



Osteopathic Medical Board of California

Teleconference Minutes

September 23, 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.
Denise Pines, MBA

**MEMBERS
ABSENT:**

None

**STAFF
PRESENT:**

Sabina Knight, Esq., Legal Counsel, DCA
Michael Kanotz, Esq., Legal Counsel, DCA
Mark Ito, Executive Director
Terri Thorfinnson, Assistant Executive Director
Machiko Chong, Executive Analyst
Corey Sparks, Enforcement Analyst

**MEMBERS OF
THE AUDIENCE:**

Kathleen Tarr
Michelle Monserrat Ramos, *Consumer Watch Dogs Los Angeles*
Xavier De Leon, *Advocate Father, Bakersfield California*
Tracy Dominguez, *Bakersfield Advocate*

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 10:02 a.m. Executive Analyst, 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)]

Kathleen Tarr addressed concerns that she had regarding a closed complaint that was submitted to the Board and included recommendations that she felt the Board should adhere to when reviewing complaints and providing response to members of the public.

Michelle Monserrat-Ramos introduced herself to the Board and provided a quick background of her work as an advocate.

Agenda Item 3 Review and Possible Approval of Minutes

Dr. Buhari called for a motion for approval of the meeting minutes of the May 13, 2021 Teleconference Board Meetings.

Motion to approve the May 13, 2021 Teleconference Board Meeting minutes with no corrections.

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

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

- Motion carried to approve the May 13, 2021 Teleconference Board Meeting minutes with no corrections.

Agenda Item 4 Petition for Modification of Probation, David Keith Padgett, D.O., 20A 5134

The Office of Administrative Hearing (OAH) Administrative Law Judge (ALJ) Regina Brown 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.

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RECONVENE IN OPEN SESSION

Agenda Item 5 Department of Consumer Affairs (DCA) Update – Brianna Miller

Brianna Miller, DCA Board and Bureau Relations, congratulated Ms. Pines on her appointment to the Board, and provided members with an update on the current professional vacancies on the Board and how physicians may apply. Ms. Miller informed the board members that on September 16, 2021, Governor Newsom extended legislation amending the Bagley-Keene Open Meeting Act, subsequently allowing remote meetings to continue for the safety of Board members, staff and members of the public. Those Boards that opt to commence with in-person meetings may do so; however, Boards must notify DCA immediately to coordinate the use of teleconference options for members of the public, vaccination verifications and testing options. Ms. Miller also provided an update on DCA staff vaccination and testing requirements that must be complied with to combat the spread of COVID-19.

Agenda Item 6 Budget Report – Mark Ito, Executive Director

Mr. Ito provided the Board with a detailed overview of the Board's budget for the fiscal year. Mr. Ito explained how the Board's Fund Condition Report should be read and indicated that the OMBC has a healthy fund condition anticipating that the Board will more than likely spend more than what they will bring in, however the fund condition will remain in a healthy condition. Currently, the Board has 16.8 months in reserve

Dr. Jensen inquired on the number of months the Board is aiming for to remain in reserve and was advised by Mr. Ito that the Board wants to prevent falling into the 3–6 month timeframe for months in reserve.

Ms. Pines inquired if the Board had a statute regarding what the lowest possible months in reserve that the Board must avoid and why the Projections to Year End and prior year ratio mirror each other on the Expenditure Projection Report. Mr. Ito informed her that he was not aware of any statutes regarding the lowest number of months possible, however he stated that he would look into it. Regarding the percentage growth Mr. Ito stated that he recently provided the Budget Office with a growth report that should reflect the change in fund condition for the Board.

Ms. Mercado requested if it was possible to receive an update on how much revenue the Board is receiving from the licensing of new physicians and was informed by Mr. Ito that it would be addressed in his Executive Director's Report.

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Agenda Item 7 Update on Board Rulemaking Proposal

Mr. Ito provided the Board with a brief synopsis of the Board's regulatory packets that have been drafted, informing the Board Members of each regulatory packet proposal and current standing.

Ms. Mercado requested that Board Members be provided with CME roll out benchmarks and information regarding how both physicians and Board Staff are adapting to the rollouts. Mr. Ito thanked Ms. Mercado and stated that he would keep Board Members abreast of the changes.

Agenda Item 8 Executive Director's Report – Mark Ito

Mr. Ito updated the Board on licensing statistics & staffing. Additionally, he provided updates regarding the Board's Strategic Plan Rollout and COVID-19 mandates, 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.

Mr. Ito explained the intake process to Board members and advised Board members that the current processing timeframes for complaints received by staff is currently at 9 days.

Ms. Pines inquired on the number of Interim Orders of Suspension (ISO) and 805s the Board receives annually and asked if the information could be included in the future Enforcement reports. She was advised by Mr. Sparks that the Board had three (3) PC 23 cases in the prior year, however the information was not included in the report that was presented. Mr. Sparks added that the Board does not typically receive many 805s, and the average received by the board is 3-5 cases a year.

Ms. Pines inquired on the level of involvement of Attorney General's (AG) Office with OMBC cases and on the status of the outstanding Cost Recovery owed to the Board. Mr. Sparks stated that the Board currently has 2 cases that are being worked by the AG's Office. Additionally, he noted that the Cost Recovery owed to the Board is as of the current fiscal year and there is no past balance that is due.

Public Comment:

Xavier DeLeon, Advocate Father, Bakersfield California stated that the assigned and closed columns listed in the Enforcement Report complaint intake could be misleading to members of the public. Mr. DeLeon noted that there is no differentiation between the assigned and closed cases and the column simply merges all of the cases together, so it can be slightly misleading.

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Tracy Dominguez, *Bakersfield Advocate*, agreed with Mr. DeLeon's sentiments regarding the Enforcement Report charts citing that they were unclear, and do not show where the cases are assigned to, indicate whether they are closed or if they are going to investigation. She requested more transparency of case status for members of the public.

Agenda Item 9 Discussion and Possible Action on Pending Legislation

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 Future Agenda Items

- Licensee Demographics
- Web Site (Revision) – Update

Agenda Item 11 Future Meeting Dates

- Thursday January 20, 2022 @ 10:00 am – *TBD*
- Thursday April 14, 2022 @ 10:00 am – *TBD*
- Thursday August 18, 2022 @ 10:00 am – *TBD*

Agenda Item 12 Adjournment

There being no further business or public comment, Dr. Buhari adjourned the meeting at 2:49 p.m.