to the Compassionate Use Act. As non-physicians, the subcommittee did not feel comfortable proposing language regarding prescribing practices but noted that the subcommittee was open to any language recommendations from the practicing physicians on the Board.

Mr. Adamyan asked if there were any known clinical trials that compare the dangers of medicinal cannabis and/or prescribed narcotics use and was informed that at this time there is no known data.

Motion to adopt the Board's Guidelines for the Recommendation of Cannabis for Medical Purposes, as well as delegate to the Executive Director the ability to continue to make non-substantive and technical changes to the document.

Motion – Ms. Mercado **Second** – Mr. Moreno

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

- Motion carried to adopt the Board's Guidelines for the Recommendation of Cannabis for Medical Purposes, as well as delegate to the Executive Director the ability to continue to make non-substantive and technical changes to the document.

Board Meeting Minutes – May 13, 2021

Agenda Item 11 Future Agenda Items

- Strategic Plan – Update

Agenda Item 12 Future Meeting Dates

- Thursday, September 23, 2021 @ 10:00 am – *TBD*
- Thursday January 20, 2022 @ 10:00 am – *TBD*

Agenda Item 13 Adjournment

There being no further business or public comment, Dr. Buhari adjourned the meeting at 2:38 p.m.

Tab 3

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Tab 4

Department of Consumer Affairs
 Expenditure Projection Report
 Osteopathic Medical Board
 Reporting Structure(s): 11112600 Support
 Fiscal Month: 12
 Fiscal Year: 2020 - 2021
 Run Date: 08/12/2021

PERSONAL SERVICES

Fiscal Code	Line Item	PY FM13	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Projections to Year End	Balance	Notes	Prior Year Ratio	Straight Line Ratio	Lag Month
5100 PERMANENT POSITIONS		\$811,356	\$866,000	\$68,504	\$815,507	\$0	\$815,507	\$815,507	\$50,493	Roster	\$815,507	\$815,507	
5100000000	Earnings - Perm Civil Svc Empl	\$720,252	\$790,000	\$61,352	\$729,952	\$0	\$729,952	\$729,952	\$60,048	YTD	\$729,952	\$729,952	
5105000000	Earnings-Exempt/Statutory Empl	\$91,104	\$76,000	\$7,151	\$85,555	\$0	\$85,555	\$85,555	-\$9,555	YTD	\$85,555	\$85,555	
5100 TEMPORARY POSITIONS		\$500	\$0	\$0	\$500	\$0	\$500	\$500	-\$500	Straight Line	\$500	\$500	
5105-5108	PER DIEM, OVERTIME, & LUMP SUM	\$2,100	\$3,000	\$400	\$18,279	\$0	\$18,279	\$18,279	-\$15,279	Straight Line	\$2,000	\$18,279	
5150	STAFF BENEFITS	\$471,611	\$532,000	\$37,491	\$475,187	\$0	\$475,187	\$475,187	\$56,813	Formula	\$478,771	\$475,187	
PERSONAL SERVICES		\$1,285,567	\$1,401,000	\$106,395	\$1,309,473	\$0	\$1,309,473	\$1,309,473	\$91,527		\$1,296,778	\$1,309,473	

OPERATING EXPENSES & EQUIPMENT

Fiscal Code	Line Item	PY FM13	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Projections to Year End	Balance	Notes	Prior Year Ratio	Straight Line Ratio	Lag Month
5301	GENERAL EXPENSE	\$67,445	\$140,000	\$5,978	\$49,864	\$1,167	\$51,031	\$51,031	\$88,969	Straight Line	\$50,114	\$49,864	
5302	PRINTING	\$17,350	\$8,000	\$0	\$11,784	\$7,148	\$18,932	\$18,932	-\$10,932	YTD+Encumb	\$18,932	\$12,299	
5304	COMMUNICATIONS	\$4,328	\$19,000	\$560	\$5,878	\$0	\$5,878	\$5,878	\$13,122	Straightline YTD	\$5,736	\$5,878	
5306	POSTAGE	\$0	\$7,000	\$0	\$278	\$0	\$278	\$278	\$6,722	Straightline YTD	\$0	\$278	
5308	INSURANCE	\$29	\$0	\$156	\$182	\$0	\$182	\$182	-\$182	PY	\$182	\$182	
53202-204	IN STATE TRAVEL	\$25,835	\$14,000	\$0	\$0	\$0	\$0	\$0	\$14,000	0 Due to COVID	\$0	\$0	
5322	TRAINING	\$385	\$6,000	\$0	\$0	\$0	\$0	\$0	\$6,000	PY	\$0	\$0	
5324	FACILITIES	\$60,746	\$110,000	\$5,154	\$65,230	\$0	\$65,230	\$65,230	\$44,770	Straightline YTD	\$65,154	\$65,230	
53402-53403	C/P SERVICES (INTERNAL)	\$296,000	\$696,000	\$31,302	\$434,524	\$0	\$434,524	\$517,723	\$178,277	Monthly Billings	\$434,524	\$434,524	
5340310000	Legal - Attorney General	\$283,424	\$594,000	\$28,588	\$411,396	\$0	\$411,396	\$475,531	\$118,469	AG thru Jun	\$411,396	\$411,396	0
5340320000	Office of Adminis Hearings	\$12,525	\$102,000	\$2,715	\$23,048	\$0	\$23,048	\$42,112	\$59,888	OAH thru Jun	\$23,048	\$23,048	0
53404-53405	C/P SERVICES (EXTERNAL)	\$156,846	\$195,000	\$10,648	\$119,733	\$88,507	\$208,240	\$208,240	-\$13,240	YTD+Encumb	\$208,240	\$119,733	
5342	DEPARTMENT PRORATA	\$489,711	\$423,000	-\$1,558	\$478,521	\$0	\$478,521	\$505,246	-\$82,246	Fully Expended	\$479,536	\$478,521	
5342	DEPARTMENTAL SERVICES	\$1,173	\$0	\$16,532	\$35,552	\$0	\$35,552	\$844	-\$844	Straight Line	\$844	\$844	
5344	CONSOLIDATED DATA CENTERS	\$2,325	\$2,000	\$2,197	\$2,691	\$0	\$2,691	\$2,691	-\$691	PY	\$2,691	\$2,197	
5346	INFORMATION TECHNOLOGY	\$8,294	\$4,000	\$250	\$4,483	\$0	\$4,483	\$4,483	-\$483	Straight Line	\$4,483	\$4,483	
5362-5368	EQUIPMENT	\$17,970	\$0	\$0	\$1,811	\$7,080	\$8,892	\$8,892	-\$8,892	Straight Line	\$2,440	\$1,811	
5390	OTHER ITEMS OF EXPENSE	\$0	\$0	\$5,563	\$55,110	\$0	\$55,110	\$55,110	-\$55,110	PY	\$0	\$55,110	
54	SPECIAL ITEMS OF EXPENSE	\$1,059	\$0	\$913	\$913	\$0	\$913	\$913	-\$913	PY	\$913	\$913	
57	INTERNAL COST RECOVERY	\$0	\$0	-\$14,000	-\$14,000	\$0	-\$14,000	-\$14,000	\$14,000	PY	\$0	-\$14,000	
OPERATING EXPENSES & EQUIPMENT		\$1,149,495	\$1,624,000	\$63,696	\$1,252,552	\$103,902	\$1,356,453	\$1,445,670	\$178,330		\$1,273,787	\$1,231,866	

OVERALL TOTALS		\$2,435,062	\$3,025,000	\$170,090	\$2,562,025	\$103,902	\$2,665,926	\$2,755,143	\$269,857		\$2,570,566	\$2,541,339	
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8.9%

\$2,576,498

Osteopathic Medical Board of California
(Dollars in Thousands) Fund Condition based on FM12

	Prelim 2020-21	CY 2021-22	BY 2022-23	BY+1 2023-24
BEGINNING BALANCE	\$ 5,025	\$ 5,028	\$ 4,269	\$ 3,411
Prior Year Adjustment	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 5,025	\$ 5,028	\$ 4,269	\$ 3,411
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS				
Revenues				
4129200 - Other regulatory fees	\$ 31	\$ 31	\$ 31	\$ 31
4129400 - Other regulatory licenses and permits	\$ 568	\$ 985	\$ 985	\$ 985
4127400 - Renewal fees	\$ 2,246	\$ 1,755	\$ 1,755	\$ 1,755
4121200 - Delinquent fees	\$ 18	\$ 15	\$ 15	\$ 15
4171400 - Canceled Warrants Revenue	\$ 1	\$ 1	\$ 1	\$ 1
4142500 - Miscellaneous services to the public	\$ 57	\$ -	\$ -	\$ -
4163000 - Income from surplus money investments	\$ 22	\$ 52	\$ 50	\$ 36
4173500 - Settlements and Judgments - Other	\$ 3	\$ -	\$ -	\$ -
Totals, Revenues	\$ 2,946	\$ 2,839	\$ 2,837	\$ 2,823
General Fund Transfers and Other Adjustments	\$ -166			
TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS	\$ 2,780	\$ 2,839	\$ 2,837	\$ 2,823
TOTAL RESOURCES	\$ 7,805	\$ 7,867	\$ 7,106	\$ 6,234
EXPENDITURES AND EXPENDITURE ADJUSTMENTS				
Expenditures:				
1111 Program Expenditures (State Operations)	\$ 2,576	\$ 3,239	\$ 3,336	\$ 3,436
GSI 4.55 Percent Increase	\$ -	\$ 79	\$ 79	\$ 79
9892 Supplemental Pension Payments (State Operations)	\$ 53	\$ 53	\$ 53	\$ 53
9900 Statewide Pro Rata	\$ 148	\$ 227	\$ 227	\$ 227
TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS	\$ 2,777	\$ 3,598	\$ 3,695	\$ 3,795
FUND BALANCE				
Reserve for economic uncertainties	\$ 5,028	\$ 4,269	\$ 3,411	\$ 2,439
Months in Reserve	16.8	13.9	10.8	7.7

NOTES:

Assumes workload and revenue projections are realized in BY +1 and ongoing.
Expenditure growth projected at 3% beginning BY +1.
CY revenue and expenditures are projections.

Tab 5



MEMORANDUM

DATE	September 13, 2021
TO	Board Members
FROM	Mark Ito Executive Director
SUBJECT	Update on Board Rulemaking Proposals – Agenda Item 7

The following is a list of the Board's regulatory packages, and their status in the regulatory process:

Notice to Consumers

This regulatory proposal adopted California Code of Regulations (CCR) Section 1606. This section requires licensed osteopathic physicians and surgeons to notify consumers of their licensure by the Board, that consumers can check the status of a license, and file a complaint against a license. This proposal was approved by the Office of Administrative Law on June 8, 2021 and will become effective on October 1, 2021.

Postgraduate Training License

This regulatory proposal amended CCR Section 1690. This section added a new fee for the Board's new license type, the Postgraduate Training License. This proposal was approved by the Office of Administrative Law and became effective on June 16, 2020.

Substantial Relationship Criteria

This regulatory proposal amended CCR Sections 1654, 1655 and 1657 related to substantial relationship criteria and rehabilitation criteria for crimes or acts considered substantially related to qualifications, functions, or duties of a licensee. This proposal was approved by the Office of Administrative Law and became effective on May 17, 2021.

Continuing Medical Education and Audit

This regulatory proposal will amend CCR Sections 1635, 1636 and 1641. These amendments will align the CME cycle with the licensee's renewal cycle and will create a post-renewal audit for CMEs. This will streamline the renewal process. The Board is in the process of finalizing the documents and anticipates submitting the proposal to DCA for a pre-review by the end of the calendar year.

Tab 6



MEMORANDUM

DATE	September 13, 2021
TO	Board Members
FROM	Mark Ito Executive Director
SUBJECT	Executive Director's Report – Agenda Item 8

This report provides the Board Members with information on the following topics:

- Licensing Report
- Staffing Report
- Strategic Plan Update
- COVID-19 Update
- Enforcement Report – Corey Sparks

Licensing Statistics:

The table below shows the OMBC's total licensee count as of September 9, 2021. The table shows the number of licensees practicing or residing in California, and the total number of licensees under the OMBC's jurisdiction. The total number of licensees/permit holders under the OMBC's jurisdiction is 14,567.

Osteopathic Physician and Surgeon		
License Status	Practicing/Residing in CA	Total Licensees
Active/Current	9,042	10,465
Inactive/Current	75	546
Delinquent	638	1,435
Total:	9,755	12,446

Postgraduate Training License		
License Status	Practicing/Residing in CA	Total Licensees
Active/Current		990
Inactive/Current		0
Delinquent		7
Total:		997

Fictitious Name Permit		
License Status	Practicing/Residing in CA	Total Licensees
Active/Current		778
Inactive/Current		0
Delinquent		346
Total:		1,124

The table below shows the Licensing Unit's workload for 2020-21 and 2021-22. The workload for 2021-22 is from July 1, 2021 – August 31, 2021. The number of days to approve a license application during the current fiscal year is 88 days. Applications with missing documents took an average of 123 days to complete and approve. The licensing workload for the OMBC continues to increase and we are looking into different ways to increase efficiency in the Licensing Unit. Creating efficiencies will allow the OMBC to process this increasing workload within our existing resources.

Licensing Workload		
	Fiscal Year 2020-21	Fiscal Year 2021-22*
	Total	Total
DO Apps Received	699	92
DO Apps Approved	554	180
DO Certificates Issued	575	120
PTL Apps Received	587	173
PTL Apps Approved	624	141
Licenses Renewed	5,683	938
Fictitious Name Permits Received	141	21
Fictitious Name Permits Approved	97	23
Fictitious Name Permits Renewed	700	6

* Fiscal Year 2021-22 data is from July 1, 2021 – August 31, 2021

Staffing:

The Board has 13.4 authorized positions with no current vacancies.

On September 1, 2021, the Board filled its vacant Staff Services Analyst position responsible for among other things, processing the more complex license applications for the Board.

The Board's hired a new Office Technician to process all of the cashiering functions and is waiting for the start date to be approved.

Strategic Plan Update:

The Board's 2019-2023 Strategic Plan was adopted by the full board in January 2019. The Board's Strategic Goals are:

- Licensure – The OMBC requires that only qualified individuals are licensed as osteopathic doctors.
- Enforcement – Protect the health and safety of consumers through the enforcement of the laws and regulations governing the practice of osteopathic medicine.
- Outreach and Communication – Consumers and licensees are able to make informed decisions regarding the safe practice of osteopathic medical services.
- Regulation and Legislation – Monitor and uphold the law, and participate in the regulatory and legislative process.
- Board Administration – Build an excellent organization through proper Board governance, effective leadership, and responsible management.

In the Strategic Plan, there are specific objectives under each Strategic Goal. The Board has been able to fulfill a number of the objectives and is still working to fulfill others. Below is a list of the objectives fulfilled by Strategic Goal.

Strategic Goal #1 – Licensure

Objective 1.4 – Align continuing education audits with the renewal process to reduce confusion among licensees. – The Board is in the process of submitted a regulatory proposal that will create a post-renewal audit and align the CME audit cycle with the renewal cycle. This will streamline the process and reduce confusion.

Objective 1.6 – Research the feasibility of hiring additional staff to improve office efficiencies – The Board is now fully staffed and hired a temporary staff to alleviate the backlog in the Licensing Unit. The Board plans on requesting additional staff through the annual budget process next fiscal year.

Strategic Goal #2 – Enforcement

Objective 2.1 – Create efficiencies with the Board’s internal investigations to reduce case aging. – The Board’s Enforcement Unit is not fully staffed. The Board is focused on cross training staff from its Complaints Unit and Discipline Unit. The Board’s Enforcement processing times are within the appropriate timeframes with the exception of complaint intake. However, the Board is optimistic that with the additional staff in the Enforcement Unit, the intake processing times will significantly decrease.

Objective 2.4 – Research technological opportunities to improve workflow, efficiency, and communication between staff. – The Board’s Assistant Executive Director, Terri Thorfinnson, consistently communicates with DCA’s OIS Unit to create efficiencies by ensuring that the Board is utilizing all of the technological capabilities of the BreEZe system. Specifically, the Board has been implementing new enforcement codes to better utilize the tracking features with the BreEZe system.

Strategic Goal #3 – Outreach and Communication

Objective 3.2 – Develop presentations and informational videos to explain the application process and provide statistics on the resident population – The Board created a Powerpoint presentation and FAQs regarding the application process and the implementation of the Postgraduate Training License. The Board’s Executive Director conducted a presentation on the Board’s application process at the Osteopathic Physician and Surgeon’s Annual Meeting in early 2020.

Objective 3.4 – Recreate the branding and logo of the Board to better market and educate stakeholders. – The Board, in consultation with the DCA, created a new logo. The new logo was approved by the full board at its June 2019 Board Meeting.

Objective 3.6 – Attend schools, conventions, and other outreach events to be proactive in informing the public and potential licensees about the Board. – The Board’s Executive Director has attended several outreach events that include, but are not limited to, the 2020 OPSC Annual Meeting, an OPSC Townhall meeting and presentations with osteopathic schools in California.

Objective 3.7 – Audit the website and develop content to keep it up-to-date, innovative, and informative, and to drive stakeholders to the website. – The Board worked in conjunction with DCA to update its website to make it more user-friendly and easier to navigate. The new website should be rolled out by the end of this fiscal year.

Strategic Goal #4 – Regulation and Legislation

Objective 4.2 – Explore hiring a consultant or pursuing a dedicated staff person to better track regulations and legislation – The Board is planning to submit a budget change proposal during the next fiscal year's budget cycle.

Strategic Goal #5 – Board Administration

Objective 5.1 – Research options available to collaborate and utilize SOLID to assist in creating a more cohesive team – Board staff attended SOLID's True Colors class. This class helps staff understand their personality traits as well as their coworker's personality traits. The class was a good team-building exercise for the Board. Increasing morale and building a stronger culture is an ongoing process and the Board plans to utilize SOLID moving forward.

Objective 5.8 – Develop a Board member orientation packet to provide to new Board members during onboarding – The Board created a Board member orientation packet in August 2021. The Board onboarded its most recent Board Member, Denise Pines, on August 25, 2021.

COVID-19 Update:

On March 19, 2020, Governor Newsom issued Executive Order N-33-20. This Executive Order provided a stay at home order for the citizens of California, except as needed to maintain continuity of operations. Board management determined that all Board staff are considered essential at this time considering the nature of the profession. Board management set up a telework schedule for staff that ensures that operational needs are met. Staff are required to intermittently work from the office while maintaining the appropriate social distancing guidelines.

On March 30, 2020, Governor Newsom issued Executive Order N-39-20. This Executive Order authorized the Director of the Department of Consumer Affairs (DCA) to waive any of the professional licensing requirements and amend scopes of practice in Division 2 of the Business and Professions Code and regulations. The following waivers have been issued during the pandemic:

- **DCA 21-175 Continuing Education** – Active licensees that expire between March 31, 2020 and September 30, 2021 are temporarily exempt from completing or demonstrating compliance with any continuing education requirements in order to renew a license. These licensees must satisfy any waived renewal requirements within six months of the waiver, which was issued on July 26, 2021. Additionally, these waivers do not apply to any continuing education required pursuant to a disciplinary order against a license.
- **DCA 21-187 Reinstatement of Licensure** – Inactive licensees who are seeking to reactivate their license are temporarily exempt from completing or demonstrating compliance with any continuing education requirements. Additionally, these licensees do not need to pay any fees in order to reactivate their license. These licenses are valid for a maximum of six months, or when the State of Emergency ceases to exist, whichever is sooner. Additionally, licenses that were surrendered or revoked pursuant to disciplinary proceedings or any licensee who entered an inactive status following an initiation of a disciplinary proceeding are not eligible for this waiver.
- **DCA 21-168 Postgraduate Training License (Initially enrolled June 1, 2020 – July 31, 2020)** – Individuals who were initially enrolled in an approved postgraduate training program in California between June 1, 2020 and July 31, 2020, and who are required to obtain a postgraduate training license within 180 days of their enrollment, this waiver extends the time to obtain the postgraduate training license to August 31, 2021.
- **DCA 21-167 Postgraduate Training License (Enrolled January 1, 2020)** – Individuals who were enrolled in an approved postgraduate training program in California on January 1, 2020, and

who are required to obtain a postgraduate training license by June 30, 2020, this waiver extends the time to obtain the postgraduate training license to August 31, 2021.

COVID-19 Testing

Beginning September 23, 2021, any state employee that has not verified as fully vaccinated for COVID-19 must get tested weekly in order to work in the office. DCA has been instrumental in assisting the Board through this process. Board staff that are not vaccinated will utilize DCA Headquarters as their testing location.

ENFORCEMENT REPORT

OMBC Enforcement Report

September 23, 2021

The following OMBC Enforcement Report covers the fiscal year 2021 (July 1, 2020 through June 30, 2021). The OMBC Enforcement Report is divided into five sections: Intake, Investigations, Enforcement, Performance Measures, and Probation. The data is collected from the DCA Enforcement Reports and ad hoc reports created in IBM Cognos Analytics.

COMPLAINT INTAKE

	3Q 2020			4Q 2020			1Q 2021			2Q 2021			Totals
TOTAL INTAKE	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	
Received	52	46	57	51	54	35	49	44	67	54	49	48	606
Assigned/Closed	108	53	29	156	24	35	72	22	45	73	29	30	676
Aging	86	61	41	48	18	25	41	23	20	34	24	29	37
Pending	110	144	163	107	100	128	23	53	53	30	42	59	

Data Table 1: Complaint Intake with Convictions/Arrests

In Data Table 1 above, under TOTAL INTAKE, OMBC received 606 complaints (34 convictions/arrests). 676 complaints were either assigned or closed and the average aging for this period was 37 days. (The aging for intake measures the period from the date the complaint was received to the date the complaint was assigned). In Figure 1.1 below we see pending complaints drop significantly starting in January 2021 which was a result of the Board addressing the backlog of complaints during 3Q and 4Q 2020.



Figure 1.1: Intake Totals Per Month

INVESTIGATIONS

Desk (internal) Investigations

	3Q 2020			4Q 2020			1Q 2021			2Q 2021			Totals
Desk Inv.	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	
Assigned	108	53	29	156	24	34	72	22	45	73	28	30	674
Completed	32	23	33	97	51	76	55	38	53	42	32	39	571
Aging	21	70	72	133	146	173	91	222	132	202	123	88	123
Pending	260	289	286	346	322	280	297	281	275	307	303	292	193

Data Table 2: Desk Investigations

For all desk investigations during this period, Data Table 2 above breaks down the monthly totals for how many complaints were assigned and completed; the monthly aging and cases pending. During this period, a total of 674 cases were assigned to desk investigations and 571 cases were completed. The average number of days to complete a desk investigation was 123 days. In Figure 2.1 on the following page, the assigned and completed caseloads averaged around 50 per month except for the month of October. Pending desk investigations increased from 200 to 350 from 2Q 2020 to 4Q 2020 and leveled off to around 300 prior to 1Q 2021.

OMBC Enforcement Report

September 23, 2021

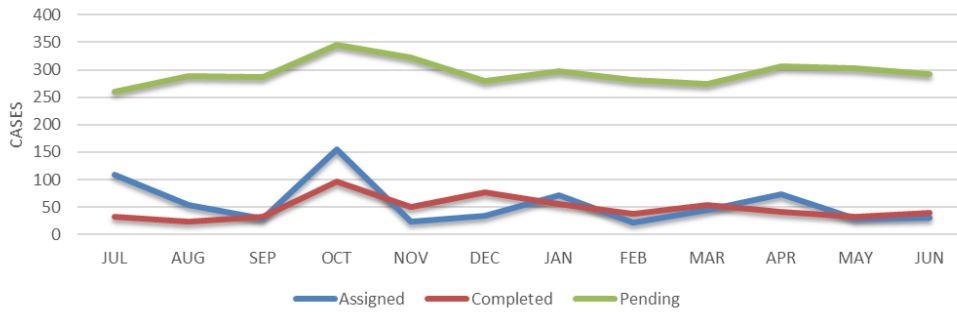


Figure 2.1: Desk Investigations Monthly Totals

Division of Investigation (DOI) Field Investigations

	3Q 2020			4Q 2020			1Q 2021			2Q 2021			Totals
Field Inv.	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	
Assigned	1	1	1	5	2	5	5	4	3	8	1	3	39
Completed	1	3	3	2	2	2	4	2	4	4	2	7	36
Aging	962	365	517	591	814	602	871	665	565	511	773	372	621
Pending	52	50	48	51	51	54	55	57	56	60	59	59	

Data Table 3: Field Investigations

Data Table 3 above breaks down the monthly totals for cases assigned to the Division of Investigations. Completed cases are either closed with insufficient evidence or referred to the Attorney General’s office for disciplinary action. During this 12-month period, 39 cases were assigned to field investigations; 36 were completed; and 59 cases were pending at the end of 1Q 2021. The average number of days to complete a field investigation was 621 or about 21 months.

The case complexity is the grouping of the complaint allegations. In Figure 3.1, for all 28 completed field investigations, there were 11 excessive prescribing cases (31%); 4 unprofessional conduct (11%); 8 sexual misconduct cases (22%); 3 criminal (9%); 3 fraud cases (8%); 3 negligent cases (8%); 3 substance abuse cases (8%); and 1 unlicensed practice (3%).

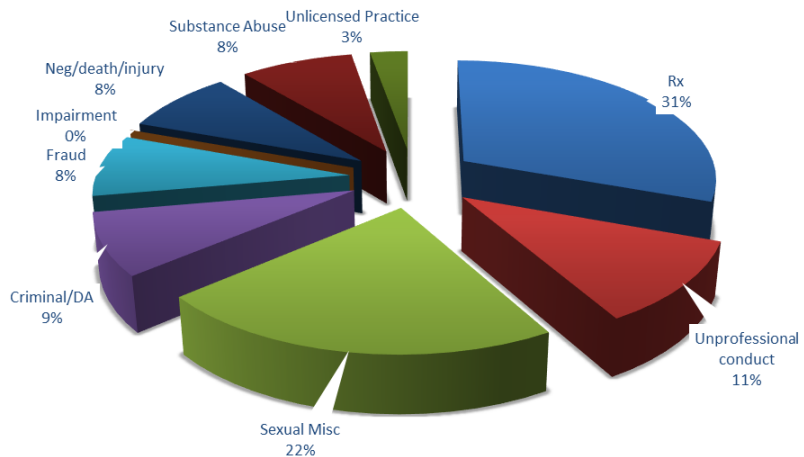


Figure 3.1 Complexity for completed Field Investigations

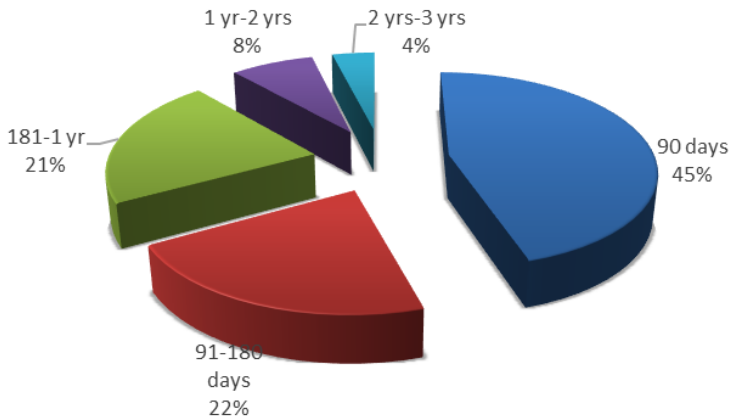
OMBC Enforcement Report

September 23, 2021

Aging for All Investigations

All Inv Aging	3Q 2020			4Q 2020			1Q 2021			2Q 2021			Totals
	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	
90 days	28	15	22	47	23	29	27	5	23	6	15	15	255
91-180 days	3	3	1	14	15	17	16	7	17	10	2	17	122
181-1 yr		5	9	24	7	23	8	15	6	14	5	5	121
1 yr-2 yrs		2	3	9	3	6	1	5	1	7	3	3	43
2 yrs-3 yrs	1		1	1	3	2	3	2	2	3	2	2	22
Totals	32	25	36	95	51	77	55	34	49	40	27	42	563

Data Table 4: All Investigations Aging



In Data Table 4 and Figure 4.1 we see the aging matrix for the number of all investigations that were closed per month during this period. 255 cases (45%) were completed within 90 days; 122 cases (22%) were completed between 91-180 days; 121 cases (21%) were completed between 181-365 days; 43 cases (8%) were completed between 1 – 2 years; and 22 cases (4%) were completed between 2-3 years. 377 (67%) investigations were completed within 6 months; and 498 (88%) were completed within a year.

Figure 4.1: All Investigation Aging

ENFORCEMENT ACTIONS

	3Q 2020			4Q 2020			1Q 2021			2Q 2021			Totals
	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	
AG Cases Initiated	0	1	0	2	2	2	1	3	1	1	2	4	19
Acc/SOI Filed	0	1	1	0	1	1	0	1	1	0	1	2	9
Final Disciplinary Order	1	0	5	0	2	1	1	1	0	1	0	1	13
Acc W/drawn/declined	0	0	0	0	0	0	0	0	0	0	0	0	0
Closed w/out Disc Actio	0	1	0	0	0	2	0	1	0	1	0	0	5
Citations	0	0	0	2	1	0	0	0	0	0	0	0	3
ISO/PC23	0	0	0	0	1	1	0	0	0	0	0	1	3
AG Cases Pending	25	26	19	21	20	21	20	21	22	23	24	26	

Data Table 5: Enforcement Actions

For all enforcement actions, Data Table 5 above breaks down the monthly totals for each disciplinary action. During this 12-month period, 19 cases were transmitted to the Attorney General’s Office for disciplinary actions; 9 Accusations/SOI were filed; 13 Final Disciplinary Orders were filed; 0 accusation withdrawn; 5 cases were closed without disciplinary action; 3 citations issued; and 3 ISO/PC23 Court Ordered suspension/restrictions were filed. 26 AG cases pending at the end of 1Q 2021.

OMBC Enforcement Report

September 23, 2021

Aging for Final Disciplinary Orders

Total Orders Aging	3Q 2020			4Q 2020			1Q 2021			2Q 2021			Totals
	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	
90 Days	0	0	0	0	0	0	0	0	0	0	0	0	0
91-180 Days	0	0	1	0	0	0	0	0	0	0	0	0	1
181 - 1 Yr	0	0	0	0	0	0	0	0	0	0	0	0	0
1 - 2 Yrs	0	0	1	0	0	1	0	0	0	0	0	0	2
2 - 3 Yrs	0	0	0	0	1	0	0	0	0	0	0	0	1
3-4 Yrs	1	0	2	0	1	0	1	1	0	1	0	1	8
4 yrs	0	1	0	0	0	0	0	0	0	0	0	0	1
Totals	1	1	4	0	2	1	1	1	0	1	0	1	13

Data Table 6: Final Orders Aging Matrix

In Data Table 6 and Figure 6.1 we see the aging matrix of the 13 Final Disciplinary Orders that were completed during this 12-month period. The chart displays the percentage of cases distributed within each aging period: 1 case completed (8%) within 91-181 days; 0 cases completed (0%) within 181-365 days; 2 cases (15%) within 1-2 years; 1 case (8%) within 2-3 years; 8 cases (61%) within 3-4 years; and 1 cases (10%) after 4 years. Of the 13 Disciplinary Orders imposed (Figure 6.2 below), there were 9 probationary orders; 1 probation with suspension; 1 revocation; 1 surrender; and 1 public reprimand.

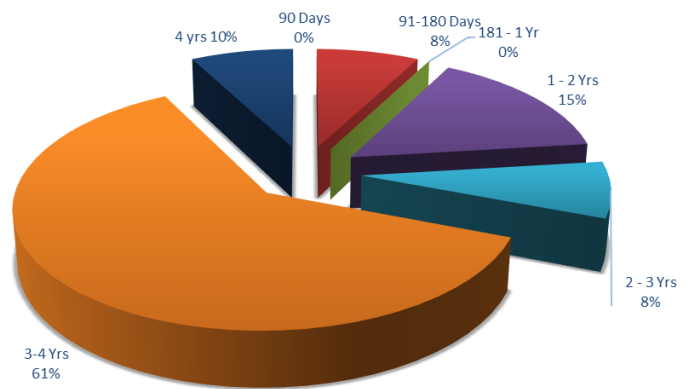


Figure 6.1: Final Orders Aging

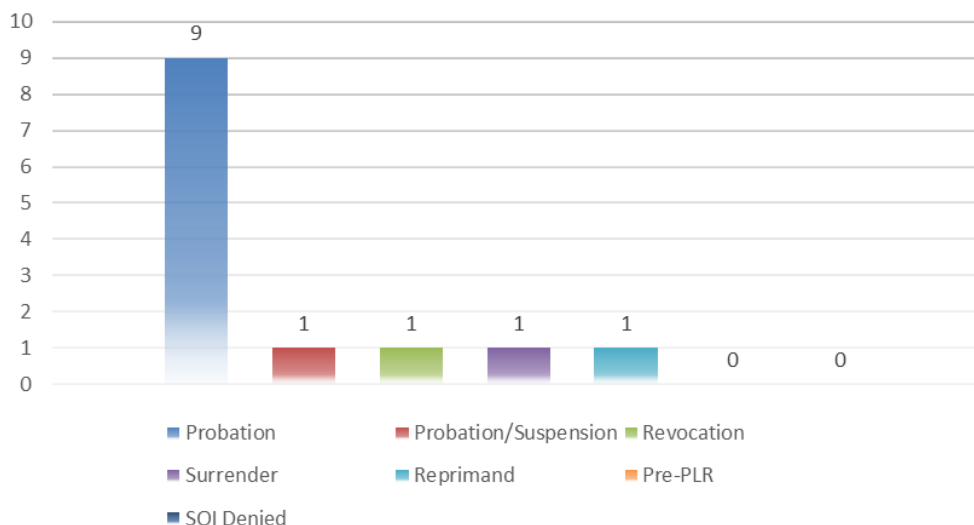


Figure 6.2: Final Disciplinary Actions Imposed

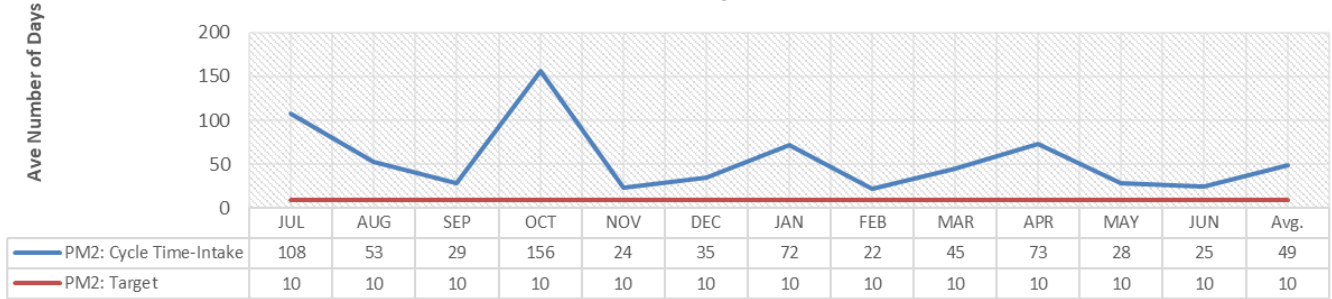
OMBC Enforcement Report

September 23, 2021

PERFORMANCE MEASURES

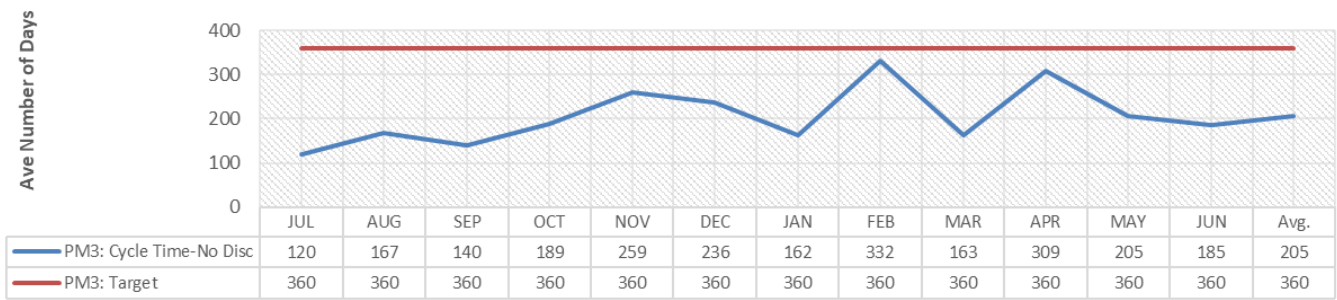
PM2: CYCLE TIME-INTAKE: Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

Performance Measures 2: Cycle Time - Intake



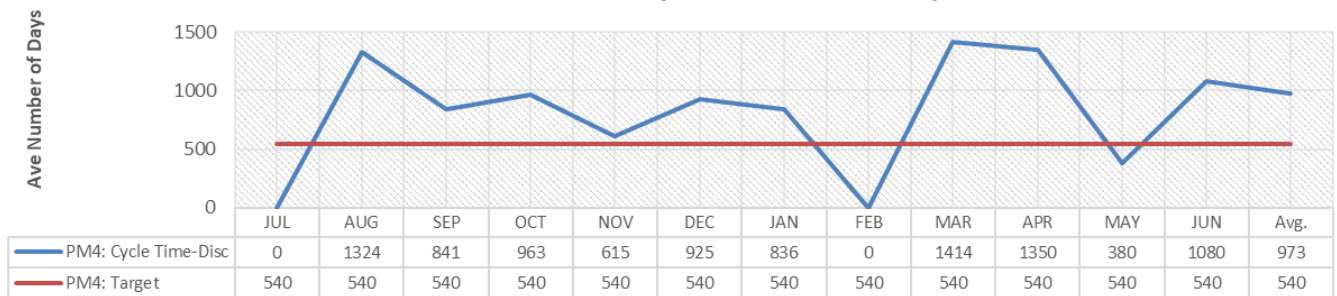
PM3: CYCLE TIME – INTAKE & INVESTIGATION: Average number of days to complete the entire enforcement process for cases not transmitted to the Attorney General. (Includes intake and Investigation)

Performance Measures 3: Cycle Time - Investigations (No Discipline)



PM4: CYCLE TIME – FORMAL DISCIPLINE: Average number of days to complete the entire enforcement process for cases transmitted to the Attorney General for formal discipline. (Includes intake, investigation, and transmittal outcome)

Performance Measures 4: Cycle Time - Formal Discipline

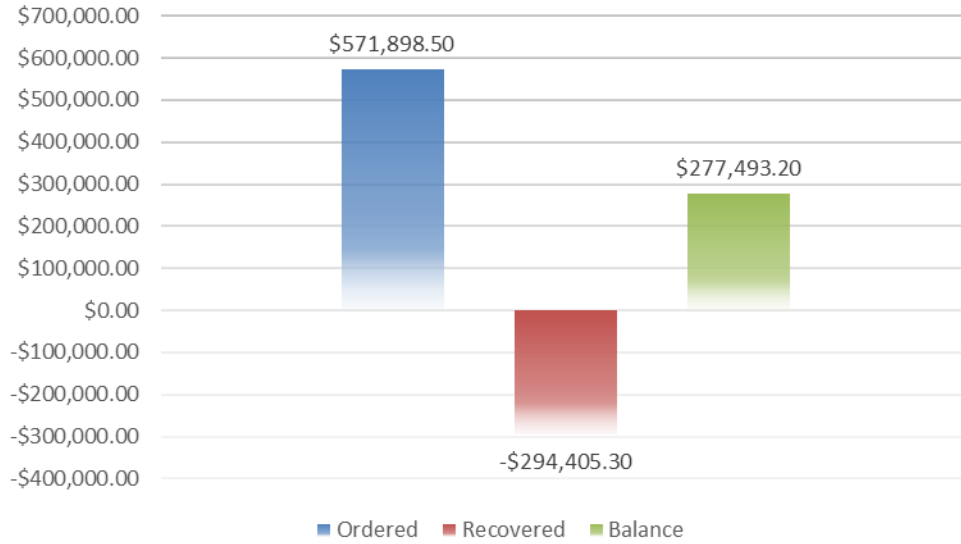


OMBC Enforcement Report

September 23, 2021

PROBATION

As of 9/2/2021, There are 40 probation case and 3 compliance monitoring cases; of which 13 cases are tolled. During FY 2021, 7 probationary cases were closed, and 10 cases were opened. The total cost recovery ordered to date is \$516,020.49. \$308,172.80 has been paid, leaving a balance of \$207,847.69.



Tab 7



MEMORANDUM

DATE	September 13, 2021
TO	Board Members
FROM	Mark Ito Executive Director
SUBJECT	Pending Legislation – Agenda Item 9

Listed below are the key bills that the Board has been following:

AB 29 State Bodies: meetings
Cooper (D)

SUMMARY: This bill would require all meetings of a state body’s notice to include all writings or materials provided for the noticed meeting to a member of the state body by the staff of a state agency, board, or commission, or another member of the state body that are in connection with a matter subject to discussion or consideration at the meeting. The bill would require those writings or materials to be made available on the state body’s internet website, and to any person who requests the writings or materials in writing, on the same day as the dissemination of the writings and materials to members of the state body or at least 72 hours in advance of the meeting, whichever is earlier. The bill would prohibit a state body from discussing those writings or materials, or from taking action on an item to which those writings or materials pertain, at a meeting of the state body unless the state body has complied with these provisions.

INTRODUCED: December 7, 2020
DISPOSITION: Pending
LOCATION: Assembly Committee on Appropriations
STATUS: May 20, 2021 – Held under submission

AB 105 The Upward Mobily Act of 2021: boards and commissions: civil service: examinations: classifications
Holden (D)

SUMMARY: This bill would, among other things, establish that it is the policy of the state that the composition of state boards and commissions be broadly reflective of the general public, removing reference to ethnic minorities or women from this policy. This bill would also require, on or after January 1, 2022, all state boards and commissions consisting of one or more volunteer members or commissioners, to have at least one volunteer board member or commissioner from an underrepresented community, as defined. This bill would further clarify that new board or commission members should be replaced, under these parameters, as vacancies occur.

INTRODUCED: December 14, 2020
LAST AMENDED: August 31, 2021
DISPOSITION: Pending
LOCATION: Assembly
STATUS: September 9, 2021 – Enrolled

AB 107 Licensure: veterans and military spouses
Salas (D)

SUMMARY: This bill would require most boards and bureaus within the Department of Consumer Affairs (Department) to issue temporary licenses to military spouses meeting specified criteria. Temporary licenses would be required to be issued within 30 days of receiving an application if the results of a criminal background check do not show grounds for denial. Regulations to implement this bill would be due to the Department by June 15, 2022, if required. The Department would also be required to submit an annual report to the Legislature on licensure of military members, veterans, and spouses.

INTRODUCED: December 16, 2020
LAST AMENDED: September 7, 2021
DISPOSITION: Enrolled
LOCATION: Assembly
STATUS: September 8, 2021 – To Engrossing and Enrolling

AB 356 Fluoroscopy: temporary permit
Flora (R) and Santiago (D)

SUMMARY: This bill would authorize the State Department of Public Health to issue a nonrenewable, temporary fluoroscopy permit to a licensed physician and surgeon or a licensed doctor of podiatric medicine who has submitted an application, is awaiting examination for a fluoroscopy certificate, and has used fluoroscopy in another state.

INTRODUCED: February 1, 2021
LAST AMENDED: September 3, 2021
DISPOSITION: Enrolled
LOCATION: Assembly
STATUS: September 9, 2021 – To engrossing and enrolling

AB 359 Physicians and surgeons: licensure: examination
Cooper (D)

SUMMARY: This bill would allow physicians and surgeons to be eligible for a California medical license even if they required more than four attempts to pass Step 3 of the USMLE examination as long as they are licensed in another state and meet other requirements. This bill would also expand the scope of topics allowed for continuing medical education to include certain administrative issues.

INTRODUCED: February 1, 2021
LAST AMENDED: August 26, 2021
DISPOSITION: Enrolled
LOCATION: Assembly
STATUS: September 9, 2021 – To engrossing and enrolling

AB 361 Open meetings: state and local agencies: teleconferences
Rivas (D)

SUMMARY: This bill, until January 31, 2022, would authorize a state body to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body.

INTRODUCED: February 1, 2021
LAST AMENDED: September 3, 2021
DISPOSITION: Enrolled
LOCATION: Assembly
STATUS: September 10, 2021 – To engrossing and enrolling

AB 1156 Healing Arts: medical school graduates: postgraduate training license
Weber (D)

SUMMARY: This bill would reduce the required months of board-approved postgraduate training required to be issued a physician's and surgeon's license to 12 months for graduates of medical schools in the United States and Canada or 24 months for graduates of foreign medical schools other than Canadian medical schools, and make conforming changes.

INTRODUCED: February 18, 2021
LAST AMENDED: June 22, 2021
DISPOSITION: Pending (2 Year Bill)
LOCATION: Senate Committee on Education
STATUS: June 24, 2021 – Re-referred to the Senate Committee on Education

AB 1236 Healing Arts: licensees: data collection
Ting (D)

SUMMARY: This bill would standardize the licensee demographic data that must be collected by all healing arts boards. Several board-specific data collection requirements would be repealed. Aggregate information collected must be posted on each board's website and provided to the Office of Statewide Health Planning and Development.

INTRODUCED: February 19, 2021
LAST AMENDED: April 29, 2021
DISPOSITION: Pending
LOCATION: Assembly Committee on Appropriations
STATUS: June 1, 2021 – Ordered to Inactive File

AB 1278 Physicians and surgeons: payment or transfer of value: disclosure: notice
Nazarian (D)

SUMMARY: This bill would require a physician and surgeon who receives a payment or transfer of value from a drug or device company, to disclose the source of the payment or transfer of value in writing to each patient or patient representative prior to the intended use of the device or drug. Physicians and surgeons would have to post a notice about the CMS Open Payments database on their website and in their practice location.

INTRODUCED: February 19, 2021
LAST AMENDED: July 13, 2021
DISPOSITION: Pending
LOCATION: Senate Committee on Appropriations
STATUS: August 26, 2021 – Held under submission

AB 1477 Maternal mental health
Cervantes (D)

SUMMARY: This bill would require a health care practitioner, who practice prenatal and postpartum care to offer mothers a mental health screening at least once during pregnancy and once postpartum.

INTRODUCED: February 19, 2021
LAST AMENDED: September 1, 2021

DISPOSITION: Enrolled
LOCATION: Assembly
STATUS: September 7, 2021 – To engrossing and enrolling

**AB 1534 California State Board of Optometry: optometry: opticianry
Committee on Business and Profession**

SUMMARY: This bill would, starting January 1, 2023, authorize a physician and surgeon, as defined, to execute a lease or other written agreement with an optometrist, pursuant to specified conditions contained in a written agreement establishing the landlord-tenant relationship, as described above. The bill would specify that an optometrist, a registered dispensing optician, a physician and surgeon, an optical company, or a health plan may also enter into a sublease with an optometrist. This bill would additionally authorize the Medical Board of California and the Osteopathic Medical Board of California to issue a citation containing an order of abatement, an order to pay an administrative fine, or both, to a physician and surgeon for a violation of these provisions. The bill would require complaints against a physician and surgeon to be referred to that physician and surgeon's licensing board.

INTRODUCED: February 19, 2021
LAST AMENDED: September 3, 2021
DISPOSITION: Enrolled
LOCATION: Assembly
STATUS: September 10, 2021 – To engrossing and enrolling

**SB 310 Unused medications: cancer medication recycling
Rubio (D)**

SUMMARY: This bill would establish, until January 1, 2027, a program for the collection and distribution of eligible unused cancer medications, to be known as the Cancer Medication Recycling Act. The bill would require each participating practitioner, as defined, in the collection and distribution of those medications to be registered with a surplus medication collection and distribution intermediary, as specified, and would require a surplus medication collection and distribution intermediary to create a registry for up to 50 participating practitioners, including developing both a donor and a recipient form containing specified information. The bill would authorize a surplus medication collection and distribution intermediary to charge a fee, not to exceed \$300, as specified, to issue or renew the registration certificate of a participating practitioner under the program. The bill would require participating practitioners to meet specified requirements, including the establishing criteria for determining medication distribution to patients.

INTRODUCED: February 4, 2021
LAST AMENDED: August 30, 2021
DISPOSITION: Enrolled
LOCATION: Senate
STATUS: September 10, 2021 – To engrossing and enrolling

**SB 731 Criminal Records: relief
Durazo (D) and Bradford (D)**

SUMMARY: This bill would, commencing July 1, 2023, generally make this arrest record relief available to a person who has been arrested for a felony, including a felony punishable in the state prison, as specified. The bill would, commencing July 1, 2023, additionally make this conviction record relief available for a defendant convicted, on or after January 1, 2005, of a felony for which they did not complete probation without revocation if the defendant appears to have completed all terms of incarceration, probation, mandatory supervision, post release supervision, and parole, and a period of four years has elapsed during which the defendant was not convicted of a new offense.

INTRODUCED: February 19, 2021
LAST AMENDED: September 2, 2021

DISPOSITION: Pending
LOCATION: Assembly Committee on Appropriations
STATUS: September 10, 2021 – Read third time. Refused passage.

SB 806 Healing Arts
Roth (D)

SUMMARY: This is the Board's Sunset Bill. This bill would require each application for a postgraduate training license to be made upon an online electronic form, or on another form provided by the board. The bill would additionally authorize a postgraduate licensee to engage in the practice of medicine by signing forms a physician and surgeon is authorized to sign. The bill would require a postgraduate licensee to have received 12 months of board-approved postgraduate training for graduates of medical schools in the United States and Canada, or 24 months of board-approved postgraduate training for graduates of foreign medical schools, as provided, before being issued a physician's and surgeon's license pursuant to the attestation of the program director, or other specified individual. By requiring an attestation by the program director, or other specified individual, the bill would expand the scope of the crime of perjury, thereby imposing a state-mandated local program. The bill would authorize the board to grant an extension beyond 15 months to a postgraduate licensee who graduated from a medical school in the United States or Canada, or beyond 27 months to a postgraduate training licensee who graduated from a foreign medical school, as provided, to receive credit for the required training. For individuals issued a physician's and surgeon's license by the board on or after January 1, 2022, the bill would require, at the time of initial renewal, a physician and surgeon to show evidence satisfactory to the board that the applicant has received credit for at least 36 months of board-approved postgraduate training, as specified. The bill would require that the physician's and surgeon's certificate be automatically placed in delinquent status by the board if the holder does not show satisfactory evidence of credit. The bill would authorize the board to renew a physician's and surgeon's license if the applicant has demonstrated substantial compliance, as provided. The bill would require postgraduate trainees with a physician's and surgeon's license to provide documentation to the board that they have completed postgraduate training, or provide documentation to the board in which their program director, or other specified individual, attests that they are in good standing and making progress to complete their training.

INTRODUCED: February 19, 2021
LAST AMENDED: September 3, 2021
DISPOSITION: Enrolled
LOCATION: Senate
STATUS: September 10, 2021 – To engrossing and enrolling

Tab 8

Osteopathic Medical Board

Future Agenda Items

Agenda Item	Requestor

Tab 9

Osteopathic Medical Board

Future Meeting Dates

Date	Place	Time
Thursday September 23, 2021	Teleconference	10:00 am
Thursday January 20, 2022	Teleconference	10:00 am

**Please note that all meetings should be held in the best interest of the Board. Meetings in resorts or vacation areas should not be made. Using Conference areas that do not require contracts and or payment is the best option for the Board. No overnight travel. If an employee chooses a mode of transportation which is more costly than another mode, a Cost Comparison form must be completed. Reimbursement by the State will be made at the lesser of the two costs. Taxi Service should be used for trips within but not over a 10-mile radius. Receipts are required for taxi expenses of \$10.00 and over. Tips are not reimbursable.*