



## OSTEOPATHIC MEDICAL BOARD OF CALIFORNIA BOARD MEETING MINUTES

Wednesday, June 28, 2017

**BOARD MEMBERS PRESENT:** Joseph Zammuto, D.O., President  
James Lally, D.O., Vice President  
Cyrus Buhari, D.O., Secretary Treasurer  
Megan Lim Blair, Board Member  
Alan Howard, Board Member  
Claudia Mercado, Board Member  
Cheryl Williams, Board Member

**STAFF PRESENT:** Angelina Burton, Executive Director  
Terri Thorfinnson, Assistant Executive Director  
Jason Hurtado, Esq., Legal Counsel, DCA  
Machiko Chong, Executive Analyst

**BOARD MEMBERS ABSENT:** Elizabeth Jensen, Board Member

The meeting of the Osteopathic Medical Board of California was called to order by President Joseph Zammuto, D.O., at 10:01 AM via teleconference at the noticed site of 2287 Mowry Ave., Suite C, Fremont, CA 94538. This teleconference site was open and accessible to the public. No public was present at this location. Board staff was in the Board's conference room at 1300 National Drive, Suite 150, Sacramento, CA 95834. The meeting site was open and accessible to the public.

### 1. Roll Call:

Dr. Zammuto asked Angelina Burton to call the roll. Each of the Board Members in attendance gave their name, teleconference address, and telephone number:

- **James Lally, D.O.** Chino Valley Medical Center, 5451 Walnut Ave., Chino CA 91710, (909) 464-8600;
- **Cyrus Buhari, D.O.**, Osteopathic Medical Board, 1300 National Drive, Suite 150, Sacramento CA 95834, (916) 928-8340;
- **Megan Lim Blair**, San Diego Public Library, 330 Park Blvd, San Diego CA 92101, (619) 987-2581;
- **Alan Howard**, Radisson Blu Astorija Hotel, Didžioji g. 35, Vilnius 01128, Lithuania, +370 5 212 0110;
- **Cheryl Williams**, AFLAC in San Diego, 5050 Murphy Canyon Rd., Ste 150, San Diego CA 92123, (858) 429-5432;
- **Claudia Mercado**, 421 23<sup>rd</sup> Avenue, Oakland CA 94606, (510) 735-5999

2. Public Comment for Items Not on the Agenda:

There were no public comments.

3. Title 16 California Code of Regulations: Discussion and possible action to consider amendments to California Code of Regulations Sections:

- **1661.2** Diversion Evaluation Committee Duties and Responsibilities
- **1663** Disciplinary Guidelines (Senate Bill 1441 Uniform Standards)

Mrs. Thorfinnson presented the board with revisions of the Diversion Evaluation Committee Duties and Responsibilities, and to the Disciplinary Guidelines which she read and explained to the board.

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

Dr. Zammuto thanked all of those that participated in the compilation and revisions of the documents presented for discussion.

4. Osteopathic Medical Board of California Disciplinary Guidelines: Discussion and possible action to consider amendments to Guidelines.

- Dr. Buhari moved that the board approve the proposed modified text for a 15-day public comment period, and if there are no adverse comments received during the commenting period delegate to the executive officer the authority to adopt the proposed regulatory changes as modified and complete the rule making file including making any technical or non-substantive changes. **Second** – Dr. Lally
- Roll Call Vote was taken
  - o **Aye** – Mrs. Blair, Dr. Buhari, Mr. Howard, Dr. Lally, Ms. Mercado, Dr. Zammuto, Mrs. Williams
  - o **Nay** – None
  - o **Abstention** – None
  - o **Absent** – Dr. Jensen

- Motion carried to accept changes as presented

5. Legislation: Discussion and Possible Action

- **SB 798** Healing arts: boards (Sunset Bill)
  - Sections which affect Osteopathic Medical Board:  
B&P Code sections 2064.5, 2065, 2082, 2096, 2135.5, 2143, 2228.1

Dr. Zammuto noted that the osteopathic profession does not have any issues and/or concerns with its licensure process, as it does not currently accept applications from foreign medical graduates. Moreover, the Medical Board is attempting to control and quantify their licensure process for applicants of foreign institutions, which should not mean that licensees of alternate boards should be forced into the recommended stipulations set forth.

Kathleen Creason, Director of Osteopathic Physician and Surgeons of California (OPSC) noted that there are concerns on the impact the proposed bill would have for physicians opting to moonlight and inquired about the board's perspective on the language. Dr. Lally noted that the stringent single accreditation process in effect through the ACGME should remove concern surrounding issues of moonlighting. However, there are concerns regarding the delay of licensure versus the ability to obtain employment. He added that the prolonging of licensure issuance by the board would handicap those California physicians looking for employment if enacted.

Mrs. Burton informed the board that concerns surrounding licensure while moonlighting was brought to the attention of Sara Mason, Consultant to Senator Hill, however she was unaware if those concerns were relayed to the medical board at the last meeting or if the medical board staff had provided a response addressing the concerns.

Dr. Buhari inquired if the bill would affect California students looking for licensure out of state and was advised that it would not; but was informed that it *would* affect those physicians out of state who may not have met the requirements and are looking to obtain licensure in California to practice medicine.

Mrs. Burton noted the board requested that verbiage be added to SB 798 (amendment 10) regarding guest residency and the ability to obtain a permissive licensure to temporarily join a residency program. These physicians would still be under the jurisdiction of the hospital and its training program; however, this would afford the board with the ability to monitor those that have come into the state for a residency programs not to exceed six (6) months.

Dr. Lally expressed concerns with the language making note that the board already has business processes in place to effectively monitor those physicians that are temporarily coming into the state to participate in an intermittent program and felt that this inclusion would only place the board at a disadvantage by lessening the safeguards that the board has in place.

Mrs. Thorfinnson added that the postgraduate section is new and may be removed if the board does not agree with what was proposed and noted that Dr. Lally's earlier concerns regarding easier licensing processes for those physicians attending intermittent programs was a valid concern.

Dr. Zammuto informed the board that they did not have to accept the proposed language regarding licensure for intermittent programs if they were not comfortable with the way it read or the protection that it would provide to the public.

- Dr. Buhari moved to give Mrs. Burton the authority to strike amendment 10.  
**Second** – Dr. Lally
- Roll Call Vote was taken
  - o **Aye** – Mrs. Blair, Dr. Buhari, Mr. Howard, Dr. Lally, Ms. Mercado, Dr. Zammuto, Mrs. Williams
  - o **Nay** – None
  - o **Abstention** – None
  - o **Absent** – Dr. Jensen
- Motion carried to give Mrs. Burton the authority to strike amendment 10.

#### 6. Closed Session

- Performance evaluation of the Executive Director pursuant to Government Code Section 11126(a)(1).
- Adjourn Closed Session

#### Return to Open Session

#### 7. Agenda Items for Next Meeting

- SB 798 (Update)
- DCA Update
- Diversion Evaluation Committee – Director Update

#### 8. Future Meeting Dates

- October 19, 2017
- January 18, 2018

#### 9. Meeting adjourned at 12:05 p.m.