



Osteopathic Medical Board of California

Meeting Minutes

May 16, 2019

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
 Gor Adamyan, Board Member

MEMBERS ABSENT: Andrew Moreno, Board Member

STAFF PRESENT: Mark Ito, Executive Director
 Terri Thorfinnson, Assistant Executive Director
 Machiko Chong, Executive Analyst
 James Lally, D.O., Medical Consultant
 Corey Sparks, Enforcement Analyst
 Salwa Bojack, Esq., Legal Counsel, DCA
 Sabina Knight, Esq., Legal Counsel, DCA

MEMBERS OF THE AUDIENCE: Nick Birtcil, Executive Director, Osteopathic Physicians & Surgeons of California (OPSC)

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 10:15 a.m. at City of Chino Police Department, 5450 Guardian Way, Chino CA 91710. A quorum was present and due notice was provided to all interested parties.

Agenda Item 2 Public Comment for Items not on the Agenda

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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 upon inquiry.

Agenda Item 3 President’s Report – Dr. Zammuto

In the interest of time Dr. Zammuto elected to defer his report.

Agenda Item 4 Review and Possible Approval of Minutes

Dr. Zammuto called for a motion for approval of the Board meeting minutes of the January 17, 2019 Board Meeting.

Motion to approve the January 17, 2019 Board meeting minutes with no corrections. Motion – Dr. Jensen, **Second** – C. Mercado

- Roll Call Vote was taken
 - **Aye** – Mr. Adamyan, Dr. Buhari, Dr. Jensen, Ms. Mercado, Mrs. Williams, Dr. Zammuto
 - **Nay** – None
 - **Abstention** – None
 - **Absent** – Mr. Moreno
- Motion carried to approve the January 17, 2019 Board meeting minutes with no corrections.

Agenda Item 5 Petition for Early Termination of Probation, Scott Nelson, D.O., 20A 7316

Agenda Item 6 Petition for Early Termination of Probation, Warren Magnus, D.O., 20A 8731

The Office of Administrative Hearings (OAH) Administrative Law Judge (ALJ) Thomas Heller conducted the above hearings.

Agenda Item 7 CLOSED SESSION

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

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Agenda Item 8 Federation of State Medical Board (FSMB) Presentation – Jerry Landau, J.D., and Lisa Robins, MLA, Chief Advocacy Officer, FSMB

Mr. Landau thanked the Board for allowing him to attend and participate in the Board meeting and gave the Board a short introduction of his background. He went on to give an in-depth PowerPoint presentation on the mission and vision of the FSMB. A copy of the presentation was also included in the meeting materials. In addition, Mr. Landau informed the Board of programs and conferences that the FSMB has compiled and will be offering to all state medical board staff and physicians for continuing education and knowledge.

Mrs. Robins provided background information on the Interstate Licensing Compact (Compact) for the newly appointed Board Members. She explained that the it has been enacted in 29 states thus far and is currently pending enactment in 3 other states. Mrs. Robins noted that the first model legislation was completed in the fall of 2014 and the first state to adopt the legislation began doing so in 2015, however inclusion in the Compact is completely voluntary for each state regulatory board.

Agenda Item 9 Review of Medical Board of California Guidelines for the Recommendation of Cannabis for Medical Purposes and FSMB Telehealth Guidelines

The Board elected to defer the discussion regarding Recommendation of Cannabis for Medical Purposes and FSMB Telehealth Guidelines until the January 2020 Board Meeting.

Agenda Item 10 Discussion and Possible Action to Initiate Rulemakings to Amend Board Regulations Impacted by AB 2138 (Licensing Boards: Denial of Application: Revocation or Suspension of Licensure: Criminal Conviction) – Mark Ito:

The following items were discussed, and action taken as noted:

a) Discussion and Possible Action to Initiate a Rulemaking to Amend Section 1654 Substantial Relationship Criteria Under Title 16, California Code of Regulations

b) Discussion and Possible Action to Initiate a Rulemaking to Amend Section 1655 Rehabilitation Criteria for Denial, Suspension, or Revocation of Licensure Under Title 16, California Code of Regulations

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c) Discussion and Possible Action to Initiate a Rulemaking to Amend Section 1657 Rehabilitation Criteria for Petition for Reinstatement or Modification of Penalty Under Title 16, California Code of Regulations

Mr. Ito provided the Board with background information regarding the proposed text for the following sections: CCR §§ 1654 – Substantial Relationship Criteria, 1655 – Rehabilitation Criteria for Denial, Suspension or Revocation, 1657 – Rehabilitation Criteria for Petition for Reinstatement or Modification of Penalty. The amendments as noted within the document would make the changes necessary to comply with the mandates set forth by AB 2138.

Dr. Lally inquired about the Board's ability to deny an application based on the licentiate listing false information on their application for matters such as a DUI and was informed by Ms. Knight that the question would no longer be listed on the question section of the application. She noted that it is at the Board's discretion to list the question, however it would be listed as an optional question for the applicant. Additionally, it is up to the Board to use their discretion to evaluate and address any potential convictions which may arise.

Dr. Zammuto called for a motion to amend Title 16, CCR §§ 1654 – Substantial Relationship Criteria; 1655 – Rehabilitation Criteria for Denial, Suspension, or Revocation of Licensure; and 1657 – Rehabilitation Criteria for Petition for Reinstatement or Modification of Penalty.

Motion to approve the proposed text for a 45 day public comment period and delegate to the ED 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 ED the authority to make any technical and non-substantive changes that may be required in completing the rulemaking file. Motion – Dr. Zammuto, **Second – C. Mercado**

- Roll Call Vote was taken
 - **Aye** – Mr. Adamyan, Dr. Buhari, Dr. Jensen, Ms. Mercado, Mrs. Williams, Dr. Zammuto
 - **Nay** – None
 - **Abstention** – None
 - **Absent** – Mr. Moreno
- Motion carried to amend Title 16, CCR §§ 1654 – Substantial Relationship Criteria; 1655 – Rehabilitation Criteria for Denial, Suspension, or Revocation of Licensure; and 1657 – Rehabilitation Criteria for Petition for Reinstatement or Modification of Penalty

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Agenda Item 11 Pending Legislation

The Board elected to defer all discussion regarding pending legislation until the teleconference in June 2019. By doing so it would ensure that ample time was given to Board staff for drafting of support and/or opposition letters.

Agenda Item 12 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 have attended the Board's quarterly meetings to gain a better understanding of how the visiting students felt about how the Board meetings were 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 13 Revision to OMBC Board Logo

The Board was presented with 8 logo concepts created by DCA's Office of Publications, Design & Editing team. They were informed that the designs were presented in black and white as that would be the generic color scheme when not printed in full color. It was noted that a color scheme would be chosen at a later date once a logo was selected. The Board Members requested that 2 of the 8 proposed logos be mocked up in color (green and blue) prior to making a final selection.

Agenda Item 14 Revision to 2019 Strategic Plan

The Board received a copy of the proposed Strategic Plan compiled by SOLID. Dr. Zammuto inquired how the Board would disseminate the 2019 Strategic Plan and was notified that it would be posted on the Board's website, converted into hardcopies for mailing, and/or transmitted via email to stakeholders if desired.

Motion to approve the proposed Strategic Plan and delegate to the ED the authority to make any technical and non-substantive changes that may be required in finalizing the Strategic Plan for a 5-year period. Motion – Dr.

Zammuto, **Second** – C. Mercado

- Roll Call Vote was taken

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- **Aye** – Mr. Adamyan, Dr. Buhari, Dr. Jensen, Ms. Mercado, Mrs. Williams, Dr. Zammuto
- **Nay** – None
- **Abstention** – None
- **Absent** – Mr. Moreno
- Motion carried to approve the proposed Strategic Plan and delegate to the ED the authority to make any technical and non-substantive changes that may be required in finalizing the Strategic Plan for a 5-year period.

Agenda Item 15 Agenda Items for Next Meeting

- Review of Medical Board of California Guidelines for the Recommendation of Cannabis for Medical Purposes and FSMB Telehealth Guidelines
- Pending Legislation (Teleconference)

Agenda Item 16 Future Meeting Dates

- Teleconference – TBD in June 2019
- Thursday, January 16, 2020 @ 10:00 am – Sacramento, CA

Agenda Item 17 Adjournment

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