

1 **MEETING MINUTES**

2
3
4 **November 9, 2020**

5 **8:30 A.M. – 5:00 P.M.**

6 **Physician Assistant Board Meeting Was Held Via WebEx**

7
8
9 **1. Call to Order by President**

10 President Grant called the meeting to order at 8:30 a.m.

11
12
13 **2. Roll Call**

14 Staff called the roll. A quorum was present.

15
16
17 Board Members Present: Charles Alexander, PhD
18 Juan Armenta, Esq.
19 Jennifer Carlquist, PA-C
20 Sonya Earley, PA-C
21 Jed Grant, PA-C
22 Randy Hawkins, MD
23 Diego Inzunza, PA-C

24
25 Staff Present: Rozana Khan, Interim Executive Officer
26 William Maguire, Attorney
27 Karen Halbo, Attorney III DCA Regulation Unit
28 Julie Caldwell, Licensing Analyst
29 Armando Melendez, Complaint Analyst
30 Kristy Voong, Probation Monitor

31
32
33 **3. Approval of August 7, 2020 Board Meeting Minutes**

34
35 M/ Sonya Earley S/ Jennifer Carlquist to:

36
37 Approve the August 7, 2020 Meeting Minutes.

38

Member	Yes	No	Abstain	Absent	Recusal
Charles Alexander	X				
Juan Armenta				X	
Jennifer Carlquist	X				
Sonya Earley	X				
Jed Grant	X				
Randy Hawkins			X		
Diego Inzunza	X				

39
40 Mr. Maguire stated that a Board member does not have to abstain from approving
41 the meeting minutes if they were not present for the meeting. As long as the Board
42 member has reviewed the minutes, the Board member may vote to approve the
43 minutes.

44 Dr. Hawkins requested to change his vote to yes, as he has reviewed the minutes.

45
46
47 No public comment.

48 49 **4. Public Comment on Items not on the Agenda**

50
51 (Note: The Board may not discuss or take action on any matter raised during this
52 public comment section that is not included on this agenda, except to decide
53 whether to place the matter on the agenda for a future meeting. [Government Code
54 Sections 11125, 11125.7(a).])

55
56 Ed Howard appeared on behalf of California Academy of PAs (CAPA). Mr. Howard
57 provided apologies, CAPA had two problems related with the Board's August 7,
58 2020 meeting that regrettably led to CAPA not offering comments to the draft
59 regulations then under discussion. The first issue was technical which prevented
60 them from logging on. The second issue was the absence of the Board meeting
61 materials posted on the Board's website. Included on the August 7, 2020, meeting
62 agenda was that the Board was to consider "initiating rulemaking" and CAPA
63 wrongly inferred that the agenda item was simply going to be about whether or not to
64 begin drafting language, not whether to consider an actual draft. As a result, the first
65 time that Mr. Howard realized that actual language had been proposed to the Board
66 was November 8, 2020. Mr. Howard stated that the proposal that they would have
67 most objected to was the one that Mr. Grant suggested to withdraw, the proposed
68 changes to 1399.545. Mr. Howard again apologized for not relaying CAPA's
69 thoughts to the Board earlier and commits to provide the Board with written
70 comments on the proposed language, including the withdrawn 1399.545, by the end
71 of the week. Mr. Howard thanked the Board for their consideration and for Mr.
72 Grant's comments regarding SB 697 made during the last Board meeting. CAPA is
73 pleased to partner with the Board moving forward on these important regulations.

74
75 No further public comment.

76 77 **5. Introduction and Swearing in of New and Reappointed Board Members**

78
79 Mr. Grant introduced Randy Hawkins, M.D. and Diego Inzunza, PA-C as the new
80 members of the Physician Assistant Board. Mr. Grant stated that Dr. Hawkins was
81 appointed by Governor Gavin Newsom to the Physician Assistant Board on August
82 17, 2020. Dr. Hawkins has been assistant professor at Charles R. Drew University of
83 Medicine and Science since 2014 and a physician and surgeon in private practice
84 since 1985. He is board-certified in internal medicine and pulmonary and critical care
85 medicine. Dr. Hawkins is a member of the Golden State Medical Association of
86 California, the National Medical Association, the Charles R. Drew Medical Society
87 and the Food and Drug Administration Cellular. Mr. Grant stated that Dr. Hawkins is
88 currently a member of the Medical Board of California (MBC) and is pleased to have
89 him serve on the Board for the valuable input from our physician partners.

90
91 Mr. Grant stated that Diego Inzunza, PA-C was appointed to the Physician Assistant
92 Board by Governor Gavin Newsom on August 17, 2020. Mr. Inzunza has been a
93 physician assistant at VEP Healthcare, Patterson Urgent Care, and Primary Care at
94 Home since 2019. He was a group supervisor for the San Mateo County Probation
95 Department from 2015 to 2019, a medical translator for Santa Clara County from

96 2012 to 2016 and a community outreach coordinator for the City of San Jose Vice
97 Mayor from 2010 to 2014. Mr. Inzunza is a member of the California Academy of
98 Physician Assistants and the American Academy of Physician Assistants. He earned
99 a Master of Science degree in physician assistant studies from Samuel Merritt
100 University.

101
102 Mr. Grant administered the Oath of Office to Mr. Alexander, Ms. Carlquist, Ms.
103 Earley, Dr. Hawkins and Mr. Inzunza as follows:

104
105 I do solemnly swear or affirm that I will support and defend the Constitution of the
106 United States and the Constitution of the State of California against all enemies,
107 foreign and domestic; that I will bear true faith and allegiance to the Constitution of
108 the United States and the Constitution of the State of California; that I take this
109 obligation freely, without any mental reservation or purpose of evasion; and that I will
110 well and faithfully discharge the duties upon which I am about to enter.

111
112 Mr. Grant expressed his thanks to all board members for their commitment and
113 service.

114
115 **6. Nomination and Election of Physician Assistant Board Officers**

116
117 Ms. Khan stated Business and Professions Code section 3509.5 states that the
118 board shall elect annually a president and vice president from among its members.
119 Typically the nomination and election of board officials is held at the last meeting of
120 the year.

121
122 M/ Jed Grant S/ Charles Alexander to:

123
124 Nominate Juan Armenta as president of the Physician Assistant Board (Board) for
125 2021.

126

Member	Yes	No	Abstain	Absent	Recusal
Charles Alexander	X				
Juan Armenta	X				
Jennifer Carlquist	X				
Sonya Earley	X				
Jed Grant	X				
Diego Inzunza	X				

127
128 Mr. Armenta expressed concerns as the expiration of his current term is 1/1/2021.
129 Mr. Maguire advised that a board member can serve up to a year after the term has
130 expired. If the Governor were to replace Mr. Armenta during his grace year, the
131 Board would elect a new president.

132
133 No other nominations were made.

134
135 No public comment.

136
137 Motion approved.

138
139

140 M/ Charles Alexander S/ Jennifer Carlquist to:

141

142 Nominate Sonya Earley as vice president of the Board for 2021.

143

Member	Yes	No	Abstain	Absent	Recusal
Charles Alexander	X				
Juan Armenta	X				
Jennifer Carlquist	X				
Sonya Earley	X				
Jed Grant	X				
Diego Inzunza	X				

144

145 Mr. Armenta commented if Mr. Grant would be permitted to serve as the vice
146 president while on deployment. Mr. Grant commented that he will be out of the
147 country beginning mid-February 2021 through the end of 2021 which is part of the
148 issue as serving as vice president. Mr. Grant stated he is not sure how much reliable
149 access to the internet he will have, he will have access to email and is happy to
150 assist during his deployment.

151

152 Mr. Armenta motioned to nominated Mr. Grant for vice president. Nomination was
153 not seconded, the motion failed.

154

155 No public comment.

156

157 7. Reports

158

159 a. President's Report

160

161 Mr. Grant currently on military orders took the opportunity to thank Colonel
162 Gronewald and Lieutenant Colonel Goldsmith for freeing him up from his military
163 obligations to conduct the meeting.

164

165 **Board Member Recognition and Commendations**

166

167 Mr. Grant recognized the new Board members and thanked them for their service.
168 He also recognized Ms. Carlquist who was nominated by her peers as one of the top
169 10 cardiology PAs in the country. The Point of Care Network was built specifically to
170 provide nurse practitioners and PAs with peer-review resources to learn and
171 connect. These resources and tools have been vetted by the Editorial Board and
172 they nominate the individuals they felt were the top PAs in various specialties in the
173 country. Mr. Grant stated that Ms. Carlquist is a frequent speaker at continuing
174 medical education conferences on EKG interpretation and cardiology issues. Mr.
175 Grant expressed appreciation for her contributions to the profession and well
176 deserved award.

176

177 **DCA Approved Waivers Relating to the Practice of Physician Assistants**

178

179 Mr. Grant reported that on March 4, 2020, the Governor proclaimed a state of
180 emergency related to COVID-19 and the Department of Consumer Affairs (DCA)
181 responded by issuing several orders, one of which waived physician assistant
182 supervision requirements under certain circumstances. This order has been
183 extended through December 10, 2020. All of the orders are posted on the Board's
website; however, Mr. Grant wanted to make sure that the public was aware that the

184 orders have been extended allowing for PAs to practice without a practice
185 agreement under certain circumstances and conditions to ensure the ability of PAs
186 to provide health care during this crisis is not hindered.

187
188 Additionally, an executive order issued waiving some of the requirements in place for
189 the renewal of license has been extended through December 31, 2020, unless
190 further extended.

191
192 Finally, an executive order issued temporarily waiving any statutory or regulatory
193 requirements for individuals seeking to reactivate or restore a license has been
194 extended through January 1, 2021, unless further extended.

195
196 No public comments.

197
198 b. Interim Executive Officer's Report

199
200 **Pandemic Response**

201 Ms. Khan reported that the Board's office is open and operational to the public
202 during the pandemic. Board staff continues to be on a rotational telework schedule
203 and are able to provide essential services to applicants, licensees and consumers.

204
205 **Personnel**

206 Ms. Khan reported that the Board's licensing program is currently understaffed due
207 to the departure of the licensing analyst and the lead licensing analyst effective
208 August 24, 2020. To maintain coverage of these essential functions Julie Caldwell,
209 the Board's administrative analyst, was redirected to the licensing analyst position.
210 Ms. Voong has also stepped up to temporarily assist with the licensing workload.
211 The Board is in the process of recruiting to fill the administrative analyst position,
212 lead licensing analyst position and a discipline analyst position. The discipline
213 analyst position was approved through the budget change proposal in an effort to
214 bring the enforcement workload in-house from the MBC.

215
216 **Update on the Sunset Review Process**

217 Ms. Khan reported that Board staff was recently advised that the Sunset Review
218 Oversight Committee (Committee) will resume in the near future. The Committee will
219 continue to utilize the sunset report submitted last year and requested that the Board
220 provide any relevant updates or provisions. The Committee is requesting responses
221 to supplemental questions related to COVID-19, Attachment 1 of the Board packet
222 materials. Sunset report updates or revisions along with the responses to the
223 supplement questions are due to the Committee electronically by December 1, 2020;
224 however, the Board has received a hearing date of November 19, 2020, so she will
225 be working on responses to the supplemental questions with the Board president
226 and the Board's legal counsel to provide responses before the date of the hearing.

227
228 **Social Media**

229 Ms. Khan reported that objective 4.1 of the Board's 2019-23 Strategic Plan is to
230 utilize social media to maximize outreach and communication. Ms. Khan is pleased
231 to announce that the Board now has a Facebook and Twitter presence. The Board is
232 now utilizing these social media platforms to disseminate all Board related
233 information and/or updates.

234

235 Mr. Maguire stated while he has no comment on the interim executive officer's report
236 he would like to revisit agenda item 3, commenting that he didn't realize Dr. Hawkins
237 serves as the Board's ex-officio member which technically means non-voting. For
238 this reason Dr. Hawkins should not be called on to vote for agenda items requiring a
239 vote, but can make comments during Board discussion. Mr. Maguire stated that Dr.
240 Hawkins previous vote to approve the August 7, 2020 Board meeting minutes should
241 be reverted to abstention. Mr. Grant agreed.
242

243 c. Licensing Program Activity Report

244
245 **Licensing Population by Type Report:**

246
247 Ms. Caldwell reported that the Licensing Pollution by Type Report provides an
248 overall view of the licensing population and different statuses. As of October 19,
249 2020 the Board's licensing population is as follows:

250
251 Total Licensing Population: 20, 416
252 Current Licenses: 14, 155
253 Inactive Licenses: 30
254 Temporary Family Support: 1
255 Total Current Licensees: 14, 186
256

257 **Summary of Licensing Activity Report for July 1, 2020 through**
258 **September 30, 2020:**

259 Applications received – 464
260 Licenses issued – 305
261 Licenses renewed – 1,643
262
263

264 **Pending Application Workload Report as of September 30, 2020:**

- 265
266
 - Pending Applications – 367
 - Desk Age:
 - 0-30 days: 210
 - 31-60 days: 87
 - 61-90 days: 12
 - 91 plus days: 58
272

273 Desk age begins when the application is assigned to a staff member. Application
274 age begins when the application is originally submitted to the Board.
275

276 In response to Mr. Grant's question how Board staff has been handling the licensing
277 applications due to the loss of the licensing and lead licensing analysts, Ms. Caldwell
278 responded that because of Ms. Voong's hard work, application reviews and the
279 issuance of licenses continued after the departure of the Board's licensing staff and
280 until Ms. Caldwell returned to work on September 15, 2020. Ms. Caldwell stated that
281 even though she teleworks most days and has limited access to files, her co-workers
282 are working as a team to provide assistance to applicants as needed. Because of
283 the group effort, staff has managed to move closer to the goal of providing an
284 applicant with an application update, or issue a license, within 30 days of the
285 submission of the application.
286

287 Mr. Grant thanked all of the Board staff for their hard work.

288

289 d. Diversion Program Activity Report

290

291 Ms. Voong reported the following probation activity from page 64 of the Board
292 meeting materials. As of September 30, 2020:

293

- 294 • Current Probationers – 62
- 295 ○ Active – 53
- 296 ○ Tolling – 9
- 297 • Entered Probation – 4
- 298 • Completed Probation – 5
- 299 • Voluntary Surrender – 1

300

301 Ms. Voong reported the following diversion program activity as of September 20,
302 2020:

303

- 304 • Current participants – 4
- 305 • Completed Maximus – 2

306

307 In response to Mr. Grant's question of if any participants have reported difficulties in
308 meeting the terms of their probation due to the pandemic, Ms. Voong stated that
309 there were exposure concerns early on, but there haven't been any difficulties as
310 testing sites remain open.

311

312 e. Enforcement Program Activity Report

313

314 Mr. Melendez reported the following enforcement activity beginning July 1, 2020,
315 through September 30, 2020:

316

- 317 • Complaints – Intake
- 318 ○ Complaints received – 97
- 319 ○ Assigned to desk analyst (**may include cases received in previous
320 quarters) – 97
- 321 ○ Pending at intake – 8
- 322 • Complaints and Investigations
- 323 ○ Complaints referred for investigation – 15
- 324 ○ Complaints and investigations closed** – 67
- 325 ○ Complaints pending at desk analyst** – 127
- 326 ○ Investigations pending at field** – 85
- 327 ○ Average age of pending investigations** – 292
- 328 ○ Investigation over 8 months old – 52
- 329 • Office of Attorney General Cases
- 330 ○ Cases initiated – 5
- 331 ○ Cases pending** - 32
- 332 ○ Average age of pending cases** - 390
- 333 • Formal Actions Filed/Withdrawn/Dismissed
- 334 ○ Accusations filed – 6
- 335 ○ Accusation and/or Petition to Revoke Probation Filed - 1
- 336 • Administrative Outcomes/Final Order
- 337 ○ Probation – 4

- 338 ○ Surrender – 3
- 339 • Citations and Fines (April 1, 2020 to June 30, 2020)
- 340 ○ Pending – 2
- 341 ○ Fines due - \$750
- 342 • Citations and Fines (July 1, 2020 to September 30, 2020)
- 343 ○ Fines due from previous/current quarters - \$750

344

345 Complaints Received by Type and Source

346

347 The Board members posed no questions regarding this report included on page

348 61 of the Board meeting materials for July 1, 2020 through September 30, 2020.

349

350 Mr. Grant stated that in terms of trending the Board’s complaints and identifying

351 areas of concerns, this helpful chart is helpful.

352

353 Mr. Mendez reported now that the complaint workload has been transferred from

354 the responsibility of the MBC to the Board, new forms, letters and pamphlets

355 were created that include the following: a complaint form, a medical release form,

356 correspondence template letters, and brochures regarding the complaint

357 process, medical consultants and investigations. Additionally, staff is currently

358 working on creating their own medical consultant program. Staff hopes to have

359 the new forms and brochures accessible via the Board’s website within the next

360 few weeks.

361

362 Mr. Grant stated that bringing the complaint and enforcement process in-house is

363 consistent with the Board’s Strategic Plan implemented a few years ago.

364 Previously the intake of the Board’s complaints was handled by the MBC and the

365 decision to bring the complaint process in-house is supported primarily by the

366 growth of the PA licensing population. The Board will gain helpful insight as a

367 result of bringing PAs into the case review process of the various enforcement

368 case. He thanked Mr. Melendez for his hard work and to the MBC for their

369 support.

370

371 Ms. Carlquist expressed her excitement about being involved at the ground level

372 for complaints submitted to the Board and looks forward to future updates.

373

374 In response to Mr. Armenta’s question on how this will affect the Board’s ability

375 on the selection of experts for disciplinary cases, Mr. Grant stated individual

376 cases will be discussed in closed session. Historically some of the complaints

377 filed with the Board may not have resulted in an accusation had a PA been

378 involved early on in the expert case review process in order to provide a better

379 perspective.

380

381 No public comments.

382

383 **8. Department of Consumer Affairs (DCA) – Director’s Update**

384

385 Carrie Holmes, DCA Deputy Director of Board and Bureau Relations, thanked the

386 Board for the opportunity to provide her report.

387

388 In addition to congratulating and welcoming Diego Inzunza and Dr. Hawkins as the

389 newest member of the Board, Ms. Holmes thanked them for their willingness to

390 serve. Ms. Holmes also congratulated Mr. Alexander, Ms. Carlquist and Ms. Earley
391 for their reappointments and thanked them for their ongoing service.
392

393 Ms. Holmes stated one of her top priorities at the Board and Bureau of Relations is
394 appointments. According to the Physician Assistant Practice Act the Board consists
395 of nine members who serve four-year terms and may be reappointed. However, as
396 set forth in Business and Professions Code (BPC) section 3505, the Board is
397 currently comprised of one physician and surgeon, five licensed physician assistants
398 and four public members for a total of 10 members. The Governor's responsible for
399 appointing the licensed members and two public members, the Speaker of the
400 Assembly and the Senate Rules Committee each appoint one public member.
401 Currently the Board has three vacancies, two public members appointed by the
402 Senate and Governor, and a licensee member appointed by the Governor. DCA and
403 all the appointing authorities share the goal of a fully seated diverse and effective
404 board. Filling current and upcoming vacancies is a priority, anyone interested in
405 serving as a board member can apply by visiting DCA's website and choosing the
406 link titled Board Member Resources.
407

408 Ms. Holmes stated that our work continues even though COVID-19 has changed the
409 way we conduct business now and in the future. Before the Board's last meeting,
410 DCA and its boards and bureaus had just reopened offices to the public after a
411 temporary closure due to the state and local stay-at-home orders to prevent the
412 spread of COVID-19. DCA offices remain open with preventative measures to
413 safeguard the health and safety of our employees and visitors. DCA continues to
414 partner with the Governor's office and Business Consumer Services and Housing
415 Agency on statewide efforts related to awareness and enforcement of public health
416 measures. DCA would like to thank the Board and staff for their continued service
417 during this challenging time.
418

419 Ms. Holmes encouraged the Board to reach out to DCA if with any questions or
420 assistance that they may need.
421

422 Mr. Grant thanked Ms. Holmes for her assistance with the Board's appointments. In
423 response to Mr. Grant's question of when in-person meetings might resume, Ms.
424 Homes replied that she did not have any information at this time. For now, the
425 executive orders that affected the Bagley-Keene Open Meeting Act will be in place
426 until the state of emergency is lifted.
427

428 No public comment.
429

430 **9. Budget Update**

431
432 Marie Reyes, DCA Budget Analyst, thanked Mr. Grant for his service and extended
433 a welcome to the Board's new members.
434

435 Ms. Reyes reviewed the Fund Condition Report on page 68 of the Board meeting
436 materials. The Board is in a good fiscal position. The first part of the report depicts
437 the revenue and transfers occurring in FY 19/20. The revenue projection for FY
438 19/20 was 2.3 million; the Board's actual revenue was 2.33 million which left the
439 Board with 19.4 months of reserves. The Board's estimated revenue for FY 20/21 is
440 2.4 million. Historically the Board's projected revenue always seems to fall within 5-
441 8% of the actual revenue, as the Board is very conservative in their projections. Ms.

442 Reyes stated that she anticipates the Board's actual revenue for FY 20/21 to be
443 higher than the 2.4 million despite of the pandemic.
444

445 Mr. Reyes reviewed page 69 of the Board meeting materials. The Board reverted
446 \$207,000 for FY 19/20, which is considerably more than the previous two years of
447 \$15,000-\$18,000.
448

449 In response to Mr. Grant's request to clarify why the revenue projections for FY
450 21/22 and FY 22/23 are lower, Ms. Reyes responded that the reason is due to the
451 income surplus as a result of a 1.5 million dollar payment paid to the Board.
452

453 In response to Mr. Grant's question of how the Board reverted \$207,000 for FY
454 19/20, Ms. Reyes replied that the main reasons were due to a reduction of general
455 expenses, reduction in travel expenses and a reduction in the costs for the Attorney
456 General. The Board has been fiscally responsible and will be in good shape even
457 with the additional expenditures due to the increase in staffing and bring services in-
458 house.
459

460 No public comment.
461

462 **10. Approval of Passing Score for 2021 Physician Assistant (PA) Initial**
463 **Licensing Examination and 2021 Dates and Locations for PA Initial**
464 **Licensing Examination**
465

466 Mr. Grant stated that this requirement is from BPC section 3517. The Board has
467 drafted legislation to change this section, however, the legislation changes have not
468 occurred and the Board is required to vote. The initial licensing examination is
469 administered through the National Commission on Certification of PAs (NCCPA) at
470 the Pearson VUE testing centers.
471

472 M/ Juan Armenta S/ Sonya Earley to:
473

474 Approve the passing score for the Physician Assistant National Certifying
475 Examination (PANCE) for the year 2021 as established by the NCCPA as the test
476 that the Board requires to establish minimum competency.
477

478
479
480
481

Member	Yes	No	Abstain	Absent	Recusal
Charles Alexander	X				
Juan Armenta	X				
Jennifer Carlquist	X				
Sonya Earley	X				
Jed Grant	X				
Diego Inzunza	X				

482 M/ Juan Armenta S/ Sonya Earley to:
483
484

485 Approve the dates and locations as established at the Pearson VUE testing centers
486 by the NCCPA.
487

Member	Yes	No	Abstain	Absent	Recusal
Charles Alexander	X				
Juan Armenta	X				
Jennifer Carlquist	X				
Sonya Earley	X				
Jed Grant	X				
Diego Inzunza	X				

488
489 No public comment.

490
491 **11. Discussion and Possible Action Setting Schedule for 2021 Board Meeting**
492 **Dates and Locations**

493
494 Mr. Grant stated that the Board typically holds quarterly meeting, one of which is
495 held in Southern California.

496 M/ Juan Armenta S/ Jennifer Carlquist to:

497
498
499 Approve meeting dates of February 8, 2021, May 10, 2021, August 9, 2021 and
500 November 8, 2021 with the first in-person meeting being held in Sacramento once
501 the emergency orders are lifted and further locations determined at that meeting.
502

Member	Yes	No	Abstain	Absent	Recusal
Charles Alexander	X				
Juan Armenta	X				
Jennifer Carlquist	X				
Sonya Earley	X				
Jed Grant	X				
Diego Inzunza	X				

503
504 Mr. Grant stated he will be out of the country for the last three quarterly meeting
505 dates, but he will try to attend the meeting remotely.

506
507 Mr. Maguire stated that agenda item 11 is listed as “discussion and possible action
508 on meeting dates and locations” and the board has only discussed the dates. While
509 it is fair to say that due to the state of emergency, the pandemic, and we don’t really
510 know with much certainty possible locations for 2021, is it the Board’s intention to
511 have the meetings via WebEx until further notice. Mr. Grant stated that the intention
512 is to set the dates with the understanding that they will be remote until further notice.
513 Once we are no longer required to hold the meetings remotely, the Board can make
514 a subsequent motion during a future meeting to amend the location as needed.
515 Historically three of the four annual meetings were held in Sacramento and one in
516 Southern California.

517
518 Mr. Maguire stated that when a Board member, board counsel or the executive
519 officer describes a motion accurately and in detail, the individual making the motion
520 can simply say “so moved”, or “I make the motion as described”, in order to move

521 forward with making the motion and without having to describe verbatim what was
522 just said and agreed with.

523
524 Public comment: Mr. Howard thanked Mr. Grant for seeking CAPA's input on the
525 proposed meeting dates, the dates work for CAPA.

526
527 No additional public comment.

528
529 **12. Discussion and Possible Action Regarding Hearings Pursuant to Business**
530 **and Professions Code section 3530. Petition for Reinstatement of License**
531 **or Modification of Penalty**

532
533 Mr. Maguire stated that BPC section 3530 talks about the Board's rights and
534 responsibilities when a licensee issues the Board a petition for reinstatement of a
535 license that's been revoked, or a modification of the penalty of the discipline the
536 licensee is serving. It is his understanding that when the Board receives such a
537 petition, the Board generally has an administrative law judge (ALJ) from the Office of
538 Administrative Hearings (OAH), come and hear the petition before the Board during
539 a Board meeting. Subsequently the Board then meets with the ALJ and Board
540 counsel in closed session to discuss the action they wish to take regarding the
541 petition. BPC section 3530(c) states "the petition may be heard by the board and
542 may assign the petition to an administrative law judge designated in section 11371
543 of the Government Code. After a hearing on the petition the administrative law judge
544 shall provide a proposed decision to the Board that shall be acted on in accordance
545 with the administrative procedure."

546
547 Mr. Maguire stated that the Board has two options under this section. Currently the
548 Board has been utilizing the primary option of hearing the petition themselves with
549 the assistance of the ALJ, but the Board does have the option to refer the petition
550 out to the ALJ to conduct the hearing separate from the Board meeting, and then the
551 judge would issue a proposed decision to the Board to vote on.

552
553 Mr. Maguire states that one advantage of hearing the petitioner, and his/her attorney
554 before the Board is that the Board can personally see them, hear thier tone of voice,
555 decide whether they're truthful, whether they're truly showing contrition for their past
556 behavior. The judge will make findings and say things like "I found this petitioner
557 trustworthy or truthful or contrite," or the opposite for the Board to rely on, but it is not
558 the same as laying eyes on them. The other implication is the time and constraints
559 due to limited Board meetings and limited time allotted to a hearing per Board
560 meeting.

561
562 Mr. Maguire stated that basically the purpose of this agenda item is to initiate
563 discussion of the relative pros and cons of the two approaches and a motion to
564 direct staff to proceed accordingly.

565
566 Mr. Grant stated that historically the hearings had been the responsibility of an ALJ,
567 then the Board would vote on a proposed decision, and if the Board rejected the
568 proposed decision, the Board could then set the matter for a hearing during a Board
569 meeting. With the petitions for reinstatement or for early termination of probation, the
570 Board members felt that they wanted to have eyes on the petitioner and have an
571 opportunity to directly interact with the petitioner.

572

573 If a licensee has had their license disciplined, the licensee can petition for early
574 termination of the conditions that were placed on their license as a result of their
575 misconduct, or if their license has been revoke they can petition to have their license
576 reinstated. Petitions heard during a Board meeting can take the better part of a day,
577 so the thought is that if the Board could send the petition to the ALJ and receive a
578 proposed decision just like the Board receives on other matters, it might save time.
579 As the number of licensees increase, there is potential for the number of hearing to
580 increase which is costly and time consuming. This doesn't take away the Board's
581 ability to reject a proposed decision and set the matter for a hearing during a Board
582 meeting, it just adds an extra step to have the judge go through the case and make
583 a proposed decision.

584
585 Dr. Hawkins stated that the MBC utilizes an ALJ, receives a proposed decision from
586 the judge and then votes on whether or not to accept the proposed decision. The
587 physician does not come before the board.
588

589 Mr. Grant stated that the Board typically holds quarterly meeting, one of which is
590 held in Southern California.

591 M/ Juan Armenta S/ Jennifer Carlquist to:

592
593
594 Direct staff to set all petitions for reinstatement or early termination of probation to
595 initially be heard by an administrative law judge rather than an in-person hearing.
596

Member	Yes	No	Abstain	Absent	Recusal
Charles Alexander	X				
Juan Armenta	X				
Jennifer Carlquist	X				
Sonya Earley	X				
Jed Grant	X				
Diego Inzunza	X				

597
598 No public comment.
599

600 **13. Report on Medical Board of California Activities**

601
602 Dr. Hawkins stated that he has over 35 years of experience working with physician
603 assistants and his wife, of 35 years, is also a physician assistant.
604

605 He reported that the MBC last met August 13-14, 2020, and read the following
606 greeting from Denise Pines, MBC board president:
607

- 608 • The board has appointed William Prasifka as the MBC Executive Director
609 and Reji Varghese as the MBC Deputy Director. The previous executive
610 director, Kimberly Kirchmeyer, was appointed as the Director of DCA.
- 611 • The Health Professional Education Foundation (HPEF) mission is to
612 provide loan forgiveness scholarships to allied health advanced practice
613 providers such as physician assistants, nurse practitioners and physicians
614 who agreed to practice in underserved areas of California. The
615 scholarship program available to physician assistants is called the
616 Advances Practice Healthcare Scholarship Program and the next

617 application cycle opens January 4, 2021. Information regarding all HPEF
618 programs can be obtained by querying oshpd.ca.gov/hpes.
619

620 Mr. Grant thanked Dr. Hawkins for volunteering to serve on the Board as it is
621 important, as historically PAs and physicians have close relationships. Although the
622 Board voted as part of their strategic plan to move to being a fully independent
623 board, it is important to maintain close ties with our physician partners.
624

625 **14. Regulations**

626 Ms. Halbo provided the following update:
627

- 628
629 a. Proposed Amendments to 16 CCR Sections 1399.525, 1399.526 and 1399.527
630 Substantial Relationship Criteria, Rehabilitation Criteria for Denials and
631 Reinstatements, Rehabilitation criteria for Suspensions and Revocations
632

633 This package is with the Office of Administrative Law (OAL). The reviewer at the OAL
634 requested that the Board make certain language changes (most of them considered
635 non-substantial), complete a 15-day notice so that the public could see the language
636 changes and then place the matter with the Board to accept, or reject, the requested
637 language changes. Due to the fact that OAL is trying to standardize all of the
638 packages, approximately 38 packages, there has been a number of 15-day language
639 modifications requested. It is Ms. Halbo's understanding that the Board received no
640 comments for the 15-day notice of modification of text that ran from October 21, 2020
641 through November 5, 2020. Ms. Halbo reviewed the proposed language changes
642 requested by OAL with the Board.
643

644 M/ Jed Grant S/ Sonya Earley to:
645

646 Approve the modified text for sections 1399.525, 1399.526 and 1399.527 provided
647 by the OAL and move forward with the regulatory process.
648

Member	Yes	No	Abstain	Absent	Recusal
Charles Alexander	X				
Juan Armenta	X				
Jennifer Carlquist	X				
Sonya Earley	X				
Jed Grant	X				
Randy Hawkins			X		
Diego Inzunza	X				

- 649
650
651 b. Proposed Language to Amend 16 CCR Sections 1399.502, 1399.506, 1399.507,
652 1399.511, 1399.530, 1399.540, 1399.541, 1399.545, and 1399.546 Changes to
653 Existing Regulation Sections to Include SB 697 Requirements
654

655 Ms. Halbo reported that on August 7, 2020, the Board approved the proposed
656 language for sections 1399.502, 1399.507, 1399.511, 1399.530, 1399.540, and
657 1399.541, and to repeal 1399.546; however, currently the Board doesn't have a
658 designated regulation staff member so the initial documents have not been drafted or
659 submitted to legal for review.

660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710

Mr. Grant stated that the intent of this package is to amend the Board's regulations to be consistent with SB 697 and reflect the legislative intent.

Public Comment: Mr. Howard, on behalf of CAPA, stated that he cannot find proposed final language for SB 697. He is unsure of the reason as to why the draft regulatory language for the August 7, 2020, meeting was not posted on the Board's website, but that there were two comments made during the webcast about concerns as to whether or not the public had access to the language prior to the meeting. Mr. Howard stated he cannot remember a time when a Board would vote on initiating formal rulemaking based on particular language, without having the proposed language actually in the board packet and materials distributed to the public and available. There are certainly parts of those regulations related to SB 697 that he is sure CAPA will find to be completely innocuous and in fact very welcome. There a couple that might benefit from our ability to be able to finally see the proposed language to be sent out for formal rulemaking. He respectfully requests that the Board postpone a decision on this until the time that the public and the Board has the ability, before the meeting, to be able to look at final proposed language. If in fact, if he is correct and the proposed language contemplated for initiating formal rulemaking for SB 697 was not in the packet.

Mr. Grant stated that he appreciates Mr. Howard's comments. The proposed text is included in the approved August 7, 2020, Board meeting minutes posted to the Board's website. While the Board has approved to move forward with the proposed text, there will be notice periods allowing CAPA to make comments. Ms. Khan stated that due to ADA compliance issues the August meeting materials were not posted to the website prior to the meeting; however, posted on the Board's website was a statement that the meeting materials will be provided upon request. Ms. Khan stated that she will work with DCA to get the meeting materials posted to the Board's website. Mr. Grant requested that Board staff provide CAPA with a copy of the August meeting materials. Ms. Halbo stated the majority of the approved changes were minor, but she understands Mr. Howard's concern if he hasn't seen any of the proposed text. Mr. Maguire commented that contained within the November Board meeting materials is a copy of the August 7, 2020, meeting minutes.

Public Comment: Mr. Howard, on behalf of CAPA, commented that based on the August meeting minutes, it is not clear that the language underlined and struck out was what the Board had approved. For example, when Mr. Grant states that the Board will not proceed with proposed regulation language for section 1399.545, the proposed language is included in the minutes. So the language that is reflected in the minutes has not been changed, as yet, to reflect the decision of the Board. It is true, however, that there are descriptions in the minutes of what the Board voted to do. It appears that the language in the minutes is the language that is supposed to be changed, prior to going out for public comment as opposed to final language where this could serve as a substitute for having proposed final language to build on to initiate formal rulemaking. It is far cleaner process to have the materials posted to the Board's website.

- c. Board's Authority to Approve Controlled Substance Education Course, Title 16, California Code of Regulations, Section 1399.610

711 Mr. Maguire stated that on August 7, 2020 the Board approved to amend Section
712 1399.610 of the California Code of Regulations, Title 16 to add the audit authority
713 language. BPC 3502.1(e)(3) currently reads “The Board shall establish the
714 requirements for satisfactory completion of this subdivision. Evidence of completion of
715 a course meeting the standards, including pharmacological content, established in
716 Sections 1399.610 and 1399.612 of Title 16 of the California Code of Regulations, as
717 those provisions read on June 7, 2019, shall be deemed to meet the requirements of
718 this section.” Because the underlying statute limits the criteria for controlled substance
719 education course providers, the Board will need to amend BPC 3502.1(e)(3) before
720 amending the regulation. Board staff and legal counsel are currently preparing a
721 statement to potentially give the Board the authority to change the controlled
722 substance course provider regulations. The request to amend the statute will be part
723 of the sunset hearing scheduled for November 2020.
724

725 Mr. Grant stated that when the Board was presented with SB 697 language, the Board
726 had requested the removal of the sunset date, but it was left in the final version. Mr.
727 Grant stated that the Board can’t adequately police the controlled substance providers
728 with that sunset date in statute, but once it is corrected, the Board will be able to
729 amend the regulations to allow the Board to better regulate the controlled substance
730 course.
731

732 d. Proposed Amendments to 16 CCR Section 1399.523.5 – Required Actions Against
733 Registered Sex Offenders
734

735 Ms. Halbo reported that the rulemaking package was submitted to Business,
736 Consumer Services and Housing Authority (Agency) on October 8, 2020. Once
737 Agency is finished with the package, it will be published in the notice register for the
738 45-day public comment period. While the package is in its beginning stages it is close
739 to being published with the OAL.
740

741 e. Proposed Amendments to 16 CCR Sections 1399.514 and 1399.515 – Renewal of
742 License and Continuing Medical Education Required
743

744 Ms. Halbo reported that the rulemaking package has been approved by legal and is
745 currently with budget.
746

747 f. Proposed Amendments to 16 CCR Section 1399.616 – Approved Continuing
748 Medical Education Programs – Implicit Bias
749

750 Ms. Halbo reported that the rulemaking package has been approved by legal and is
751 currently with budget.
752

753 Ms. Halbo stated that over the last nine months, the Department of Finance (DOF) has
754 made two changes to the requirements of regulation packages. As a result of one of
755 the changes, rulemaking package for all programs had to have a review of its budgets
756 estimates and language.
757

758 **15. CLOSED SESSION**
759

- 760 A. Pursuant to Section 11126(a) of the Government Code, the Board moved into
761 closed session to conduct interviews and Possible Appointment of Executive
762 Officer.
763 B. Pursuant to Section 11126(c)(3) of the Government Code, the Board moved into
764 closed session to deliberate and take action on disciplinary matters.
765

766 **16. Report and Actions Taken During Closed Session Regarding Executive**
767 **Officer Appointment**
768

769 Based on the outcome of Board discussion, the Board took no action on this agenda
770 item.
771

772 **17. Education/Workforce Development Advisory Committee**
773

774 Mr. Grant reviewed the data on page 69 of the Board meeting materials. As of
775 October 26, 2020:
776

- 777 • Total number of accredited programs in the United States - 264
 - 778 ○ Total number of PA programs in development – 50
- 779 • Current accredited PA programs in California - 16
 - 780 ○ located in the Los Angeles/San Diego area - 9
 - 781 ○ located in the bay area - 4
 - 782 ○ located in the central valley - 2
 - 783 ○ located on the central coast - 1
- 784 • Estimated annual capacity for all 21 programs – 1064
785

786 Mr. Grant provided the following definition regarding the programs statuses:
787

- 788 • Developing – currently not enrolling students,
- 789 • Provisional – assigned during the first five years that the program is
790 operational.
791

792 Currently more than half of the California PA programs are provisional. The
793 information reflects the continued growth in California as programs in California have
794 more than doubled in the last five years.
795

796 Mr. Grant stated that PA training models medical school which means that the first
797 year is didactic, second and third years are clinical. The average length of a PA
798 program is twenty-seven (27) months. The second and third year of the program,
799 PAs are completing clinical rotations and because of the pandemic, many of the
800 clinical rotation sites have closed, or are no longer taking students. This is causing
801 significant difficulties for the PA training programs and as a result some programs
802 have turned to alternative options one of which is online. The accrediting body is
803 watching this closely to ensure that the standards are met; however, the changes
804 are something for the Board to be aware of. Additionally, the cost of the training may
805 increase as a result of increasing the length of time it takes to complete the program.
806

807 The numbers included on the report do not include out-of-state applicants.
808

809 No public comment.
810

811 **18. Nomination and Possible Selection of Legislative Committee Member**

812
813 Mr. Grant stated that Sonya Earley has been shouldering the responsibility of this
814 committee due to the departure of Mary Valencia. The legislative committee is
815 responsible for reviewing upcoming legislation that will affect PA practice or our
816 Board, reports to the Board; thereby allowing the Board an opportunity to take a
817 position on legislation.

818
819 M/ Jed Grant S/ Sonya Earley to:

820
821 Nominate Jennifer Carlquist to serve on the legislative committee.
822

Member	Yes	No	Abstain	Absent	Recusal
Charles Alexander	X				
Juan Armenta	X				
Jennifer Carlquist	X				
Sonya Earley	X				
Jed Grant	X				
Diego Inzunza	X				

823
824 **19. Legislative Committee**

825
826 Ms. Earley reported the following:

827
828 AB 890 – Wood: Nurse Practitioners

829
830 Requires the board to establish minimum requirements for nurse practitioners to
831 transition to practice independently among other provisions.

832 Previous Board Action: None

833 Status: Signed by the Governor September of 2020.

834
835 AB 1616 – Low and Garcia: Expunged Convictions

836
837 Required programs under the Department of Consumer Affairs that posted
838 information on their website about the revoked license prior to criminal convictions,
839 to update or remove that information within six months.

840 Previous Board Action: None

841 Status: Dead

842
843 AB 2113 – Low: Refugees, Asylees, and Special Immigrant Visa Holders:
844 Professional Licensing: Initial Licensure Process

845
846 Requires programs with the Department of Consumer Affairs to assist and expedite
847 the initial licensure process for those applicants who supplied satisfactory evidence
848 that they are either a refugee, asylee, or immigrant visa classified.

849 Status: Signed by the Governor September of 2020.

850
851 SB 53 – Wilk: Open Meetings

852
853 Modifies the Bagley-Keene Open Meeting Act to require two member advisory
854 committee of the state body to hold open public meetings.

855 Previous Board Action: Opposed as the Board utilizes a two-person committee that
856 has no decision-making ability and is required to report back to the Board.
857 Status: Held in Committee under submission.
858

859 SB 878 – Jones: Department of Consumer Affairs: License: Application: Processing
860 Timeframes
861

862 Beginning January, 2021, each board and bureau within the Department of
863 Consumer Affairs that issue licenses to prominently display on their website an
864 update quarterly basis either the current average time frame processing and then
865 also combined current average time frame for processing both initial and renewal
866 license applications.

867 Status: Signed by the Governor September of 2020.
868

869 SB 1474 – Committee on Business, Professions and Economic Development.
870 Business and Professions
871

872 Provides a one year sunset extension for a host of boards and programs undergoing
873 the sunset review process prior to COVID-19.

874 Status: Signed by the Governor September of 2020.
875

876 SB 1463 – Glazer: Physician Assistants: Written Examination
877

878 Remove the requirement that the board establish a passing score and time and
879 place for the examination.

880 Status: Dead
881

882 In response to Mr. Grant’s question of whether or not a letter was sent to the author
883 of SB 53 regarding the Board’s position, Ms. Khan and Ms. Earley responded that
884 they have no record indicating a letter was sent. Mr. Grant stressed the importance
885 of sending the letters to authors regarding the Board’s position and requested that
886 staff ensure that this letter gets sent. Ms. Khan stated she will work with Ms. Earley
887 to draft and send this letter.
888

889 No public comment.
890

891 **20. Agenda Items for the Meeting**
892

- 893 1) SB 697 regulatory changes
894 2) Regulation 1399.610
895

896 No public comment.
897

898 **21. Adjournment**
899

900 Adjournment will immediately follow closed session, and there will be no other items of
901 business discussed.
902

903 Minutes do not reflect the order in which agenda items were presented at the Board
904 meeting.
905