



## BOARD MEETING MINUTES

Thursday, January 17, 2019

**BOARD MEMBERS PRESENT:** Joseph Zammuto, D.O., President  
Cheryl Williams, Vice President, Board Member  
Gor Adamyan, Board Member  
Andrew Moreno, Board Member  
Claudia Mercado, Board Member  
Elizabeth Jensen, D.O., Board Member

**STAFF PRESENT:** Angelina Burton, Executive Director  
Terri Thorfinnson, J.D., Asst. Executive Director  
Sabina Knight, Esq., Legal Counsel, DCA  
Machiko Chong, Executive Analyst  
James Lally, D.O., Medical Consultant  
Corey Sparks, Lead Enforcement Analyst

**BOARD MEMBERS ABSENT:** Cyrus Buhari, D.O., Secretary/Treasurer

The Board Meeting of the Osteopathic Medical Board of California (OMBC) was called to order by President, Joseph Zammuto, D.O. at 10:15 a.m. at Department of Consumer Affairs (DCA) (HQ2) - 1747 North Market Blvd., Hearing Room, Sacramento, CA 95834.

### 1. Roll Call

Ms. 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. Introduction of New Board Members**

Dr. Zammuto made note that Dean R. Grafilo, Director, DCA, swore Mark Ito, DCA Budget Manager, in as the new Executive Director of the OMBC. Dr. Zammuto also welcomed Gor Adamyan, Board Member, to the Board as he was newly appointed by the Speaker's Office replacing Megan Blair as a public member and issued Mr. Adamyan's Oath of Office.

### **4. DCA Update – Dean R. Grafilo, Director, DCA**

Director Grafilo introduced himself and thanked the Board for allowing him to speak and partake in the celebration of Angelina Burton, Executive Director, considering her impending retirement. Director Grafilo also welcomed the students from A.T. Still University who were in attendance and noted that he is always fond of staff and students who take time out of their busy schedules to attend meetings regarding their profession as he understands the time constraints, they face being a former staffer for the California Medical Association.

He thanked Mrs. Burton for her 31 years of service to the Board as well as to DCA and read her final resolution presented by DCA.

Patrick Le, Assistant Deputy Director, Board and Bureau Services, DCA, also thanked Ms. Burton for her contributions to the Board and for all the assistance that she has afforded him since he began his tenure.

Mr. Le informed the Board that DCA, since the beginning of the fiscal year, has been able to convene nine (9) Licensing/Enforcement work groups, which is a committee consisting of staff across each Board/Bureau/Committee under DCA. At these meetings, attendees are able to share best practices as it relates to enforcement and licensing. DCA hosted four (4) Directors Quarterly Meetings, which allotted Executive Officers and Bureau Chiefs the ability to meet directly with Director Grafilo and members of the DCA executive team. DCA also hosted two (2) Director's Board Member and Advisory Committee Leadership teleconference calls, which consisted of board presidents, board vice presidents, and DCA Executive Team. DCA has published its 2018 Annual Report, which contains statistical and financial records for each board/bureau under DCA. On January 10, 2019, the Governor released the 2019 budget, which outlined his priorities for the state based on the driving idea of a "California for All." The Governor's Budget proposes to pay down debts and pension obligations. It would make a considerable difference in housing, daycare, higher education, etc. The fiscal operations team will follow up with each board/bureau/committee to answer any questions they may have.

DCA was also able to hold three (3) Substance Abuse Coordination Committee (Committee) meetings, which is comprised of all Executive Officers/Directors from each healing arts board/bureau/committee. In 2017, Senate Bill 796 required that the

Committee reconvene to reexamine the testing standards and protocol regarding licensees who are substance abusers particularly for those boards with a diversion program and/or a probation monitoring program. The work of the Committee was to determine whether the existing criteria for random testing standards needed to be updated and report back by January 1, 2019. The Committee met in April, June, and October (2018) to discuss whether the testing timeframes should have been adjusted. The Committee voted to make two (2) changes to the Uniform Standards, with the first giving boards/bureaus/committees the additional flexibility around testing standards if the licensee is traveling out of state or out of the country if the location being visited does not have a testing facility readily available. The second change allowed boards/bureaus/committees to lower the testing frequency if the licensee receives at least 50 percent supervision in the workplace. This decision was made because the current guidelines set the testing requirement between 50-104 times per year, which for some licensees can be expensive (approximately \$50 per test). This change would allow each board/bureau/committee the ability to lower the testing frequency while ensuring that the licensee still receives a certain amount of supervision.

Ms. Mercado inquired about DCA's standpoint on reaching out to consumers regarding cannabis and cannabis products and addressing any issues that may come from physicians prescribing products that could potentially harm patients. Mr. Le advised that DCA is more than happy to be the starting point for physician contact and inquiry regarding safe practices and can eventually point the physicians in the right direction if they are unable to assist.

## 5. 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. Motion** - C. Williams, **Second** - A. Moreno
- Dr. Zammuto opened the floor to additional nominations, none were given.
- Roll Call Vote was taken
  - **Aye** – Mr. Adamyan, Dr. Jensen, Ms. Mercado, Mr. Moreno, Ms. Williams, Dr. Zammuto
  - **Nay** – None
  - **Abstention** – None
  - **Absent** – Dr. Buhari
- 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.

- **Mrs. Williams was nominated for Vice President. Motion** – Dr. Zammuto, **Second** – Dr. Jensen
- Dr. Zammuto opened the floor to additional nominations, none were given.
- Roll Call Vote was taken
  - **Aye** – Mr. Adamyan, Dr. Jensen, Ms. Mercado, Mr. Moreno, Ms. Williams, Dr. Zammuto
  - **Nay** – None
  - **Abstention** – None
  - **Absent** – Dr. Buhari
- Mrs. Williams 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. Motion** – Dr. Zammuto, **Second** – Mrs. Williams
- Dr. Zammuto opened the floor to any additional nominations, none were given.
- Roll Call Vote was taken
  - **Aye** – Mr. Adamyan, Dr. Jensen, Ms. Mercado, Mr. Moreno, Ms. Williams, Dr. Zammuto
  - **Nay** – None
  - **Abstention** – None
  - **Absent** – Dr. Buhari
- Dr. Buhari was unanimously elected as Secretary/Treasurer.

#### **6. Board President's Report**

Dr. Zammuto informed the Board that he attended the annual meeting of the American Association of Osteopathic Examiners in Las Vegas, NV, which consists of representatives from all Osteopathic Medical Boards in the United States. During the meeting, the boards take time to review and address all commonalities and concerns of each board.

#### **7. Review and Approval of Minutes**

Dr. Zammuto called for a motion for approval of the Board meeting minutes of the September 27, 2018, October 15, 2018, and December 13, 2018 Board meetings.

- **Motion to approve the September 27, 2018, October 15, 2018, and December 13, 2018 Board meeting minutes with no corrections. Motion** – Dr. Zammuto, **Second** – Dr. Jensen
- Roll Call Vote was taken

- **Aye** – Mr. Adamyan, Dr. Jensen, Ms. Mercado, Mr. Moreno, Ms. Williams, Dr. Zammuto
- **Nay** – None
- **Abstention** – None
- **Absent** – Dr. Buhari

Motion carried to approve minutes with no corrections.

## **8. Administrative Hearings**

10:30 a.m.

- John Wogec, D.O. (20A 6934) – Petition for Reinstatement of License
- David Orringer, D.O. (20A 15139) – Petition for Early Termination of Probation

The Office of Administrative Hearing (OAH) Administrative Law Judge (ALJ) Erin Koch-Goodman conducted the above hearings.

## **9. 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**

## **10. Budget Update – Mark Ito, DCA Budget Office**

Mark Ito, DCA Budget Manager, and 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.

Dr. Zammuto inquired how many months the Board had in reserve and what the standard should be and was informed by Ms. Hinkle that the Board currently had 8.9 months in reserve and that the statutory limit is 24 months in reserve. Dr. Jensen asked if the months in reserve reflected the Board's funds prior or post the loan repayment. Mr. Ito indicated that it was after the repayment and there will be interest added to the loan repayment that will be accruing until the funds are repaid.

### **11. Strategic Plan Update**

Mrs. Burton provided an update on the Board's Strategic Plan and highlighted the goals that still need to be accomplished.

Ms. Mercado inquired how many applicants the Board has licensed. She also brought up the importance of the Board's outreach. Mrs. Burton notified her that the number of licensees has increased by roughly 250 in four months since the last report in September 2018. Additionally, with an increase in the number of schools in California and the fact that post graduate trainees will become licensees, those numbers will increase. Ms. Mercado recommended that the Board reach out to current students to do a survey in terms of what information that they would like the Board to make available to them.

It was recommended that the Board make plans to reconvene later in the year to begin the process of reevaluating and updating the Board's Strategic Plan. The current version takes the Board through the end of 2019.

### **12. Discussion Regarding Guidelines for the Recommendation of Cannabis for Medical Purposes – Update**

Dr. Zammuto recommended that the Board review the telemedicine guidelines implemented by Federation of State Medical Boards (FSMB) to see if any updates have been made. Action will be postponed until a future Board meeting.

### **13. Discussion of OMBC outreach and education efforts**

Mrs. Burton informed the Board that staff sent out an email blast to all licensees regarding the new prescription pad requirements becoming effective January 1, 2019. Transmittal of the new requirements occurred later than desired on January 3, 2019, as the Board did not receive notification from Department of Justice regarding the changes until December 28, 2018. Since transmittal of these changes, staff has since received several inquiries from licensees as to why the notice went out so late. . Due to this short notice, the California State Board of Pharmacy has agreed to refrain from sanctioning any pharmacist who accepts the outdated prescription pads until roughly July 2019, which will allot additional time for prescribing physicians to obtain new prescription pads.

### **14. Executive Director's Report**

Mrs. Burton updated the Board on licensing statistics, staffing, CURES statistics and the Postgraduate Training License, which 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.

**15. Agenda Items for Next Board Meeting**

- Discussion and Possible Action Regarding Guidelines for the Recommendation of Cannabis for Medical Purposes and review of FSMB Telehealth Guidelines (*Dr. Zammuto*)
- Discussion and Possible Action Revision to OMBC Board Logo
- Discussion and Possible Action OMBC's stance on Board Certification from American Board of Cosmetic Surgery (ABCS)
- Critique of meeting from A.T. Still University students (*Dr. Zammuto*)

**16. Future Meeting Dates**

- Thursday, May 16, 2019 @ 10:00 am – Pomona, CA
- Thursday, September 5, 2019 @ 10:00 am – San Diego, CA
- Thursday, January 26, 2020 @ 10:00 am - Sacramento, CA

**17. Adjournment**

There being no further business, the meeting was adjourned at 4:13 p.m.