



Members of the Board

Judith Manzi, DPM, President
Darlene Trujillo Elliot, Vice President
Maria Cadenas, MBA, Secretary
Kristina M. Dixon, MBA
Carolyn McAloon, DPM
Neil B. Mansdorf, DPM
Michael A Zapf, DPM

BOARD MEETING

March 1, 2019

Action may be taken on any item listed on the agenda.

Agenda items may be taken out of order for meeting efficiency.

**Department of Consumer Affairs
2005 Evergreen St.
Sacramento, CA 95815
Board Hearing Room**

MINUTES

OPEN SESSION

I. Call to Order & Establishment of Quorum.

Board Member Manzi called the meeting to order at 10:05 a.m., Kathleen Cooper called roll, and a quorum was established.

MC	KD	DE	NM	JM	CM	MZ
P	P	P	P	P	P	P

II. President's Welcome.

III. Public Comments on Items not on the Agenda.

MC = M. Cadenas	KD = K. Dixon	DE = D. Elliot	NM = N. Mansdorf
JM = J. Manzi	CM = C. McAloon	MZ = M. Zapf	

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

There were no comments from the public.

Note: The Board may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting. (Government Code Sections 11125, 11125.7(a).)

- IV. Review and Approve Meeting Minutes of the Board Meeting held on December 7, 2018.

Board Member Zapf moved, and Board Member Dixon seconded, to accept the minutes with an amendment that a reference to a staff member's name identified as "Ms. Cooper" be changed to "Kathleen Cooper." The motion carried 5-0.

MC	KD	DE	NM	JM	CM	MZ
ABS	Y	Y	Y	Y	ABS	Y

- V. Receive Update from California Podiatric Medical Association – Ryan Spencer, Legislative Consultant.

The Board received an update from Ryan Spencer, Legislative Consultant. Legislature has about 2500 bills have been introduced this year which is a record. About 1800 are Assembly Bills and 700 are Senate Bills. About 700 are spot bills or placeholders for other ideas. AB 407 (Santiago), Fluoroscopy, is a joint sponsored bill with the California Podiatric Medical Association (CPMA) and the California Orthopedic Association which relates to radiation safety and fluoroscopy permits; and CPMA has also sponsored AB 678 (Flora), Podiatric Services and Medi-Cal, which reinstates podiatry as a covered benefit under Medi-Cal.

- VI. Receive Update from Department of Consumer Affairs (DCA), Office of Board and Bureau Services – Patrick Le, Assistant Deputy Director.

The Board received an update from Patrick Le, Assistant Deputy Director of DCA. He discussed DCA's executive team efforts to focus on best practices for licensing and enforcement efforts; the 2019 Governor's Budget and appointments to DCA Boards; AB 2138, Prior Criminal Convictions and the deadline for compliance as of July 1, 2020; SB 796 (2017-2018) which mandates new drug testing protocols for substance abusing licensees; an executive officer salary study; Form 700, financial disclosure compliance; and compliance with the mandatory sexual harassment training for 2019.

- VII. Receive Update on Budget and Fund Condition from DCA, Budget Office – Carl Beermann, Associate Budget Analyst

The Board received an update from Carl Beermann, Associate Budget Analyst from DCA. He provided an overview of the DCA budget process including incremental budgeting which starts with last year's data and adds current factors such as employee costs and retirement expenses; budget change proposals; fund condition which is comprised of revenue transfers which are predominantly DPM licensing fees; projected revenues; expenditures, and net appropriations; a large savings was factored in last year; a structural imbalance for which he recommended a fee study be conducted; and the recent increases in expenses which is related to compensation increases for employees and enforcement costs.

VIII. Executive Officer's Report – Brian Naslund

A. Licensing Program Update – Judith Manzi, DPM

The Board reviewed and discussed the Licensing Program Report as presented by Judith Manzi, DPM.

The presentation included updates on licensing statistics for FY 18-19 and full reported data for October 1, 2018 to December 31, 2018; data relating to residency programs; the continuing medical education audit; the American Podiatric Medical Licensing Examination (AMPLE), Part III Examination Results; and licensing and enforcement data of DPMs disciplined in the past five fiscal years.

B. Enforcement Program Update – Neil Mansdorf, DPM

The Board reviewed and discussed the Enforcement Program Report as presented by Neil Mansdorf, DPM.

Updates were presented on enforcement statistics; investigation data; case aging data; Department of Consumer Affairs (DCA) performance measures; discontinuance of vertical enforcement, which will result in cost savings; probation program cost recovery; and medical consultant applicants.

The Board considered the podiatric medical consultant application of David Liss, DPM. Board Member Mansdorf moved, and Board Member Zapf seconded, to approve David Liss, DPM as a podiatric medical consultant. The motion carried 6-0.

MC	KD	DE	NM	JM	CM	MZ
Y	Y	Y	Y	Y	ABS	Y

The Board discussed the need to increase the number of medical consultants and experts. Board Member Mansdorf moved, and Board Member Cadenas seconded, to increase the pay scale for the Board's expert witnesses to

\$150.00 per hour to attract and retain additional experts. The motion was amended by Board Member Manzi, and seconded by Board Member Mansdorf, to identify the effective date of the increase as immediate. The motion carried 7-0.

MC	KD	DE	NM	JM	CM	MZ
Y	Y	Y	Y	Y	Y	Y

C. Legislative Program Update – Michael Zapf, DPM

Legislation

The Board reviewed and discussed the Legislative Program Report as presented by Michael Zapf, DPM. Updates included AB 149 (Cooper); Controlled Substances: Prescriptions; AB 1753 (Low), Chapter 479, Statutes of 2018, Controlled Substances: CURES Database; and the legislative calendar for 2019 including the possibility of scheduling visits to legislators during 2019.

Regulations

In relation to the implementation of AB 2138, Licensing Boards: Denial of Application: Revocation or Suspension of Licensure: Criminal Conviction:

Regarding the probation and reinstatement of suspended or revoked certificates, Title 16, Division 13.9, Section 1399.659, Board Member Manzi moved, and Board Member Zapf seconded, to approve the proposed language as shown in this agenda item; and to direct staff to submit the proposed text to the Director of the Department of Consumer Affairs, and the Business Consumer Services and Housing Agency for review, and if no adverse comments are received authorize the Executive Officer to make any non-substantial changes to the rulemaking package and set the matter for hearing. The motion carried 7-0.

MC	KD	DE	NM	JM	CM	MZ
Y	Y	Y	Y	Y	Y	Y

Regarding Title 16, Division 13.9, Section 1399.659.1, Suspension Relationship Criteria Board Member Mansdorf moved, and Board Member Dixon seconded, to approve the language as proposed, with the deletion of the word “license” to be replaced with the word “certificate” in subsection (b)(3), and to authorize the Executive Officer to make any non-substantive changes to the rulemaking package and set the matter for hearing. The motion passed 7-0.

MC	KD	DE	NM	JM	CM	MZ
Y	Y	Y	Y	Y	Y	Y

Regarding Title 16, Division 13.9, Section 1399.659.2, (option 1) Criteria for Rehabilitation, Board Member Zapf moved, and Board Member McAloon seconded, to accept the proposed language with the deletion of the word “license” to be replaced with the word “certificate.” The motion passed 7-0.

MC	KD	DE	NM	JM	CM	MZ
Y	Y	Y	Y	Y	Y	Y

In relation to the Board’s current regulations and upon response to the Board’s request to update their regulations to reflect the Board’s new name, effective July 1, 2019, Title 16, Division 13.9 the Board’s Legal Counsel stated she would work with Board staff to prepare a “Section 100” regulatory package to make non-substantive changes to reflect the Board’s new name, which will be presented at the next board meeting in June, and also work with Board staff to prepare a second regulatory package to make substantive changes to update the Board’s regulations, which will be presented at a board meeting after June and before the Board’s Sunset Review in 2020.

D. Public Education Update – Darlene Elliot

The Board reviewed and discussed the Public Education Program Report as presented by Darlene Elliot.

The update included information on the implementation plan for the Board’s title change to the Podiatric Medical Board of California. Ileana Butu, the Board’s Legal Counsel, reviewed the implementation timeline on the Board’s name change and stated that she will work with the Executive Director regarding the review of the matters included in the implementation timeline. Future newsletter editions and outreach activities were also discussed. The Board generally discussed including new laws, highlighting a different Board member in each newsletter, and including diversity in the photographs.

E. Quarterly Budget Update – Kathleen Cooper

The Board reviewed and discussed the budget report as presented by Kathleen Cooper.

The issue of the Board’s current finances and the sustainability of its fund condition were discussed. The approaching Sunset Review Report, which is

due later this year, and the fact that the Board's fund condition is currently challenged, the importance of conducting a fee study was discussed.

Board Member Dixon moved, and Board Member Cadenas seconded, to authorize the Executive Officer to conduct a fee study to address the Board's fund condition. The motion passed 7-0.

MC	KD	DE	NM	JM	CM	MZ
Y	Y	Y	Y	Y	Y	Y

F. Executive Management – Brian Naslund

The Board reviewed and discussed the Executive Management Report.

Board Member Manzi led a discussion regarding the Sports Medicine Licensure Clarity Act of 2018 (H.R. No. 302, 115th Congress, Second Session, Section 11 (2017 – 2018)). Ileana Butu, the Board's Legal Counsel, informed the Board that this federal law is related to medical professional liability insurance coverage for covered sports medicine professionals who provide medical treatment to athletes in a state other than where they hold a license and does not impact the Board directly.

Brian Naslund presented updates on the Board's current Strategic Plan and the Action Plan.

Board Member Elliot moved, and Board Member Dixon seconded, the motion to accept the Executive Officer's Report. The motion carried 7-0.

MC	KD	DE	NM	JM	CM	MZ
Y	Y	Y	Y	Y	Y	Y

IX. Future Agenda Items

Future items may include action items lists, committee assignments, and updates on California Death Certificate Project relating to opioid prescriptions and the blocking of services for those with citizenship issues and the prior receipt of government services. Additionally, there was a suggestion that Board Members attend more podiatric related facilities.

As Board Member Dixon will end her term of service on June 1, 2019, the Board recognized her contributions with a Certificate of Appreciation.

X. Adjournment

Motion by Board Member Mansdorf, seconded by Board Member Dixon to adjourn the meeting. The motion carried 7-0.

MC	KD	DE	NM	JM	CM	MZ
Y	Y	Y	Y	Y	Y	Y

MEETING ADJOURNED AT 1:48 p.m.

Approved on:

Brian Naslund, Executive Officer