OSTEOPATHIC MEDICAL BOARD OF CALIFORNIA

Board Meeting, Thursday, May 7, 2020
10:00 a.m.

Osteopathic Medical Board of California
1300 National Drive, Suite 150
Sacramento, CA 95834-1991

OMBC Phone (916) 928-8390

TABLE OF CONTENTS

TAB 1 **AGENDA**

TAB 2 **INTRODUCTION OF NEW BOARD MEMBER(S)**

TAB 3 **PRESIDENT'S REPORT**

TAB 4 **MEETING MINUTES**

- **January 16, 2020 (Teleconference)**

TAB 5 **EXECUTIVE DIRECTOR'S REPORT – MARK ITO**

- **Licensing**
- **Staffing**
- **COVID-19**
- **CURES**
- **Enforcement Report – Corey Sparks**

TAB 6 **REGULATIONS**

- **Required Continuing Medical Education – Title 16, California Code of Regulations (CCR) Section 1635.**
- **Continuing Medical Education Progress Report – Title 16, CCR Section 1636.**
- **Sanctions for Noncompliance for ease and accessibility – Title 16, CCR Section 1641.**

TAB 7 **GUIDELINES for the RECOMMENDATION of CANNIBIS for MEDICAL PURPOSES**

TAB 8 **PENDING LEGISLATION**

- **AB 2515 (*Nazarian*) Continuing Medical Education: geriatric medicine**
- **AB 613 (*Low*) Professions and vocations: regulatory fees**
- **AB 1616 (*Low*)Department of Consumer Affairs: Boards: Expunged convictions**
- **AB 2185 (*Patterson*) Professions and vocations: applicants licensed in other states: reciprocity**

- **AB 2631 (*Cunningham*) License fees: military partners and spouses**
- **AB 3045 (*Gray*) Department of Consumer Affairs: boards: veterans: military spouses: licenses**
- **SB 878 (*Jones*) Department of Consumer Affairs Licensing: applications: wait times**

TAB 9 AGENDA ITEMS FOR NEXT MEETING

TAB 10 FUTURE MEETING DATES

Tab 1

BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR
DEPARTMENT OF CONSUMER AFFAIRS • OSTEOPATHIC MEDICAL BOARD OF CALIFORNIA
1300 National Drive, Suite 150, Sacramento, CA 95834
P (916) 928-8390 | F (916) 928-8392 | www.ombc.ca.gov

TELECONFERENCE BOARD MEETING NOTICE AND AGENDA

Thursday, May 7, 2020
10:00 a.m. to 5:00 p.m.
(or until the conclusion of business)

Osteopathic Medical Board
1300 National Drive, Suite 150
Sacramento, CA 95834

Call-in Line for Teleconferencing: ***TBD**
Participant Code: ***TBD**

NOTE: **Pursuant to the provisions of Governor Gavin Newsom's Executive Order N-29-20, dated March 17, 2020, neither Board member locations nor a public meeting location are provided. Public participation may be through teleconferencing as provided above. If you have trouble getting on the call to listen or participate, please call 916-928-8390.**

AGENDA

Discussion and possible action may be taken on any items listed on the agenda, and items may be taken out of order to facilitate the effective transaction of business.

OPEN SESSION

1. Call to Order and Roll Call / Establishment of a Quorum

2. 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).)

3. Introduction of new Board member(s)

4. President's Report

5. Review and Possible Approval of Minutes

   - January 16, 2020 Board Meeting

6. Executive Director's Report – Mark Ito

- Licensing
- Staffing
- COVID-19
- CURES
- Enforcement Report / Discipline

7. Regulations Update, Discussion, and Possible Action:

- Required Continuing Medical Education - Title 16, California Code of Regulations (CCR) section 1635.
- Continuing Medical Education Progress Report - Title 16, CCR section 1636.
- Sanctions for Noncompliance for ease and accessibility – Title 16, CCR section 1641.

8. Discussion and Possible Approval of Guidelines for the Recommendation of Cannabis for Medical Purposes

9. Discussion and Possible Action on Pending Legislation:

- **AB 2515** (***Nazarian***) Continuing Medical Education: geriatric medicine
- **AB 613** (***Low***) Professions and vocations: regulatory fees
- **AB 1616** (***Low)*** Department of Consumer Affairs: Boards: Expunged convictions
- **AB 2185** (***Patterson)*** Professions and vocations: applicants licensed in other states: reciprocity
- **AB 2631** (***Cunningham)*** License fees: military partners and spouses
- **AB 3045** (***Gray***) Department of Consumer Affairs: boards: veterans: military spouses: licenses
- **SB 878** (***Jones)*** Department of Consumer Affairs Licensing: applications: wait times

CLOSED SESSION

Pursuant to Government Code section 11126, subdivision (a)(1), the Board will meet in closed session for discussion and to deliberate on the performance evaluation of the Executive Director.

RECONVENE OPEN SESSION

10. Future Agenda Items

11. Future Meeting Dates

12. Adjournment

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, as well as any available Board meeting materials, can be accessed on the Board's website at www.ombc.ca.gov

Discussion and action may be taken on any item on the agenda. The time and order of agenda items are approximate and subject to change at the discretion of the Board President to facilitate the effective transaction of business.

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.

Tab 2

OSTEOPATHIC MEDICAL BOARD OF CALIFORNIA
Executive Office

Board Member Appointments

Hemesh Mahesh Patel, 39, of Huntington Beach, has been appointed to the Osteopathic Medical Board of California. Patel has been a member of the Human Relations Task Force for the City of Huntington Beach since 2020, an emergency roster physician for disaster relief with Project Hope since 2019, a volunteer crisis text counselor at Crisis Text Line since 2018, an expert reviewer for the Osteopathic Medical Board and a volunteer assistant professor of clinical medicine for the patient centered clerkship program at the University of California, Irvine School of Medicine since 2015, and a family physician and obesity medicine specialist at the Southern California Permanente Group since 2011. He was a yoga instructor at Corepower Yoga from 2013 to 2015 and an urgent care physician at Family Care Center Group and at Woodbury Medical Center from 2010 to 2011. Patel was a resident physician at the University of California, Irvine Medical Center from 2008 to 2011, a lecturer in the department of biological sciences at the University of California, Irvine from 2003 to 2004, and a staff reporter and assistant news editor at the Daily Bruin from 1998 to 2002. He is a member of the Osteopathic Physicians and Surgeons of California, Orange County Medical Association, Orange County Chapter of the California Academy of Family Physicians, California Medical Association, American Academy of Family Physicians, Obesity Society, American College of Osteopathic Family Physicians, and the UCLA Alumni Association-Orange County Chapter. He earned a Doctor of Osteopathic Medicine degree from the Western University of Health Sciences, College of Osteopathic Medicine of the Pacific and a Master of Science degree from Georgetown University.

Tab 3

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Tab 4

BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR
DEPARTMENT OF CONSUMER AFFAIRS • OSTEOPATHIC MEDICAL BOARD OF CALIFORNIA
1300 National Drive, Suite 150, Sacramento, CA 95834
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Osteopathic Medical Board of California

Meeting Minutes

January 16, 2020

MEMBERS PRESENT:	Joseph Zammuto, D.O., *President* Cheryl Williams, *Vice President* Cyrus Buhari, D.O., *Secretary Treasurer* Elizabeth Jensen, D.O., *Board Member* Claudia Mercado, *Board Member* Andrew Moreno, *Board Member* Gor Adamyan, *Board Member*
MEMBERS ABSENT:	
STAFF PRESENT:	Sabina Knight, *Esq., Legal Counsel, DCA* Mark Ito, *Executive Director* Machiko Chong, Executive Analyst Steve Ly, *Enforcement Analyst* Robin Matson, *Enforcement Analyst* Dina Ruprecht, *Office Assistant* Corey Sparks, *Enforcement Analyst*
MEMBERS OF THE AUDIENCE:	Students (***ATSU*** & ***AZCOM*** – *Midwestern*)

Agenda Item 1 Call to Order/Roll Call/Establishment of a Quorum

The Board Meeting of the Osteopathic Medical Board of California (OMBC) was called to order by President, Joseph Zammuto, D.O. at 10:00 a.m. at Department of Consumer Affairs (DCA) (HQ2) - 1747 North Market Blvd., Hearing Room, Sacramento, CA 95834. A quorum was present and due notice was provided to all interested parties.

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)]

There were no public comments as upon inquiry, from the members of the public that were present.

Agenda Item 3 Election of Officers

Dr. Zammuto called for a motion/nomination for election of **Board President**.

Joseph Zammuto, D.O. was nominated for President. Motion – Mrs. Williams

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

Dr. Zammuto was unanimously elected for Board President.

Dr. Zammuto called for a motion/nomination for election of **Vice President**.

Cheryl Williams was nominated for President. Motion – Dr. Jensen

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

Mrs. Williams was unanimously elected for Vice President.

Dr. Zammuto called for a motion/nomination for election of **Secretary/ Treasurer**.

Cyrus Buhari, D.O. was nominated for Secretary/ Treasurer. Motion – Dr. Zammuto

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

Dr. Buhari was unanimously elected for Secretary/ Treasurer.

Agenda Item 4 President's Report – Dr. Zammuto

Dr. Zammuto and Mark have been working with the Osteopathic Physicians and Surgeons of California (OPSC) to compile an education piece on the process of applying for a Postgraduate Training License (PTL). The plan is to begin disseminating the licensing information at OPSC's annual conference in San Diego, where there will be a workshop held to provide those in the profession an opportunity to view the licensing requirements, and also extend the opportunity to physicians for a licensing Q & A.

Dr. Zammuto acknowledged Karl Baur, CMP, OPSC who has been instrumental in assisting with the project. He also thanked Elaine Ho, D.O. who has been doing all of the legwork on the process and will be the main presenter during the workshop.

Dr. Zammuto discussed the document included in the board packet *Communicating with patients: Guidelines from the Maine Board of Licensure in Medicine*, which explained why it is important to maintain an upright Physician-Patient rapport. He recommended that it be posted on the Board's page as an item for physicians to reference as it includes many best practices that could be implemented by physicians.

Lastly, Dr. Zammuto informed meeting attendees of the upcoming Federation of State Medical Board (FSMB) annual meeting which will take place in San Diego April 29 – May 2, 2020. He noted that it is a great opportunity for all within the medical profession, as well as board members and legal counsel to attend and hear what is occurring within the profession on a national level.

Agenda Item 5 Review and Possible Approval of Minutes

Dr. Zammuto called for a motion for approval of the Board meeting minutes of the November 21, 2019 Board Meeting.

Motion to approve the November 21, 2019 Board meeting minutes with no corrections. Motion – Dr. Buhari, **Second** – Dr. Jensen

- Roll Call Vote was taken
  - **Aye** – Mr. Adamyan, Dr. Buhari, Dr. Jensen, Ms. Mercado, Mr. Moreno, Mrs. Williams, Dr. Zammuto
  - **Nay** – None
  - **Abstention** – None
  - **Absent** – None
- Motion carried to approve the November 21, 2019 Board meeting minutes with no corrections.

Agenda Item 6 Petition for Early Termination of Probation, Ed Shapiro, D.O., 20A 4201

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

Agenda Item 7 Petition for Early Termination of Probation, Peter Hugh, D.O., 20A 6005

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

****CLOSED SESSION****

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

Agenda Item 8 Budget Update – Sara Hinkle, DCA Budget Office

Sarah Hinkle, DCA Budget Analyst, provided the Board with a detailed overview of the Board's up to date fund condition for this fiscal year. The Board was informed by Mr. Ito that the budget is currently in a good status. Currently, the Board has 12 months in reserve however, this may possibly increase to 14.2 months during 2020-21 once the $1.5 million loan repayment is received.

Ms. Mercado inquired if the Board's renewal fees needed to be increased and was advised that at the current months in reserves, there is no need to increase the fees. Additionally, it takes roughly 2-3 years for completion of a fee audit and the Board would also need to potentially seek a bill in the legislature to increase the renewal fee, while also reviewing the fee cap.

Dr. Jensen inquired if the budget included the two (2) new positions that were implemented and was advised by Mr. Ito that the $800,000 cost savings was due in part to the new employees not being onboarded at the beginning of the fiscal year.

Agenda Item 9 Executive Director's Report – Mark Ito

Mr. Ito updated the Board on licensing statistics, staffing, budget conditions, and provided a CURES update. Additionally, he provided a student survey that was created by Board staff and sent out to all postgraduate training programs that attended the Board's quarterly meetings to gain a better understanding of how the visiting students felt about how the Board's meetings are being conducted. All items discussed 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 10 Strategic Plan - Update

The Board received a copy of the proposed Strategic Plan execution outline that was developed by board staff and SOLID. Mr. Ito went through each of the goals to provide the Board Members with a better understating of how the Board intends on reaching the execution outline for the strategic plan during the next two quarters.

Agenda Item 11 Review of Medical Board of California Guidelines for the Recommendation of Cannabis for Medical Purposes and FSMB Telehealth Guidelines

The Board discussed the Medical Board of California Guidelines for the Recommendation of Cannabis for Medical Purposes and the FSMB Telehealth Guidelines that were included in the packet.

Ms. Mercado noted that both documents were well written, however she noted that there were things that could be expanded upon. She noted that of the two the guidelines presented, the Medical Board of California guidelines should be the outline used by the Board.

Dr. Zammuto called for a motion for adopt the Medical Board of California Guidelines for the Recommendation of Cannabis for Medical Purposes.

Motion to adopt Medical Board of California Guidelines for the Recommendation of Cannabis for Medical Purposes. Motion – Dr. Zammuto, **Second** – Ms. Mercado

- Roll Call Vote was taken
  - **Aye** – Mr. Adamyan, Dr. Buhari, Dr. Jensen, Ms. Mercado, Mr. Moreno, Mrs. Williams, Dr. Zammuto
  - **Nay** – None
  - **Abstention** – None
  - **Absent** – None
- Motion carried to adopt Medical Board of California Guidelines for the Recommendation of Cannabis for Medical Purposes.

Dr. Zammuto recommended that a subcommittee be created. Board Members Claudia Mercado and Andrew Moreno volunteered to sit on the subcommittee to review and develop guidelines for the Board that may be adopted at a subsequent meeting.

Agenda Item 12 Agenda Items for Next Meeting

- Review of Guidelines for the Recommendation of Cannabis for Medical Purposes (*Proposed Language*)
- Executive Director (*Evaluation*)
- Pending Legislation

Agenda Item 13 Future Meeting Dates

- Thursday, May 7, 2020 @ 10:00 am – Pomona, CA
- Thursday, September 10, 2020 @ 10:00 am – San Diego, CA

Agenda Item 14 Adjournment

There being no further business or public comment, Dr. Zammuto adjourned the meeting at 2:26 p.m.

Tab 5

EXECUTIVE DIRECTOR’S REPORT

STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR
OSTEOPATHIC MEDICAL BOARD OF CALIFORNIA
1300 National Drive, Suite 150, Sacramento, CA 95834
Phone (916) 928-8390 | Fax (916) 928-8392 | www.ombc.ca.gov

MEMORANDUM

DATE	May 7, 2020
TO	Board Members
FROM	Mark Ito Executive Director
SUBJECT	**Executive Director's Report – Agenda Item 6**

This report provides the Board Members with information on the following topics:

- Licensing Statistics
- Staffing
- COVID-19
- CURES
- Enforcement Report/Discipline

Licensing Statistics:

The table below shows the OMBC's total licensee count as of April 27, 2020. The table shows the number of licensees practicing or residing in California, and the total number of licensees under the OMBC's jurisdiction. The total number of licensees under the OMBC's jurisdiction is 11,722.

License Status	Practicing/Residing in CA	Total Licensees
Active/Current	9,793	9,951
Inactive/Current	316	572
Delinquent	897	1,199
Total:	11,006	11,722*

* Total licensees under the OMBC's jurisdiction

The table below shows the Licensing Unit's workload for 2018-19 and 2019-20. The workload for 2019-20 is from July 1, 2019 – March 31, 2020. The licensing workload for the OMBC continues to increase and we are looking into different ways to increase efficiency in the Licensing Unit. Creating efficiencies will allow the OMBC to process this increasing workload within our existing resources. Additionally, effective January 1, 2020, the Board began accepting applications for the Postgraduate Training License (PTL).

Licensing Workload		
	Fiscal Year 2018-19	Fiscal Year 2019-20*
	Total	Total
DO Apps Received	999	808
DO Apps Approved	804	748
DO Certificates Issued	773	762
PTL Apps Received	N/A	307
PTL Apps Approved	N/A	0
Licenses Renewed	5,038	3,278
Fictitious Name Permits Received	137	88
Fictitious Name Permits Approved	94	80
Fictitious Name Permits Renewed	670	661

* Fiscal Year 2019-20 data is from July 1, 2019 – March 31, 2020

The number of days to approve a license application during the current fiscal year is 92 days. Applications with missing documents took an average of 148 days to complete and approve.

Staffing:

The Board promoted Dina Ruprecht from an Office Technician (OT) to a Staff Services Analyst to process the licensing workload associated with the implementation of the PTL. The Board is in the final stages of hiring one Administrative Governmental Program Analyst (AGPA) to process the enforcement workload associated with the implementation of the PTL. The Board is in the process of advertising for the OT position vacated by Ms. Ruprecht.

COVID-19:

On March 19, 2020, Governor Newsom issued Executive Order N-33-20. This Executive Order provided a stay at home order for the citizens of California, except as needed to maintain continuity of operations. Board management determined that all Board staff are considered essential at this time considering the nature of the profession. The Board's office is operational but is closed to the public. Board management set up a telecommuting schedule for staff that doesn't compromise the Board's workload. Staff are required to intermittently work from the office while maintaining the appropriate social distancing guidelines.

On March 30, 2020, Governor Newsom issued Executive Order N-39-20. This Executive Order authorized the Director of the Department of Consumer Affairs (DCA) to waive any of the professional licensing requirements and amend scopes of practice in Division 2 of the Business and Professions Code and regulations. The following waivers were issued on March 31, 2020:

- **DCA 20-01 Continuing Education** – Active licensees that expire between March 31, 2020 and June 30, 2020 are temporarily exempt from completing or demonstrating compliance with any continuing education requirements in order to renew a license. These licensees must satisfy any waived renewal requirements within six months, unless further extended. Additionally, these waivers do not apply to any continuing education required pursuant to a disciplinary order against a license.

- **DCA 20-02 Reinstatement of Licensure** – Inactive licensees who are seeking to reactivate their license are temporarily exempt from completing or demonstrating compliance with any continuing education requirements. Additionally, these licensees do not need to pay any fees in order to reactivate their license. These licenses are valid for a maximum of six months, or when the State of Emergency ceases to exist, whichever is sooner. Additionally, licenses that were surrendered

or revoked pursuant to disciplinary proceedings or any licensee who entered an inactive status following an initiation of a disciplinary proceeding are not eligible for this waiver.

CURES:

Assembly Bill 528 (Controlled Substances: CURES database) was chaptered on October 9, 2019. This bill, among other things, does the following:

- Changes the required timeframe in which pharmacists are required to report dispensed prescriptions to CURES from seven days to the following working day

- Expands access to CURES for delegates acting on behalf of licensed prescribers

- Adjusts the timeline on which a prescriber must re-query the CURES database prior to renewing a prescription for Schedule II-IV drugs from once every four months to once every six months

- Authorizes physicians and surgeons licensed by the Board but do not possess a federal DEA registration to register for access to CURES

The Department of Justice (DOJ) is seeking additional funding to carry out the mandates of AB 528. DCA does not control CURES costs and all funding in the CURES fund is directed solely to DOJ to cover the cost of CURES. This is necessitating a CURES fee increase from $6 - $14 annually. The new fee will be collected from all individuals authorized to prescribe or dispense controlled substance beginning January 1, 2021.

ENFORCEMENT REPORT

The following OMBC Enforcement Report covers a 12-month period starting from April 1, 2019 through March 31, 2020. The OMBC Enforcement Report is divided into five sections: Intake, Investigations, Enforcement, Performance Measures, and Probation. The data is collected from the Breeze Enforcement Reports and DCA QBIRT (IBM Cognos Analytics).

COMPLAINT INTAKE

	2Q 2019			3Q 2019			4Q 2019			1Q 2020			
TOTAL INTAKE	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	Totals
Received	108	49	30	51	82	45	54	52	28	45	35	15	594
Assigned	42	50	30	98	52	59	67	33	47	27	57	45	607
Aging	19	32	60	68	40	34	41	50	43	56	52	60	46
Pending	111	110	110	63	95	80	67	86	67	85	63	33	

Data Table 1: Complaint Intake with Convictions/Arrests

In Data Table 1 above, under TOTAL INTAKE, OMBC received 594 complaints (16 convictions/arrests). 607 cases were assigned to desk investigations. The aging for intake measures the period from the date the complaint was received (date stamped) to the date the complaint was assigned. In Figure 1.1 below we see pending complaints were at 100 in Q3 2019 and dropped to average around 80 until Q1 2020, dropping to 40 in March. Received complaints dropped significantly during Q3 2019 and climbed back up to 80 in August and then averaged in the 40s until Q1 2020, trending downward to the 20s.

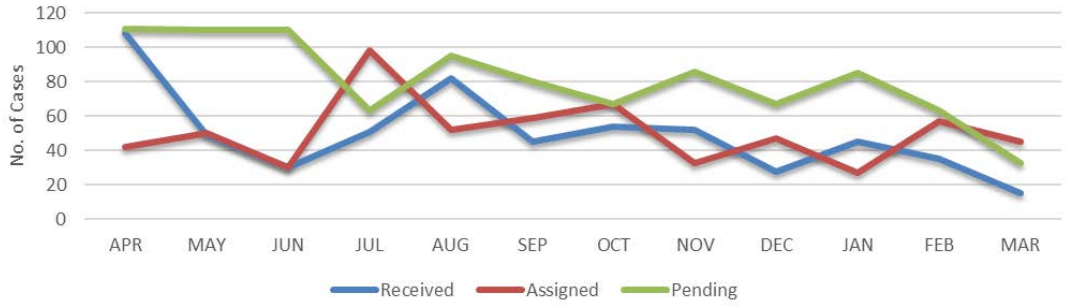


Figure 1.1: Intake Totals Per Month

INVESTIGATIONS

Desk (internal) Investigations

	2Q 2019			3Q 2019			4Q 2019			1Q 2020			
Desk Inv.	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	Totals
Assigned	42	50	30	98	50	59	68	33	48	27	57	45	607
Completed	48	25	37	54	57	47	65	43	54	49	44	26	549
Aging	123	64	143	56	94	51	77	78	112	104	125	188	101
Pending	125	157	147	194	187	201	205	196	190	168	184	203	132

Data Table 2: Desk Investigations

For all desk investigations during this period, Data Table 2 above breaks down the monthly totals for how many complaints were assigned and completed; the monthly aging and cases pending. During this period, a total of 607 cases were assigned to desk investigations and 549 were completed. The average number of days to complete a desk investigation was 101 days. In Figure 2.2,

the assigned and completed caseloads averaged around 50 per month except for the month of July as assignments peaked around 100. Pending desk investigations increased in July from an average 150 to 200 through the end of March 2020.

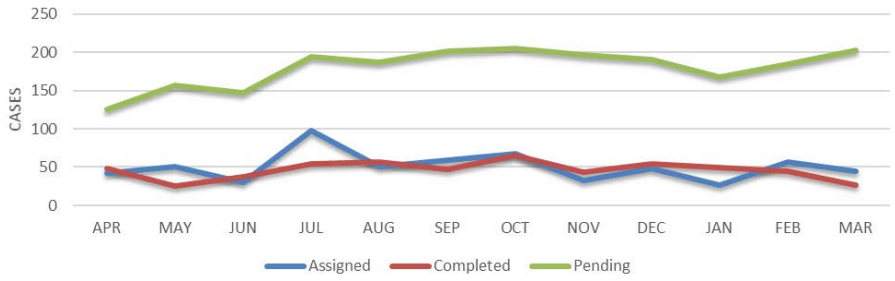


Figure 2.1: Desk Investigations Monthly Totals

Division of Investigation (DOI) Field Investigations

	2Q 2019			3Q 2019			4Q 2019			1Q 2020			
Field Inv.	**APR**	**MAY**	**JUN**	**JUL**	**AUG**	**SEP**	**OCT**	**NOV**	**DEC**	**JAN**	**FEB**	**MAR**	**Totals**
Assigned	6	4	0	2	2	4	5	4	3	5	3	3	41
Completed	2	5	2	1	7	2	4	4	3	5	5	2	42
Aging	530	534	372	107	433	363	408	209	365	375	337	76	342
Pending	46	45	42	45	43	45	47	47	47	47	47	49	49

Data Table 3: Field Investigations

Data Table 3 above breaks down the monthly totals for cases assigned to the Division of Investigations. Completed cases are either closed with insufficient evidence or referred to the Attorney General's office for disciplinary action. During this 12-month period, 41 cases were assigned to field investigations; 42 were completed; and 49 cases were pending at the end of 1Q 2020. The average number of days to complete a field investigation was 342 (up from 278 from last report).

The case complexity is the breakdown of the specific allegations. In Figure 3.1, for all competed field investigations (41 cases), there were 13 excessive prescribing cases (32%); 5 Unprofessional conduct (12%); 1 sexual misconduct cases (2%); 2 Criminal (5%); 6 fraud cases (15%); 1 Impairment (2%); 6 negligent/injury cases (15%); 6 substance abuse cases (15%); and 1 Unlicensed practice (2%).

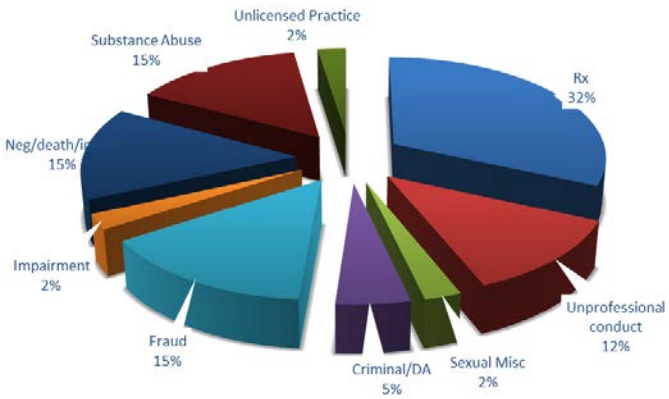


Figure 3.1 Complexity for completed Field Investigations

Aging for Desk and Field Investigations

	2Q 2019			3Q 2019			4Q 2019			1Q 2020			
All Inv Aging	**APR**	**MAY**	**JUN**	**JUL**	**AUG**	**SEP**	**OCT**	**NOV**	**DEC**	**JAN**	**FEB**	**MAR**	**Totals**
90 days	29	18	15	44	37	39	49	25	27	20	16	14	333
91-180 days	6	2	16	3	6	2	7	8	21	20	20	6	117
181-1 yr	5	4	3	5	2	1	5	2	3	5	4	2	41
1 yr-2 yrs	3	3	3	0	3	0	3	2	1	4	0	1	23
2 yrs-3 yrs	1	0	1	1	3	0	1	3	2	3	3	4	22
Totals	**44**	**27**	**38**	**53**	**51**	**42**	**65**	**40**	**54**	**52**	**43**	**27**	**536**

Data Table 4: All Investigations Aging

In Data Table 4 and Figure 4.1 we see the aging matrix for the number of all investigations that were closed per month within a specific time-period. 333 cases (62%) were completed within 90 days; 117 cases (22%) were completed between 91-180 days; 41 cases (8%) were completed between 181-365 days; 23 cases (4%) were completed between 1 – 2 years; and 22 cases (4%) were completed between 2-3 years. 84% of the investigations were completed within 6 months; and 92% were completed within a year.

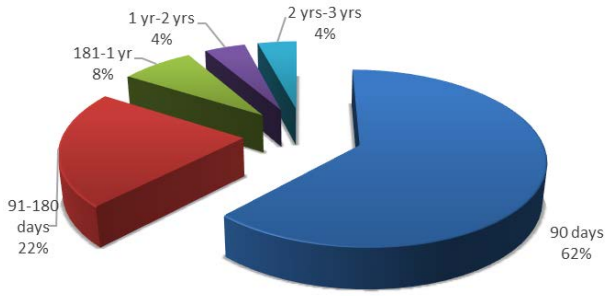


Figure 4.1 All Investigations Aging

ENFORCEMENT ACTIONS

	2Q 2019			3Q 2019			4Q 2019			1Q 2020			
	APR	**MAY**	**JUN**	**JUL**	**AUG**	**SEP**	**OCT**	**NOV**	**DEC**	**JAN**	**FEB**	**MAR**	**Totals**
AG Cases Initiated	4	2	5	0	2	1	2	2	1	0	0	1	20
Acc/SOI Filed	0	1	2	0	3	2	0	1	1	0	2	1	13
Final Discplinary Orde	1	1	0	0	0	2	1	3	0	1	0	1	10
Acc W/drawn/declined	0	0	0	0	0	1	0	0	0	0	0	0	1
Closed w/out Disc Act	1	0	0	1	0	1	0	0	0	0	0	0	3
Citations	1	0	0	0	0	0	0	1	0	2	1	0	5
Suspension Orders	0	0	0	0	0	1	0	0	0	0	0	0	1
AG Cases Pending	27	27	29	28	25	24	23	21	19	18	16	15	15

Data Table 5: Enforcement Actions

For all enforcement actions, Data Table 5 above breaks down the monthly totals for each disciplinary action. During this 12-month period, 20 cases were transmitted to the Attorney General's Office for disciplinary actions; 13 Accusations were filed; 10 Final Disciplinary Orders were filed; 1 accusation withdrawn; 3 cases were closed without disciplinary action; 5 citations issued; and 1 Suspension Order was filed. Currently 15 AG cases are pending.

Aging for Final Disciplinary Orders

	2Q 2019			3Q 2019			4Q 2019			1Q 2020			
Total Orders Aging	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	Totals
90 Days	0	0	0	0	0	0	0	0	0	0	0	0	0
91-180 Days	0	0	0	0	0	0	0	0	0	0	0	0	0
181 - 1 Yr	0	0	0	0	0	0	0	1	0	1	0	1	3
1 - 2 Yrs	0	0	0	0	0	0	0	0	0	0	0	0	0
2 - 3 Yrs	0	0	0	0	0	0	0	1	0	0	0	0	1
3-4 Yrs	1	1	0	0	0	2	1	1	0	0	0	0	6
4 yrs	0	0	0	0	0	0	0	0	0	0	0	0	0
Totals	1	1	0	0	0	2	1	3	0	1	0	1	10

Data Table 6: Final Orders Aging Matrix

In Data Table 6 and Figure 6.1 we see the aging matrix of the 10 Final Disciplinary Orders that were completed during this 12-month period. The chart shows the percentage of cases distributed within each aging period. Of the 10 final disciplinary orders, 3 cases completed (30%) within 181-365 days; 1 case (10%) within 2-3 years; and 6 cases (60%) within 3-4 years. Of the 10 Disciplinary Orders imposed (Figure 6.2 below), there were 7 probationary orders; 1 revocation; 1 surrender; 1 reprimand; and 2 Pre-accusation public reprimands.

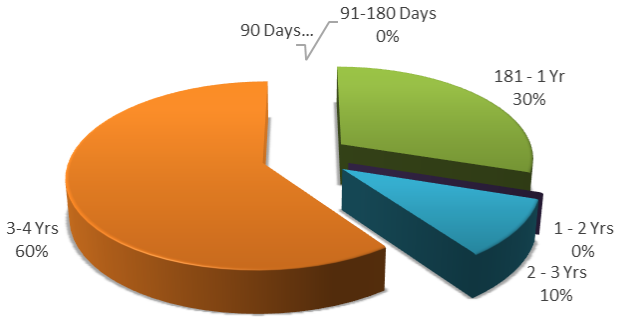


Figure 6.1: Final Orders Aging

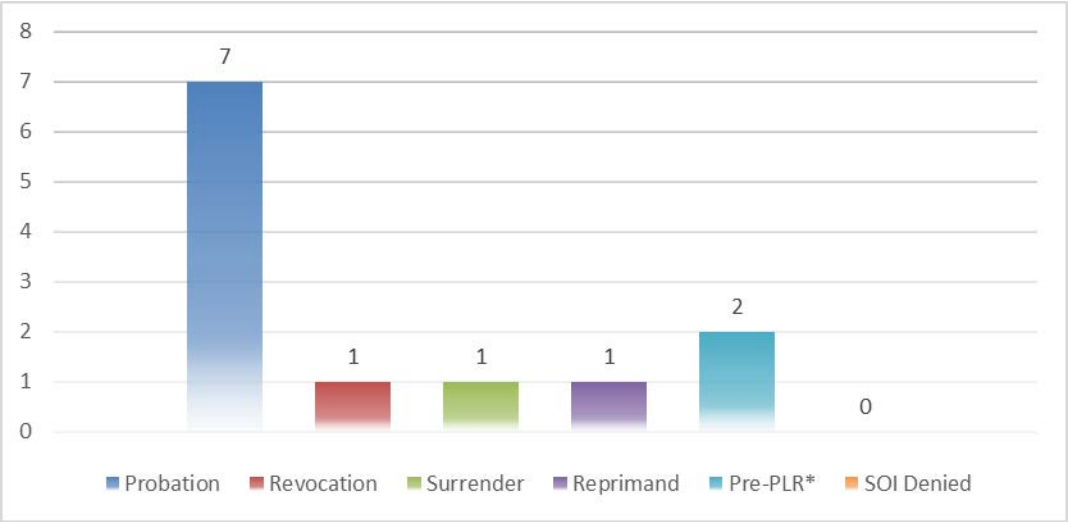
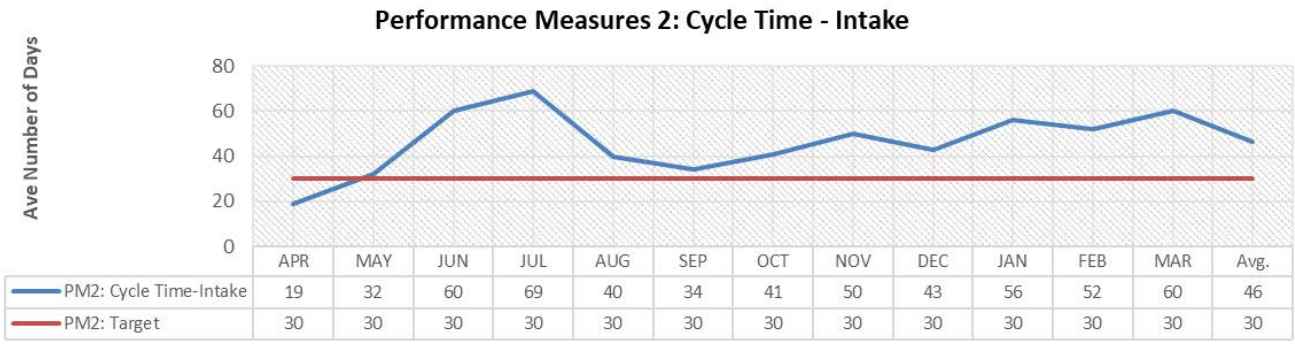


Figure 6.2: Final Disciplinary Actions Imposed
* Pre-accusation public letter for reprimand

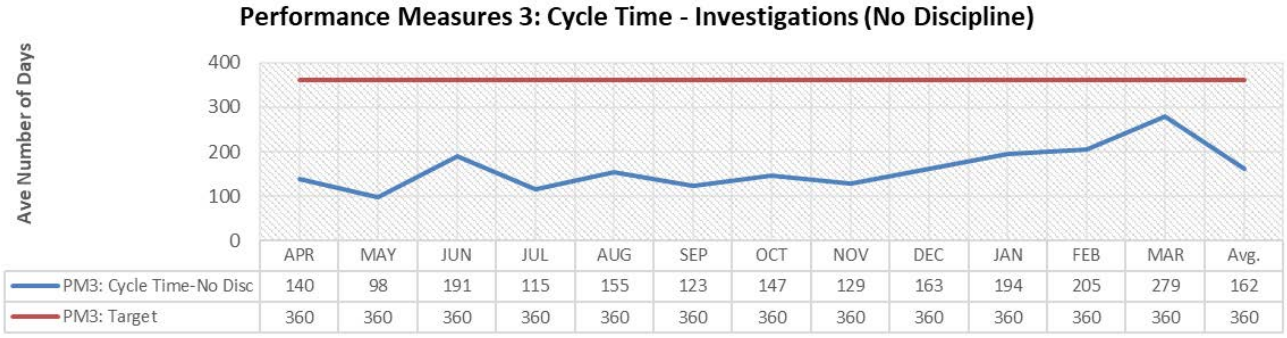
PERFORMANCE MEASURES

PM2: CYCLE TIME-INTAKE: Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



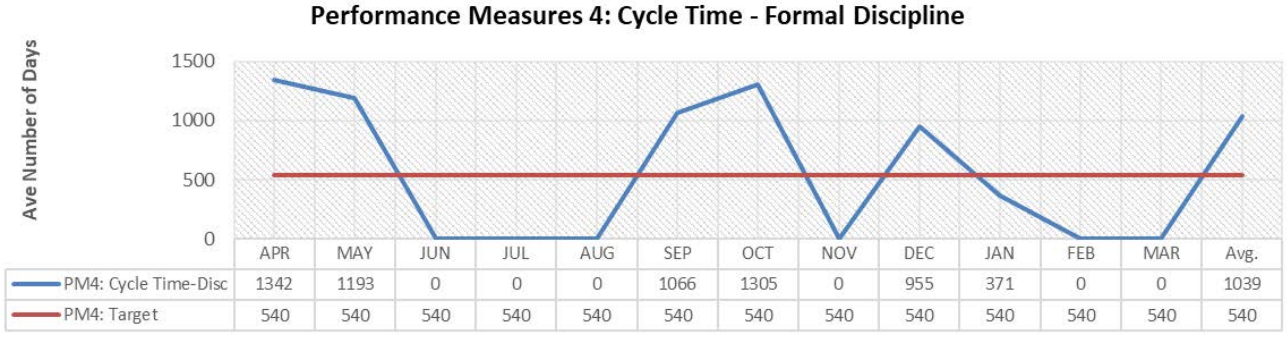
	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	Avg.
PM2: Cycle Time-Intake	19	32	60	69	40	34	41	50	43	56	52	60	46
PM2: Target	30	30	30	30	30	30	30	30	30	30	30	30	30

PM3: CYCLE TIME – INTAKE & INVESTIGATION: Average number of days to complete the entire enforcement process for cases not transmitted to the Attorney General. (Includes intake and Investigation)



	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	Avg.
PM3: Cycle Time-No Disc	140	98	191	115	155	123	147	129	163	194	205	279	162
PM3: Target	360	360	360	360	360	360	360	360	360	360	360	360	360

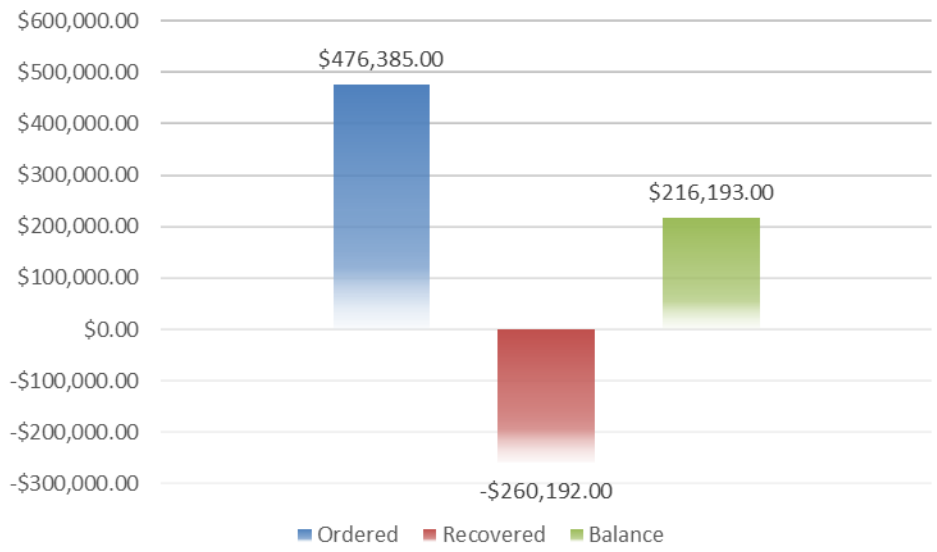
PM4: CYCLE TIME – FORMAL DISCIPLNE: Average number of days to complete the entire enforcement process for cases transmitted to the Attorney General for formal discipline. (Includes intake, investigation, and transmittal outcome)



	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	Avg.
PM4: Cycle Time-Disc	1342	1193	0	0	0	1066	1305	0	955	371	0	0	1039
PM4: Target	540	540	540	540	540	540	540	540	540	540	540	540	540

PROBATION

There are currently 38 probation cases; of which 9 cases are tolled. During this period 8 probationary cases were closed; 6 by completion and 2 by petition; and 7 cases opened. The total cost recovery ordered is currently $476,385.00. As of May 1, 2020, $260,192.00 has been paid, leaving a balance of $216,193.00.



Tab 6

CONTINUING MEDICAL EDUCATION

STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR
OSTEOPATHIC MEDICAL BOARD OF CALIFORNIA
1300 National Drive, Suite 150, Sacramento, CA 95834
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MEMORANDUM

DATE	May 7, 2020
TO	Board Members
FROM	Mark Ito Executive Director
SUBJECT	**Continuing Medical Education (CME) Rulemaking Package – Agenda Item 7**

BACKGROUND:

Since 1995 the Osteopathic Medical Board of California (Board) has required all California licensed Doctors of Osteopathic Medicine (D.O.s) to demonstrate compliance with the Board's CME requirements by submitting documentation of completion. Completion of CME is a condition of renewal; until the Board can verify completion, the D.O.'s license cannot be renewed. Over the past several years, the Board has experienced a significant increase in the number of newly licensed D.O.s, which in turn has caused a significant increase in the Board's workload of CME review and renewals.

DISCUSSION:

Business and Professions Code § 2190.5 (b), states that, upon regulatory approval, the Board may exempt physicians and surgeons from completing 12 hours of continuing education in the subjects of pain management and the treatment of terminally ill and dying patients if the physician and surgeon does not engage in direct patient care, does not provide patient consultation, or does not reside in the State of California. The Board is amending Title 16, California Code of Regulations § 1635 (e) to give the Board the authority to grant the exemption for the aforementioned licensees.

ACTION REQUESTED:

Staff recommends the Board move to approve the proposed text for a 45 day public comment period and delegate to the Executive Director the authority to adopt the proposed regulatory changes if there are no adverse comments received during the public comment period, to follow established procedures and processes in doing so, and also delegate to the Executive Director the authority to make any technical and non-substantive changes that may be required in completing the rulemaking file.

PROPOSED LANGUAGE

OSTEOPATHIC MEDICAL BOARD OF CALIFORNIA

PROPOSED REGULATORY LANGUAGE

The amendment format is as follows: Existing language remains unchanged; new wording is underlined; wording proposed for deletion is identified with strikeout lines.

The Osteopathic Medical Board of California hereby amends its regulations in Division 16 of Title 16 of the California Code of Regulations to read as follows:

1) Amend CCR Section 1635 of Division 16 of Title 16 of the California Code of Regulations to read as follows:

§1635. Required Continuing Medical Education (CME).

(a) Each physician and surgeon submitting the tax and registration fee shall submit satisfactory proof to the Board of ongoing compliance with the provisions of this article at the times specified herein.

(b) ~~Commencing January 1, 1989, a~~ Each physician and surgeon shall complete ~~150~~ 100 hours ~~within a three-year period~~ during each two-year period immediately preceding the expiration date of his or her license in order to satisfy the CME requirement; this ~~three~~ two-year period is defined as the "CME requirement period."

(c) The requirement of ~~150~~ 100 hours during the ~~three~~ two-year CME requirement period shall include a minimum of ~~60~~ 40 hours of CME in Category 1~~ A or 1 B~~ defined by the American Osteopathic Association (AOA). The balance of the CME requirement of ~~90~~ 60 hours may consist of CME as defined by either the American Osteopathic Association (AOA) or the American Medical Association (AMA) and ~~may~~ shall be completed within the entire ~~three~~ two-year CME requirement period.

(d) ~~Effective January 1, 1989, the three-year CME period shall commence for those licensed on or before January 1, 1989.~~ Those licensed subsequent to January 1, ~~1989~~2018 shall commence their ~~three~~ two-year CME requirement period on~~ a prorata basis commencing~~ the first full calendar year subsequent to initial licensure. Subsequent ~~three~~ two-year periods shall not include CME earned during a preceding ~~three~~ two-year requirement period.

(e) All physicians and surgeons shall complete a continuing education course in the subjects of pain management and the treatment of terminally ill and dying patients within four years of their initial license or by their second renewal date, whichever comes first. The Board may exempt physicians and surgeons from this requirement if the physician and surgeon does not

engage in direct patient care, does not provide patient consultations, or does not reside in the State of California, per Business and Professions Code Section 2190.5(b).

~~(c) Category 1-A, or other CME is defined by the American Osteopathic Association (AOA), set forth in the American Osteopathic Association's "Continuing Medical Education Guide," and is hereby incorporated by reference and can be obtained from the AOA at 142 E. Ontario Street, Chicago, IL 60611; it is published once every three years by the AOA most recently in 1992. Category 1 defined by the American Medical Association is set forth in "Physicians Recognition Award Information Booklet," and is hereby incorporated by reference and can be obtained from the American Medical Association, 515 North State Street, Chicago, IL 60610; it is published on an occasional basis by the AMA, most recently in January, 1986.~~

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Sections 2018, 2190.5, 2454.5 and 3600-1, Business and Professions Code. Reference: Section 2454.5, Business and Professions Code.

2) Amend CCR Section 1636 of Division 16 of Title 16 of the California Code of Regulations to read as follows:

§1636. Continuing Medical Education ~~Progress Report~~ Documentation.

~~Physicians shall report the total number of continuing medical education (CME) hours to the Board with the renewal application. This may be accomplished by:~~

~~(a) The physician sending the Board a copy of their computer printout of CME activity as compiled from documents submitted to the AOA Division of Continuing Medical Education by both sponsors and the physician (Individual Activity Report) which will list the amount of CME credit hours, or~~

~~(b) Sending the Board copies of any certificates given for the CME credit hours of attendance at any program approved by the Board, or~~

~~(c) Reports from any program approved by the Board, to be furnished by the physician, showing his CME credit hours of attendance hours as verified by the program organizer.~~

~~(d) CME categories are defined by Section 1635(e).~~

(a) Each physician and surgeon shall self-certify completion of the required CME hours by submitting to the Board a completed *Osteopathic Medical Board of California Continuing Medical Education (CME) Self-Certification Form for Renewal* (OMB-21, Rev. 1/2019), which is hereby incorporated by reference. Physicians and surgeons submitting incomplete forms shall be deemed ineligible for renewal.

(b) Physicians and surgeons shall be subject to audit of their CME hours. Each physician and surgeon shall retain for six years all documents that demonstrate compliance with CME requirements. Those physicians and surgeons selected for audit shall be required to submit documentation of their compliance with the CME requirements as specified by this article. Documents demonstrating compliance include:

(1) A copy of their computer printout of CME activity as compiled from documents submitted to the AOA Division of Continuing Medical Education by both sponsors and the physician and surgeon (Individual Activity Report) which will list the amount of CME credit hours, or

(2) Copies of any certificates indicating the title of the course/program attended and CME credit hours and dates of attendance at any program approved by the Board, or

(3) Reports from any program approved by the Board, to be furnished by the physician and surgeon, showing his or her CME credit hours and dates of attendance as verified by the program organizer or sponsoring organization.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Sections 2018 and 3600-1, Business and Professions Code. Reference: Sections 2190.5, ~~and~~ 2452 and 2454.5, Business and Professions Code.

3) Amend CCR Section 1641 of Division 16 of Title 16 of the California Code of Regulations to read as follows:

§1641. Sanctions for Noncompliance.

(a) Any physician and surgeon who has not completed ~~150~~ 100 hours of approved CME ~~or the prorated share pursuant to Section 1635(d)~~ during the ~~three~~ two-year CME requirement period will be required to make up any deficiency unless a waiver is obtained pursuant to Section 1637. Any physician and surgeon who fails to complete the deficient hours shall be ineligible for renewal of his or her license to practice medicine until such time as the deficient hours of CME are documented to the Board.

(b) It shall constitute unprofessional conduct and grounds for a citation and fine or disciplinary action including the filing of an accusation, for any physician and surgeon to misrepresent his or her compliance with the provisions of this article or who fails to comply with the provisions of this article.

~~(c) Each physician shall retain records for a minimum of four years of all CME programs attended which indicate the title of the course or program attended, dates of attendance, the length of the course or program, the sponsoring organization and the accrediting organization, if any.~~

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Sections 2018, 2454.5 and 3600-1, Business and Professions Code. Reference: Section 2454.5, Business and Professions Code.

Tab 7

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Tab 8

STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR
OSTEOPATHIC MEDICAL BOARD OF CALIFORNIA
1300 National Drive, Suite 150, Sacramento, CA 95834
Phone (916) 928-8390 | Fax (916) 928-8392 | www.ombc.ca.gov

MEMORANDUM

DATE	May 7, 2020
TO	Board Members
FROM	Mark Ito Executive Director
SUBJECT	**Pending Legislation – Agenda Item 9**

Listed below are the key bills that the Board has been following:

AB 2515	Continuing Medical Education: Geriatric Medicine Nazarian (D)

SUMMARY: This bill would require a general internist and family physician who has a patient population of which 10% are 50 years of age or older to complete at least 20% of all mandatory continuing education hours in a course related to geriatric medicine or the care of older patients. Existing law sets the continuing education threshold at 25% of the general internist and family physician patient population being 65 years of age or older.

INTRODUCED:	February 19, 2020
DISPOSITION:	Pending
LOCATION:	Committee on Business, Professions and Consumer Protection
STATUS:	March 12, 2020 – Referred to the Committee on Business, Professions and Consumer Protection.

AB 613	Professions and vocations: regulatory fees Low (D)

SUMMARY: The bill would authorize programs within the Department of Consumer Affairs to increase their fees every four years in an amount not to exceed the increase in the California Consumer Price Index in the last four years. This is a two-year bill that may be acted upon in 2020.

INTRODUCED:	February 14, 2019
DISPOSITION:	Pending
LOCATION:	Senate Business, Professions and Economic Development
STATUS:	July 1, 2019 – Hearing postponed by committee.

AB 1616	Department of Consumer Affairs: expunged convictions Voepel (R)

SUMMARY: This bill would require a board within the Department of Consumer Affairs that has posted on its internet website that a person's license was revoked because the person was convicted of a crime to, within 6 months of receiving the expungement order for the underlying offense from the person, post notification of the expungement order and the date thereof on the board's internet website if the person applies for licensure or is relicensed, or remove the initial posting on its internet website that the person's license was revoked if the person is not currently licensed and does not reapply for licensure, as specified. The bill would require a person to pay a fee, to be determined by the department, to the board for the cost of administering the bill's provisions.

INTRODUCED:	February 22, 2019
LAST AMENDED:	January 6, 2020
DISPOSITION:	Pending
LOCATION:	Committee on Rules
STATUS:	January 30, 2020 – Passed Assembly. To Senate Committee on Rules.

AB 2185	Professions and vocations: applicants licensed in other states: reciprocity Patterson (R) and Gallagher (R)

SUMMARY: This bill would require each board with the Department of Consumer Affairs to issue a license to an applicant in the discipline for which the applicant applies if the person meets certain requirements, including, but not limited to, that the person is married to, or is in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States, who is assigned to a duty station in this state, the person currently holds a license in good standing in another state in the discipline and practice level and with the same scope of practice for which the person applies, the person has held the license and has practiced in the licensed field in the other state for at least three of the last five years, and the person pays all applicable fees and complies with any applicable surety bond and insurance requirements.

INTRODUCED:	February 11, 2020
LAST AMENDED:	March 16, 2020
DISPOSITION:	Pending
LOCATION:	Committee on Business, Professions and Consumer Protection
STATUS:	March 17, 2020 – Referred to the Committee on Business, Professions and Consumer Protection.

AB 2631	License fees: military partners and spouses Cunningham (R)

SUMMARY: This bill would prohibit a board within the Department of Consumer Affairs from charging and an initial or original license fee to an applicant who holds a current license in another jurisdiction on the same profession or vocation and who supplies evidence of being married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in California under official active duty military orders.

INTRODUCED:	February 20, 2020
DISPOSITION:	Pending
LOCATION:	Committee on Business, Professions and Consumer Protection
STATUS:	March 2, 2020 – Referred to the Committee on Business, Professions and Consumer Protection.

AB 3045	Department of Consumer Affairs: boards: veterans: military spouses: licenses Gray (D)

SUMMARY: This bill would require boards to issue licenses to an applicant if the applicant meets specified requirements, including that the applicant supplies evidence satisfactory to the board that the applicant is an honorably discharged veteran of the Armed Forces of the United States or is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States, as provided. The bill would require an application for a license to include a signed affidavit attesting to the fact that the applicant meets all requirements for a license.

INTRODUCED:	February 21, 2020
DISPOSITION:	Pending
LOCATION:	Committee on Business, Professions and Economic Development
STATUS:	March 18, 2020 – Hearing postponed by committee.

SB 878	Department of Consumer Affairs: Licensing: applications: wait times Jones (R)

SUMMARY: This bill would require each board within the Department of Consumer Affairs that issues licenses to prominently display the current timeframe for processing initial and renewal license applications on its internet website.

INTRODUCED:	January 22, 2020
DISPOSITION:	Pending
LOCATION:	Committee on Business, Professions and Economic Development
STATUS:	March 18, 2020 – Hearing postponed by committee.

AB 2515

ASSEMBLY BILL No. 2515

Introduced by Assembly Member Nazarian

February 19, 2020

An act to amend Section 2190.3 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2515, as introduced, Nazarian. Continuing medical education: geriatric medicine.

Existing law, the Medical Practice Act, provides for the licensure and regulation of physicians and surgeons by the Medical Board of California, which is within the Department of Consumer Affairs, and requires a general internist and family physician who has a patient population of which 25% are 65 years of age or older to complete at least 20% of all mandatory continuing education hours in a course related to geriatric medicine or the care of older patients.

This bill would instead require a general internist and family physician who has a patient population of which 10% are 50 years of age or older to complete at least 20% of all mandatory continuing education hours in a course related to geriatric medicine or the care of older patients.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2190.3 of the Business and Professions
2 Code is amended to read:

2190.3. All general internists and family physicians who have a patient population of which over ~~25~~ *10* percent are ~~65~~ *50* years of age or older shall complete at least 20 percent of all mandatory continuing education hours in a course in the field of geriatric medicine or the care of older patients.

O

AB 613

ASSEMBLY BILL No. 613

Introduced by Assembly Member Low

February 14, 2019

An act to add Section 101.1 to the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 613, as introduced, Low. Professions and vocations: regulatory fees.

Exiting law establishes the Department of Consumer Affairs, which is comprised of boards that are established for the purpose of regulating various professions and vocations, and generally authorizes a board to charge fees for the reasonable regulatory cost of administering the regulatory program for the profession or vocation. Existing law establishes the Professions and Vocations Fund in the State Treasury, which consists of specified special funds and accounts, some of which are continuously appropriated.

This bill would authorize each board within the department to increase every 4 years any fee authorized to be imposed by that board by an amount not to exceed the increase in the California Consumer Price Index for the preceding 4 years, subject to specified conditions. The bill would require the Director of Consumer Affairs to approve any fee increase proposed by a board except under specified circumstances. By authorizing an increase in the amount of fees deposited into a continuously appropriated fund, this bill would make an appropriation.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 101.1 is added to the Business and Professions Code, to read:

101.1. (a) Notwithstanding any other law, no more than once every four years, any board listed in Section 101 may increase any fee authorized to be imposed by that board by an amount not to exceed the increase in the California Consumer Price Index, as determined pursuant to Section 2212 of the Revenue and Taxation Code, for the preceding four years in accordance with the following:

(1) The board shall provide its calculations and proposed fee, rounded to the nearest whole dollar, to the director and the director shall approve the fee increase unless any of the following apply:

(A) The board has unencumbered funds in an amount that is equal to more than the board's operating budget for the next two fiscal years.

(B) The fee would exceed the reasonable regulatory costs to the board in administering the provisions for which the fee is authorized.

(C) The director determines that the fee increase would be injurious to the public health, safety, or welfare.

(2) The adjustment of fees and publication of the adjusted fee list is not subject to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2) of the Government Code.

(b) For purposes of this section, "fee" includes any fees authorized to be imposed by a board for regulatory costs. "Fee" does not include administrative fines, civil penalties, or criminal penalties.

O

AB 1616

AMENDED IN ASSEMBLY JANUARY 6, 2020

AMENDED IN ASSEMBLY APRIL 1, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL No. 1616

Introduced by Assembly Member Low
(Coauthor: Assembly Member Eduardo Garcia)

February 22, 2019

An act to ~~amend Section 10295.6 of the Insurance Code, relating to insurance.~~ *add Section 493.5 to the Business and Professions Code, relating to professions and vocations.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1616, as amended, Low. ~~Accelerated death benefits.~~ *Department of Consumer Affairs: boards: expunged convictions.*

Existing law establishes the Department of Consumer Affairs, which is composed of various boards, and authorizes a board to suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. Existing law, the Medical Practice Act, provides for the licensure and regulation of the practice of medicine by the Medical Board of California and requires the board to post certain historical information on current and former licensees, including felony and certain misdemeanor convictions. Existing law also requires the Medical Board of California, upon receipt of a certified copy of an expungement order from a current or former licensee, to post notification of the expungement order and the date thereof on its internet website.

This bill would require a board within the department that has posted on its internet website that a person's license was revoked because the person was convicted of a crime to, within 6 months of receiving the expungement order for the underlying offense from the person, post notification of the expungement order and the date thereof on the board's internet website if the person applies for licensure or is relicensed, or remove the initial posting on its internet website that the person's license was revoked if the person is not currently licensed and does not reapply for licensure, as specified. The bill would require a person to pay a fee, to be determined by the department, to the board for the cost of administering the bill's provisions.

~~Existing law regulates classes of insurance, including life insurance, and prescribes certain requirements governing the payment of an accelerated death benefit under a life insurance policy. Existing law authorizes an accelerated death benefit to be added to a life insurance policy to provide for the advance payment of a part of the death proceeds if a qualifying event, including a terminal or chronic illness, occurs. Existing law prohibits an accelerated death benefit from being effective more than 30 days following the effective date of the policy provision, rider, endorsement, or certificate.~~

~~This bill would authorize the effective period of an accelerated death benefit to be extended to not more than 60 days following the effective date of the policy provision, rider, endorsement, or certificate.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ *yes*. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 493.5 is added to the Business and Professions Code, to read:

493.5. (a) A board within the department that has posted on its internet website that a person's license was revoked because the person was convicted of a crime, upon receiving from the person a certified copy of an expungement order granted pursuant to Section 1203.4 of the Penal Code for the underlying offense, shall, within six months of receiving the expungement order, unless it is otherwise prohibited by law, or by other terms or conditions, do either of the following:

(1) If the person reapplies for licensure or has been relicensed, post notification of the expungement order and the date thereof on its internet website.

(2) If the person is not currently licensed and does not reapply for licensure, remove the initial posting on its internet website that the person's license was revoked.

(b) A person described in subdivision (a) shall pay to the board a fee in an amount to be determined by the department that does not exceed the reasonable cost of administering this section. The fee shall be deposited by the board into the appropriate fund and shall be available only upon appropriation by the Legislature.

(c) For purposes of this section "board" means an entity listed in Section 101.

(d) If any provision in this section conflicts with Section 2027, Section 2027 shall prevail.

~~SECTION 1. Section 10295.6 of the Insurance Code is amended to read:~~

~~10295.6. (a) If a policyholder or certificate holder requests an acceleration of death benefits, the insurer shall send a statement to the policyholder or certificate holder and irrevocable beneficiary showing any effect that the payment of the accelerated death benefit would have on the policy's cash value, accumulation account, death benefit, premium, policy loans, and policy liens. The statement shall disclose that receipt of accelerated death benefit payments may adversely affect the recipient's eligibility for Medicaid or other government benefits or entitlements. In addition, receipt of an accelerated death benefit payment may be taxable and assistance should be sought from a personal tax adviser. If a previous disclosure statement becomes invalid as a result of an acceleration of the death benefit, the insurer shall send a revised disclosure statement to the policyholder or certificate holder and irrevocable beneficiary.~~

~~(b) The accelerated death benefit shall be effective not more than 60 days following the effective date of the policy provision, rider, endorsement, or certificate.~~

~~(c) If the insurer charges a separate premium for the accelerated death benefit, then the insurer may also offer a waiver of premium benefit as defined in subdivision (a) of Section 10271.1. At the time the waiver of the accelerated death benefit premium benefit~~

~~is claimed, the insurer shall explain any continuing premium requirement to keep the underlying policy in force.~~

~~(d) An insurer shall not unfairly discriminate among insureds with different qualifying events covered under the policy or among insureds with similar qualifying events covered under the policy. An insurer shall not apply further conditions on the payment of the accelerated death benefits other than those conditions specified in the accelerated death benefit.~~

~~(e) No later than one month after payment of an accelerated death benefit, the insurer shall provide the policyholder or certificate holder with a report of any accelerated death benefits paid out during the prior month, an explanation of any changes to the policy or certificate, death benefits, and cash values on account of the benefits being paid out, and the amount of the remaining benefits that may be accelerated at the end of the prior month. The insurer may use a calendar month or policy or certificate month.~~

~~(f) The conversion benefit available to group certificate holders on termination of employment pursuant to paragraph (2) of subdivision (a) of Section 10209 shall include a benefit comparable to the accelerated death benefit. This requirement may be satisfied by an individual policy or certificate. This requirement, subject to the approval of the commissioner, may be satisfied by arrangement with another insurer to provide the required coverage.~~

~~(g) If payment of an accelerated death benefit results in a pro rata reduction in cash value, the payment may be applied toward repaying a portion of the loan equal to a pro rata portion of any outstanding policy loans if disclosure of the effect of acceleration upon any remaining death benefit, cash value or accumulation account, policy loan, and premium payments, including a statement of the possibility of termination of any remaining death benefit, is provided to the policyholder or certificate holder. The policyholder or certificate holder shall provide written consent authorizing any other arrangement for the repayment of outstanding policy loans.~~

REVISIONS:

Heading—Line 2.

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AB 2185

AMENDED IN ASSEMBLY MARCH 16, 2020

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL No. 2185

Introduced by Assembly Members Patterson and Gallagher

February 11, 2020

An act to add Section 117 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 2185, as amended, Patterson. Professions and vocations: applicants licensed in other states: reciprocity.

Existing law establishes the Department of Consumer Affairs, which is composed of boards that license and regulate various professions and vocations to ensure that certain businesses and professions that have potential impact upon the public health, safety, and welfare are adequately regulated. Existing law makes a violation of some of those licensure provisions a crime.

Existing law authorizes certain boards, for purposes of reciprocity, to waive examination or other requirements and issue a license to an applicant who holds a valid license in another state and meets specified other requirements, including, among others, a license to practice veterinary medicine.

This ~~bill~~ *bill, with exceptions,* would require each board within the department to issue a license to an applicant in the discipline for which the applicant applies if the person *meets certain requirements, including, but not limited to, that the person is married to, or is in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States, who is assigned to a duty station in this state, the person* currently holds a license in good standing in

another state in the discipline and practice level *and with the same scope of practice* for which the person ~~applies and if~~ *applies,* the person ~~meets specified requirements, including that the person~~ has held the license and has practiced in the licensed field in the other state for at least 3 of the last 5 ~~years~~ *years,* and *the person* pays all applicable fees *and complies with any applicable surety bond and insurance requirements*. By expanding the applicants who are authorized to be licensed and *who* may be prosecuted for a violation of those licensure provisions constituting a crime, the bill would impose a state-mandated program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 117 is added to the Business and Professions Code, to read:

117. (a) Notwithstanding any law, each board within the department shall issue a license in the discipline for which the applicant applies if the applicant meets all of the following requirements:

(1) The person is ~~a resident in this state or is~~ married to, or is in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders.

(2) The person currently holds a license in good standing in another state in the discipline and practice level *and with the same scope of practice* for which the person is applying.

(3) The person has held the license and has practiced in the licensed field in the other state for at least three of the last five years.

(4) The person has not had any disciplinary actions imposed against their license and has not had a license in the discipline for which the person is applying revoked or suspended in any other state.

(5) The person submits verification that they have satisfied all education, work, examination, and other requirements for licensure in the other state in which the person holds a license in good ~~standing.~~ *standing and those requirements are similar to the standards required for licensure in this state.*

(6) The person would not be denied licensure under any other provision of this code, including, but not limited to, disqualification for criminal history relating to the license sought.

(7) The person pays all applicable fees for ~~licensure.~~ *licensure and complies with any applicable surety bond and insurance requirements.*

(8) If required by the board, the person has passed a California jurisprudence and ethics examination or other examination otherwise required for applicants by the board on the statutes and regulations relating to the license.

(b) This section shall not supersede any other reciprocity agreement, compact membership, or statute that provides reciprocity for a person who holds a valid license in another state.

(c) This section shall not apply to the Board of Registered Nursing, any board that has a mandatory license portability requirement in statute, and any board that currently authorizes license portability as a component of qualifying for licensure in this state.

~~(c)~~

(d) Notwithstanding any law, the fees, fines, penalties, or other money received by a board pursuant to this section shall not be continuously appropriated and shall be available only upon appropriation by the legislature.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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AB 2631

ASSEMBLY BILL No. 2631

Introduced by Assembly Member Cunningham
(Coauthors: Assembly Members Boerner Horvath, Fong, Lackey, and Mayes)
(Coauthors: Senators Jones and Wilk)

February 20, 2020

An act to amend Section 115.5 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 2631, as introduced, Cunningham. License fees: military partners and spouses.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law provides for the issuance of reciprocal licenses in certain fields where the applicant, among other requirements, has a license to practice within that field in another jurisdiction, as specified. Existing law requires a board within the department to expedite the licensure process for an applicant who holds a current license in another jurisdiction in the same profession or vocation and who supplies satisfactory evidence of being married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in California under official active duty military orders.

This bill would prohibit a board from charging an initial or original license fee to an applicant who meets these expedited licensing requirements.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 115.5 of the Business and Professions Code is amended to read:

115.5. (a) A board within the department shall expedite the licensure process for an applicant who meets both of the following requirements:

(1) Supplies evidence satisfactory to the board that the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders.

(2) Holds a current license in another state, district, or territory of the United States in the profession or vocation for which the applicant seeks a license from the board.

(b) A board shall not charge an applicant who meets the requirements in subdivision (a) an initial or original license fee.

~~(b)~~

(c) A board may adopt regulations necessary to administer this section.

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AB 3045

ASSEMBLY BILL No. 3045

Introduced by Assembly Member Gray

February 21, 2020

An act to add Section 115.7 to the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 3045, as introduced, Gray. Department of Consumer Affairs: boards: veterans: military spouses: licenses.

Under existing law, the Department of Consumer Affairs, under the control of the Director of Consumer Affairs, is comprised of various boards that license and regulate various professions and vocations. Existing law requires an applicant seeking a license from a board within the department to meet specified requirements and to pay certain licensing fees. Existing law requires a board within the department to issue, after appropriate investigation, certain types of temporary licenses to an applicant if the applicant meets specified requirements, including that the applicant supplies evidence satisfactory to the board that the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders and the applicant holds a current, active, and unrestricted license that confers upon the applicant the authority to practice, in another state, district, or territory of the United States, the profession or vocation for which the applicant seeks a temporary license from the board. Existing law requires these temporary licenses to expire 12 months after issuance. Under existing law, some of the funds within

the jurisdiction of a board consist of revenue from fees that are continuously appropriated.

This bill would require boards not subject to the temporary licensing provisions described above to issue licenses to an applicant if the applicant meets specified requirements, including that the applicant supplies evidence satisfactory to the board that the applicant is an honorably discharged veteran of the Armed Forces of the United States or is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States, as provided. The bill would require an application for a license to include a signed affidavit attesting to the fact that the applicant meets all requirements for a license. By expanding the scope of the crime of perjury, the bill would impose a state-mandated local program. The bill's expansion of the requirement to issue licenses would result in revenues from fees for certain licenses being deposited into continuously appropriated funds. By establishing a new source of revenue for those continuously appropriated funds, the bill would make an appropriation.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 115.7 is added to the Business and Professions Code, to read:

115.7. (a) A board not specified in subdivision (a) of Section 115.6 shall, after appropriate investigation, issue a license to an applicant if the applicant meets all of the following requirements:

(1) The applicant shall supply evidence satisfactory to the board that the applicant is an honorably discharged veteran of the Armed Forces of the United States or is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders.

(2) The applicant shall hold a current, active, and unrestricted license that confers upon the applicant the authority to practice,

in another state, district, or territory of the United States, the profession or vocation for which the applicant seeks a license from the board.

(3) The applicant shall submit an application to the board that shall include a signed affidavit attesting to the fact that the applicant meets all of the requirements for the license and that the information submitted in the application is accurate, to the best of the applicant's knowledge. The application shall also include written verification from the applicant's original licensing jurisdiction stating that the applicant's license is in good standing in that jurisdiction.

(4) The applicant shall not have committed an act in any jurisdiction that would have constituted grounds for denial, suspension, or revocation of the license under this code at the time the act was committed. A violation of this paragraph may be grounds for the denial or revocation of a license issued by the board.

(5) The applicant shall not have been disciplined by a licensing entity in another jurisdiction and shall not be the subject of an unresolved complaint, review procedure, or disciplinary proceeding conducted by a licensing entity in another jurisdiction.

(6) The applicant shall, upon request by a board, furnish a full set of fingerprints for purposes of conducting a criminal background check.

(b) A board may adopt regulations necessary to administer this section.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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SB 878

SENATE BILL No. 878

Introduced by Senator Jones

January 22, 2020

An act to add Section 139.5 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 878, as introduced, Jones. Department of Consumer Affairs Licensing: applications: wait times.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs.

This bill would require each board within the department that issues licenses to prominently display the current timeframe for processing initial and renewal license applications on its internet website, as provided.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 139.5 is added to the Business and Professions Code, to read:

139.5. Each board, as defined in section 22, within the department that issues a license shall do both of the following:

(a) Prominently display the current timeframe for processing initial and renewal license applications on its internet website.

(b) With respect to the information displayed on the website, specify the average timeframe for each license category.

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Tab 9

Osteopathic Medical Board

Future Agenda Items

Agenda Item	Requestor

Tab 10

Osteopathic Medical Board

Future Meeting Dates

Date	Place	Time
Thursday September 10, 2020	San Diego, CA	10:00 am

**Please note that all meetings should be held in the best interest of the Board. Meetings in resorts or vacation areas should not be made. Using Conference areas that do not require contracts and or payment is the best option for the Board. No overnight travel. If an employee chooses a mode of transportation which is more costly than another mode, a Cost Comparison form must be completed. Reimbursement by the State will be made at the lesser of the two costs. Taxi Service should be used for trips within but not over a 10-mile radius. Receipts are required for taxi expenses of $10.00 and over. Tips are not reimbursable.*