



**Osteopathic Medical Board of California
Board Meeting Minutes
August 17, 2023**

MEMBERS PRESENT: Cyrus Buhari, D.O., *President*
Andrew Moreno, *Secretary Treasurer*
Michael Luszczak, D.O.
Hemesh Patel, D.O.
Gor Adamyan
Denise Pines, MBA

MEMBERS ABSENT: Elizabeth Jensen, D.O., *Vice President*
Michael Kim, D.O.

STAFF PRESENT: Michael Kanotz, *Esq., Legal Counsel, DCA*
Erika Calderon, *Executive Director*
Machiko Chong, *SSM I, Licensing Program Unit*
Terri Thorfinnson, *SSM I, Administrative Program Unit*
Andrea Geremia, *Lead Enforcement Analyst*

MEMBERS OF THE AUDIENCE: Holly Macriss, *Executive Director, Osteopathic Physician and Surgeons of California (OPSC)*
Maria Ibarra-Navarrete, *Consumer Watch Dogs*
Michelle Monserrat-Ramos, *Consumer Watch Dogs*
Tracy Dominguez, *Consumer Watch Dogs*
Renee Milano and Christina Ritchie, *DCA Budgets*
Melissa Gear, *Deputy Director, DCA Board and Bureau Relations*
Kristy Schieldge, *Attorney IV, Legal Affairs Regulation Unit, DCA*

Agenda Item 1 Call to Order

The Board Meeting of the Osteopathic Medical Board of California (OMBC) was called to order by President, Cyrus Buhari, D.O. at 09:12 a.m.

Agenda Item 2 Roll Call / Establishment of a Quorum

Machiko Chong, *SSM I*, called roll and determined a quorum was present. Due notice was

provided to all interested parties.

Agenda Item 3 Reading of the Board’s Mission Statement -Erika Calderon, Executive Director

Erika Calderon, *Executive Director*, read the Board’s mission statement.

Agenda Item 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).)

Dr. Buhari requested public comment. No comments were made.

Agenda Item 5 Review and Possible Approval of the May 2023 Board Meeting Minutes

Dr. Buhari called for a motion for approval of the meeting minutes of the May 2023, Board Meeting, found [here](#).

Motion to approve the May 2023, Board Meeting minutes with no corrections.

Motion – Andrew Mercado, Second – Dr. Patel

Dr. Buhari requested public comment. No comments were made.

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

Motion carried to approve the May 2023, Board Meeting minutes with no corrections.

Agenda Item 7 President’s Report – Cyrus Buhari, DO

Dr. Buhari introduced newly appointed Board member, Dr. Michael Luszczak.

Dr. Buhari performed the swearing-in of Dr. Luszczak.

Dr. Buhari congratulated Kathleen Creason, previous director of OPSC, on her new role as the CEO of the American Osteopathic Association.

Agenda Item 8 Executive Director’s Report – Erika Calderon

- **Administrative Services, including personnel, and technology updates**

Executive Director, Erika Calderon, provided updates on the Board's administrative services program, including personnel and technology, the materials for which were included in the Board meeting material [here](#).

Ms. Calderon welcomed newly appointed Board member, Michael Luszczak, D.O., announced the retirement of staff services analyst, Sabrina Rowell, and the recruitment of three new diversion evaluation committee members.

Dr. Buhari requested public comment and comment from members of the Board. None were made.

Agenda Item 6 Petition for Early Termination of Probation, Sherie Carnegie, D.O. (20A 6691)

The Office of Administrative Hearings (OAH) Administrative Law Judge (ALJ) Carmen D. Snuggs-Spraggins, conducted the above hearing.

CLOSED SESSION

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

LUNCH BREAK

Upon return from the lunch break, Machiko Chong, *SSM I*, called roll and determined a quorum was present.

Agenda Item 9 Intergovernmental Relations Reports and Administrative Services Update

- **DCA Update – Melissa Gear, Deputy Director, Board and Bureau Relations, DCA**
- **Budget Update – Renee Milano and Christina Ritchie, Budget Office, DCA**

Deputy Director for Board and Bureau Relations, Melissa Gear, provided an update on DCA's DEI efforts, including newly elected chairpersons, and the recruitment of outside consultant, Dr. Bernard Gibson, who will provide Board member training in person and virtually.

DCA began offering three DEI courses available to all DCA employees: Understanding the Value of DEI In the Workplace, How to Decode Our Unconscious Bias, and Unleash the Power of Generational Differences. Additionally, DCA will request all boards and bureaus to translate any press releases they issue into Spanish.

As of July 1, 2023, public meetings are subject to traditional pre-covid requirements for open meetings compliant with the Bagley-Keene Open Meetings Act. Changes to SB 544

are still ongoing through the legislative process.

DCA has been working to implement AB 107, and two important projects were introduced: the enlightened enforcement project and the data governance project. Two DCA-wide mandatory trainings will be required for 2023: Sexual Harassment Prevention Training, and Information Security Fundamentals. These trainings are required department-wide yearly. Board Member Orientation Training will be offered virtually.

Renee Milano and Christina Ritchie from DCA's Budget Office, provided an update on the Board's budget, the material for which was included in the Board meeting material here: [Handout 1](#), [Handout 2](#), [Handout 3](#), [Handout 4](#).

Board member Pines asked questions about the material.

Agenda Item 10 Discussion and Possible Action to Reconsider Previously Approved Text, and to Consider Initiation of a Rulemaking to Amend Sections 1635, 1636, 1638, 1641, 1659.30, 1659.31, 1659.32, 1659.33, 1659.34 and 1659.35 and Repeal Sections 1639 and 1640 in Title 16 of the California Code of Regulations (Requirements for Continuing Medical Education and Citation and Fines) - Terri Thorfinnson, Program Manager and Kristy Schieldge, Attorney IV, Legal Affairs Regulations Unit, DCA

Terri Thorfinnson, Administrative Services Program Manager, and Kristy Schieldge, Attorney IV with DCA's Legal Affairs Regulations Unit, explained that, at the recommendation of regulations counsel, additional changes are needed to the citation and fine language due to there being two proposals covering the same regulatory sections at the same time, and how this could further delay implementation.

Ms. Thorfinnson then discussed proposed revisions to continuing medical education requirements, which is intended to streamline the processing of renewals while ensuring compliance with CME requirements.

Agenda Item 11 Licensing Program Summary, including licensing unit updates, and statistics – Machiko Chong, Licensing Program Manager

Machiko Chong, Licensing Program Manager, provided a licensing program summary, including licensing unit updates and statistics, the material for which can be found in the Board meeting material here: [here](#), [here](#), and [here](#).

Dr. Buhari asked for member comment regarding the licensing update.

Agenda Item 12 Administrative Services Program Summary, including licensing unit updates, and statistics – Terri Thorfinnson, Administrative Services Program Manager

Terri Thorfinnson, Administrative Services Program Manager, provided an update on the

administrative services program, which included changes made to the record retention policy and fictitious name permit statistics, the material for which were included in the Board meeting material [here](#).

Agenda Item 13 Enforcement Program Summary, including enforcement unit updates, and statistics – Erika Calderon, Executive Director

Executive Director, Erika Calderon, gave an update on the Board's Enforcement Program, including enforcement unit updates and statistics, which was included in the Board meeting material [here](#) and [here](#).

Agenda Item 14 Probation Program Summary, including updates, and statistics - Andrea Geremia, Lead Enforcement Analyst

Andrea Geremia, Lead Enforcement Analyst, gave an update and provided statistics on the Board's probation program, the materials for which were included in the Board Meeting material [here](#) and [here](#).

Dr. Buhari requested public comment and comment from members of the Board. No comments were made.

Agenda Item 15 Regulations – Update on Pending Regulatory Packages- Terri Thorfinnson, Administrative Services Program Manager

Ms. Thorfinnson provided the Board members with background information on the pending regulatory packages being presented and notified them of the changes that were needed in order to move the process forward.

Agenda Item 16 Discussion and Possible Action on Legislation – Terri Thorfinnson, Administrative Services Program Manager

The material for the items below can be found here: [Handout 1](#), [Handout 2](#), and [Handout 3](#).

A. 2023 Bills with Board Positions

- d. [AB 765](#) (Wood) Physician and Surgeon Title (Support if Amended)
- b. [AB 1369](#) (Bauer-Kahan) Telemedicine Out of State License Exemption (Oppose)
- c. [AB 1707](#) (Pacheco) Reproductive Health Adverse Actions Out of State (Support)
- d. [SB 345](#) (Skinner) Reproductive Services Legal Protection for Boards and Physicians (Support)
- e. [SB 544](#) (Laird) Open Meetings Law (Support)
- f. [SB 815](#) (Roth) MBC Sunset Bill: Enforcement/Licensing (Support if Amended)

B. 2023 Informational Bill “Watch” List – Update

- d. [AB 242](#) (Wood) Critical Access Hospital Physicians
- b. [AB 834](#) (Irwin) Physicians and Surgeons Partnerships
- c. [AB 1028](#) (McKinnor) Mandatory Reporting for Abuse
- d. [AB 1130](#) (Berman) Substance Abuse
- e. [AB 1646](#) (Nguyen) Guest Rotation Abortion Training
- f. [AB 1741](#) (Waldron) Clinical Lab Personnel
- g. [SB 357](#) (Portantino) DMV: Physician Reporting Patient Impairment
- h. [AB 1751](#) (Gipson) Opioid Prescriptions Patient Discussion and Alternatives
- i. [AB1731](#) (Santiago) CURES database: buprenorphine Reporting Exemption E.R.
- j. [AB 1094](#) (Wicks) Drug Testing Pregnant Women: Consent
- k. [AB 1021](#) (Wicks) Controlled Substances Federal Rescheduling (Cannabis)
- l. [AB 816](#) (Haney) Minor’s Consent to Buprenorphine Treatment
- m. [AB 269](#) (Berman) COVID Testing and Dispensing Sites
- n. [AB 883](#) (Mathis) Expedite Military License Application: Defense Skill Bridge program
- o. [AB 1055](#) (Bains) Create Allied Behavior Health Board and Licensed Alcohol Drug Counselor License
- p. [SB 357](#) (Portantino) DMV: Physician Reporting Patient Impairment
- q. [SB 372](#) (Menjivar) Former Names and Gender Removal
- r. [SB 373](#) (Menjivar) Address of Record Publishing
- s. [SB 524](#) (Caballero) Pharmacist Furnishing Tests and Medications
- t. [SB 598](#) (Skinner) Health Plan Services Prior Authorization
- u. [SB 802](#) (Roth) Criminal Convictions Denial of Application 30-day Notice
- v. [SB 784](#) Corporate Practice of Medicine Exemption

Agenda Item 17 Future Agenda Items and Future Meeting Dates

- **Strategic Planning Session (September 2023)**

Board members and staff discussed future meeting dates.

Dr. Buhari requested comment from the members.

Comments were made by Board member Pines, Executive Director Calderon, and Ms. Thorfinnson.

Dr. Buhari requested public comment. No comments were made.

Agenda Item 18 Adjournment

There being no further business or public comment, Dr. Buhari adjourned the meeting at 4:04 pm