



Osteopathic Medical Board of California

Teleconference Minutes

May 13, 2021

**MEMBERS
PRESENT:**

Cyrus Buhari, D.O., President
Elizabeth Jensen, D.O., Vice President
Andrew Moreno, Secretary Treasurer
Gor Adamyan
Claudia Mercado
Hemesh Patel, D.O.

**MEMBERS
ABSENT:**

Denise Pines, MBA

**STAFF
PRESENT:**

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

**MEMBERS OF
THE AUDIENCE:**

John R. Gimpel, D.O. MED – President and CEO, National Board of Medical Examiners (NBOME)
Douglas Murray, Esq, General Counsel, NBOME
Geraldine O’Shea, D.O., Board Chair, NBOME
Nick Birtcil, Osteopathic Physicians & Surgeons of California Students, A.T. Still University – Visalia Campus

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

The Board Meeting of the Osteopathic Medical Board of California (OMBC) was called to order by President, Cyrus Buhari, D.O. at 10:10 a.m. Executive Analyst, Machiko Chong, called roll and determined a quorum was present. Due notice was provided to all interested parties.

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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 upon inquiry.

Agenda Item 3 Review and Possible Approval of Minutes

Dr. Buhari called for a motion for approval of the meeting minutes of the January 14, 2021 Teleconference Board Meeting.

Motion to approve the January 14, 2021 Teleconference Board Meeting minutes with no corrections.

Motion – Mr. Moreno **Second** – Mr. Adamyan

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

- Motion carried to approve the January 14, 2021 Teleconference Board Meeting minutes with no corrections.

Agenda Item 4 Petition for Reinstatement of Revoked License, Keith Ky Ly, D.O., 20A 7355

The Office of Administrative Hearing (OAH) Administrative Law Judge (ALJ) Julie Cabos-Owen conducted the above hearing.

CLOSED SESSION

Pursuant to section 11126(c)(3) of the Government Code, the Board will meet in closed session for discussion and to take action on disciplinary matters, including the above petition.

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RECONVENE IN OPEN SESSION

Agenda Item 5 Budget Report – Paul McDermott

Paul McDermott, DCA Budget Analyst, provided the Board with a detailed overview of the Board's budget for this fiscal year. Mr. McDermott indicated that the OMBC has a healthy fund condition and is anticipated to spend within their appropriation.

Agenda Item 6 Presentation and Update on the COMLEX USA Level 2 Performance Evaluation Exam and Alternative Pathways by the National Board of Osteopathic Medical Examiners (NBOME) –John R. Gimpel, D.O., MED –President and CEO, Douglas Murray, Esq, General Counsel and Geraldine O'Shea, D.O., Board Chair

Dr. Gimpel gave the Board Members a brief overview of the National Board of Osteopathic Medical Examiners (NBOME) 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 NBOME. A copy of the presentation was also included in the meeting materials. He explained the safety measures that were put into place to ensure safe testing for all physicians and surgeons who were needing to complete the Comprehensive Osteopathic Medical Licensing Examination (COMLEX) testing for graduation and impending licensure in light of the current climate.

Ms. Mercado inquired if NBOME captured the ethnic group of those individuals who were completing COMLEX examinations and inquired how NBOME handled diversity and the lack of representation for physicians in the consultation rooms for people of color. Dr. Gimpel states that the race/ethnicity information is optional information that is reported, however the information provided may be studied to assess if there are any psychometric biases that are taking place. Additionally, although the Level 2-PE examination has been suspended, those patients that were being seen were extremely diverse. Lastly, the assessment of doctor-patient communication skills also incorporated culture competency behaviors. Ms. Mercado asked if there was a way to rate how well a physician is able to provide information to a patient via a translator and also inquired how they were able to ensure the correct information was being provided to the patient. Dr. Gimpel informed her that translation services was actually something that had been tested during pilot testing, however it would be hard to obtain a reliable rating on its efficiency as there were fewer than one (1) instance where a translator was needed.

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Agenda Item 7 Discussion, Review, and Possible Approval of the Board’s Final Responses to the Sunset Review Background Paper Issues

Mr. Ito provided the Board with a brief synopsis of the Sunset Review Background Paper Issues that were addressed by the Senate and Assembly during the 2020 Oversight.

Motion to adopt the Board’s Final Responses to the Sunset Review Background Paper Issues, as well as delegate to the Executive Director the ability to continue to make non-substantive changes to the Sunset Review Background Paper Issues.

Motion – Dr. Jensen **Second** – Mr. Adamyan

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

- Motion carried to adopt the Board’s Final Responses to the Sunset Review Background Paper Issues, as well as delegate to the Executive Director the ability to continue to make non-substantive changes to the Sunset Review Background Paper Issues.

Agenda Item 8 Executive Director’s Report – Mark Ito

Mr. Ito updated the Board on licensing statistics, staffing, regulations, and COVID-19 updates, 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.

Agenda Item 9 Discussion and Possible Action on Pending Legislation

Mr. Ito and Mrs. Thorfinnson briefly went through the legislative bills that pertained to the osteopathic profession and noted the bills that could have a possible fiscal impact on the Board. The Board did not take action on any of the items presented.

Agenda Item 10 Discussion and Possible Approval of Guidelines for the Recommendation of Cannabis for Medical Purposes

The subcommittee comprised of Ms. Mercado and Mr. Moreno, presented the Board with a copy of the proposed Guidelines for the Recommendation of Cannabis for Medical Purposes that they were requesting to have approved. The document examines a

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physician's ability to recommend cannabis in accordance with the accepted standards of medical responsibility without facing disciplinary action. The document was not created nor intended to state the standard of care, although there may be instances where deviation may be found appropriate. Additionally, the document includes all applicable statutes regarding the recommendation of cannabis for medical purposes, and addresses what is considered a "serious medical condition" for which a recommendation may be considered.

Ms. Knight stated that the document is currently dated for May 2021 should the Board choose to make a motion to adopt the current text. She also noted that the Board President may choose to make amendments at any time in the future to the subcommittee, however it is an occurrence that does not have to take place during a meeting.

Dr. Patel inquired whether the document included an advisory on how to address cannabis and its inability to be prescribe with opiates and was advised that it was not something that had been discussed in the document. However, Mr. Moreno did note that extensive research had been conducted between himself and Ms. Mercado and much attention was paid to the Compassionate Use Act. As non-physicians, the subcommittee did not feel comfortable proposing language regarding prescribing practices but noted that the subcommittee was open to any language recommendations from the practicing physicians on the Board.

Mr. Adamyan asked if there were any known clinical trials that compare the dangers of medicinal cannabis and/or prescribed narcotics use and was informed that at this time there is no known data.

Motion to adopt the Board's Guidelines for the Recommendation of Cannabis for Medical Purposes, as well as delegate to the Executive Director the ability to continue to make non-substantive and technical changes to the document.

Motion – Ms. Mercado **Second** – Mr. Moreno

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

- Motion carried to adopt the Board's Guidelines for the Recommendation of Cannabis for Medical Purposes, as well as delegate to the Executive Director the ability to continue to make non-substantive and technical changes to the document.

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Agenda Item 11 Future Agenda Items

- Strategic Plan – Update

Agenda Item 12 Future Meeting Dates

- Thursday, September 23, 2021 @ 10:00 am – *TBD*
- Thursday January 20, 2022 @ 10:00 am – *TBD*

Agenda Item 13 Adjournment

There being no further business or public comment, Dr. Buhari adjourned the meeting at 2:38 p.m.