



Osteopathic Medical Board of California

Teleconference Minutes

April 14, 2022

**MEMBERS
PRESENT:**

Elizabeth Jensen, D.O., Vice President
Andrew Moreno, Secretary Treasurer
Gor Adamyan
Claudia Mercado
Hemesh Patel, D.O.
Denise Pines, MBA

**MEMBERS
ABSENT:**

Cyrus Buhari, D.O., President

**STAFF
PRESENT:**

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:**

Douglas Murray, Esq, General Counsel, National Board of
Osteopathic Medical Examiners (NBOME)
William Loyd, DCA Budget Office
Carrie Holmes, DCA Board and Bureau Relations
Kathleen Tarr
Susan Lauren
Xavier De Leon, Advocate Father, Bakersfield California
Tracy Dominguez, Bakersfield Advocate
Michelle Monserrat Ramos, Consumer Watch Dogs Los Angeles

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 Vice President, Elizabeth Jensen, D.O. at 10:19 a.m. Executive Analyst, Machiko Chong, called roll and determined a quorum was present. Each of the Board Members in

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attendance gave their name and teleconference address. Due notice was provided to all interested parties.

- **Elizabeth Jensen, D.O.**, San Mateo Medical Center, 222 W 39th Ave, San Mateo, CA 94403; No member of the public was present at this location.
- **Andrew Moreno**, Department of Consumer Affairs, 1747 N. Market Blvd., Hearing Room, Sacramento CA 95834; No member of the public was present at this location.
- **Gor Adamyan**, Avia Billing & Consulting, 4640 Lankershim Blvd., Ste. 105, Toluca Lake CA 91602; No member of the public was present at this location.
- **Claudia Mercado**, Department of Consumer Affairs, 1747 N. Market Blvd., Hearing Room, Sacramento CA 95834; No member of the public was present at this location.
- **Hemesh Patel, D.O.**, College of Osteopathic Medicine of the Pacific - Western University, 309 E Second St., Health Education Center 1st Floor, Classroom D, Pomona CA 91766; No member of the public was present at this location
- **Denise Pines, MBA**, Division of Investigation – HQUI, 12750 Center Court Drive, Suite 750, Cerritos CA 90703; No member of the public was present at this location

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 thanked the board for offering multiple locations so that consumers could participate in the quarterly board meeting. However, she did address concerns regarding the board's ability to stand by its mission of consumer protection, and the promotion of professional standards in the practice of osteopathic medicine. She made a request to have the Board discuss, update, and revise board policy regarding timely response and communication for all consumer complaints received.

Susan Lauren expressed concern regarding a complaint that had previously been reviewed by the Board. She made a request that the Board consider requesting co-authored records for further clarification and transparency. She also requested that the Board designate a consumer advocate and also create a hotline where report of physician harm could be made.

Xavier De Leon expressed his concern of the enforcement process noting that he felt that consumers are still discouraged from filing complaints to the Board, in times where they really need answers and assistance.

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Tracy Dominguez expressed concern regarding a complaint that is currently being reviewed by the Board, and the difficulty that she has had in resolving the matter as an advocate and voice for her grandson.

Dr. Jensen thanked everyone for their comments and recommended that the Board place the complaint and enforcement process as an item to revisit at the next board meeting.

Agenda Item 3 Review and Possible Approval of Minutes

Dr. Jensen called for a motion for approval of the meeting minutes of the January 20, 2022, Teleconference Board Meetings.

Motion to approve the January 20, 2022, Teleconference Board Meeting minutes with no corrections.

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

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

- Motion carried to approve the January 20, 2022, Teleconference Board Meeting minutes with no corrections.

Agenda Item 4 Petition for Early Termination of Probation, Amy L. Seinfeld, D.O., 20A 10343

Agenda Item 5 Petition for Early Termination of Probation, Alma L. Dehdashti, D.O., 20A 13921

The Office of Administrative Hearings (OAH) Administrative Law Judge (ALJ) Thomas Heller conducted the above hearings.

Agenda Item 6 CLOSED SESSION

The Board met in closed session to deliberate on the above listed petitions pursuant to Government Code section 11126(c)(3).

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Agenda Item 7 Budget Report – William Loyd, DCA Budget Office

Bill Loyd, DCA Budget Office, provided the Board with a detailed overview of the Board's budget for the fiscal year. Ms. Mercado noted that there was a decrease in the Board's months in reserve going into 2022-23. Mr. Loyd stated that it was due to an increase in expenditures and a decrease in the revenue in the current fiscal year. She also inquired about the enforcement costs and inquired if there was something that the board could do to prevent a decrease in the Board's months in reserve. Mr. Loyd explained that enforcement costs can be unpredictable based on the number of complaints or referrals the board receives for action so it can be difficult to plan the best course of action needed to prevent a decrease in the Board's reserve.

Mr. Moreno inquired on an acceptable range for the months in reserve. Mr. Loyd informed Mr. Moreno that the Board should strive to maintain not less than 6 months in reserve. Based on the current data, the Boards fund seems healthy.

Mr. Ito thanked Mr. Loyd for his presentation and noted that the Board maintains a close relationship with the Budget Office and will be diligently working together to ensure that the Board's fund remains solvent.

Agenda Item 8 Department of Consumer Affairs (DCA) Update – Carrie Holmes, Deputy Director of Board and Bureau Relations, DCA

Carrie Holmes, Deputy Director, DCA Board and Bureau Relations, informed board members that all boards/bureaus/committees resumed meeting in accordance with all open meeting acts, which also requires public notice of all meeting locations. Legislation is currently in progress (AB 1733), which would permanently allow meetings to continue remotely, while also providing both virtual and physical options for members of the public to participate. Should the bill pass legislation and subsequent signature by the Governor, the bill would become effective immediately.

Deputy Director Holmes noted that DCA recently distributed a communication to all board and committee members, regarding guidelines and requirements for all in person meetings. Additionally, DCA has also shared guidance and tips from the California Health and Human Services Agency to reduce the spread of COVID-19 for in person meetings.

Recently, DCA distributed the first of many quarterly newsletters on April 5th, titled "Board members, did you know?" which was disseminated to all committee and board members. The newsletter is an outreach tool to keep Board/Committee members informed of different activities, as well as provide information which may impact their service as a Board/Committee member.

Deputy Director Holmes provided a brief update on DCA's enlighten licensing project. The team comprised of Subject Matter Experts (SME) selected in 2020, was created to help individual Boards and Bureaus streamline and make the licensing process more effective and efficient; by utilizing best practices, information technology, and cost saving

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measures. Board of Registered Nursing was the first board reviewed and their report will be released near the end of April. The report once issued, will include recommendations that could be used by all Boards and Bureaus to improve their processes; at which point the SME's will quickly begin the process of reviewing another Board or Bureau for streamlining and guidance.

Tonya Corcoran began serving as the departments first compliance and equity officer on March 2nd. Miss Corcoran will oversee DCA's Solid Training Unit, Organizational Improvement Office, Equal Employment Opportunity Office, and the Internal Audit Office. This position implementation will allow DCA to better identify and analyze emerging issues department wide; while also providing timely solutions to divisions, boards and bureaus.

Terrence Brass has been selected to serve as the Chief of the DCA's Division of Investigation (DOI). As the Chief, Mr. Brass will lead teams responsible for providing investigative services to Boards and Bureaus, with a mission to protect and serve California consumers.

Dadang Prihadi was appointed to serve as the internal audit chief in the internal audit's unit. As the Chief, Mr. Prihadi will plan and direct the audit team, which provides independent objective assurance and consulting services designed to add value and improve operations.

Ms. Mercado inquired on the steps that DCA is taking to actively inform consumers of our profession as it pertains to diversity and outreach. She was informed by Ms. Holmes, that DCA recently completed a strategic planning session which included dialogue regarding communication; and how to reach a broader audience in multiple languages and underrepresented communities. She recommended they we reach out to Monica Vargas regarding the best method of communication and outreach as a Board.

Lastly, Deputy Director Holmes informed the Board that she would soon be vacating her position as Deputy Director of Board and Bureau Relations. However, DCA will bring in interim assistance until her vacancy has been filled, to ensure a smooth transition and to offer guidance to Boards and Bureaus.

Agenda Item 9 BreZE Presentation – Tom Jurach, BreZE Lead Business Integration Analyst, DCA

Mr. Jurach provided Board members with a brief high-level overview of the many options and functions available within BreZE, explaining that although it's a commercial off the shelf (COTS) program, it can still be programmed to fit the differentiating needs of each Board or Bureau.

Ms. Mercado inquired on the software's escrow and whether DCA had protocols in place if there is no longer a contract in place. Additionally, she asked whether any guarantees

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have been made to ensure that the Board will not lose access to any electronic information, while also smoothly transitioning to the next platform? Mr. Jurach informed her that her question would have to be deferred up to leadership with regards to the contract and data availability. However, it is his understanding that DCA owns all of the information that is part of the Oracle database, which is the basis of the BreZE platform.

Agenda Item 10 National Board of Osteopathic Medical Examiners (NBOME) Update – John R. Gimpel, D.O., MED – President and CEO, Douglas Murray, Esq, General Counsel

Mr. Murray highlighted a few key items that NBOME has been working on, and explained the impact that the changes would have on future osteopathic graduates. He informed the Board that changes have been made to the COMLEX examination, replacing the numeric scoring system to pass/fail, which is scheduled to take effect May 2022. Additionally, the exam attempt allotment for all NBOME exams issued will be reduced from 6 attempts to 4, beginning July 2022.

Dr. Gimple explained that due to Covid, the level 2 PE exam had been temporarily suspended, to preserve the health and safety of all individuals involved. However, the special commission created to review osteopathic medical licensure assessments, has since decided to indefinitely suspend the level 2 PE exam. The special commission is comprised of representatives who directly serve or have previously served either on state licensing boards or had been leaders of those organizations; varying state regulatory boards; and representation from both patients and members of the public who are able to provide testimony. The commission has worked together over the past 15 months to review the challenges and dilemmas related to examinations issued for medical licensure. Dr. Gimpel briefly summarized all additional information reviewed and utilized by the special commission in making the final recommendation for licensure assessment and provided a timeframe for when regulatory boards and physicians can expect the final report to be released.

Dr. O'Shea thanked the NBOME and OMBC for all of their shared efforts in ensuring continued proficiency of all Osteopathic physicians. Dr. O'Shea also expressed her delight in meeting Board member Pines at NBOME's impending conference

Dr. Patel inquired on the efficiency and regulation of the new protocol created by the special commission, which tasks osteopathic universities with determining the competency of physicians. With proficiency being a matter of importance, would a subsequent group of outside practitioners or providers come in at a later date to review and ensure that the collegiate assessment is on par? Dr. Gimple informed Dr. Patel that the commission has discussed how it would regulate university assessments of proficiency and stated that validated instruments and rubrics would be utilized in making the determination. National training with some oversight would be issued along with clinical case content which will be standardize and used.

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Ms. Mercado asked if the NBOME was able to give a breakdown of the female to male osteopathic physician ratio and inquired on what strides if any are being taken to ensure inclusivity of female physicians as well as physicians of color. Dr. Gimpel informed Ms. Mercado that the upcoming report which will be issued during national osteopathic medicine week, should include a breakdown utilizing exact numbers; and stated that roughly 25% of the practicing physicians in the United States consist of osteopathic physicians. In terms of the gender mix the entering class of osteopathic physicians is generally an even split. However, this year the scale tipped and there has been a slightly greater number of female osteopathic physicians being licensed.

Regarding the diversity and inclusion of women and people of color, Dr. Gimpel noted that there are ways to assess certain content related to bias, which is a big part of NBOME's initiative. Within the clinical skills exam, part of the rubric for the assessment of doctor-patient communication involves empathetic communication and attention to cultural competency. In the future, the special commission's group, will release informative documents regarding their diversity, equity and inclusion initiatives.

Agenda Item 11 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 12 Discussion and Possible Action on Pending Legislation– Terri Thorfinnson

A. 2022 Legislation

- AB 225 (Gray) Department of Consumer Affairs: boards: veterans: military spouses: licenses
- AB 1604 (Holden) The Upward Mobility Act of 2022: boards and commissions: civil service: examinations: classifications
- AB 1636 (Weber) Physician's and surgeon's certificate: registered sex offenders
- AB 1662 (Gipson) Licensing boards: disqualification from licensure: criminal conviction
- AB 1733 (Quirk) State bodies: open meetings
- AB 1954 (Quirk) Physicians and surgeons: treatment and medication of patients using cannabis
- AB 2055 (Low) Controlled substances: CURES database
- AB 2098 (Low) Physicians and surgeons: unprofessional conduct

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- SB 1031 (Ochoa Bogh) Healing arts boards: inactive license fees
- SB 1237 (Newman) Licenses: military service
- SB 1365 (Jones) Licensing boards: procedures

AB 1733 (Quirk) State bodies: open meetings

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.

Approved proposal of AB1733 would create a hybrid system of open meetings which would allow a mixture of public participation from either an in-person site or remotely via a phone and/or conferencing platform. Mr. Ito noted that there would also be a cost savings to the Board, as it removes the requirement for continuous in-person meetings which in turn would decrease travel related charges to the Board.

Dr. Jensen and Ms. Mercado both agreed with the recommended proposal of AB 1733 and noted that from an environmental aspect its implementation would be worthwhile.

Dr. Jensen called for a motion to support AB 1733 (Quirk) State bodies: open meetings

Ms. Monseratt Ramos, Consumer watchdogs, noted that she was in support of approval of AB 1733. Stating that its implementation would increase consumer engagement with a board which is incredibly important.

Motion to support AB 1733 (Quirk) State bodies: open meetings.

Motion – Ms. Pines **Second** – Mr. Adamyan

- Roll Call Vote was taken
 - **Aye** – Mr. Adamyan, Dr. Jensen, Ms. Mercado, Mr. Moreno, Dr. Patel, Ms. Pines
 - **Nay** – None
 - **Abstention** – None
 - **Absent** – Dr. Buhari
- Motion carried to support AB 1733 (Quirk) State bodies: open meetings.

AB 1604 (Holden) The Upward Mobility Act of 2022: boards and commissions: civil service: examinations: classifications

Approved proposal of AB1604 would establish a policy of the state that the composition of state boards and commissions be broadly reflective of the general public. Removing

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reference to ethnic minorities or women from this policy doesn't exclude them from removing the language, it merely amends the language.

Ms. Mercado and Mr. Moreno confirmed if the bill was removing all language referencing women and minorities and inquired what would be added to replace the language being removed. They were advised by Ms. Thorfinnson that the replacement language would be reflective of the communities as opposed to calling out minorities and ethnicities and gender in specific.

Dr. Jensen noted her concern with the proposed language. She indicated that although she understood the general concept and idea behind the bill and assumed that it was to increase diversity, equity, social justice and ensuring that people were not isolated and called out. However, she also indicated that the proposed language was not indicative nor reflective of what was trying to be conveyed within the proposed language. She inquired on the timeframe the board had to take a stance on the language and whether they had time to weigh in later, due to some of the board members concerns. Ms. Pines agreed with Dr. Jensen regarding the recommended language amendments.

Mr. Ito agreed with Dr. Jensen's idea of holding off on taking a stance on the bill and stated that it could be revisited at the August 2022 Board Meeting, once more information was obtained regarding what would be included in the new language.

B. 2022 Legislative Proposals

- Proposal Related to the Elimination of the OMBC's Prorated Licensure

Ms. Thorfinnson provided the Board members with background information regarding the legislative proposal being presented and notified them of the changes that were needed in order to move the process forward. Ms. Thorfinnson explained that removal of the prorated licensure would streamline the licensing process both during the initial licensing stage as well as during renewal of licensure.

Ms. Mercado inquired on the implementation date if the proposal is approved and was informed by Ms. Thorfinnson that if passed the effective date would be January 1, 2023.

Dr. Jensen called for a motion to approve the proposed 2022 legislative proposal. Upon approval by the board members, board staff will contact the legislature to seek authors for the proposal.

Motion to approve the proposed 2022 legislative proposal. Upon approval by the board members, board staff will contact the legislature to seek authors for the proposal.

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

- Roll Call Vote was taken
 - **Aye** – Mr. Adamyan, Dr. Jensen, Ms. Mercado, Mr. Moreno, Dr. Patel,

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Ms. Pines

- **Nay** – None
 - **Abstention** – None
 - **Absent** – Dr. Buhari
- Motion carried to approve the proposed 2022 legislative proposal.

Agenda Item 13 Future Agenda Items

- Complaints and Enforcement Process
- AB 1604 (Holden) The Upward Mobility Act of 2022: boards and commissions: civil service: examinations: classifications

Agenda Item 14 Future Meeting Dates

- Thursday, August 18, 2022 @ 10:00 am – *TBD*
- Thursday, December 8, 2022 @ 10:00 am – *TBD*

Agenda Item 15 Adjournment

There being no further business or public comment, Dr. Jensen adjourned the meeting at 5: 09 p.m.