



BOARD MEETING MINUTES

Thursday, January 18, 2018

BOARD MEMBERS PRESENT: Joseph Zammuto, D.O., President
James Lally, D.O., Vice-President
Cyrus Buhari, D.O., Secretary/ Treasurer
Claudia Mercado, Board Member
Andrew Moreno, Board Member
Megan Blair, Board Member

STAFF PRESENT: Angelina Burton, Executive Director
Terri Thorfinnson, Asst. Executive Director
Sabina Knight, Esq., Legal Counsel, DCA
Machiko Chong, Executive Analyst
Corey Sparks, Lead Enforcement Analyst

BOARD MEMBERS ABSENT: Elizabeth Jensen, D.O., Board Member
Cheryl Williams, Board Member

The Board meeting of the Osteopathic Medical Board of California (OMBC) was called to order by President, Joseph Zammuto, D.O. at 10:10 a.m. at Department of Consumer Affairs (HQ2) - 1747 North Market Blvd., Sacramento CA 95834.

Dr. Zammuto called for a moment of silence to acknowledge the unexpected passing of the Board's Medical Consultant and former Executive Director, Dr. Donald J. Krpan.

1. Roll Call

Mrs. Chong called roll and Dr. Zammuto determined that a quorum was present.

2. Public Comment for Items Not on the Agenda

No Public Comment was received by the board.

3. DCA Update – Dean R. Grafilo, Director, DCA

Dean R. Grafilo, Director, DCA, introduced himself and apologized for the delay in introduction to the Board. He briefly discussed the revisions to the Executive Staff within DCA Headquarters and noted that he believes these changes will be of benefit to the continuity of the Board.

Christopher Castrillo added that DCA has added additional dates to the required board member trainings for the 2018 year (March 21st, June 6th, September 18th, and December 5th). Reminder emails will also be sent out so that all newly appointed and reappointed members may attend as a requirement.

Dr. Zammuto expressed concerns with the Budget Change Proposal (BCP) process noting that the lack of expansive explanation provided at the time of the BCP denial is not beneficial to the Board as it does not indicate what the Board should change moving forward in order to ensure a packet approval. Additionally, he addressed the concern with the lack of budgetary information that has been provided to ensure that the Board may properly function throughout the year.

Mr. Castrillo thanked Dr. Zammuto for his concerns and noted that although he was not completely aware of the BCP process, he stated that once he is able to better understand what goes into the BCP procedure from commencement through completion he would be more than willing to assist the Board in the submission process.

With regards to the budgetary process and delivery of the information to the individual boards/ bureaus /committees the Budget Office is working tirelessly to ensure that the Fi\$Cal System that has recently gone live is able to produce the most accurate information in a timely manner.

4. Election of Officers

Board President

- Dr. Zammuto asked if there were any motions/nominations for election of Board President.
- Joseph Zammuto, D.O. was nominated for President
- Dr. Zammuto opened the floor to additional nominations, none were given.
- Roll Call Vote was taken
 - **Aye** – Mrs. Blair, Dr. Buhari, Dr. Lally, Ms. Mercado, Mr. Moreno, Dr. Zammuto
 - **Nay** – None
 - **Abstention** – None

- **Absent** –Dr. Jensen, Mrs. Williams
- Dr. Zammuto was unanimously elected for Board President.

Vice President

- Dr. Zammuto asked if there were any motions/nominations for election of Board Vice President.
- James Lally, D.O. was nominated for Vice President
- Dr. Zammuto opened the floor to additional nominations, none were given.
- Roll Call Vote was taken
 - **Aye** – Mrs. Blair, Dr. Buhari, Dr. Lally, Ms. Mercado, Mr. Moreno, Dr. Zammuto
 - **Nay** – None
 - **Abstention** – None
 - **Absent** –Dr. Jensen, Mrs. Williams
- Dr. Lally was unanimously elected for Board Vice President.

Secretary/Treasurer

- Dr. Zammuto asked if there were any motions/nominations for election of Secretary/Treasurer
- Cyrus Buhari, D.O. was nominated for Secretary/Treasurer
- Dr. Zammuto opened the floor to any additional nominations, none were given.
- Roll Call Vote was taken
 - **Aye** – Mrs. Blair, Dr. Buhari, Dr. Lally, Ms. Mercado, Mr. Moreno, Dr. Zammuto
 - **Nay** – None
 - **Abstention** – None
 - **Absent** –Dr. Jensen, Mrs. Williams
- Dr. Buhari was unanimously elected as Secretary/Treasurer.

5. Administrative Hearings

10:30 a.m.

- Anthony Benjamin Karam, D.O. (20A 9178)– Petition for Reinstatement of Revoked License
- Arsen Nalbandyan, D.O. (20A 9339) – Petition for Early Termination of Probation

The Office of Administrative Hearing (OAH) Administrative Law Judge (ALJ) Danette Brown conducted the above hearings.

6. Closed Session

The Board met in closed session to deliberate on the Petitions for Early Termination of Probation and Reinstatement of Revoked License of the licensees listed above pursuant to Government Code section 11126(c)(3).

Return to Open Session

7. Review and Approval of Minutes

Dr. Zammuto called for a motion regarding approval of the Board Meeting minutes of October 7, 2016.

- **Motion to approve the October 19, 2017 Board meeting minutes with no corrections. Motion** – Dr. Lally **Second** – Mrs. Mercado
- Roll Call Vote was taken
 - **Aye** – Mrs. Blair, Dr. Buhari, Dr. Lally, Ms. Mercado, Mr. Moreno, Dr. Zammuto
 - **Nay** – None
 - **Abstention** – None
 - **Absent** – Dr. Jensen, Mrs. Williams
- Motion carried to approve minutes with no corrections.

8. President-elect Report

Dr. Zammuto had nothing to report, however he used this time to pay tribute to the late Dr. Krpan opting to play a recording of the Lifetime Achievement Award presented to him by the American Osteopathic Foundation (AOF) in 2010.

9. Naturopathic Medicine Committee Update – David Field, N.D., Chair

David Field, N.D., Chair and Dara Thompson, N.D. presented an informative presentation regarding the Naturopathic Medicine Committee (NMC) and what they would like to accomplish.

Ms. Mercado inquired what the NMC was seeking from the Board and was informed that the presentation was merely for informational purposes. Additionally, the NMC

wanted to provide other boards/bureaus/committees with supplementary knowledge of the innerworkings of how all health professions correlate with each other with respect to providing the best patient care possible.

Ms. Mercado also inquired how the NMC was considering handling the recent implementation of the medicinal marijuana laws.

Rebecca Mitchell, Executive Officer, NMC, stated that she would be meeting with representatives from the Bureau of Cannabis Control (BCC) to see if they would be willing to provide NDs with recommendation privileges so that they could at the very least consult with patients regarding the use of cannabis.

10. Budget Update – Mark Ito, DCA Budget Office

Mark Ito provided the Board with a detailed overview of the Board's current fund condition for the fiscal year thus far.

Dr. Lally inquired how much control the Board really had over the budget line items, and was informed by Mr. Ito that if the Board is able to absorb the costs then there is a possibility that the budget may be realigned, however if not then the Budget Office will have to sit with Mrs. Burton to discuss the Board's options.

The Board is currently working on trying to absorb the cost of the high-density file system that is needed for the remodel, therefore the Budget Office is working closely with the Board to ensure that the procurement is possible.

11. Title 16 California Code of Regulations:

Discussion section 1663 - Disciplinary Guidelines and Uniform Standards

Ryan Marcroft, Deputy Director Legal Affairs, Department of Consumer Affairs, provided the Board with an update on the current status the California Code of Regulations, Title 16, section 1663 - Disciplinary Guidelines and Uniform Standards. He noted that the regulation would update the Board's Disciplinary Guidelines, incorporate the Uniform Standards into the Disciplinary Guidelines, and would also set standards regarding proposed disciplinary decisions involving sexual misconduct cases.

He informed the Board that the initial packet was originally submitted to the Office of Administrative Law (OAL) in 2016, however that packet was disapproved by OAL and at that time, provided the Board with in depth documentation regarding their decision for the packet denial.

Currently, OMBC staff, legal counsel, and the DCA legislative unit are working together to amend the packet and address the concerns presented by OAL. The language will then be brought back to the Board for approval so that it may be resubmitted for consideration and implementation. Mr. Marcroft's hope is to have the drafted documentation completed for presentation to the Board for discussion at the May Board meeting.

Dr. Lally inquired on what the Board would be including and/or approving at the time the language is brought forth using the Board's no tolerance for sexual misconduct as an example, and was informed by Mr. Marcroft and Ms. Knight that this would be the avenue that the Board would use to implement and enforce those disciplinary matters more specifically revocation of licensure when sexual misconduct occurred.

Mrs. Burton thanked both Ms. Knight and Mr. Marcroft for the assistance that has been provided to the Board with regards to the drafting of the Board's regulatory packets.

Discussion section 1606 - Notice to Consumers

Mrs. Thorfinnson provided the Board with background information regarding the notice to consumers regulation packet. She noted that she incorporated into the notice additional verbiage that pertained specifically to the OMBC.

Dr. Zammuto inquired if the Board would be distributing the finalized information to all licensed physicians of the Board via email once the regulation was approved. Mrs. Thorfinnson advised that the Board would be sending out an email blast to all physicians regarding the change in posting requirements and noted that because email address disclosure is optional and infrequently updated by licensees, it may be difficult to reach all physicians accordingly. However, a list serve subscription list for *physicians only* has been created so that the Board is able to acquire accurate email information for notifications. Ms. Knight also recommended that upon language approval and acceptance by OAL the Board also updates its website so that it is listed there.

Dr. Lally inquired how we would reach those consumers of Spanish speaking origin or any other language for that matter. Ms. Knight recommended that the Board look into language finalized by other boards to see how non-English speaking consumers are included. Mrs. Burton noted that during regulatory implementation the language need not be printed in any other language being that the language is primarily for the physician for the purpose of posting in the office. Because of that the physician may make language specific postings for their specific patient's language if they feel that it is necessary.

Motion to approve the proposed modified text for a 45-day public comment period, and if there are no adverse comments received

during the commenting period delegate to the executive director the authority to adopt the proposed regulatory changes as modified and complete the rule making file including making any technical or non-substantive changes. Motion – Dr. Lally, Second – Dr. Buhari

- Roll Call Vote was taken
 - **Aye** – Mrs. Blair, Dr. Buhari, Dr. Lally, Ms. Mercado, Mr. Moreno, Dr. Zammuto
 - **Nay** – None
 - **Abstention** – None
 - **Absent** – Dr. Jensen, Mrs. Williams
- Motion carried to accept changes as presented

12. Discussion Regarding Guidelines for the Recommendation of Cannabis for Medical Purposes, Medical Board of California (MBC)

The Board decided that the best course of action while it awaited further discussion of the topic of the recommendation of cannabis for medical purposes was to add a link to the guidelines created by MBC on the Board's site for review by licensees.

13. Executive Director's Report

Angie Burton updated the Board on licensing statistics, staffing, Board budget activity, and diversion program statistics which were included in the board packet.

Dr. Zammuto inquired on the process and status of solicitations for a new medical consultant for the Board and was informed by Mrs. Burton that the Board has created and posted an Examination and Certification Online System (ECOS) listing for the position to begin the process of filling the vacancy and noted that the Board should consider conducting interviews utilizing at least a 2-person panel once they are ready to begin interviewing candidates.

CURES – Board members were provided with a breakdown of the CURES percentages.

Enforcement/ Discipline - The Board's Lead Enforcement Analyst Corey Sparks presented the enforcement report to the Board.

14. Agenda Items for Next Board Meeting

- CMA Medical Marijuana Bureau (*Ms. Mercado*)

15. Future Meeting Dates

- Thursday, May 17, 2018 @ 10:00 am - Pomona, CA
- Thursday, September 27, 2018 @ 10:00 am – San Diego, CA
- Thursday, January 17, 2019 @ 10:00 am - Sacramento, CA
- Thursday, May 16, 2019 @ 10:00 am – Pomona, CA

16. Adjournment

There being no further business, the meeting was adjourned at 3:45 p.m.