



QUARTERLY BOARD MEETING AGENDA

MEMBERS OF THE BOARD

President

Cyrus Buhari, D.O.

Vice President

Elizabeth Jensen-Blumberg, D.O.

Secretary

Andrew Moreno, Esq.

Gor Adamyan

Michael Kim, D.O.

Claudia Mercado

Hemesh Patel, D.O.

Denise Pines

Department of Consumer Affairs

1747 North Market Blvd

Hearing Room

Sacramento CA 95834

(916) 928-8390

Thursday, January 19, 2023

9:00 a.m. – 5:00 p.m.

(or until the conclusion of business)

Public WebEx/Telephone Access – See Attached
Meeting Information

**Action may be taken on
any item listed on the
agenda**

While the Board intends to
webcast this meeting, it
may not be possible to
webcast the entire open
meeting due to limitation
on resources or technical
difficulties.

Please see Meeting
Information section for
additional information on
public participation.

MEETING TIMES AND ORDER OF AGENDA ITEMS ARE SUBJECT TO CHANGE

OPEN SESSION

1. Call to Order – 9:00 a.m.
2. Roll Call / Establishment of a Quorum
3. Reading of the Board's Mission Statement – *Elizabeth Jensen, DO, Vice President*
4. 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).)
5. Review and Possible Approval of Minutes
 - A. 2023 Adopted Meeting Calendar
 - a. Thursday, January 19, 2023
 - B. 2023 Proposed Meeting Calendar
6. President's Report – *Cyrus Buhari, DO*
7. Executive Director's Report – *Erika Calderon*
 - A. Administrative Services, including personnel, and technology updates
 - B. Licensing Program Summary, including licensing unit updates, and statistics

- C. Enforcement Program Summary, including enforcement unit updates, and statistics
 - D. Probation Program Update-Corey Sparks, Enforcement Analyst
 - a. Probation Program Stats
 - E. Update on The Osteopathic Physicians & Surgeons of California Association (OPSC)
 - F. Update on The Federation of State Medical Boards (FSMB)
 - G. Update on The Controlled Substances Utilization Review and Evaluation System (CURES)
 - H. Department of Health Care Access and Information (HCAI) Survey Transaction
8. Discussion and Possible Action Regarding Hearings Pursuant to Business and Professions Code sections [2307](#)(d) and [2452](#) and Section 2 of the Osteopathic Act– *Michael Kanotz, Attorney III, Legal Affairs, DCA*
9. Discussion and Possible Action to Initiate a Rulemaking and Amend Sections 1635, 1636, 1638, 1641, and 1659.31 and Repeal Sections 1639 and 1640 in Title 16 of the California Code of Regulations (Requirements for Continuing Medical Education (CME) Approval, CME documentation, Sanctions for Noncompliance, Citable Offenses) - *Terri Thorfinnson, Program Manager and Kristy Schieldge, Attorney IV, Legal Affairs Regulatory Review Unit, DCA*
10. Legislation Report- *Terri Thorfinnson, Program Manager*
- A. Bill Tracking List
 - B. 2022 Legislation Implementation
 - a. AB 657 Expedited licensure for applicants providing abortion services
 - b. AB 1636 Denial/Revocation of licenses for Registered Sex Offenders
 - c. AB 1954 Prohibition to Deny Treatment and Medication to Patients Using Cannabis
 - d. AB 2098 Unprofessional Conduct: Dissemination of Misinformation related to SARs COVID 19
 - e. AB 2626 Prohibit Suspension or Revocation of Physicians based solely on their performing abortion
 - f. SB 731 Criminal Records Relief
 - g. SB 923 Gender Affirming Care
 - h. SB 1237 Expands Military Service definition of Act Duty to Include Out of State Licensees
 - i. SB 1443 Elimination of Prorated License fee and birth month initial license cycle for OMBC

- j. SB 1278 Patient Notice of Open Payments Database for Payments by pharmaceutical and durable medical equipment companies to Physicians
 - k. AB 1120 (Irwin. Chapter 685, Statutes of 2022) Clinical laboratories: allows certified phlebotomy technician to perform blood draws through a peripheral venous catheter under the general supervision of a physician or registered nurse
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- 11. Intergovernmental Relations Reports and Administrative Services Update
 - A. DCA Update – *Judie Bucciarelli, SSM I, Board and Bureau Relations, DCA*
 - B. Budget Update – *Heather Robinson, Budget Office, DCA*
 - a. Budget Update
 - C. Strategic Planning Objective Update – *Machiko Chong, Executive Analyst, DCA*
 - D. Strategic Planning Update – *Solid-Planning, DCA*
 - 12. Update from the Division of Investigation's Office, *Kathleen Nicholls, Chief of the Division of Investigation, DCA*
 - 13. Update from the Attorney General's Office – *Gloria Castro, Senior Assistant Attorney General of the Health Quality Enforcement Section Civil Division, Attorney General's Office*
 - 14. Enforcement Process Presentation – *Erika Calderon, Executive Director, Kathleen Nicholls, Chief of the Division of Investigation, Karolyn Westfall, Deputy Attorney General*
 - 15. Election of Officers
 - 16. Future Agenda Items and Future Meeting Dates
 - 17. Adjournment

Meeting Information

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=mbe6570a8cbfd68f774b405c33eeaddb6>

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.

During Agenda Item **2** – Public Comments on Items not on the Agenda, the Board has limited the total public comment period via teleconference to 20 minutes. Therefore, after 20 minutes, no further comments will be accepted. Each person will be limited to two minutes per agenda item.

During public comment on any other agenda item, a total of 10 minutes will be allowed for comments via the teleconference line. After 10 minutes, no further comments will be accepted. Each person will be limited to two minutes per agenda item.

Comments for those in attendance at the meeting will have the same time limitations as those identified above for individuals on the teleconference line.

Please Note: Because there is an audio delay, if you are participating by phone and simultaneously watching the Webcast, the Board requests you turn off the sound to the Webcast for improved clarity.

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, and 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, including the teleconference sites, 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.

GUIDELINES FOR PUBLIC COMMENT

The Osteopathic Medical Board of California (Board) is a public agency whose mission is to protect consumers and promote the highest professional standards in the practice of osteopathic medicine, the Osteopathic Medical Board of California licenses osteopathic physicians and surgeons. The board investigates consumer complaints and uses its enforcement power to ensure practitioners abide by the provisions of the state Business and Professions Code/Medical Practice Act.

The Board welcomes your comments, concerns, and information you wish to share.

Please note that the Board must comply with the Open Meeting Act, the Administrative Procedure Act, and other sections of law when taking public comments. The Board's staff is here to help you with this process, so please feel free to seek additional assistance and clarification if you need it.

Please keep the following points in mind:

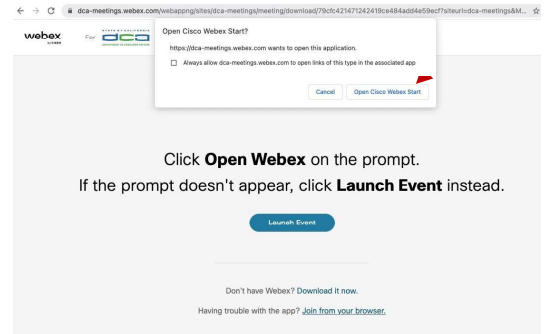
- Please be aware that the Board imposes time frames for public comment. Public comment is limited to two minutes per person; however, that time frame may be subject to change depending upon the number of speakers on a topic. Public comment, with the exception of comments received under "Public Comment of items Not on the Agenda," must stay on topic with the specific agenda item being discussed, or the President or Chair may have to rule the comments out of order.
- Only during the agenda item "Public Comment of items Not on the Agenda," can the public make comments regarding any other items not listed on the Board's agenda. Please be aware that public comment during this agenda item should provide information to the Board Members and is not a discussion between the Board Members and the public. The only action Board Members can take is to listen to the comments and decide whether they want a future agenda item on the topic. No other action can be taken on the item at this meeting. Though this may seem at time like the Board Members are not being responsive, following these guidelines is critical to ensure the rules of the Open Meeting Act are followed to avoid compromising the speaker's goals or the Board's mission.
- When making comments, please do not discuss pending complaints, pending applications, or pending disciplinary actions that may come before the Board for a decision. Such discussions are considered 'ex parte' communication and could provide information to the Members that is outside of the record, in violation of the Administrative Procedure Act. Therefore, such discussions could create a conflict and lead to a Board decision being challenged in superior court.
- The Board can receive comments regarding the Board's processes in general. It cannot receive comments on specific case circumstances where the decision is still pending. Board staff is available to speak with you about any pending matter.
- The Board requests that public comments be addressed to the Board as a whole and not to individual Members.

The Board appreciates the public's attendance and the input received from the public on the issues discussed at Board Meetings.

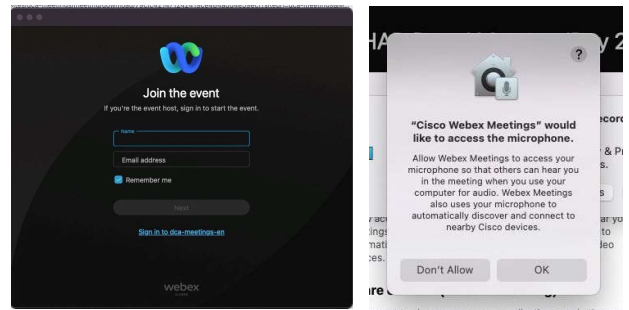


If joining using the meeting link

- 1 Click on the meeting link. This can be found in the meeting notice you received.
- 2 If you have not previously used Webex on your device, your web browser may ask if you want to open Webex. Click "Open Cisco Webex Start" or "Open Webex", whichever option is presented. DO NOT click "Join from your browser", as you will not be able to participate during the meeting.



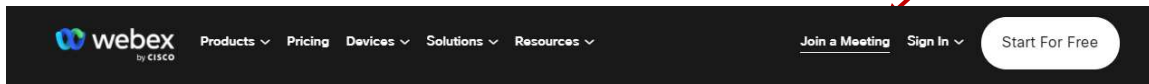
- 3 Enter your name and email address. Click "Join as a guest". Accept any request for permission to use your microphone and/or camera.



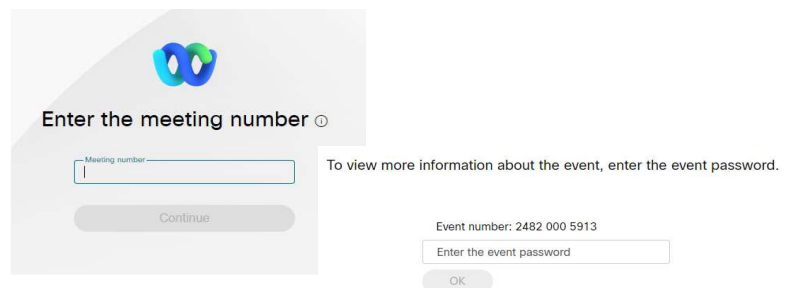
OR

If joining from Webex.com

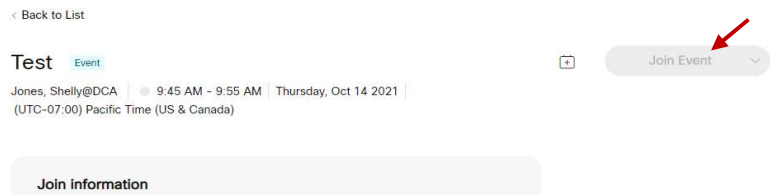
- 1 Click on "Join a Meeting" at the top of the Webex window.



- 2 Enter the meeting/event number and click "Continue". Enter the event password and click "OK". This can be found in the meeting notice you received.



- 3 The meeting information will be displayed. Click "Join Event".



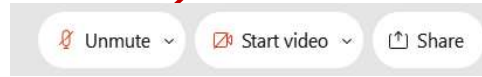
OR

Connect via telephone*:

You may also join the meeting by calling in using the phone number, access code, and passcode provided in the meeting notice.

Microphone

Microphone control (mute/unmute button) is located on the command row.

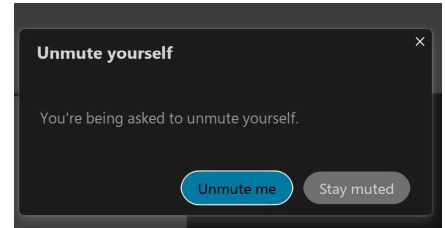


Green microphone = Unmuted: People in the meeting can hear you.



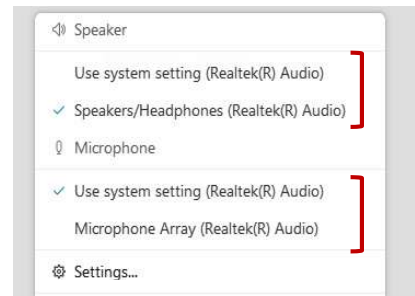
Red microphone = Muted: No one in the meeting can hear you.

Note: Only panelists can mute/unmute their own microphones. Attendees will remain muted unless the moderator enables their microphone at which time the attendee will be provided the ability to unmute their microphone by clicking on "Unmute Me".



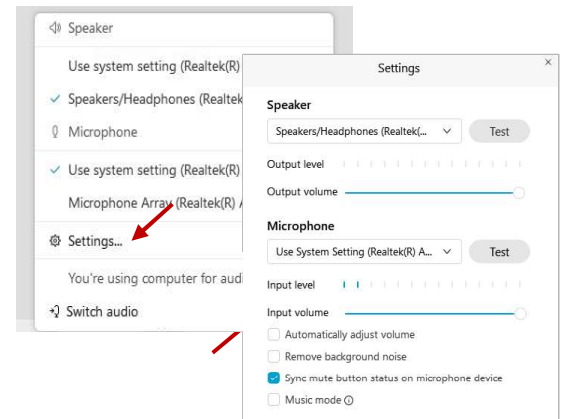
If you cannot hear or be heard

- 1 Click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window, select a different:
 - Microphone option if participants can't hear you.
 - Speaker option if you can't hear participants.



If your microphone volume is too low or too high

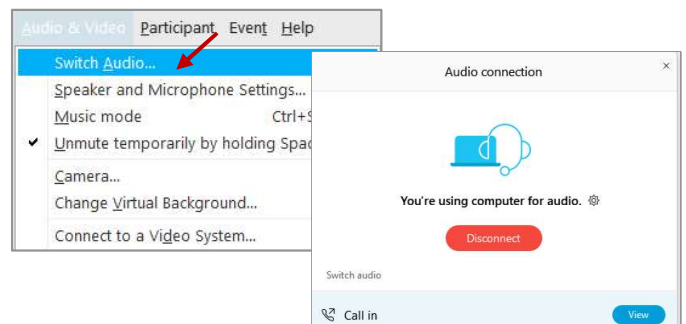
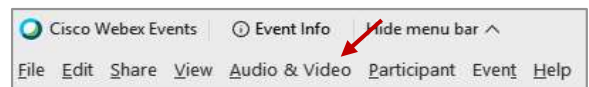
- 1 Locate the command row – click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window:
 - Click on "Settings...":
 - Drag the "Input Volume" located under microphone settings to adjust your volume.



Audio Connectivity Issues

If you are connected by computer or tablet and you have audio issues or no microphone/speakers, you can link your phone through Webex. Your phone will then become your audio source during the meeting.

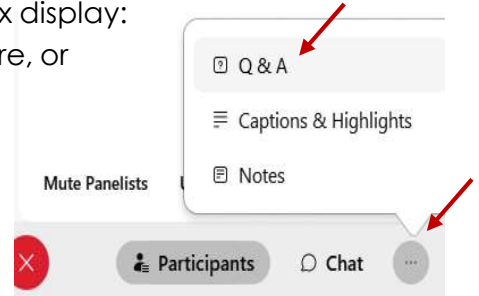
- 1 Click on "Audio & Video" from the menu bar.
- 2 Select "Switch Audio" from the drop-down menu.
- 3 Select the "Call In" option and following the directions.



The question-and-answer feature (Q&A) is utilized for questions or comments. Upon direction of the meeting facilitator, the moderator will open the Q&A panel for meeting participants to submit questions or comments. *NOTE: This feature is not accessible to those joining the meeting via telephone.*

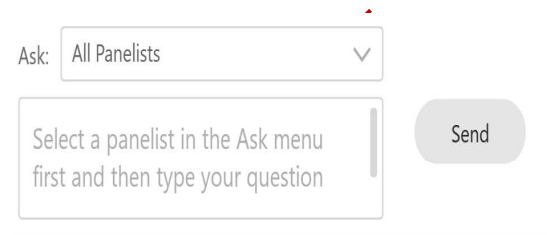
1 Access the Q&A panel at the bottom right of the Webex display:

- Click on the icon that looks like a “?” inside of a square, or
- Click on the 3 dots and select “Q&A”.



2 In the text box:

- Select “All Panelists” in the dropdown menu,
- Type your question/comment into the text box, and
- Click “Send”.



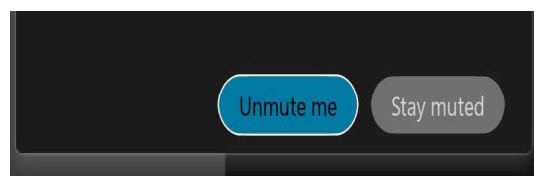
OR

If connected via telephone:

- Utilize the raise hand feature by pressing *6 to raise your hand.
- Repeat this process to lower your hand.

3 The moderator will call you by name and indicate a request has been sent to unmute your microphone. Upon hearing this prompt:

- Click the **Unmute me** button on the pop-up box that appears.

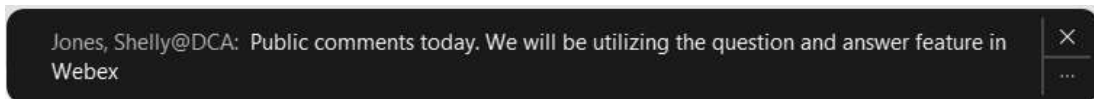


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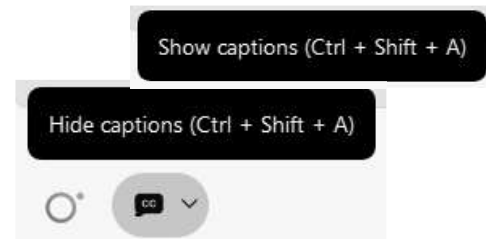
If connected via telephone:

- Press *3 to unmute your microphone.

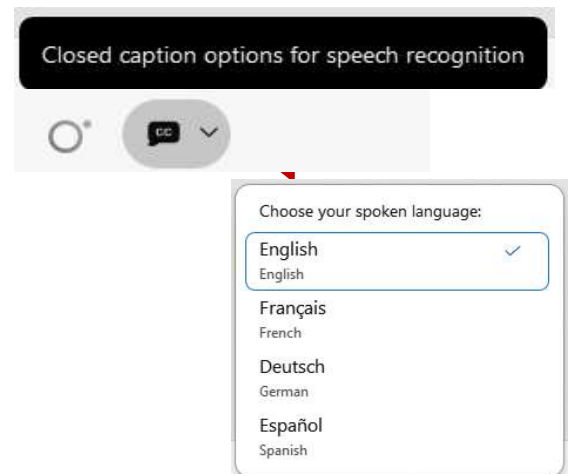
Webex provides real-time closed captioning displayed in a dialog box on your screen. The captioning box can be moved by clicking on the box and dragging it to another location on your screen.



The closed captioning can be hidden from view by clicking on the closed captioning icon. You can repeat this action to unhide the dialog box.



You can select the language to be displayed by clicking the drop-down arrow next to the closed captioning icon.



You can view the closed captioning dialog box with a light or dark background or change the font size by clicking the 3 dots on the right side of the dialog box.

