DEPARTMENT OF CONSUMER AFFAIRS

Osteopathic Medical Board of California

Administrative Manual

Osteopathic Medical Board of California
1300 National Drive, Suite 150, Sacramento CA 95834-1991

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Osteopathic Medical Board of California Board Administrative Manual

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Executive Director
Erika Calderon

This Board Administrative Manual serves as an authoritative reference, providing an overview of key laws, regulations, and fundamental board policies to support the decision-making of board members and promote effective and efficient Board operations.

The manual may be revised through approval by a majority vote of any current or future Board.

Pathway to Licensure in California

Graduate from Accredited Osteopathic Medical School

(DO degree, COCA accredited)

Post Graduate Training (PTL) License

Should Apply for licensure within **180 days** of beginning a postgraduate training program

Required Documents Include:

Postgraduate Training Program Enrollment Form **(OMB.23)** to be completed by the program director or the designated institutional official (DIO)

Postgraduate Training License -or Physician and Surgeon's Certificate Attestation & Release of Information Form **(OMB.26)** to be the applicant and include a photograph (passport quality)

Official medical school transcript to be submitted by the school

Copy of medical school diploma to be submitted by the applicant may also be accepted by the school

COMLEX-USA Level **1 & 2** passing scores must come from NBOME

DOJ Fingerprint clearance (Live Scan in California-Fees to be paid by applicant)

Extra photograph (passport quality) to be included with application

Application Fee **$491** (as of 2026)

American Osteopathic Association Commision on Osteopathic College Accreditation (COCA)

or

Accreditation Council for Graduate Medical Education (ACGME)

Must complete at least **12 months** of postgraduate training (PGY 1) in a COCA or ACGME-accredited program

COMLEX-USA Level **3** passing score

To transition into a full and unristricted Physician and Surgeaon license

Physician and Surgeon License

Should only apply after completing the **12 months** of postgraduate Training program (PGY 1)

Required documents include:

*Official medical school transcript to be submitted by the school

*Copy of medical school diploma to be submitted by the applicant may also be accepted by the school

Postgraduate training verification **(OMB.25)** to be completed by the program director or the designated institutional official (DIO)

Postgraduate Training License -or Physician and Surgeon's Certificate Attestation & Release of Information Form **(OMB .26)** to be completed by the applicant and include a photograph (passport quality)

COMLEX-USA Level **1-3** passing score must come from NBOME

DOJ and FBI Fingerprint clearance (Live Scan in California/hard copy fingerprint cards available if residing outside CA-Fees to be paid by applicant)

License verifications from other states (if applicable) must be submitted by respective licensing Board

Extra photograph (passport quality) to be included with application

Application Fee **$625** (as of 2026)

****If previsouly submitted no need to resubmit****

Renewal Requirements

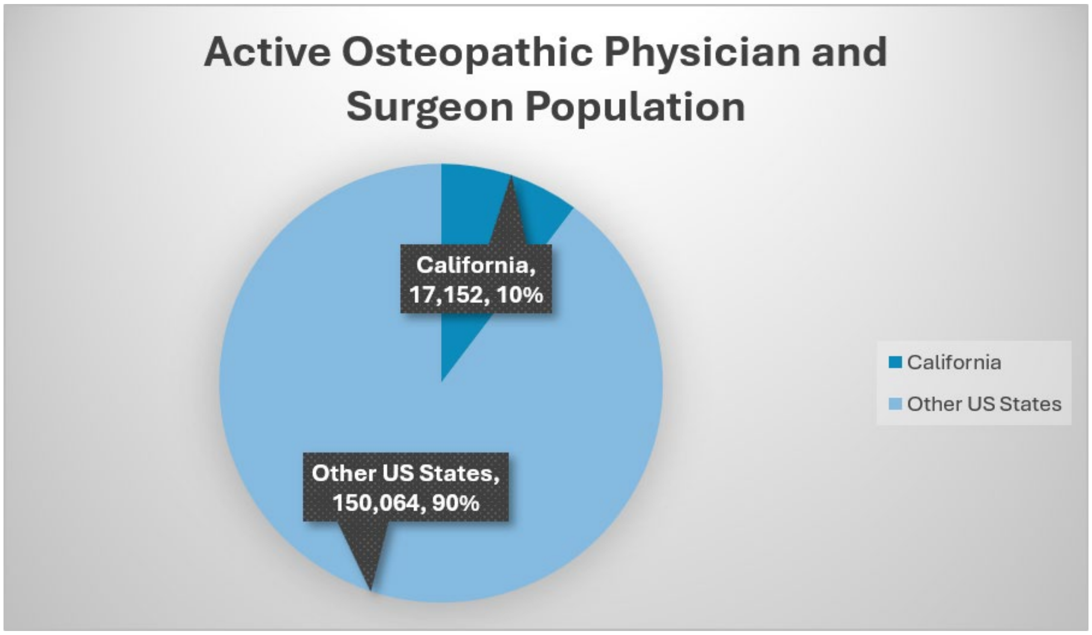
Show completion of **36 months** of postgraduate education at either the first or second renewal, depending on when the 36 months of training is completed **(OMB .29)** to be completed by the program director or the designated institutional official (DIO)

If postgraduate certification form was postdated prior to completion, the licensee must demonstrate completion of 36 months at the time of renewal.

Continuing Medical Education (CME) Requirement (effective October 1, 2025): Each physician must submit satisfactory proof of CME to the Board if randomly selected for an audit.

A physician must complete **50** credit hours earned within the two-year period between the prior expiration date and current expiration dates.

A minimum of twenty **(20)** hours out of the 50 hours must be American Osteopathic Association (AOA) Category **1A or 1B.**



Category	Number	Percentage
Licensed in California (May also hold licenses in other states)	17,152	10.3%
Not licensed in California	150,064	89.7%
Total	**167,216**	**100%**

According to the most recent 2025 Osteopathic Medical Profession (OMP) Report from the American Osteopathic Association (AOA), there are 167,216 Doctors of Osteopathic Medicine (DOs) actively practicing across the United States. Of these, 17,152 DOs are licensed to practice in California, which represents 10.3% of the nation's active DO population. It's important to note that these DOs who are licensed in California may also hold licenses to practice in other states.

AOA also reports that most osteopathic physicians (DOs) practice in just a few states. The AOA data show that half of all DOs in the U.S. are concentrated in the following eight states:

1. California
2. Florida
3. Pennsylvania
4. New York
5. Texas
6. Michigan
7. Ohio
8. New Jersey

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INTRODUCTION

This Board Administrative Manual is provided to the Board Members of the Osteopathic Medical Board of California (Board) as a ready reference for important laws, regulations, DCA policies, and Board policies to guide the actions of the Board Members and ensure Board effectiveness and efficiency. The Executive Director will coordinate an orientation session with each new Board Member upon their appointment, to assist the new member in learning processes and procedures.

The Board's mission is to protect the public by requiring competency, accountability, and integrity in the safe practice of medicine by osteopathic physicians and surgeons.

The vision of the Board is to have our physicians and surgeons give the highest quality of care for all, striving for excellence in public protection.

To accomplish its mission, the Board investigates consumer complaints and criminal convictions; responds to emerging changes and trends in the osteopathic healthcare profession legislatively or through regulations; and creates publications for consumers, applicants, registrants, and licensees.

The Board's statutes and regulations require an individual to be licensed before they may engage in the practice of osteopathic medicine. These statutes and regulations set forth the requirements for licensure and provide the Board with the authority to regulate the practice of medicine and take appropriate action against individuals that are practicing medicine without a license.

The highest priority for the Board is protection of the public in exercising its licensing, regulatory, and disciplinary functions. Board members fulfill this mandate through policy decisions and voting on disciplinary actions in which a licensee or registrant has violated the Board's law.

BOARD HISTORY

The Board is one of thirty-eight regulatory boards, bureaus, and programs operating within the Department of Consumer Affairs (DCA). The DCA functions under the Business Consumer Services Agency (BCSA). Its role includes providing educational resources to consumers, equipping them with information necessary to identify and avoid individuals who engage in deceptive, unsafe, or unqualified practices. While DCA offers administrative oversight and support services to the Board, the Board retains policy autonomy and independently establishes its own policies, procedures, and regulations.

Established in 1922 through the Osteopathic Initiative Act, the Board operates as a fully empowered regulatory entity within the DCA. It holds exclusive responsibility and authority for issuing licenses to Doctors of Osteopathic Medicine (D.O.s), Postgraduate Training licensees, and issues Fictitious Name Permits.

To meet its responsibilities for regulation of the D.O. profession, the Board is authorized by law to:

1. Ensure licensees comply with statutory and regulatory requirements.
2. Ensure licensees stay competent by mandating approved continuing education.
3. Take appropriate disciplinary action whenever a licensee fails to meet the standard of practice.
4. Determine that osteopathic medical schools and hospitals are following medical education curriculum and post-graduate training requirements.
5. Provide rehabilitation opportunities for licensees whose competency may be impaired.
6. Provide education and outreach.

The Board consists of nine members (five professional and four public members) who are appointed to the Board for four-year terms. Seven members (five professional and two public members) are appointed by the Governor and are subject to Senate confirmation. The Senate Rules Committee and the Speaker of the Assembly each appoint a public member.

GENERAL RULES OF CONDUCT

Whether you are attending a public board meeting or an event/activity unrelated to the Board, your role as a Board Member is continuous. The public perceives you as the "Board" and this perception will not end until your service on the Board is concluded. Therefore, it is important that your actions and conduct are a positive reflection upon the Board, and ultimately the state of California and its governor.

The following list is intended to assist Board Members in avoiding any situation that has the potential to reflect poorly on the Board.

- Board Members' actions shall uphold the Board's primary mission to protect the public.
- Board Members shall maintain the confidentiality of confidential documents and information.
- Board Members shall commit time, actively participate in Board activities, and prepare for Board meetings, which includes reading Board packets and all required legal documentation.
- Board Members shall respect and recognize the equal role and responsibilities of all Board Members, whether public or licensee.
- Board Members shall act fairly and, in a nonpartisan, impartial, and unbiased manner.
- Members shall treat all applicants and licensees in a fair and impartial manner.
- Board Members shall not use their positions on the Board for political, personal, familial, or financial gain.

DEFINITIONS

OAG	Office of the Attorney General
Agency (BCSA)	Business and Consumer Services Agency
ALJ	Administrative Law Judge
B&P, BP, BPC	Business and Professions Code
BCP	Budget Change Proposal (request for additional staff/funds to Board budget)
BreEZe	Board Database System
CCR	California Code of Regulations
DAG	Deputy Attorney General
DCA	Department of Consumer Affairs
Department	Department of Consumer Affairs
DOF	Department of Finance
DOI (HQIU)	Division of Investigation (Health Quality Investigation Unit)
OAH	Office of Administrative Hearings
PD	Proposed Decision issued by an ALJ
SAM	State Administrative Manual
Stip	Stipulation – settlement agreement
Uniform Standards	Disciplinary Guidelines for Substance Abusing Licensees

BOARD AND COMMITTEE MEETINGS

BOARD MEETING FREQUENCY

Business and Professions Code section 101.7 requires the Board to meet at least two times per calendar year; holding at least one meeting in Northern California and one meeting in Southern California. The Board usually schedules three (3) to four (4) one-day meetings per calendar year.

The meeting dates are coordinated with the Board President and the upcoming legislative calendar. The meeting dates are set during the last meeting of the calendar year.

COMMITTEE MEETING FREQUENCY

As needed, ad-hoc committees are established to address specific topic areas. The number of members on an ad-hoc committee ranges from two to three Board Members.

All committee members are appointed by the Board President.

BOARD MEETING ATTENDANCE

Members shall attend each meeting of the Board and their assigned committee. If a member is unable to attend, they must contact the Board President or the Executive Director and ask to be excused from the meeting for a specific reason.

All meeting minutes will reflect Board Member attendance including when a member is excused or absent from the meeting.

MEETING QUORUM

A quorum of the Board or committee must be present to constitute an act and/or decision on behalf of the Board. If a quorum of the Board is not present, the meeting is canceled.

Quorum for a Board meeting is five (5) members. Committee meetings require a majority of the Committee membership. For example, in committees comprised of three members, two members must be present.

BOARD MEETING FORMAT

Board meetings typically include an open and closed session. The closed session permits the Board to deliberate and render a decision on all disciplinary matters. At all Board meetings, Board Members are provided with a quarterly report regarding the Board's operations, statistics, and budget. All open sessions of the Board meetings are webcast when possible.

COMMITTEE MEETING FORMAT

At all committee meetings, the members and the public discuss items on the meeting agenda. The committee members will vote to recommend a position or language to the

Board. The recommendation is presented at the next Board Meeting. Alternatively, the committee members may direct Board staff to complete specified tasks and present the findings at the following committee meeting.

AGENDA TOPICS

Any Board Member may suggest items for a future Board meeting agenda to the Executive Director or during the last agenda item of each Board meeting typically titled "Solicitation of Future Agenda Items". The Executive Director sets the agenda at the direction and approval of the Board President.

MEETING MATERIALS

The Board staff prepare all materials for Board and Committee meetings. Board meeting materials will be provided electronically two (2) weeks prior to the scheduled meeting.

To engage in a meaningful discussion to determine a recommendation or position, Board and Committee Members should thoroughly review all meeting materials prior to each meeting.

RECORD OF MEETING

Board minutes serve as comprehensive summaries of each Board Meeting rather than verbatim transcripts. The minutes are distributed to the members with the Board meeting materials for upcoming meeting and are subject to approval and adoption as is or as amended at that subsequent meeting. The purpose of this review process is to ensure the accuracy and faithful reflection of the Board's discussions, not to ratify actions taken during the prior meeting. Once approved and adopted, the minutes constitute the official record of the proceedings.

DIGITAL RECORDING

The public-session portions of a meeting if available will be recorded using Webex, in addition to being webcasted.

MEETING REQUIREMENTS

All Board and Committee meetings are open to the public unless a closed session is specifically authorized. All Board and Committee meetings are subject to the provisions of the Bagley-Keene Open Meeting Act.

DEFINITION OF A MEETING (GOVERNMENT CODE SECTION 11122.5)

A meeting is defined in the Bagley-Keene Open Meeting Act (Open Meeting Act) as including "any congregation of a majority of the members of a state body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the state body to which it pertains." In this definition, the term "state body" refers to the Board.

The meeting definition also applies to all communication between Board Members (e.g., emails, telephone calls, texts, dining conversations) if the total number of Board Members involved in the communication is a majority of the Board or a Committee.

If Board Members engage in any communication regarding Board business with more than one member, this communication is a violation of the Open Meeting Act. The violating members may be guilty of a misdemeanor (*Government Code Section 11130.7*).

There are some exemptions to the meeting definition. Please refer to the Bagley-Keene Open Meeting Act for clarification. If you are in doubt, contact the Executive Director or the Board's legal counsel.

Please refer to the Guide to the Bagley-Keene Open Meeting Act listed in the Resource Links.

TELECONFERENCE MEETINGS (GOVERNMENT CODE SECTION 11123)

The Board may opt to hold a meeting via teleconference. Meetings held via teleconference are also subject to the same notice requirements under the Open Meeting Act. The meeting notice must be published at least ten days in advance and must include the physical location of each teleconference meeting location.

The Board Member must be present at one of the physical locations listed in the meeting notice, and at least one member must be present at each publicly accessible teleconference location. The public is permitted to attend the meeting at any of the locations listed on the meeting notice during an open session of the meeting. Therefore, each Board Member must confirm that the physical location used for the teleconference meeting is ADA accessible. The public is not permitted to attend any part of the meeting that is designated as "closed session."

Teleconference Meetings (Government Code Section 11123.2)

The Open Meeting Act offers an additional procedure for boards to hold a teleconference meeting when board members are at different physical locations, including private locations. A board member can attend remotely as long as all requirements of Government Code section 11123.2 are met.

The majority (i.e. a quorum) of board members must be present at the same publicly accessible site. Other members above a majority may then participate in the meeting remotely from private sites without noticing the location (Gov. Code, § 11123.2, Subd. (j)(1).)

Remote members **must visibly appear on camera** unless the appearance would be technologically impracticable (e.g., unreliable internet connection or when their images cannot be displayed because of other information, materials, or speakers). If the remote member is not visible due to internet connectivity challenges, they must announce the reason before turning off the camera (Gov. Code, § 11123.2, Subd. (k)(1)-(2).) The remote member must disclose whether other individuals 18+ are present with her and the general nature of the relationship. (Gov. Code, § 11123.2, Subd. (j)(4).) Therefore, they should only attend a meeting from a secluded location.

The public must be able to remotely participate in the meeting using the same means of participation as remote board members (Gov. Code, § 11123.2, Subd. (d)(1).) Finally, if the electronic means of attending the meeting fails, the meeting will need to end or adjourn. (Gov. Code, § 11123.2, Subd. (o).)

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BAGLEY-KEENE OPEN MEETING ACT

Bagley-Keene Open Meeting Act

The Bagley-Keene Open Meeting Act *(Government Code Section 11120 et seq.)* directs that the people's business must be conducted openly. Therefore, decisions and actions by a public agency must be conducted openly so that the public may be informed. The Board achieves this legislative mandate by complying with all the requirements specified in the Bagley-Keene Open Meeting Act.

Board Duties Under the Open Meeting Act

The Board has three duties under the Open Meeting Act: provide notice of meetings, provide opportunity for public comments, and conduct public meetings.

Meeting Notice Requirements (Government Code Section 11125)

The Board must give adequate notice of meetings to be held. The Board meets this duty at the time the meeting notice is published. The Board must give at least ten (10) calendar day's written notice of each Board and Committee meeting. This notice is posted on the Board's website. The meeting notice includes the location(s) where the meeting will be held and the meeting agenda.

The agenda must include all items of business to be conducted or discussed at the meeting. A brief description of the item to be discussed at the meeting is required. The description may not be generalized (i.e,. miscellaneous topics or old business) and must provide sufficient information so that the public is aware of the item to be discussed.

The notice must include the name, address, and telephone number of any person who can provide further information prior to the meeting and must contain the website address where the notice can be accessed. Additionally, the notice must contain information that would enable a person with a disability to know how, to whom, and by when a request can be made for any disability-related accommodation, including auxiliary aids or services.

A meeting notice, once posted, may not be revised after the tenth day prior to the meeting date.

Opportunity for Public Comment (Government Code Section 11125.7)

The Board meeting must provide an opportunity for public comments. The Board solicits public comments for each topic on the agenda and after a motion is made. Additionally, every Board and Committee meeting agenda contains an agenda item that allows for public comment on items not on the agenda. Members may not act or discuss matters presented by the public under this agenda item. The matter may be suggested for a future agenda item or for follow-up by Board staff.

Public Meetings

The Board must conduct the meetings in an open session except where a closed session is specifically authorized. All Board and Committee meetings, except for a closed session, are open to the public.

Closed session meetings must follow the same meeting notice requirements and are held specifically for matters designated under law, such as discussion of disciplinary cases, pending litigation, and personnel matters.

TRAVEL AND SALARY/PER DIEM

TRAVEL POLICIES

Board Members will be reimbursed for travel expenses related to all Board and Committee meetings. Reimbursement will be in accordance with current state travel reimbursement policies. Please refer to the DCA's Travel Guide for specific travel guidelines and reimbursement policies.

You can find more details in DCA's Travel Guide, which is included under Resource Links.

TRAVEL APPROVAL (STATE ADMINISTRATIVE MANUAL SECTION 700 ET SEQ.)

Travel related to Board and Committee meetings do not need approval. All other travel related to Board business must be approved by the DCA prior to the event. This includes any out-of-state travel. Under specific circumstances, a Board Member may travel to attend a national federation or association meeting/conference. Please contact the Executive Director for further information.

TRAVEL ARRANGEMENTS (DEPARTMENT PROCEDURE / BOARD PROCEDURE)

Board Members should always contact the Board's liaison to make travel arrangements for Board and Committee meetings. The liaison will book flights, hotel, and rental car reservations. A hotel that honors the state government employee rate will be chosen for all reservations. Rental cars will be reserved for Board Members when a car is needed. To encourage ride sharing, vans or large sedans are reserved. Board Members may also use taxi, ride sharing services such as Uber or Lyft, shuttle service, or a personal vehicle for transportation.

To facilitate easier travel planning, all Board Members should provide the Board's liaison with their credit card information and Southwest Rapid Rewards number. This information will be kept in a secure location and will be kept on file for future travel arrangements.

All travel and transportation arrangements are made in compliance with state travel guidelines. Any expenses incurred by a Board Member, which were not previously approved or within the state travel guidelines, may require written justification. The written justification will be submitted with the travel claim and is subject to the appropriate approvals. The expense may or may not be approved.

Exceptions to Travel Reimbursement Policies

Lodging

State guidelines generally prohibit reimbursement of hotel expenses within 50 miles of an individual's home address or an extra night stay following the conclusion of the Board activity. However, an exception to this guideline may be obtained if the circumstances necessitate an overnight stay. Please contact the Board's liaison for further information.

Airport Parking Reimbursement

State guidelines strongly encourage the use of the least expensive parking available. However, if the Board determines that additional parking costs above the lowest-cost option are in the best interest of the State, a written justification explaining the necessity for the additional cost must be submitted with the travel claim. Please contact the Board's liaison for further information.

Travel Claims (Department Policy)

Rules governing reimbursement of travel and meeting expenses for Board Members are the same as for state management-level staff. All invoices must be submitted to the Board's liaison for processing.

Board Members should submit invoices promptly (preferably electronically) after each trip, no later than ten (10) days from the last day of travel. It is also necessary to submit original receipts for expenses claimed such as parking, transportation service, bridge tolls, and flight itineraries. Hotel receipts must reflect a zero balance. Receipts for meals are not required for reimbursement.

Salary Per Diem (BPC Section 103)

Compensation in the form of salary per diem and reimbursement of travel and other related expenses for Board Members is determined by Business and Professions Code section 103.

In relevant part, this section provides for payment of salary per diem for Board Members "for each day actually spent in the discharge of official duties," and provides that the Board Member "shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties."

Board Members fill non-salaried positions but are paid $100 per day for each meeting day or 8-hour day spent performing Board business.

SELECTION OF OFFICERS AND COMMITTEES

BOARD OFFICERS (BPC 2012)

The Board shall elect a President, a Vice President, and a Board Secretary-Treasurer, from its membership. Officers shall serve terms of one year and may be re-elected to consecutive terms. The election of officers occurs at the January Board meeting.

If for any reason the Board President is unable to continue in their role, the Vice President shall immediately assume the duties of President until the next election of officers.

COMMITTEE APPOINTMENTS (BOARD PROCEDURE)

Committees are created by and appointed at the discretion of the Board President. The Committee Chair is appointed by the Board President. Board Members who desire to serve on a committee are encouraged to speak to the Board President.

DUTIES OF THE BOARD PRESIDENT

- Spokesperson for the Board (may attend legislative hearings and testify on behalf of the Board, may attend meetings with DCA or Agency, may attend meetings with stakeholders and legislators).
- Meets and communicates with the Executive Director on a regular basis.
- Communicates with other Board Members for Board business.
- Chairs and facilitate Board meetings.
- Assigns Board Members to Board Committees, appoints the Chair for committees.

In the absence of the Board President, the Board Vice President will perform the above duties.

BOARD ADMINISTRATION AND BOARD STAFF

BOARD ADMINISTRATION

Board Members should be concerned primarily with formulating decisions on Board policies rather than making decisions concerning the implementation of such policy. It is inappropriate for Board Members to become involved in the details of program delivery or implementation. Strategies for the day-to-day management of Board programs and Board staff is the sole responsibility of the Executive Director. Board Members should not interfere with day-to-day operations, which are under the authority of the Executive Director.

EXECUTIVE DIRECTOR (BPC SECTION 2020)

The Executive Director is appointed by and serves at the pleasure of the Board and is exempt from civil service. The Executive Director shall exercise the powers and perform the duties delegated by the Board. The Executive Director is responsible for the financial operations and integrity of the Board and is the official custodian of records. Annually, the Board Members will conduct a review of the Executive Director's performance. The Board President will meet with the Executive Director to discuss the performance appraisal.

BOARD STAFF

Employees of the Board, except for the Executive Director, are civil service employees. Their employment, pay, benefits, discipline, termination, and condition of employment are governed by a myriad of civil service laws and regulations, and often by collective bargaining labor agreements. Due to this complexity, it is most appropriate that the Board delegate all authority and responsibility for management of the civil service staff to the Executive Director. Board Members shall not intervene or become involved in specific day-to-day personnel transactions.

See Attachment A: Board Organizational Chart.

RULES FOR CONTACTING STAFF (BOARD PROCEDURE)

Board Members should only contact the following designated staff:

- Executive Director, Erika Calderon at Erika.Calderon@dca.ca.gov or at (916) 291-4660 regarding all Board matters.

- Legislative and Regulatory Specialist, Terri Thorfinnson, J.D. at Terri.Thorfinnson@dca.ca.gov regarding all legislation and regulation matters.

- Licensing and Administrative Services Program Manager, Machiko Chong **(Board liaison)** at Machiko.Chong@dca.ca.gov regarding licensing matters. In addition; travel, salary per diem, Board and Committee meeting materials, training, and required personnel/member forms.

- Enforcement Program Manager, Cristy Livramento at Cristy.Livramento@dca.ca.gov regarding enforcement matters.

- Legal Counsel, Yuping Lin at Yuping.Lin@dca.ca.gov regarding disciplinary procedural questions or ethical questions.

Strategic Planning

The Board will conduct periodic strategic planning sessions. Dates for these sessions will be announced well in advance.

Board Member Addresses (DCA Policy)

Board Member addresses and telephone numbers are confidential and shall not be released to the public without expressed authority by the individual Board Member.

A roster of Board Members is maintained for public distribution and is placed on the Board's website, using the Board's physical address and telephone number.

Business Cards

Business cards will be provided for each Board Member with the Board's physical address, telephone and fax number, and website address.

OTHER POLICIES AND PROCEDURES

PUBLIC RECORDS ACT AND COMPLAINT DISCLOSURE

The California Public Records Act (PRA), Government Code section 7920.000 et seq., requires public records to be available upon request. The PRA provides specific timelines and general process to respond to a request for public records. Further, the PRA specifies which records are not subject to public disclosure. As a state regulatory board within DCA, the Board is subject to the requirements for all PRA requests. The Board's response is coordinated with the Board's legal counsel.

Business and Professions Code section 27 specifies what information, such as enforcement actions and a licensee's address of record, must be available through the Internet (i.e., Board website). Providing this information allows consumers to verify their osteopathic doctor's licensure status as well as determine if there is any disciplinary action.

IMMUNITY FROM LIABILITY

There are many provisions in state law relating to the liability of public agencies and employees. Government Code section 818.4 states, "A public entity is not liable for an injury caused by the issuance, denial, suspension or revocation of, or by the failure or refusal to issue, deny, suspend or revoke, any permit, license, certificate, approval, order, or similar authorization where the public entity or an employee of the public entity is authorized by enactment to determine whether or not such authorization should be issued, denied, suspended or revoked."

Government Code section 821.2 states, "A public employee is not liable for an injury caused by his issuance, denial, suspension or revocation of, or by his failure or refusal to issue, deny, suspend or revoke, any permit, license, certificate, approval, order, or similar authorization where he is authorized by enactment to determine whether or not such authorization should be issued, denied, suspended or revoked."

Many other complex provisions relate to defense, payment of a judgment or settlement, and indemnification. Specific questions should be discussed with the Board's legal counsel.

RESIGNATION OF BOARD MEMBERS (GOVERNMENT CODE SECTION 1750)

If it becomes necessary for a Board Member to resign, a letter shall be sent to the appropriate appointing authority (Governor, Senate Rules Committee, or Speaker of the Assembly) with the effective date of the resignation. Written notification is required by state law. A copy of this letter shall also be sent to the Director of DCA, the Board President, and the Executive Director.

The departing Board Member is also required to complete and submit specific paperwork immediately following the effective date of the resignation. The departing Board Member is encouraged to contact the Board's liaison for further information.

REMOVAL OF BOARD MEMBERS (BPC 106)

The Governor has the power to remove from office, at any time, any member of any Board appointed by him for continued neglect of duties required by law, or for incompetence, or unprofessional or dishonorable conduct.

RULES FOR CONTACT WITH THE PUBLIC, A LICENSEE, AN APPLICANT, OR THE MEDIA

Occasionally, in your role as a Board Member, you may be contacted by a licensee, colleague, applicant, member of the public, or the media regarding an issue or concern that pertains to Board business or proceedings. Any one of these contacts may compromise your position relating to future decisions about policy, disciplinary actions, or other Board business.

To avoid compromising your role as a Board Member, please refrain from assisting the individual with his/her issue. Instead, offer to refer the matter to the Executive Director or give the individual the contact information for the Executive Director. Refrain from engaging in discussion with the individual and make every effort to end the conversation quickly and politely. Report all such contacts to the Executive Director as soon as possible.

CONFLICT OF INTEREST (GOVERNMENT CODE SECTION 87100)

No Board Member may make, participate in making, or in any way attempt to use their official position to influence a governmental decision in which they know or have reason to know they have financial interest in. Any Board Member, who has a financial interest that may be affected by a governmental decision, shall disqualify themselves from making or attempting to use their official position to influence the decision. Any Board Member who feels they are entering a situation where there is potential for a conflict of interest should immediately consult the Executive Director or the Board's legal counsel.

SERVICE OF LAWSUITS

Board Members may receive service of a lawsuit against themselves and the Board pertaining to a specific issue (e.g., a disciplinary matter, a complaint, a legislative matter, etc.). To prevent confrontation, the Board Member should accept service. Upon receipt, the Board Member should notify the Executive Director of the service and indicate the name of the matter that was served, date and time of service, and any other pertinent information. The Board Member should mail and email the entire packet to the Executive Director as soon as possible. The Board's legal counsel will provide instructions to the

Board Members on what is required of them once service has been made.

EX PARTE COMMUNICATIONS (GOVERNMENT CODE SECTION 11430.10 ET SEQ.)

The Government Code contains provisions prohibiting *ex parte communications.* An "ex parte" communication is a communication to the decision-maker made by one party to an enforcement action without participation by the other party.

While there are specified exceptions to the general probation, the key provision is found in subdivision (a) of section 11430.10, which states:

"While the proceeding is pending, there shall be not communication, direct or indirect, regarding any issue in the proceeding, to the presiding officer from an employee or representative or if an agency that is a party or from an interested person outside the agency, without notice and opportunity for all parties to participate in the communication."

An applicant who is formally being denied licensure, or a licensee/registrant against whom a disciplinary action is being taken, may attempt to directly contact Board Members.

If the communication is written, the member should read only enough to determine the nature of the communication. Once they realize it is from a person against whom an action is pending, the Board Member should reseal the documents and send them to the Executive Director or forward the email.

If the Board Member receives a telephone call from an applicant or licensee/registrant against whom an action is pending, the Board Member should immediately tell the person they cannot speak to the person about the matter. If the person insists on discussing the case, the person should be told that the Board Member will be required to recuse himself or herself from any participation in the matter. Therefore, continued discussion is of no benefit to the licensee/registrant or applicant.

If the Board Member believes they may have received unlawful *ex parte* communication the Board Member should contact the Board's legal counsel and/or the Executive Director.

Board Member Required Training

Board Members are required to complete specific forms and training at various intervals during their appointment period. To ensure compliance and notification to the requisite agencies, all training certificates and required forms must be sent to the Board's liaison.

The Board's liaison will forward the required documentation to the appropriate agency and maintain a copy in the Board Member's personnel file. It is important that the Board maintain a copy of all required training and documents. This ensures that the Board has an accurate record that the members have satisfied all requirements and are able to provide copies upon request.

Statement of Economic Interest

This form is commonly referred to as Form 700 and is to be completed upon assuming the position, annually, and upon leaving. Under DCA's Conflict of Interest Code, designated officials are required to complete a Statement of Economic Interests Form 700. Annually, DCA will send several reminders to complete this form with a link to the electronic filing system.

Failure to complete this form in a timely manner may result in a fine from the Fair Political Practice Commission. All fines are publicly noticed.

https://www.fppc.ca.gov/form-700/efiling-form-700/

Ethics Orientation For State Officials (Government Code Sections 11146-11146.4)

California law requires all appointees to take an ethics orientation within the first six months of their appointment and to repeat the ethics orientation every two years throughout their term.

The training includes important information on activities or actions that are inappropriate or illegal. For example, public officials cannot take part in decisions that directly affect their own economic interests. They are prohibited from misusing public funds, accepting free travel and accepting honoraria. There are limits on gifts.

An online, interactive version of the training is available on the Attorney General's website at https://oag.ca.gov/ethics/course. An accessible, text-only version of the materials is also available at the Attorney General's website.

Copies of completion certificates must be sent to the Board's liaison to be maintained in the personnel file. Records concerning the attendance of this course must be kept on file for five years.

DCA Board Member Orientation Training (BPC Section 453)

Business and Professions Code Section 453 requires that every newly appointed member complete a training and orientation program offered by DCA within one year of assuming office.

DCA has been advised that this statute also applies to all reappointed Board Members. Therefore, if the member attended the training during their first term and are reappointed, they must attend the training following your reappointment.

The training covers the functions, responsibilities and obligations that come with being a member of a DCA board. To receive credit for the training, Board Members must attend the entire training.

DCA schedules the Board Member Orientation Training (BMOT) sessions throughout the year. Specific locations are announced several months prior to the orientation. Board Members must register for the training through the Board's liaison.

Sexual Harassment Prevention Training (Government Code Section 12950.1; California Code of Regulations, Title 2, Section 11024)

Section 12950.1 of the Government Code requires an employer having five or more employees to provide at least two hours of classroom or other interactive training and education regarding sexual harassment to all supervisory employees and at least one hour of classroom or other effective interactive training and education regarding sexual harassment to all nonsupervisory employees. The employer shall provide sexual harassment training and education to each employee once every two years. New nonsupervisory employees shall be provided with training within six months of hire.

California Code of Regulations, Title 2, Section 11024 also specifies requirements of an employer to provide two hours of training mandated by Government Code 12950.1.

An online, two-hour Sexual Harassment Prevention Tutorial is provided by DCA. The Board's liaison will provide information and instructions to access the online tutorial.

BOARD MEMBER ROLE – POLICY DECISIONS

Protection of the public is the highest priority for a Board Member. Board Members achieve this mandate by establishing policies that affect the licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

SETTING BOARD POLICY

There are two types of policy: statutes and regulations. Statutes are created through legislation by the legislature and approved or rejected by the Governor. The legislature is responsible for creating, amending and repealing statutes. The Board's role in protecting public safety includes considering taking positions on proposed legislations that support or oppose expressed policies promoted by specific legislation. For example, the Board may support bills that enhance public protections that may not exist. In addition, the Board may oppose legislation such as a change in scope of practice that the Board believes may endanger public safety.

Regulations set policy by the Board that is authorized by existing statutes or authority provided to the Board by the Osteopathic Act. Regulations are promulgated by the Board. Board staff prepare proposed regulatory language for Board consideration and approval at public board meetings. Board staff draft the remaining documents explaining and justifying the proposed language and shepherd it through the approval process. Regulations are approved or rejected by the Office of Administrative Law.

Legislation

Board staff identify bills each year that may be of interest to the board to consider either taking a position or simply monitoring as a watch position. The following are the options for taking positions on bills. Formal board approved positions or approval from the executive committee provide staff authority to negotiate bill modifications with the Legislature. Board staff may negotiate "technical modifications" to correct mistakes in the language.

Regulations

The Board is responsible for updating its own regulations. Regulations may need to be updated to reflect new policy, operational changes, or new policies signed into law in statutes each year. Not all newly enacted laws require regulations. The role of regulations related to newly modified or created statutes is to further interpret the statute and provide more detail of how the statute will become operational. For instance, statutes set forth the criteria necessary for licensure, whereas regulations enacted to implement these statutes outline specific documentation procedures. The Board is responsible for verifying credentials to ensure adherence to statutory requirements.

POSITION/DEFINITION

Position	Definition
Support	The Board agrees with the proposal. The Board will send a letter of support to the author and actively participate in the legislation process to get the proposal in law.
Support, if amended	The Board is seeking some changes to the proposal. If the requested changes are made, the Board will move to a support position. If changes are not made, the Board will move to a neutral (silent) position on the proposal.
Oppose	The Board does not agree with the proposal. The Board will send a letter of opposition to the author and actively participate in the legislation process to prevent the bill from becoming law.
Oppose, unless amended	The Board is seeking some changes to the proposal. If the changes are not made, the Board will move to an oppose position. If the changes are made, the Board will move to a neutral (silent) position on the proposal.
Neutral	The Board neither supports nor opposes the proposal. The Board does not participate in the legislative process.

BOARD MEMBER ROLE – DISCIPLINARY PROCESS

DISCIPLINARY PROCESS OVERVIEW

Through the enforcement process, each consumer complaint and criminal arrest notification is reviewed to determine if the matter is within the Board's jurisdiction. If the complaint or conviction is determined to be within the Board's jurisdiction, the allegations are investigated to determine if evidence exists to substantiate a violation of the Board's laws and regulations.

All cases in which the evidence substantiates a violation has occurred are referred to Subject Matter Experts (SMEs). The SME is a licensee of the Board and will review the investigation and evidence to determine if the violation constitutes gross negligence, incompetence, and/or patient harm. For cases in which clear and convincing evidence substantiates a violation of the Board's laws and regulations, appropriate disciplinary action is initiated.

INVESTIGATIVE OUTCOME OPTIONS

The Board has options available at the conclusion of an investigation with merit. In cases in which the violations do not warrant the revocation of a license, the Board can issue an educational letter, a citation and fine, or a pre-Accusation public letter of reprimand. In cases in which the violations are egregious and warrant formal discipline of the license, the Board forwards the matter to the Attorney General's (AG's) office to pursue formal disciplinary action which starts with the filling of an Accusation. Each decision is made in consultation with the Executive Director.

EDUCATIONAL LETTERS/CITATION AND FINE/PRE-ACCUSATION PUBLIC LETTERS OF REPRIMAND

Educational letters, a citation and fine or a pre-Accusation public letter of reprimand issued to the licensees are not considered formal disciplinary action. However, with the exception of an educational letter, the matters are administrative actions and are subject to public disclosure. A pre-Accusation public letter of reprimand can include cost recovery. The fines set in a citation are set forth in law and range from $100 to a maximum of $2,500 per violation. In specific circumstances (e.g., a violation against a senior citizen or disabled person), a fine up to a maximum of $5,000 may be issued.

All citations and fines issued include an order of abatement in which the cited person must provide information or documentation that the violation has been corrected. The cited person is afforded the opportunity to appeal the issuance of the citation and fine.

The cited person may submit a written request for an administrative hearing or an informal citation conference. All informal citation conferences are conducted by the Executive

Director. The citation may be modified, affirmed, or dismissed. If the cited person wishes to contest the affirmed or modified citation, the matter will be referred to an administrative hearing before an Administrative Law Judge (ALJ).

Formal Disciplinary Action

If an investigation and evidence substantiate gross negligence, incompetence, or patient harm, the Enforcement Manager, in consultation with the Executive Director, determine whether the case should be forwarded to the AG's Office for formal disciplinary action.

Filing Formal Charges

Formal charges are almost always filed in cases in which the health and safety of the consumer has been compromised, and in which clear and convincing evidence can be established. The Board's Executive Director determines whether to file formal charges for any violation of the Board's licensing laws. These formal charges are referred to as pleadings. In each pleading, the Executive Director is the complainant. The Deputy Attorney General (DAG) assigned to the matter represents the Board.

Pleadings

There are three types of pleadings. The type of pleading is dependent upon whether the respondent (subject of the case) is licensed with the Board, an applicant for licensure, or is already on probation.

- **Accusation**: A written statement of charges against the holder of a license or privilege, to revoke, suspend or limit the license, specifying the statutes and rules allegedly violated and the acts or omissions comprising the alleged violations.
- **Statement of Issues**: A written statement of the reasons for denial of an application for a license or privilege, specifying the statutes and rules allegedly violated and the acts or omissions comprising the alleged violations.
- **Petition to Revoke Probation:** A written statement to revoke a probationer's license alleging the probationer has violated the terms and conditions of their probation.

In all formal disciplinary actions, the respondent is formally notified of the Board's proposed action, their rights under the law, and a due date to respond to the Board's notification.

Actions Preceding an Administrative Hearing

Stipulations (Settlements) – Requires Board Member Vote

The licensee/applicant and Board may decide to settle the case at any time during the administrative process. Settlements are negotiated and completed prior to the date of an administrative hearing. Although settlements prior to the scheduled hearing avoid the expense of a hearing; this is not a reason to settle a case. Settlements are considered in cases where the respondent has presented mitigating information/evidence to demonstrate that they may be a good candidate for probation.

The settlement is reduced to a written stipulation and order which sets forth the settlement terms and proposed disciplinary order. The DAG prepares a memo describing the rationale for the proposed settlement. The memo and the written stipulation and order are forwarded to the Board Members for consideration and decision.

If the Board Members reject the proposed settlement, the case will return to the disciplinary process. A new settlement may be submitted to the Board Members later or the case may proceed to an administrative hearing before an ALJ.

Stipulations prior to an administrative hearing also eliminate the six-months to one-year delay that may result from attempting to schedule a mutually agreeable hearing date. The public is often better served because the resolution time is reduced, lengthy appeals are avoided, and the Board and respondent save time and money. Further, a licensee on probation is closely monitored by the Board.

Determining Settlement Terms

Stipulations (settlements) are negotiated by the DAG (in consultation with the Executive Director), the respondent, and the respondent's legal counsel if represented. Stipulation terms are provided to the DAG utilizing the Board's Disciplinary Guidelines and the Uniform Standards for Substance Abusing Licensees. These guidelines provide the parameters for settlement terms for specific violations of law. The Executive Director considers the evidence, the law, witness and subject matter expert testimony, and protection of the public in the decision process.

The following factors are considered when settlement terms are proposed:

- Nature and severity of the act(s), offense(s), or crime(s).
- Actual or potential harm to any consumer or client.
- Prior disciplinary record.
- Number and/or variety of current violations.

- Mitigation evidence.
- Rehabilitation evidence.
- In the case of a criminal conviction, compliance with terms of sentence and/or court-ordered probation.
- Overall criminal record.
- Time elapsed since the act(s) or offense(s) occurred.
- Whether the respondent cooperated with the Board's investigation, other law enforcement or regulatory agencies, and/or the injured parties.
- Recognition by respondent of her or his wrongdoing and demonstration of corrective action to prevent recurrence.

The Board's Disciplinary Guidelines were established to provide consistency in determining settlement terms. Variation from the guidelines may occur when sufficient mitigating information or evidence warrants a deviation in the term(s) and does not compromise consumer protection.

Enforcement staff consider the Disciplinary Guidelines when determining whether to seek revocation, suspension, and/or probation of a license. Board Members use the Disciplinary Guidelines when voting on disciplinary matters and during closed sessions deliberations. The Disciplinary Guidelines are updated when necessary and are distributed to DAGs and ALJs who work on Board cases.

If the parties cannot agree on the proposed settlement terms, the matter will move forward to a hearing held at the Office of Administrative Hearings.

Refer to the Resource Links for the Uniform Standards on Substance Abuse and Disciplinary Guidelines.

OFFICE OF ADMINISTRATIVE HEARINGS

The Office of Administrative Hearings (OAH) is a central panel of experienced, highly qualified ALJs who preside as neutral judicial officers at hearings and settlement conferences. The ALJs are fully independent of the agencies whose attorneys appear before them. The ALJs are required to have practiced law for at least five years before being appointed and typically have over ten years of experience.

The administrative hearing process is similar to any other court proceeding. The ALJ presides over the hearing; a DAG represents the Board and presents the case; and the respondent or the respondent's representative/attorney presents its case. Testimony and evidence is presented and there is a transcript of the proceedings.

Upon the conclusion of the administrative hearing, the ALJ will consider all the testimony and evidence and will prepare a Proposed Decision. Once the hearing is finished, the ALJ has 30 days to prepare the Proposed Decision and send it to the Board.

Formal Disciplinary Case Outcomes

The possible outcomes for these cases are denial of the application, revocation, surrender of the license, or probation. If an individual is placed on probation, the individual must comply with the specific terms of the probation during the probation period. Once the individual has successfully completed probation, the license is restored without restrictions. However, discipline will remain part of the individual's record.

Default Decisions

If an accusation is returned by the post office as unclaimed, then service is not possible because the Board does not know the whereabouts of a respondent. The respondent is considered to be in default. A respondent is also considered to be in default if the respondent fails to file a Notice of Defense upon receipt of the Accusation or Statement of Issues or fails to appear personally or through counsel at the hearing.

Default cases result in revocation of the license or denial of the application. The Board Members have delegated the authority to adopt a Default Decision to the Executive Director. In the event the respondent becomes aware of the decision prior to the effective date, respondent may submit a written request to reconsider the decision. This request is presented to the Board Members to determine if they wish to grant the request.

Probation

Licensees who are placed on probation are monitored by the Board. The average length of probation is five (5) years. Upon successful completion of probation, the license is restored and is unrestricted.

A probationary file is established to monitor an individual's compliance with the probation requirements (e.g., cost recovery payments, remedial education course completion, and quarterly reports). When a probationer violates a term of probation, the Board has the option to revoke probation and impose previously stayed discipline.

Criminal Prosecution

Depending on the nature of a complaint, cases may be referred to local law enforcement entities. All cases in which there is sufficient evidence to file charges against a licensee or person performing unlicensed activity are referred to the appropriate city or district attorney's office. Criminal actions include, but are not limited to, violations of the licensing laws of the Board.

Board Member Role - Disciplinary Case Review

Board Review of Stipulations and Proposed Decisions

The Board Members review and vote on each case where the matter is either settled prior to hearing or the ALJ issues a Proposed Decision. In all cases, the Board Member has the option to adopt, reject, or hold for discussion. The decision on each case is based on a majority vote of the Board.

Mail Vote Process

Proposed Decisions (decision from the ALJ) and Proposed Stipulations (negotiated settlements) are sent to the Board via email for their consideration and vote. Mail ballot packet materials are confidential and include the following:

- Memo from enforcement staff listing the cases for review and decision.
- Ballot or instructions to submit the vote electronically using the BreEze portal.
- Legal documents (Proposed Decision or Proposed Stipulation, and Accusation or Statement of Issues).
- Memo from the assigned DAG (Proposed Stipulated Settlement cases only).

Deliberation and decision-making should be done independently and confidentially by each Board Member. The Board Member shall only use the information provided to make their determination. Voting members may not communicate with each other and may not contact the DAG, the respondent, anyone representing the respondent, any witnesses, the complainant, the ALJ, or anyone else associated with the case.

Additionally, Board Members should not discuss pending cases with Board staff, except as to questions of procedure or to ask whether additional information is available, and whether the agency may properly consider such information. It is strongly encouraged that these types of questions be directed at the Executive Director or the Board's legal counsel.

If a Board Member has any procedural questions not specific to evidence, or any question specifically related to the cases, the questions should be directed at the Board's legal counsel.

Completed mail ballots are due at the Board office no later than the due date indicated in the mail ballot package. The due dates are established in accordance with the timelines indicated in the Administrative Procedure Act (APA). It may be that a specific members vote is the deciding vote in the outcome of a case. Therefore, it is critical that Board

Members return their votes timely.

Mail ballot materials should be retained until notification by enforcement staff that the cases have been adopted. Once a decision is final, the mail ballot packet materials must be confidentially destroyed.

MAIL BALLOT DEFINITIONS

Each mail ballot will have the following options for each case. Below are the definitions for each option.

- **Adopt/Grant**: A vote to adopt the proposed action means that the members agree with the action as written.

- **Reject/Non-Adopt**: A vote to reject or non-adopt the proposed action means that the members disagree with one or more portions of the proposed action and do not want it adopted as the Board's decision. However, a majority vote to adopt will prevail over a minority vote to not adopt.

- **Hold for Discussion**: A vote to hold for discussion may be made if the member wishes to have some part of the action changed in some way (increase penalty, reduce penalty, etc.). For example, the member may believe an additional or a different term or condition of probation should be added, or that a period of suspension should be longer. At least two votes in this category must be received to stop the process until the Board can consider the case in closed session at the next scheduled Board meeting.

MAIL VOTE OUTCOMES

Below are the outcomes for each voting option for either a Stipulation (proposed settlement) or Proposed Decision.

STIPULATIONS – PROPOSED SETTLEMENT

- **Adopt** – If the decision of the Board is to adopt the terms proposed in the Stipulation, the decision becomes effective within 30 days and the respondent is notified.

- **Reject/Non-Adopt** – If the Board decides to reject or non-adopt the stipulation, the respondent is notified, and the matter resumes the process for a formal administrative hearing before an ALJ. Following the hearing, the ALJ will issue a Proposed Decision for the Board Members to consider.
- **Hold for Discussion** – A Board Member may be unable to decide due to concerns or desire further clarification. *(Note: A Board Member may seek procedural clarification from the Board's legal counsel.)* In this situation, the Board Member may choose to hold the case for discussion citing the reasons for this vote. If two

or more Board Members vote to hold the case for discussion, the case is discussed in the next available meeting during a closed session. If only one Board Member votes to hold the case for discussion, the case is not held for discussion, and the majority decision of the remaining Board Members prevails.

Proposed Decisions – Decision from the ALJ Following a Formal Hearing

Proposed Decisions (PDs) are subject to a specified timeline pursuant to the APA. The Board has 100 days after receiving the PD to either adopt or not adopt the PD.

- **Adopt** – If the Board Members decide to adopt the Proposed Decision, it becomes effective within 30 days, and the respondent is notified by Board staff.

- **Reject/Non-Adopt** – If the Board Members do not agree with any aspect of the ALJ's Proposed Decision, they may non-adopt the Proposed Decision. In this situation, the respondent is notified. Board staff will order the administrative hearing transcripts and request written arguments from the respondent. Board Members review the transcripts, evidence, and written arguments and meet in a closed session with legal counsel to write their decision. The Board uses the Disciplinary Guidelines and applicable law when making such decisions. The Board's decision is then adopted and issued to the respondent.

DISQUALIFICATION – May Not Participate in Case Decision

With some limited exception, a Board Member cannot decide a case if that Board Member investigated, prosecuted or advocated in the case or is subject to the authority of someone who investigated, prosecuted or advocated in the case. A Board Member may be disqualified for bias, prejudice or interest in the case. When in doubt Board Members should contact DCA legal counsel for guidance.

Recusal from Case Decision

If the Board Member knows the respondent and/or is familiar with facts/circumstances regarding the action that lead to the disciplinary matter, such as serving as the SME on the case the Board Member shall consult with legal counsel regarding the Board Member's ability to participate in the case decision.

Ex Parte Communications Definition and Limitations

"Ex Parte" technically means "by or for one party only." In practice, it is a limitation on the types of information and contacts that Board Members may receive or make when considering a case. While a case is pending, there are only limited types of communication with Board Members that are allowed if all parties are not aware of the communication and do not have a chance to reply.

For example, a Board Member can accept advice from a Board staff member who has not been an investigator, prosecutor, or advocate in the case; however, that person/staff cannot add to, subtract from, alter or modify the evidence in the record. Or a Board Member can accept information on a settlement proposal or on a procedural matter.

Most other communications may need to be disclosed to all parties, and an opportunity will be provided for the parties to make a record concerning the communication. Disclosure may also apply to communications about a case received by a person who later becomes a Board Member deciding the case. Receipt of some ex parte communications may be grounds to disqualify a Board Member from that case.

GUIDELINES FOR PETITIONER HEARINGS

PETITION HEARING OVERVIEW

Board meetings consist of requests from probationers to modify the terms of their probation or from licensees seeking to reinstate their license. These individuals submit a request to the Board and include all documentation to support their request. Board staff will review all documentation to determine if the individual is eligible to make the request. If so, the individual will be scheduled to appear at an upcoming Board meeting.

Prior to the Board meeting, Board staff will prepare the petition package, include all relevant documentation, and mail or email the petition package to the Board Members for their review. Members should review the package thoroughly, noting any questions they may have about the documentation.

The petition hearings are conducted during an open session of the Board Meeting with an ALJ presiding. A court reporter is present to document the testimony. Unless otherwise indicated, all testimony, questions, and comments are part of the record.

The hearing format begins with the ALJ announcing the petitioner's name and case number. The ALJ will explain the hearing process to the petitioner and ascertain if the petitioner has any questions. Once the ALJ is satisfied that the petitioner understands the process, the ALJ begins the hearing.

First, the DAG appears on behalf of the Board and introduces the case. The DAG provides the history of the conduct that resulted in probation or license revocation and introduces the relevant evidence. The DAG will question the petitioner regarding their request, supporting documentation, and rehabilitation efforts. The DAG's questions may occur either before or after the Board Members question the petitioner.

Next, the petitioner is provided with an opportunity to testify in support of their request. The petitioner may or may not be represented by an attorney. The petitioner often reads a prepared statement or speaks freely. The petitioner may, or may not, call witnesses to provide testimony in support of the petitioner's request.
Following the petitioner's testimony, each Board Member is provided with the opportunity to question the petitioner.

QUESTIONS FOR PETITIONERS

In the members role to protect the public, it is critical to determine the following.

Will the public be protected without the current restrictions? Will the petitioner deliver services safely to the public?

A decision must be based on the evidence before the members – the petitioner's supporting documentation, petitioner's testimony, witness testimony, and rehabilitation. All questions to the petitioner should be related to documentation in the petitioner's packet and testimony provided by the petitioner.

Frequently, Board Members may inquire about the following topics.

- Inconsistencies in the documentation.
- Inconsistencies or clarification related to the petitioner's testimony.
- Incidents of non-compliance with probation.
- Efforts related to rehabilitation and support systems.
- Petitioners' efforts to practice self-care and good physical and mental health.
- Petitioner's personal growth while on probation.
- What assurance does the petitioner offer that the incident will not recur?

These types of questions are appropriate and often, the responses aid in determining the petitioner's ability to safely practice.

Board Members should exercise caution to avoid inquiries that are not appropriate, such as;

- Questions that attempt to relitigate the matter that led to the probation or revocation.
- Questions that may compel the petitioner to disclose a medical condition or physical disability.
- Questions that may compel the petitioner to disclose a protected group category (e.g., age, race, religion, sexual orientation).

DELIBERATIONS

After the hearing, the Board Members, ALJ, legal counsel, will meet privately to decide on the petitioner's request.

RESOURCES

Osteopathic Medical Board of California Website

www.ombc.ca.gov

DCA Board Member Resource Center

http://www.dcaboardmembers.ca.gov

California Administrative Procedure Act

The California Administrative Procedure Act is found in the California Government Code starting at section 11370 and continuing through section 11529 and title 1 of the California Code of Regulations starting at section 1000 through section 1050.

http://leginfo.legislature.ca.gov/faces/codes.xhtml

https://govt.westlaw.com/calregs

Bagley-Keene Open Meeting Act

https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=3.&title=2.&part=1.&chapter=1.&article=9

California Legislative Information (may search for bills and subscribe to bill updates)

http://leginfo.legislature.ca.gov/faces/home.xhtml

Osteopathic Medical Board of California Disciplinary Guidelines and Uniform Standards

https://www.ombc.ca.gov/forms_pubs/disp_guideline.pdf

DCA Travel Guide

https://inside.dca.ca.gov/documents/travel_guide.pdf

Professional Associations

Federation of State Medical Board
Federation of State Medical Boards

Osteopathic Physicians and Surgeons of California (OPSC)
https://www.opsc.org/

American College of Osteopathic Family Physicians of California
American College of Osteopathic Family Physicians of California

American Osteopathic Association (AOA)
https://osteopathic.org/

California Medical Association
CMADocs > California Medical Association Home

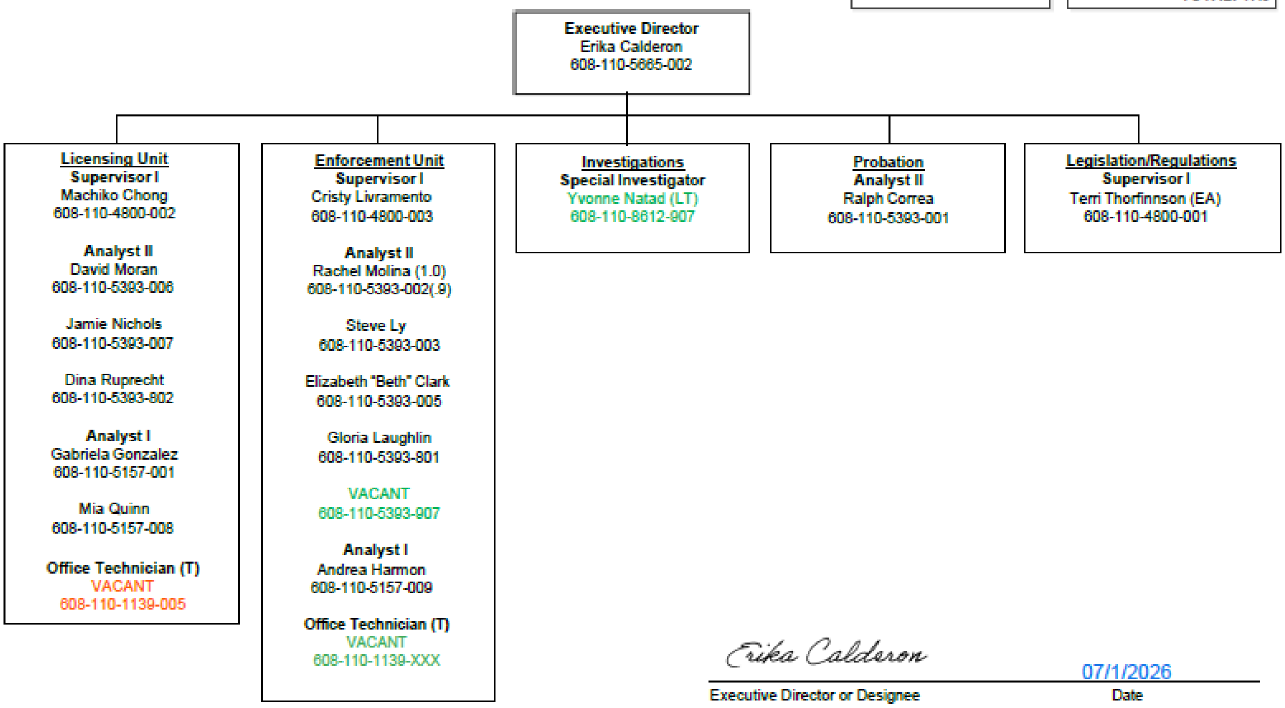
Board Organizational Chart

Department of Consumer Affairs
Osteopathic Medical Board of California
July 1, 2026

LEGEND
Red: Vacant
Green: Blanket
EA: Exceptional Allocation
All positions are CORI Designated

CURRENT
OMBC STAFFING
FY 2025/2026

Authorized Positions: 15.9
Blanket Positions: 2.0
TOTAL: 17.9



Erika Calderon 07/1/2026
Executive Director or Designee Date

Classification & Recruitment Analyst Date