



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

1625 North Market Blvd

Hearing Room

Sacramento CA 95834

(916) 928-8390

Thursday, May 11, 2023

10:00 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 – 10:00 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 the January 2023 Board Meeting Minutes
6. President's Report – *Cyrus Buhari, DO*
7. Federation of State Medical Board (FSMB) Interstate Licensing Compact – *Humayun Chaudhry, DO, MACP, FSMB President*
8. Executive Director's Report – *Erika Calderon*
 - A. Administrative Services, including personnel, and technology updates
 - B. Update on The Federation of State Medical Boards (FSMB)

C. Update on The Controlled Substances Utilization Review and Evaluation System (CURES)

9. Update on The Osteopathic Physicians & Surgeons of California Association (OPSC)-Holly Macriss, Executive Director
10. Licensing Program Summary, including licensing unit updates, and statistics – *Machiko Chong, Licensing Program Manager*
11. Administrative Services Program Summary, including licensing unit updates, and statistics – *Terri Thorfinnson, Administrative Services Program Manager*
12. Enforcement Program Summary, including enforcement unit updates, and statistics – *Erika Calderon, Executive Director*
13. Probation Program Summary, including updates, and statistics - *Andrea Geremia, Lead Enforcement Analyst*
14. Discussion and Possible Action on legislative proposals - *Terri Thorfinnson, Administrative Services Program Manager*

A. Licensing Proposals:

- Extend the Postgraduate Training License to 36 months
- Provide Residents Additional Time to Pass Final Examination
- Extend deadline for Out of State Residents Enrolled in a California Residency Training Program to Obtain their Physician and Surgeon from 90 days to 6 months.

B. Enforcement Proposals:

- Establish a Fee for Disciplined Licensees Seeking to Modify or Terminate Probation or to Reinstate Their License.
- Change the Evidentiary Standard to Preponderance of the Evidence.
- Enhance Medical Record Inspection Authority.
- Pausing the Statute of Limitations for Subpoena Enforcement.
- Mandate Additional Reports to the Board Regarding Physician Misconduct.
- Increase Wait Times for Disciplined Licensees Seeking to Modify or Terminate Probation or to Reinstate their License.
- Addressing Licensees Who Ask Patients to Rescind a Medical Records Release.
- Add Deadline to Participate in an Investigatory Interview.
- Require Earlier Exchange of Expert Testimony Information.
- Timely Access to Pharmacy Records.

- Require Patient Records be Retained a Minimum of Seven Years

15. Legislation Report- *Terri Thorfinnson, Administrative Services Program Manager*

A. Discussion and Possible Action on proposed legislation

- [SB 544](#) (Laird) Open Meetings
- [AB 1707](#) (Pacheco) Reproductive Health Adverse Actions Out of State
- [AB 1369](#) (Bauer-Kahan) Telemedicine Out of State License Exemption
- [AB 765](#) (Wood) Physicians and Surgeons Title

B. 2023 Informational Bill "Watch" List

- [AB 242](#) (Wood) Critical Access Hospital Physicians
- [AB 834](#) (Irwin) Physicians and Surgeons Partnerships
- [AB 1028](#) (McKinnor) Mandatory Reporting for Abuse
- [AB 1130](#) (Berman) Substance Abuse
- [AB 1741](#) (Waldron) Clinical Lab Personnel
- [SB 345](#) (Skinner) Revise "Unborn" Statutory Reference
- [SB 357](#) (Portantino) DMV: Physician Reporting Patient Impairment
- [SB 481](#) (Niello) Physician and Surgeon Specialty Reporting
- [AB 1751](#) (Gipson) Opioid Prescriptions Patient Discussion and Alternatives
- [AB 1731](#) (Santiago) CURES database: buprenorphine Reporting Exemption E.R.
- [AB 1094](#) (Wicks) Drug Testing Pregnant Women: Consent
- [AB 1021](#) (Wicks) Controlled Substances Federal Rescheduling (Cannabis)
- [AB 816](#) (Haney) Minor's Consent to Buprenorphine Treatment
- [AB 269](#) (Berman) COVID Testing and Dispensing Sites
- [AB 883](#) (Mathis) Expedite Military License Application: Defense SkillBridge program
- [AB 1055](#) (Bains) Create Allied Behavior Health Board and Licensed Alcohol Drug Counselor License
- [SB 372](#) (Menjivar) Former Names and Gender Removal
- [SB 373](#) (Menjivar) Address of Record Publishing
- [SB 802](#) (Roth) Criminal Convictions Denial of Application 30-day Notice

16. Intergovernmental Relations Reports and Administrative Services Update

A. DCA Update – *Judie Bucciarelli, SSM I, Board and Bureau Relations, DCA*

B. Budget Update – *Renee Milano, Budget Office, DCA*

- Budget Update

17. Discussion on Black Maternal Health in California-*Denise Pines, OMBC Board Member and David J. Reynen, DrPH, MA, MPPA, MPH, CPH, CDPH*

18. Future Agenda Items and Future Meeting Dates
19. Adjournment

Meeting Information

In accordance with Government Code section 11133, the Osteopathic Medical Board of California will conduct this meeting in person and via WebEx Events. To participate in the meeting via WebEx Events, please log on to this website on the day of the meeting:

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=mf27ce3cbf802e65023006c60cf401513>

If joining by phone

+1-415-655-0001 US Toll
Access code: 249 008 57063
Passcode: 66220511

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.

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. For each agenda item, the Board has limited the total

public comment period to 20 minutes. Therefore, after 20 minutes, no further comments will be accepted. Each person will be limited to three minutes per agenda item. 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:

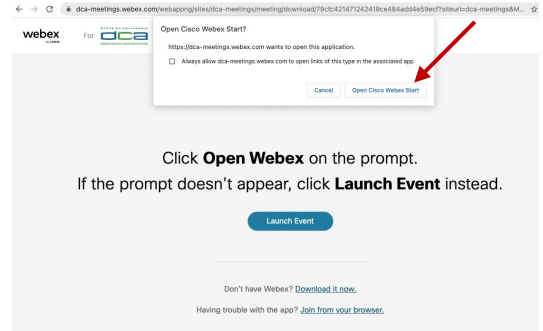
- Please be aware for each agenda item, the Board has limited the total public comment period to 20 minutes. Therefore, after 20 minutes, no further comments will be accepted. Each person will be limited to three minutes per agenda item. Public comment, with the exception of comments received under "Public 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.

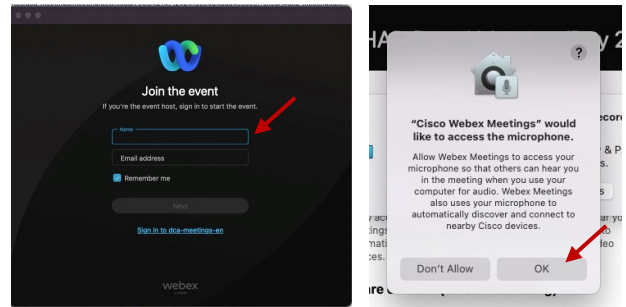


If joining using the meeting link

- 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.

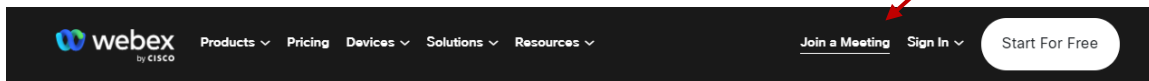


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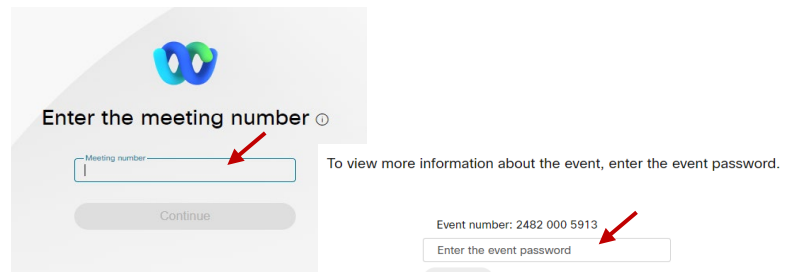
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If joining from Webex.com

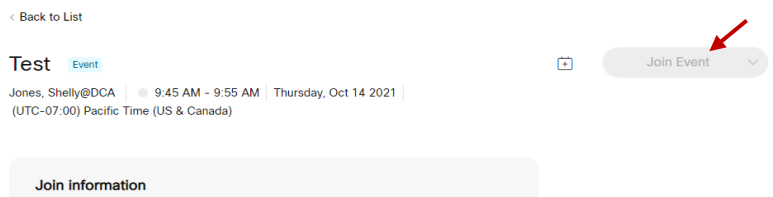
- 1 Click on "Join a Meeting" at the top of the Webex window.



- 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".



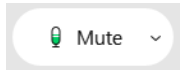
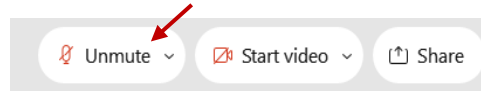
OR

Connect via telephone*:

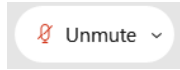
You may also join the meeting by calling in using the phone number, access code, and passcode provided in the meeting notice.

Microphone

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

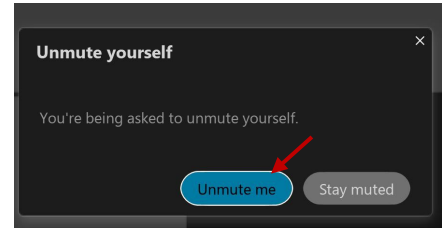


Green microphone = Unmuted: People in the meeting can hear you.



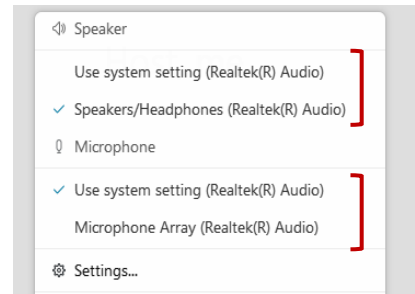
Red microphone = Muted: No one in the meeting can hear you.

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".



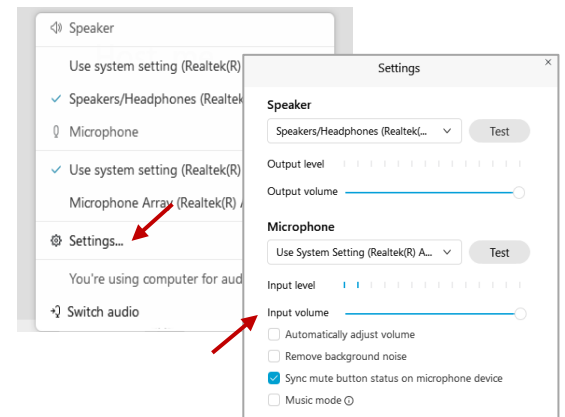
If you cannot hear or be heard

- 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

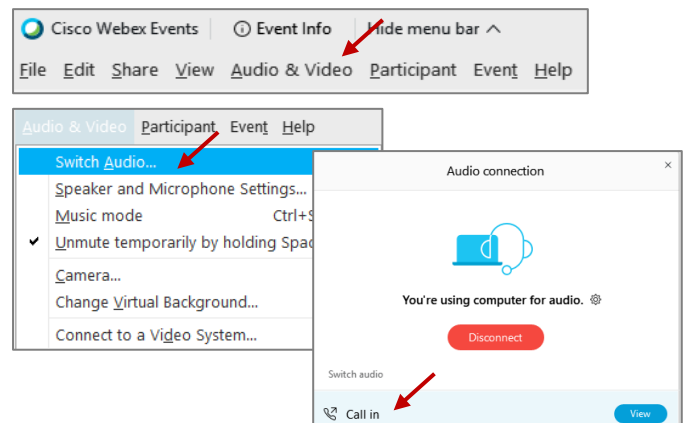
- 1 Locate the command row – click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window:
 - Click on "Settings...":
 - Drag the "Input Volume" located under microphone settings to adjust your volume.



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.



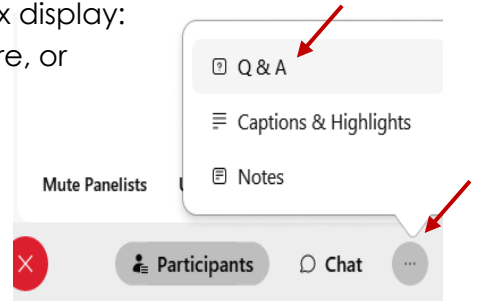
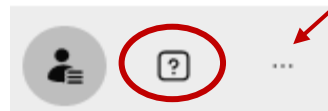
The question-and-answer (Q&A) and hand raise features are utilized for public comments.

NOTE: This feature is not accessible to those joining the meeting via telephone.

Q&A Feature

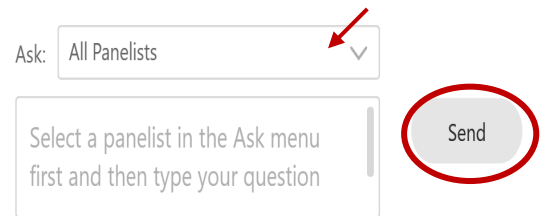
1 Access the Q&A panel at the bottom right of the Webex display:

- 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

Hand Raise Feature

- 1
- Hovering over your own name.
 - Clicking the hand icon that appears next to your name.
 - Repeat this process to lower your hand.

If connected via telephone:

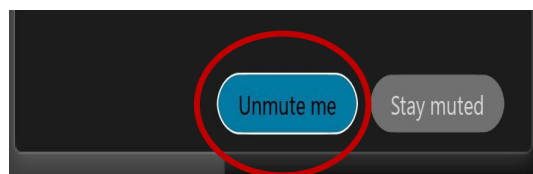
- Utilize the raise hand feature by pressing *3 to raise your hand.
- Repeat this process to lower your hand.

Unmuting Your Microphone



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.

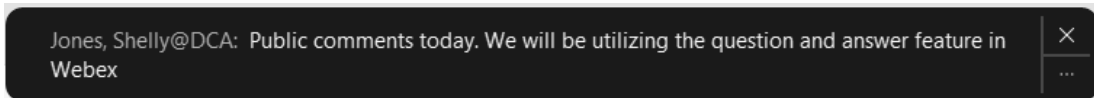


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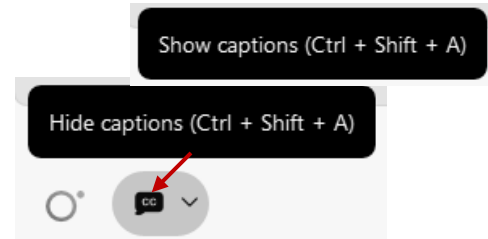
If connected via telephone:

- Press *3 to unmute your microphone.

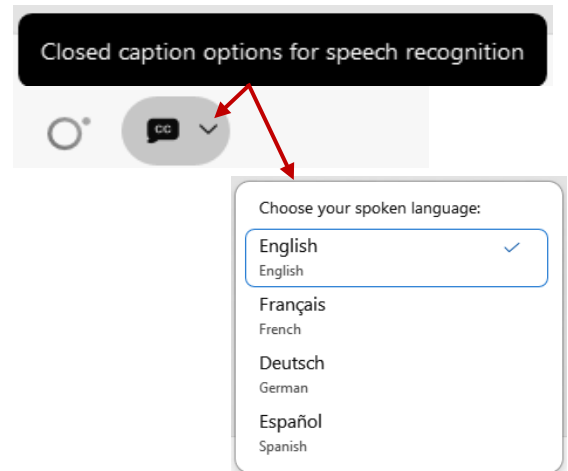
Webex provides real-time closed captioning displayed in a dialog box on your screen. The captioning box can be moved by clicking on the box and dragging it to another location on your screen.



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.

