



MEMORANDUM

DATE	July 29, 2022
TO	Board Members
FROM	Mark Ito Executive Director
SUBJECT	Agenda Item #7 – Executive Director’s Report

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

- Licensing
- Staffing
- Regulations Status Update
- COVID-19 Update
- Enforcement Report – Corey Sparks

Licensing:

The table below shows the OMBC’s total licensee count as of July 22, 2022. 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/permit holders under the OMBC’s jurisdiction is 15,740.

Osteopathic Physician and Surgeon		
License Status	Practicing/Residing in CA	Total Licensees
Active/Current	9,613	11,114
Inactive/Current	79	551
Delinquent	724	1,540
Total:	9,803	13,205

Postgraduate Training License		
License Status	Practicing/Residing in CA	Total Licensees
Active/Current	1,335	1,353
Inactive/Current	0	0
Delinquent	0	0
Total:	1,335	1,353

Fictitious Name Permit		
License Status	Practicing/Residing in CA	Total Licensees
Active/Current		782
Inactive/Current		0
Delinquent		400
Total:		1,182

The table below shows the Licensing Unit's workload for 2020-21 and 2021-22. Per the table below, the Board experienced a 76 percent increase in applications for full, unrestricted licenses in 2021-22. This increase in applications was primarily due to the change in licensing requirements set forth by Senate Bill 806. The Board anticipates that is a temporary increase and the number of license applications will stabilize to a number similar to what the Board received in 2020-21. If the increase is not temporary and the Board is unable to process the increasing workload within existing resources, the Board will pursue additional staff through the annual budget process.

The number of days to approve a license application during 2021-22 was 66 days. Applications with missing documents took an average of 111 days to complete and approve.

Licensing Workload		
	Fiscal Year 2020-21	Fiscal Year 2021-22
	Total	Total
DO Apps Received	699	1,229
DO Apps Approved	554	1,108
DO Certificates Issued	575	956
PTL Apps Received	587	560
PTL Apps Approved	624	563
Licenses Renewed	5,683	4,875
Fictitious Name Permits Received	141	144
Fictitious Name Permits Approved	97	102
Fictitious Name Permits Renewed	700	703

Automated Fingerprint Process

In January 2022, the Board transitioned to an automated fingerprint process. The new automated process requires applicants to submit their fingerprint cards directly to the Department of Justice (DOJ). BreEZe receives fingerprint records nightly via an automated interface with the DOJ. The BreEZe system attempts to match the fingerprint record to the correct person and related application. If the system is unable to successfully match a fingerprint record, the record is stored in the BreEZe database and the system attempts to connect it to a related application for one year. The automated fingerprint process has reduced the timeframe to process applications and has created a more efficient process for Board applicants.

The Board continues to work collaboratively with DCA's Office of Information Services to create technological efficiencies by utilizing the features of the BreEZe system. The automated fingerprint process is a great example of the collaborative work between the Board and DCA.

Staffing:

The Board has 13.9 authorized positions with 3.5 current vacancies.

- **Office Technician (Typing)** – In October 2021, the Department of Consumer Affairs (DCA) Central Cashiering Unit started processing all of the Board’s cashiering functions. This allowed the Board to dissolve its Cashiering unit and redirect resources from cashiering to other mission critical areas that include, but are not limited to, processing Fictitious Name Permits, DO applications and acting as the Board’s front desk receptionist. The Board was unable to successfully fill this position last fiscal year but has readvertised this position and anticipates the position being filled in August 2022.
- **Medical Consultant (Enforcement)** – The Board is in the process of advertising for a Medical Consultant in the Enforcement Unit. The Medical Consultant provides medical expertise in the review of medical investigations and evaluates the professional conduct of licensees in relation to their scope of practice.
- **Staff Services Analyst (Licensing)** – The Board has a vacant Staff Services Analyst in the Licensing Unit. This position, among other things, reviews and approves initial DO applications, assists with BreZE maintenance and testing and assists with outreach and website management. The Board anticipates that this position will be advertised by the end of this calendar year.
- **Staff Services Analyst (Licensing)** – The Board has a vacant half-time Staff Services Analyst in the Licensing Unit. The Board received this position through a Legislative Budget Change Proposal. This position will process all of the workload associated with complying with Senate Bill 806, which includes but is not limited to, adding modifiers to the BreZE system to track licensees who must comply with the new licensing requirements and ensure that these licensees submit compliance with these requirements. The Board anticipates that this position will be advertised by the end of this calendar year.

Regulations

- **Continuing Medical Education and Audit** – This regulatory proposal will amend California Code of Regulations Sections 1635, 1636 and 1641. These amendments will align the CME cycle with the licensee’s renewal cycle and will create a post-renewal audit for CMEs. This will streamline the renewal process. The Board submitted this proposal to DCA for a pre-review on May 25, 2022.
- **Disciplinary Guidelines** – This regulatory proposal will update the Disciplinary Guidelines of 1996 to reflect subsequent statutory changes including adding conforming language related to sexual contact and sexual exploitation; and to improve the overall Disciplinary Guidelines with more detail, model language and disciplinary recommendations. This regulatory proposal is in the final stages of drafting, which includes reviewing the revised version of the informational digest and the Initial Statement of Reasons to ensure that all sections are accounted for. The Board anticipates submitted this proposal to DCA for pre-review within the next couple of months.
- **Citable Offenses** – The Board needs to update its citation authority to enforce existing statutes and regulations. Adding these citable offenses to the Board’s citation and fine authority will significantly strengthen the Board’s overall enforcement and regulation of the profession. The Board anticipates submitting the proposal to DCA for a pre-review by the end of this year.

COVID-19 Update:

During the early stages of the pandemic, staff were required to intermittently report to the office while maintaining the appropriate social distancing guidelines. This amounted to staff being in the office 2-3 days per week. Currently, staff are required to report to the office 3-5 days per week depending on the nature of the individual staff's workload. Increasing the number of staff reporting to the office was necessary to ensure office coverage and that operational needs were met.

Effective September 23, 2021, any state employee that has not verified as fully vaccinated for COVID-19 must get tested weekly in order to work in the office. DCA has been instrumental in assisting the Board through this process. Board staff that are not vaccinated utilize DCA Headquarters as their testing location.

SB 189 was signed by the Governor on June 30, 2022 and took effect immediately. This bill reinstates, through July 1, 2023, the remote meeting provisions of the Bagley-Keene Open Meeting Act that were in place during the pandemic. This bill gives the Board the flexibility to meet remotely without disclosing physical locations.