



Osteopathic Medical Board of California

Teleconference Minutes

August 14, 2025

**MEMBERS
PRESENT:**

Denise Pines, MBA, President
Hemesh Patel, D.O., Vice President
Gor Adamyan, Secretary
John M. Cummins, J.D.
Andrew Moreno, Esq.
Brett Lockman, D.O.
Matthew Swain, D.O.

**STAFF
PRESENT:**

Erika Calderon, Executive Director
Machiko Chong, Licensing Program Manager
Cristy Livramento, Enforcement Program Manager
Terri Thorfinnson, Legislative and Regulatory Specialist
Ralph Correa, Probation Monitor
Beth Clark, Associate Governmental Program Analyst
Yuping Lin, Board Counsel
Arthur Babakhan, OIO Manager, Department of Consumer Affairs
Kalia Van Lint, Budget Analyst, DCA Budget Office
Julia E. Cox, Administrative Law Judge, OAH
Christopher Young, Deputy Attorney General
Maryam Ahmad, Deputy Attorney General
Kaila Vanlint, DCA Budget Analyst
Nicole Dragu, DCA Budget

**MEMBERS OF
THE AUDIENCE:**

Chris, Student Government President
David, Student Governing Body
Darra, OMS II
Arnold Kim, OMS II
Cameron Quill, OMS II
Holly Macriss, Executive Director, OPSC
Michelle Monserratt-Ramos, Consumer Watchdog
Maria Ibarra-Navarrette, Consumer Watchdog
Tracy Dominguez, Consumer Watchdog

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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 Madame President Denise Pines at 09:03 a.m.

Machiko Chong called roll and determined a quorum was present. The meeting was held at Touro University College of Osteopathic Medicine. Board guidelines for conducting the meeting under the Open Meetings Act were reviewed, including rules for public comment and remote board member visibility.

Agenda Item 2 Reading of the Board's Mission Statement

Executive Director Erika Calderon read the Board's mission statement: "to protect the public by requiring competency, accountability, and integrity in the safe practice of medicine by our osteopathic physicians and surgeons".

Agenda Item 3 Public Comment for Items not on the Agenda

President Denise Pines opened the floor for public comments on items not explicitly on the agenda.

The host requested online comments; no public comments were made in the meeting room or online.

Agenda Item 4 & 5 Petition for Early Termination of Probation

Administrative Law Judge (ALJ) Juliet E. Cox presided over two hearings for early termination of probation petitions.

The Board was advised that deliberations and decisions would occur later in closed session, and petitioners would receive written decisions.

Petition for Early Termination of Probation, Steven Duane Western, D.O.

The hearing opened for Dr. Western's petition for early termination of his four-year probation, effective October 10, 2022.

Deputy Attorney General Christopher Young outlined the disciplinary order stemming from allegations admitted by Dr. Western, including practicing psychiatry on a family member (which he agreed constituted gross negligence) and inadequate electronic health record (EHR) keeping (lacking BMI metrics). Dr.

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Western testified he has corrected all issues and would now refer complex psychiatric cases to a psychiatrist. He noted he is in full compliance with all probation terms. The Board took the matter under submission for closed session deliberation.

Dr. Western was placed on four years of probation effective October 10, 2022, and was petitioning for early termination after serving approximately three years. Dr. Western stipulated that allegations in the accusation were deemed true, correct, and fully admitted, with the exception of one paragraph regarding Percocet prescription. The misconduct involved gross negligence related to treating a family member (Patient A) for Dissociative Identity Disorder (DID) and inadequate medical record keeping (lacking BMI index). Dr. Western agreed that practicing psychiatry on a family member constituted gross negligence. He affirmed he had corrected the issues and complied with all required probation terms. The Attorney General's office noted that the petitioner has the burden to show rehabilitation by presenting clear and convincing evidence.

Petition for Early Termination of Probation, James Michael Lally, D.O.

The hearing opened for Dr. Lally's petition for early termination of his three-year probation, which became final on July 31, 2023.

Deputy Attorney General Maryam Ahmad detailed the underlying allegations admitted by Dr. Lally in the stipulated settlement, including sexual harassment, gender and national origin discrimination, creating a hostile work environment, misuse of his board position to intimidate residents, and failure to disclose conflicts of interest while serving as a medical consultant. Dr. Lally testified he separated from the hospital environment in 2018, completed ethics and civility courses, and now lectures on safeguarding emotional stability for the International Olympic Committee. Board member Dr. Patel questioned how the board could ensure the protection of future medical professionals moving forward. The AG noted that Dr. Lally appeared to still struggle with fully accepting responsibility for his role in creating the hostile environment. The Board took the matter under submission.

CLOSED SESSION

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

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Agenda Item 7 Review and Possible Approval of Minutes

Associate Governmental Program Analyst Beth Clark presented the minutes from the February May 15, 2025, Teleconference Board Meeting.

Edits or corrections were identified after review:

Agenda Item 2: The mission statement should be corrected to read "osteopathic physicians" (correcting "positions").

Agenda Item 15 (Legislation): The motion to support AB 489 (Prohibition of AI: Deception use) was mistakenly referenced as AB 742 (Expedite License Applications for Descendants of Slaves) on Page 11 of the draft minutes.

Motion to adopt the minutes as amended by the board members' recommendations

Motion – Dr. Patel **Second** – Mr. Cummins

- **Aye** – Mr. Adamyan, Mr. Cummins, Dr. Lockman, Mr. Moreno, Dr. Patel, Ms. Pines, Dr. Swain
- **Nay** – None
- **Abstention** – None
- **Absent** – None

Motion carried to approve the May 15, 2025 minutes as amended.

No public comments were made online or in the meeting room

Agenda Item 8 President's Report

Madame President Denise Pines reported on the OMBC's activities:

Planning a "Hill Day" in January 2026 before the board meeting to meet with legislators, share an overview of the DO profession, and build support for a future bill to protect the DO name/identity.

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The Federation of State Medical Boards (FSMB) has convened a work group on prescribing and dispensing trends, focusing on the growth of IV hydration and ketamine clinics.

The FSMB is monitoring federal developments regarding telemedicine and license portability.

The FSMB launched an Office of AI innovation.

The FSMB launched a digital campaign with three videos, viewed over 7 million times, leading consumers to the website [carematters.org](https://www.carematters.org) for information on medical boards.

Ms. Pines announced upcoming speaking engagements: September 3rd in Dublin, Ireland, at the International Association of Medical Regulatory Authorities (presenting guidance on medical racism and discrimination standards), and September 25th at the Congressional Black Caucus Legislative Meeting (on menopause and healthcare disparities)

No public comments were made online or in the meeting room.

Agenda Item 6 Osteopathic Physician and Surgeon Student Question and Answer Forum

This item was addressed following the President's Report.

Five students from Toro University College of Osteopathic Medicine participated.

Addressing Mistakes:

Board members advised students to uphold humility, seek counsel, own up to mistakes, and prioritize the patient over system demands (volume, machine needs). Dr. Lockman referred to DOs as "MD+" and stressed using the osteopathic structural exam to differentiate practice.

Protecting the DO Role:

Members strongly encouraged students to join professional organizations (OPSC, AOA, OIA) to guide legislators and ensure their voice is heard.

Licensure:

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OMBC currently does not license international osteopaths; training must be completed at a COCA-approved school in the United States.

Residency/Advocacy:

Students voiced concerns over federal policy shifts, medical school debt, and residency spots.

Board members noted that residency funding is a national political question (CMS policy). OMBC staff noted that awareness outreach helps increase patient demand for DOs, which could open up residency opportunities. Board members encouraged students to be active, advocate, and consider academic medicine (GME).

Agenda Item 9 Board Member Communications with Interested Parties

Madame President Denise Pines requested disclosures.

No board members had disclosures. No public comments were made online or in the meeting room.

Agenda Item 10 Intergovernmental Relations Reports and Administrative Services Update

DCA Update Arthur Babakhanyan, OIO Manager, reported that Governor Newsom's reorganization plan was enacted on July 5th, splitting the Business, Consumer Services and Housing Agency.

New rules include:

- The DCA will be housed in the new Business and Consumer Services Agency, effective July 1, 2026.
- The return-to-office requirement (four days in-office per week, per Executive Order N-22-25) was postponed until July 1, 2026, due to labor union negotiations.
- Out-of-state travel is restricted to "mission critical" needs and requires eight weeks' advance notice to the DCA budget office.
- Public comment: Holly Macriss (OPSC ED) requested that OMBC staff and leaders continue to be allowed to travel to OPSC meetings to interact with DOs.

Budget Update Kalia Van Lint, Budget Analyst, reported the FY 2024-25 projected ending balance is \$4.61 million (11.9 months in reserve).

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The fund condition statement includes a conservative ongoing 3% interest applied to expenditures to account for future personnel adjustments (salary, retirement).

Agenda Item 11 Executive Director's Report

Executive Director Erika Calderon provided personnel and administrative updates.

- **Personnel Updates:** Public board members Gor Adamyan and John Cummins were reappointed.

The board has hired a Special Investigator, Yvonne Nathad, scheduled to start September 8, 2025. This position is projected to handle 60% of overall field investigations and achieve a minimum cost savings of \$150,000 per fiscal year in DFI costs.

- **Subpoena Authority:** OMBC is obtaining subpoena enforcement authority to handle administrative record requests in-house.
- **Purge Project/Retention Schedule:** The retention schedule was revised in July 2025.

The "purge project" addresses decades of backlog. Retention for a "quality of care, no violation complaint involving patient death" was extended to five years.

- **Budget Mitigation:** OMBC projects an annual revenue increase of approximately \$694,000 from DFI cost savings (\$150k), new CME/Cite and Fine regulations (\$120k), and proposed fee increases (Applications/Petitions/Retired License) (\$424k).
- **Outreach:** The board is working on the 4th edition of the *OsteoScope* newsletter and creating a consumer complaint video.

Due to budget constraints (mission critical travel restrictions), OMBC did not attend outreach events this past quarter. Public comments were received from Consumer Watchdog members, focusing on the new Special Investigator's jurisdiction (e.g., 805 reports), requesting transparency in committee meetings, and questioning the lack of focus on patient care in the student forum discussion.

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Agenda Item 12 Licensing/Admin Program Summary

Machiko Chong reported the OMBC licensed population as of August 14, 2025:

- 16,744 licensed osteopathic physicians and surgeons (17% growth since FY 2022-23).
- There are 520 pending initial applications. Staff processing time for complete applications is under 30 days.
- The Licensing Unit is transitioning from a 100% renewal audit to a self-certification process with a 10% population audit. No public comments were made.

Agenda Item 13 Enforcement Program Summary

Cristy Livramento reported Enforcement Statistics for FY 2024-25.

- PM1 (Complaints/Arrests Received): 1,111 complaints and 24 arrests/convictions, a 26% increase from last year.
- PM2 (Intake/Avg. Days): 5 days (Target: 10 days).
- PM3 (Investigations Cycle Time): 189 days (Target: 360 days), a 9% decrease.
- PM4 (AG Transmittal Cycle Time): 955 days (Target: 540 days), a 20% decrease, though still above target.
- The board had 669 pending enforcement cases.
- Year-to-date disciplinary actions included 14 accusations filed and 3 licenses revoked.

Public comments questioned why the increase in complaints (PM1) was not reflected in increased investigations or accusations, and urged staff to emphasize the importance of complainant interviews and patient impact statements.

Agenda Item 14 Probation Program Summary

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Ralph Correa reported 38 licensees on active probation (5 out of state). One licensee is currently on an interim order. Two physicians have cease practice orders for non-compliance, and one petition for revocation has been submitted. Quarterly reviews and monitoring (including biological fluid testing) are conducted rigorously. The OMBC staff meets monthly with Premier, the new vendor for the diversion program. No public comments were made.

Agenda Item 15 Rulemaking Update

Terri Thorfinnson reported that the CME/Audit and Cite and Fine regulatory package was approved on July 10th and will go into effect on October 1, 2025. The Fees and License Status rulemaking package is currently under review within the DCA. The Disciplinary Guidelines are in the initial drafting stage. No public comments were made.

Agenda Item 16 Discussion and Possible Action to Reconsider Previously Approved Text, and to consider initiation of a Rulemaking to Amend Sections 1609, 1610, 1611, 1612, 1613, 1615, 1628, 1630, 1637, 1646, 1647, 1650, 1651, 1656, 1658, 1678, and 1690, and to adopt Section 1648, and to repeal Section 1691 in Division 16 of Title 16 of the California Code of Regulations (Applications, Petitions, Fees, Retired License and Processing Times)

Terri Thorfinnson presented an overview of the proposed regulatory changes, which are set forth in the meeting materials. For this package, minor revisions are proposed to correct errors that were missed previously and subsequently identified when the package was undergoing DCA internal review. The changes are highlighted in “yellow” for easier review of the changes made since the last meeting.

In particular, the changes clarify the terminology used in 16 CCR section 1690 "License or Renewal Fee" and add a "delinquent inactive biennial license or renewal fee" of \$199.50 to ensure the Board maximizes fees to the statutory limit. The proposed text also updates language to specify acceptable file formats for how an applicant would electronically upload their photograph as part of their electronic initial license application in 16 CCR section 1613.

Board member Dr. Swain asked whether the text would still require applicants to mail in their photo with the application. Regulations Counsel Kristy Schieldge clarified that the current proposal would strike out or repeal the current mail-in and wet signature requirements and instead require a digital-only submission process of photos submitted in specified electronic formats. Board member Dr. Lockman asked whether the digital formats *.wav* or *.mp3*, which are audio files, are correctly listed. Board President Pines indicated that she believed that this is an attempt to capture all possible formats but agreed that further clarification may be needed.

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Ms. Schieldge indicated that she had checked with staff on what the BreEZe system would accept as far as file formats and that this list reflects all acceptable formats as reported by the OIS BreEZe team. Executive Director Calderon confirmed that these file formats listed in the proposed regulatory text are correct. Ms. Schieldge explained that if the file format list changes per direction from the BreEZe team in DCA, that the regulatory text would be brought back for amendment by the Board.

Motion – Dr. Lockman **Second** – Mr. Cummins to:

Approve the proposed regulatory text for 16 CCR sections 1609, 1610; 1611, 1612, 1613, 1615, 1628, 1630, 1637, 1646, 1647, 1648, 1650, 1651, 1656, 1658, 1678, and 1690, and to repeal CCR section 1691 in Attachments 1-5 and to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review and if no adverse comments are received, authorize the Executive Director to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the text and the package and set the matter for a hearing if requested. If after the 45-day public comment period, no adverse comments are received, and no public hearing is requested, authorize the Executive Director to take all steps necessary to complete the rulemaking, and adopt the proposed regulations as noticed.

No public comments were made.

President Pines called for the vote on the motion. Machiko Chong, Licensing Program Manager, took a roll call vote on the motion, as follows:

- **Aye** – Mr. Adamyan, Mr. Cummins, Dr. Lockman, Mr. Moreno, Dr. Patel, Ms. Pines, Dr. Swain
- **Nay** – None
- **Abstention** – None
- **Absent** – None

Motion carried.

Agenda Item 17 Discussion and Possible Action on Legislation

Terri Thorfinnson provided status updates on legislative bills.

- **Status Review:**
Bills in appropriations have passed policy committees.
- **SB 508 (Out of State Telemedicine Exemption):**
Held in committee. Staff noted OMBC's opposition regarding jurisdictional issues likely resonated with the legislature.

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- **AB 876 (Nurse Anesthetists):**

Opposed by OMBC. Amendments did not include the term "physician supervision" requested by the board, which staff views as an ongoing policy issue regarding the scope of practice.

No public comments were made.

Agenda Item 18 Future Agenda Items and Meeting Dates

Future OMBC Meeting Dates were tentatively set for 2026: January 22nd, April 23rd, and July 23rd. A Hill Day was proposed for January 21st, 2026.

Future agenda items proposed:

- Mr. Cummins proposed ensuring the 16 CCR § 1697 Conflict of Interest Code (which is not readily published online) is made available on the board's website.
- Michelle Monserratt-Ramos (Consumer Watchdog) proposed a presentation on 805 reports and hospital disciplinary actions with the Department of Public Health.
- Holly Macriss (OPSC ED) requested updates on the upcoming Osteopath Bill (title protection).

Agenda Item 19 Adjournment The meeting was adjourned.