

Friday, November 13, 2015 10:00 AM

# MINUTES

## Regular Board Meeting California Board of Podiatric Medicine

2005 Evergreen Street  
Sacramento, CA 95815  
Hearing Room A

Webcast: <http://thedcapage.wordpress.com/webcasts/>

# 4

Called to Order & Quorum Established at 10:03 AM

### Board Members Present

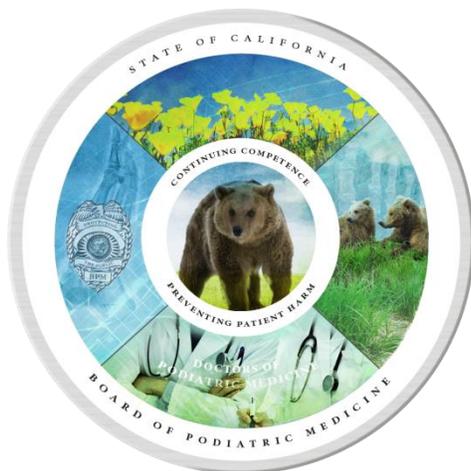
Kristina M. Dixon, MBA, President  
John Y. Cha, DPM, Vice President  
Neil Mansdorf, DPM  
Judith Manzi, DPM  
Melodi Masaniai  
Michael A. Zapf, DPM

### Staff

Jason S. Campbell, JD, Executive Officer  
Kia-Maria Zamora, Acting Secretary

### Board Counsel

Dianne Dobbs, Esq.



***“Boards are established to protect the people of California.” – Bus. & Prof. Code §101.6***

**AGENDA ITEMS**

1. Called to Order & Quorum Established

JC	KD	NM	JM	MM	MZ
P	P	P	P	P	P

2. Chair's **Welcome and Report.**

JC	KD	NM	JM	MM	MZ
P	P	P	P	P	P

3. **STATEMENT on public comment and PUBLIC COMMENT on items not on the agenda.**

- Public comment received from Joseph Elfelt regarding North Carolina Board v. FTC acknowledged and assigned to the Enforcement Committee and BPM Counsel to study and provide a report to the full board at the March 4, 2016 meeting.

JC	KD	NM	JM	MM	MZ
P	P	P	P	P	P

4. APPROVED **Minutes of the Regular Board Meeting held September 18, 2015.**

JC	KD	NM	JM	MM	MZ
Y	Y	Y	Y	Y	Y

5. RECEIVED Oral Reports of Committees.

- Public Education/Outreach Committee report received:**
  - Responses of the Executive Officer were received, reviewed and most inquiries mainly concern scope of practice.
  - Confusion appears to lie with the question of what it means to be a Doctor of Podiatric Medicine (DPM) and the committee felt the responses were handled exceedingly well in a clear and concise manner.
  - We believe the Executive Officer has a very good handle on what it is that DPMs do.

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- **Enforcement Committee report received:**

- The committee is running well with reviews of case processing efficiency and the enforcement system overall.
- Compliant intake experiencing issues due to staffing shortages at the Medical Board of California that create a backlog of DPM complaints resulting in intake deadline deficiencies.
- Case closure metrics are steadily declining and while not at the 125-day closure goal it is approaching the goal with hopes of continued improvement.
- 10 cases with the Attorney General with one closure in September and the outlier case exceeding 3 years.
- EEO survey of BPM consultant & expert panel reviewed providing a valid and telling picture of overall DPM population and good idea of where BPM needs to focus and expand in our efforts.
- Query placed with the California Podiatric Medical Association for statistics on gender representation in the profession; it has been forwarded to the National Association for additional demographic information.
- Work with American Association of Women Podiatrists to improve upon the gender disparities can be undertaken.

- **Licensing Committee report received:**

- BPM received the Fee Audit Report subsequent to the last committee meeting and the chair expects it to be a tool to determine if the Board Fee Schedule is sustainable.
- The committee will now work to investigate and recommend ways to expand the profession’s workforce to meet demand while maintaining California standards of care.

- **Legislative Committee report received:**

- Members visited with B&P committee members after the last board meeting an may be considered successful
- BPM has been well received and committee staff are well-aware of our activities, functions and importance of issues presented

JC	KD	NM	JM	MM	MZ
P	P	P	P	P	P

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LEGEND: Y = YES, N = NO, A = ABSENT, P = PRESENT, ABS = ABSTAIN, C = CONFLICT

6. RECEIVED **Executive Officer’s Report.**

A. Quarterly Budget Update – Kathleen Cooper

1. FY 15/16 Quarter 1 Summary

B. Enforcement Program Update – Bethany DeAngelis

1. Enforcement Statistics
2. Probation/Cost Recovery Recoupment Status Update
3. EEO Survey Results
4. BreEZe Physician Verification Update

C. Licensing Program Update – Kia-Maria Zamora

1. Licensing Statistics
2. BreEZe System Shutdown Update – Dec/Jan
3. BreEZe Regression Testing Update

D. Legislative Program Update – Kathleen Cooper

1. Legislative Day – November 13, 2015
2. Program Activities and Legislative Matrix

AB 12, AB 26, AB 34, AB 85, AB 159, AB 243, AB 266, AB 333, AB 507, AB 611, AB 623, AB 679, AB 728, AB 750, AB 1060, AB 1351, AB 1352, SB 396, SB 467, SB 482, SB 643

APPROVED:

**Manzi Motion as amended by Zapf** directing the Executive Officer to seek amendment to the recently enacted California Medical Marijuana Regulation and Safety Act (MMRSA) to clarify existing statutory language that Doctors of Podiatric Medicine are included and may in fact legally recommend Medical Marijuana to their patients.

JC	KD	NM	MM	JM	MZ
Y	Y	Y	Y	Y	Y

E. Public Outreach Update – Jason S. Campbell

1. Administrative Summary
2. Stakeholder Inquiries & Responses of the Executive Officer
3. Website Statistics
4. Website Redesign Update

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- 5. Legislative Outreach Update
- 6. CURES Update – AB 679

JC	KD	NM	MM	JM	MZ
P	P	P	P	P	P

- 7. RECEIVE presentation on North Carolina Dental Board v. FTC – Dianne Dobbs, Esq.

JC	KD	NM	JM	MM	MZ
P	P	P	P	P	P

- 8. ~~EXECUTIVE MANAGEMENT COMMITTEE APPROVED (2-0) motion by Board Member Cha recommending adoption of Board Administrative Procedures Manual as amended.~~

APPROVED:

**Masaniai Motion** to defer further consideration and adoption of the Board Administrative Procedure Manual until the next meeting of the Board on March 4, 2016.

JC	KD	NM	JM	MM	MZ
Y	Y	Y	Y	Y	Y

**Dixon Motion** to include the proposed pledge of commitment as source document of board member responsibilities and commitment to be included in the introduction of the Board Administrative Manual.

JC	KD	NM	JM	MM	MZ
Y	Y	Y	Y	Y	Y

- 9. DISCUSSED AND CONSIDERED Board Fee Audit Report. – Jason S. Campbell

APPROVED:

**Manzi motion** to authorize Executive Officer to include staff recommendations for increases to the Board’s Schedule of Service Fees in the 2015 Sunset Review Report to the Joint Committee which includes:

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**PROPOSED/NEW FEE RATE:**

- (1) Application Fee - \$100
- (2) Duplicate License - \$100
- (3) Duplicate Renewal Receipt - \$50
- (4) Letter of Good Standing - \$100
- (5) Resident's License - \$100
- (6) Delete authorization for ankle exam fees - \$0
- (7) Exam Appeal Fee - \$100
- (8) CME Course Approval - \$250

JC	KD	NM	JM	MM	MZ
Y	Y	Y	Y	Y	Y

10. CONSIDERED JOINTLY with Agenda Item 12:

Motion by Board Member Cha **recommending approval of section 4 draft of the 2015/16 Sunset Review Report** specific to the licensing program.

11. APPROVED:

- A. proposed revisions to California Code of Regulations, **Title 16, sections 1399.710 - BPM Manual of Disciplinary Guidelines** with Model Disciplinary Orders; and
- B. proposed amendment of **BPM regulation 1399.710 and adding regulatory sections 1399.711, 1399.712, 1399.713, 1399.714, 1399.715 1388.716 incorporating the Uniform Standards** for Substance Abusing Healing Arts Licensees; and
- C. AUTHORIZING the Executive Officer to make any non-substantive changes and to commence the rulemaking process.

JC	KD	NM	JM	MM	MZ
Y	Y	Y	Y	Y	Y

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12. APPROVED:

Motion by Board Member Cha as amended by Board Member Mansdorf to adopt the **2015/16 Sunset Review Report as amended** with opportunity for members to submit additional non-substantive changes to language by noon Monday, November 16, 2015.

JC	KD	NM	JM	MM	MZ
Y	Y	Y	Y	Y	Y

13. APPROVED:

Motion by Board Member Dixon directing the Executive Officer to pursue legislation amending section 2467 of the Business and Professions Code (B&P) to mirror the language of section 2012 B&P to add a **Secretary to the list of elected Board officers and permitting extension of terms** of service for all board officers.

JC	KD	NM	JM	MM	MZ
N	Y	Y	Y	Y	Y

14. NOMINATION AND ELECTION of Officers for 2016 Calendar Year.

APPROVED **Motion by Board Member Zapf** nominating and electing John Y. Cha, DPM, as Board President for the 2016 calendar year.

JC	KD	NM	JM	MM	MZ
Y	Y	Y	Y	Y	Y

APPROVED **Motion by Board Member Cha** nominating and electing Michael A. Zapf, DPM, as Board Vice-President for the 2016 calendar year.

JC	KD	NM	JM	MM	MZ
Y	Y	Y	Y	Y	Y

15. SUGGESTIONS of **agenda items for future meetings.**

JC	KD	NM	JM	MM	MZ
P	P	P	P	P	P

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16. **CLOSED SESSION:**

A. Pursuant to G.C. 11126(c)(2) – Discussion of Disciplinary Action

NO REPORT.

CLOSED SESSION ADJOURNED AT 1:57pm

17. Return to Open Session.

ADJOURNMENT

Prepared by: Kia-Maria Zamora

Approved on:

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Kia-Maria Zamora, Acting Board Secretary

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