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MEETING MINUTES

November 8, 2021

8:30 A.M. – 5:00 P.M.

Physician Assistant Board Meeting Was Held Via WebEx

1. Call to Order by President

President Armenta called the meeting to order at 8:34 a.m.

2. Roll Call

Staff called the roll. A quorum was present.

Board Members Present: Juan Armenta, Esq.
Jennifer Carlquist, PA-C
Sonya Earley, PA-C
Randy Hawkins, M.D.
Diego Inzunza, PA-C
Vasco Deon Kidd, PA-C

Staff Present: Rozana Khan, Executive Officer
Michael Kanotz, Attorney III
Karen Halbo, Regulatory Counsel, Attorney III
Kristy Voong, Staff Services Manager I
Julie Caldwell, Lead Licensing Analyst
Armando Melendez, Complaint Analyst
Christina Haydon, Enforcement Analyst
Jasmine Dhillon, Legislative/Regulatory Analyst
Ariel Gompers, Administrative Analyst
Margarita Harrington, Licensing Analyst
Virginia Gerard, Probation Monitor

3. Introduction and Swearing in of New Board Member

Mr. Armenta introduced Vasco Deon Kidd, PA-C as the new member of the Physician Assistant Board (Board). Mr. Armenta stated that Dr. Kidd was appointed by Governor Gavin Newsom to the Physician Assistant Board on August 23, 2021. Dr. Kidd has been an Associate Clinical Professor at the University of California, Irvine, School of Medicine, Department of Orthopaedic Surgery, since 2021 and Director of the Advanced Practice Providers Program at UCI Health since 2019. Dr. Kidd was Director of Advanced Practice Providers and Director of the Physician Assistant Orthopaedic Surgery Fellowship Training Program at Arrowhead Orthopedics from 2016 to 2019. He was an Assistant Professor and Academic Coordinator at Moreno Valley College from 2013 to 2015 and at the University of Texas Health Science center from 2010 to 2012. Dr. Kidd was a Physician Assistant (PA) at Kaiser Permanente from 2003 to 2010. He earned a Doctor of Health Science degree with a concentration in global health from A.T. Still University, a Master of Science degree in health professions education from Western University

52 of Health Sciences, and a Master of Public Health degree from the University of
53 California, Los Angeles. His term is August 17, 2021, to January 1, 2023.

54
55 Mr. Armenta administered the Oath of Office to Dr. Kidd as follows:

56
57 I, Vasco Deon Kidd, do solemnly swear or affirm that I will support and defend the
58 Constitution of the United States and the Constitution of the State of California
59 against all enemies, foreign and domestic; that I will bear true faith and allegiance to
60 the Constitution of the United States and the Constitution of the State of California;
61 that I take this obligation freely, without any mental reservation or purpose of
62 evasion; and that I will well and faithfully discharge the duties upon which I am about
63 to enter.

64
65 Dr. Kidd thanked the Board, stating that it is a pleasure and honor to be a part of the
66 Physician Assistant Board, and that he looks forward to engaging with the Board on
67 various issues and ensuring that the Board carries out its mission of consumer
68 protection.

69
70 **4. Nomination and Election of Physician Assistant Board Officers**

71
72 Mr. Kanotz introduced himself to the Board, stating that he will be serving as the
73 Board's legal counsel. Mr. Kanotz specified that Business and Professions Code
74 section 3509.5 states that the board shall elect annually a president and a vice
75 president from among its members. Typically, the nomination and election of board
76 officials is held at the last meeting of the year.

77
78 M/ Sonya Earley S/ Jennifer Carlquist to:

79
80 Motion to nominate Juan Armenta for Board President in 2022.

81

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

82
83 Mr. Armenta thanked the Board for having continued confidence in his abilities and
84 looks forward to seeing everyone in person in future meetings.

85
86 No public comment.

87
88 M/ Juan Armenta S/ Jennifer Carlquist to:

89
90 Motion to nominate Sonya Earley for the Board's Vice President in 2022.

91

Member	Yes	No	Abstain	Absent	Recusal
Charles Alexander				X	
Juan Armenta	X				

Jennifer Carlquist	X				
Sonya Earley	X				
Jed Grant				X	
Diego Inzunza	X				
Vasco Deon Kidd	X				

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Ms. Earley thanked the Board for having continued confidence in her abilities and looks forward to serving the Board.

No public comment.

5. Consider Approval of the August 9, 2021 Board Meeting Minutes

M/ Juan Armenta S/ Sonya Earley to:

Approve the August 9, 2021. Meeting Minutes.

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

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No public comment.

6. Public Comment on Items not on the Agenda

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

Ed Howard from California Academy of PAs (CAPA), congratulated the new Board member on his appointment and the nominees on their reappointments. Mr. Howard stated that he would like to raise an issue to the Board’s attention. On July 16, 2021, the California Department of Public Health (CDPH) issued an All Facilities letter, related to the circumstances by which PAs may provide home health care and specifically sign home health care orders. This letter has raised a lot of confusion in the provider community about whether PAs are able to provide such care and sign such orders. CAPA has engaged constructively with CDPH, and last week, received a letter from CDPH to Sutter’s Home Health Care Division clarifying that PAs are legally eligible to provide such care and sign such orders. CAPA asked CDPH to take the analysis in that letter and post it more widely so when this confusion comes up again, the public can be directed to its website. Mr. Howard stated that it appears that this issue will be resolved; however, it also appears to be some degree of education needed within CDPH about what PAs can and cannot do as this is not the first time CAPA had to intervene on behalf of PAs. CAPA may be asking for the

130 Board's assistance in communicating with the CDPH to clarify what the law is.

131
132 Mr. Armenta stated that if the issue is not resolved, or if there are some educational
133 matters that need to be attended to, it can be an agenda item for the Board's next
134 meeting.

135
136 No further public comment.

137 138 **7. President's Report**

139 140 A. Department of Consumer Affairs (DCA) Approved Waivers Relating to the 141 Practice of Physician Assistants

142
143 Mr. Armenta reported that the waivers relating to the practice of physician assistants
144 have been extended to allow for a better pandemic response. The waivers were
145 issued on March 30, September 28, and October 29, of 2021.

146 147 B. Stakeholder Meeting

148
149 Mr. Armenta reported that members of CAPA met with Board staff to go through the
150 regulation package to implement Senate Bill (SB) 697. It was a productive and
151 cooperative meeting and Mr. Armenta thanked CAPA for participating in the
152 meeting.

153
154 No public comment.

155 156 **8. Executive Officer's Report**

157 158 A. Pandemic Response

159
160 Ms. Khan reported that the Board's office is operational and open to the public
161 during the COVID-19 pandemic. Board staff continue to be on a rotational telework
162 schedule while ensuring operational needs are met.

163 164 B. Personnel

165
166 Ms. Khan reported that since the Board last met, staff has successfully filled some
167 critical positions. Effective November 1, 2021, Virginia Gerard has filled the
168 probation monitor position behind Kristy Voong. Ms. Gerard received her bachelor's
169 degree in English from California State University, Chico. Ms. Gerard began her
170 State career in September 2004 as an investigator assistant with the Medical Board
171 of California's (MBC) probation unit, later promoted to an inspector, then to a
172 probation analyst within the same unit. Ms. Gerard is a recent transfer from the
173 Veterinary Medical Board, where she worked as a probation monitor since
174 December 2019. Ms. Khan asked the Board to join her in welcoming Ms. Gerard to
175 the Physician Assistant Board team. With the probation monitor position filled, Ms.
176 Khan is pleased to announce that the Board is now fully staffed.

177
178 In response to Mr. Armenta's question of what level of efficiency the office will see
179 moving forward now that the Board is fully staffed, Ms. Khan responded that she felt
180 having these positions filled will make the Board more efficient and decrease the
181 Board's timelines with enforcement matters. In addition, with two full-time licensing

182 staff, the Board will meet the 30-day timeline with processing license applications.

183
184 Mr. Armenta and Ms. Earley congratulated Ms. Khan for fully staffing the Board. Ms.
185 Earley stated that the Board has never been fully staffed. Ms. Earley congratulated
186 the licensing team, stating that they have demonstrated excellence in making sure
187 that all the Board's constituents have been licensed in the appropriate timeframe.
188

189 C. Information Technology

190
191 On August 31, 2021, Board staff participated in a kickoff meeting with the DCA's
192 Office of Public Affairs, to develop an instructional video to assist applicants with
193 licensure. This video will provide instructions on how to submit an initial application
194 in an effort to reduce any confusion with the application process. Once the
195 instructional video is produced and finalized, it will be posted on the Board's website
196 and shared on the Board's social media accounts.
197

198 Board staff continues to review and redesign the Board's website to upgrade to the
199 latest template. The new design and layout of the website will streamline the
200 information presented and make it more user friendly. Lastly, the Board continues to
201 utilize its subscriber alert system, social media accounts and its website to maximize
202 outreach and serve as the primary communication tools for licensees and members
203 of the public.
204

205 No public comment.
206

207 **9. Board Activity Reports**

208 A. Licensing

209
210 Ms. Caldwell reported that the Licensing Population by Type Report provides an
211 overall view of the licensing population and different statuses. As of October 11,
212 2021, the Board's licensing population is as follows:
213
214

215 Licensing Population by Type

216
217 Total Licensing Population: 21,881

218 Current Licenses: 15,088

219 Licenses Canceled: 4,143
220

221 Summary of Licensing Activity Report for July 1, 2021 to September 30, 2021:

222
223 Initial Applications received – 485

224 Licenses issued – 431

225 Licenses renewed – 1,734
226

227 Pending Application Workload Report as of October 1, 2021:

- 228
229
- Pending Applications – 329
 - Desk Age:
 - 0-30 days: 179
 - 31-60 days: 64
 - 61-90 days: 25
- 230
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- 91 plus days: 61

Ms. Caldwell reported that the Pending Application Workload Report provides a glimpse of the overall desk age of the applications that the Board currently has on file. The application age begins when an applicant submits both an application and the payment. The desk age begins when the application is assigned to an analyst. Once the desk age begins, the time starts for the Board's 30-day range. When an application is pending, it does not mean the application has not been reviewed. Applications can be pending for multiple reasons; for instance, the applicant may not have passed their Physician Assistant National Certifying Examination (PANCE), the applicant applied too early and have yet to complete their PA program, or there have been some delays on background checks. Some applicants also do not respond to emails or phone calls. The licensing team goes through the applications every three months and when staff sees an applicant who has no activity on their application, the applicant will receive a phone call letting them know when their application will expire and what documents are missing.

Ms. Caldwell reported that the application age will always be slightly longer than the desk age, because there are several days an application may sit before it is assigned to a staff member due to workload and/or scheduled days off. The licensing team prints all the online applications a couple times a week and adds them to the workload.

Licensing Performance Measures for July 1, 2021, to September 30, 2021:

- Complete Applications: 120
- Incomplete Applications: 311

Ms. Caldwell reported that the licensing performance measures gives the Board an overall idea of how long it takes to process an application. The target time has increased from 20 to 30 days as it is a more reasonable amount of time to allow the Board an opportunity to review the application and provide the applicants with an update. Currently, applications are reviewed within three weeks from the time applications are submitted.

In response to Mr. Armenta's question if the 32-day processing time indicates that when the Board receives an application it takes 32 days to give the applicant a decision, Ms. Caldwell responded that the completed application time frame begins the date the application was submitted and ends on the date the license is issued; range of time is 30 to 32 days.

In response to Mr. Armenta's question of whether the incomplete applications are due to data missing such as background checks not coming back or applicants not responding, Ms. Caldwell responded that the licensing analyst has provided the review, however the application is incomplete because the applicant has not met all the requirements.

In response to Ms. Earley's question if the total amount of California PA licensees are 21,495 and the current California PA licensees are 14,835, Ms. Caldwell responded that the total number of current California PA licensees are 15,121, and a large portion of the 21,881 total of licensees are in delinquent status and many licensees have canceled as well. The current active licensees practicing are 15,088.

286 There are also some licensees who are labeled in the system as “current inactive”
287 which means they have paid their fees, however they are not CME (continuing
288 medical education) compliant, or they have chosen to be inactive in the system.
289

290 In response to Mr. Armenta’s question of whether the 4,143 license suspensions are
291 due to fees or discipline, Ms. Caldwell stated that the information on the report is
292 labeled incorrectly and “suspension” should be labeled as “canceled”.
293

294 B. Complaint

295
296 Mr. Melendez reported the following complaint activity for the period of July 1, 2021,
297 to September 30, 2021:
298

- 299 • Complaints – Volume
 - 300 ○ Complaints received – 110
 - 301 ○ Convictions/Arrests Received – 4
 - 302 ○ Total Received - 114
 - 303 ○ Assigned to desk analyst (**may include cases received in previous
304 quarters) – 139
 - 305 ○ Pending at intake – 0
- 306 • Complaints and Investigations
 - 307 ○ Complaints referred for investigation – 10
 - 308 ○ Complaints and investigations closed** – 80
 - 309 ○ Complaints pending at desk analyst** – 207
 - 310 ○ Investigations pending at field** – 87
 - 311 ○ Average age of pending investigation** – 308
 - 312 ○ Investigation over 8 months old – 37

313
314 Mr. Melendez reported that the Board has set up a Medical Consultant (MC)
315 program in house, as in the past the Board used MBC’s program to review cases.
316 This will help save time in reviewing cases as the Board currently has eight MCs that
317 are signed up. In the future when the Board’s website is updated, the Board will
318 advertise to bring on more MCs. There will be an application provided on the Board’s
319 website, giving applicants the opportunity to apply. The Board’s current MCs are
320 medical doctors, however the Board is trying to find a way to involve PAs in the
321 program.
322

323 In response to Mr. Armenta’s question if the MCs are the individuals in which the
324 Board is relying on for expert opinion in conjunction with the Attorney General’s
325 Office (AGO) to determine if there is a departure from standard care or
326 unprofessional conduct, Mr. Melendez responded yes, however this will be at the
327 complaint level. This is only a preliminary review to determine whether the case
328 would move forward or not. If the case warrants further investigation, the case will
329 then be forwarded to the field and there is an expert at that level.
330

331 In response to Mr. Armenta’s question regarding complaints pending at the desk
332 analyst, that this number seems to have increased and why this may be, Mr.
333 Melendez responded that the last quarter had fewer cases. Some cases were
334 delayed, due to waiting for documentation, medical records, response from
335 individuals, or MC review. The number can fluctuate depending on these
336 circumstances.
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C. Discipline

Ms. Haydon reported the following formal actions filed, withdrawn, and dismissed for the period of July 1, 2021, to September 30, 2021:

- Suspensions
 - Interim suspension order – 1
- Office of the Attorney General Transmittal
 - Cases initiated – 7
 - Cases pending – 32
 - Average age of pending cases – 274 Days
- Formal Actions Filed/Withdrawn/Dismissed
 - Accusations filed – 4
 - Accusations dismissed - 1
- Administrative Outcomes/Final Order
 - Probation – 2
 - License revocation - 1
 - Surrender – 2
 - Petition for termination and probation granted - 2
- Citation and Fine
 - Citations issued – 1
 - Citation resolved – 2
 - Pending – 1

Ms. Haydon reported that during the last Board meeting, Mr. Grant had a question regarding Penal Code section 23 (PC 23) and interim suspension orders. The Board has gapped those together, reporting the numbers together as well. These are two different types of suspensions, and now they will be separated to eliminate any confusion.

During the last Board meeting, Mr. Armenta had requested information regarding the decrease in the average age of the pending cases at the AGO. Ms. Haydon stated that she had reached out to the AGO and is waiting to hear back. However, there are internal process changes that the Board has implemented that have continued that decrease. The Board has brought enforcement in house from MBC and has dedicated staff to move the discipline cases. Once a case is referred for transmittal to the AGO, it is completed within 24 hours. This in turn is helpful with the timeline.

Mr. Armenta stated that he is hoping the Board will continue to see this trend line down on average age of pending cases. Mr. Armenta asked Ms. Haydon to monitor any insights that can be provided as to what the Board is doing to cause this downward trend.

D. Probation

Ms. Voong reported the following from page 70 of the Board meeting materials.

Probation Activity Report from July 1, 2021, to September 30, 2021:

- Entered Probation – 2
- Completed Probation – 4

- 389 • Voluntary Surrender – 2
- 390 • Total Probationers – 53
- 391 ○ Active – 43
- 392 ○ Tolling – 10
- 393

394 Ms. Voong reported that tolling occurs when the licensee is either living outside of
395 California and not on active probation with that state’s licensing authority or is living
396 in California and is not a practicing PA. As mentioned in previous Board meetings,
397 the pandemic has impacted probationers and supervising physicians with submitting
398 quarterly reports on time. The Board is continuing to work with the probationers and
399 their supervising physicians with their late submissions of quarterly reports, by
400 extending the submission deadline.

401
402 E. Diversion

403
404 Ms. Voong reported the following from page 72 of the Board meeting materials.

405
406 Diversion Program Activity from July 1, 2021, to September 30, 2021:

- 407
- 408 • Entered Maximus – 1
- 409 • Total Active Participants – 4
- 410

411 No public comment.

412
413 **10. Department of Consumer Affairs – Director’s Update (DCA Staff)**

414
415 Brianna Miller, of DCA Office of Board and Bureau Relations, thanked the Board for
416 allowing her the opportunity to provide a department update. Ms. Miller
417 congratulated Dr. Kidd on his appointment and thanked him for his willingness to
418 serve. Ms. Miller stated that DCA appreciates all board members, committee
419 members and staff who continue to serve through a pandemic that has affected all of
420 DCA in many ways. DCA is working to find the right balance of staying connected
421 and productive while keeping safe and healthy. DCA and its boards and bureaus
422 continue to look to the future and use lessons learned to identify long term
423 efficiencies and policy changes. Staff are working in the office to provide the most
424 effective consumer protection and public service while also utilizing telework where
425 appropriate.

426
427 To combat the spread of COVID-19 and protect vulnerable communities, California
428 has implemented enhanced safety measures for state employees and workers in
429 health care settings. State employees must show proof of vaccination or be subject
430 to regular COVID-19 testing. DCA’s testing program kicked off in early October with
431 the launch of the DCA Headquarters One pilot site. Select programs are designated
432 to test at Headquarters One and the list of programs recently expanded due to the
433 capabilities of the site. Board and committee members must follow health and safety
434 protocols if they plan to visit a DCA location or attend an in-person board meeting.
435 Board members must verify vaccination or follow testing protocols. Please
436 communicate any plans for in-person meetings as soon as possible, so that DCA
437 can assist with the coordination of teleconference options for the public, vaccination
438 verification and COVID-19 testing.

439

440 DCA recognizes the difficulty of planning for future meetings as the pandemic
441 continues to evolve. The statute allowing remote meetings is set to expire on
442 January 31, 2022, after which time boards will be required to follow all aspects of the
443 Open Meetings Act, including having publicly noticed and accessible locations,
444 unless a change in law occurs. It has been recognized that there is a great cost
445 saving aspect to having remote meetings, such as increased public participation and
446 a lower carbon footprint due to a reduction in travel. DCA encourages boards and
447 bureaus to continue utilizing remote meetings this year to protect the health of staff,
448 board members and the public. DCA will keep the Board informed of any changes to
449 meeting requirements.

450
451 DCA strives to help keep all boards fully seated with excellent members and diverse
452 voices. Currently the Board has two vacancies; two public members appointed by
453 the Governor and the Senate Rules Committee. DCA's communications team has
454 been working on a new communications toolkit to assist boards with new
455 recruitment, which will be available in multiple languages before the end of the year.
456 In the meantime, individuals interested in serving as board members are
457 encouraged to visit the "Board Member Resources" homepage on the DCA website,
458 www.dca.ca.gov, to apply for an appointment.

459
460 DCA has been made aware of various scams affecting boards and bureaus. This
461 information is shared on the DCA website and social media. Please take a moment
462 to visit the DCA fraud alert website, which can be found by visiting www.dca.ca.gov
463 to learn about these scams and how to protect yourself from malicious individuals.

464
465 Ms. Miller advised that 2021 is a mandatory Sexual Harassment Prevention Training
466 year and all employees and Board members are required to complete the training
467 before the end of year. Board members can access this training through the
468 Learning Management System (LMS), DCA's training portal. Profiles have been
469 created for all employees within LMS and the Office of Board and Bureau Relations
470 has informed the Executive Officer of the steps that will need to be taken to log in
471 and access the training. Board and Bureau Relations is also happy to assist with any
472 questions or concerns about using LMS.

473
474 In response to Mr. Armenta's question of, does this mean that the February Board
475 meeting will be held in person, Ms. Miller responded that given that the current
476 provisions will expire January 31, 2022, the Board's next meeting would follow all
477 aspects of the Open Meetings Act.

478
479 No public comment.

480 481 **11. Budget Update (DCA Budget Analyst)**

482
483 Suzanne Balkis, DCA Budget Analyst, introduced herself as the Board's budget
484 analyst in charge of managing the Board's projected budget, projected revenue and
485 fund condition. Ms. Balkis explained that she would go over the expenditures,
486 revenues, and fund condition in relation to what the Board has had over the last
487 quarter.

488 489 Fund Condition Report

490

491 This report shows the fund as a Board. The fund condition statement is based on
492 fiscal year (FY) 2020-21 Actuals and FY 2020-21 Fiscal Month 13 (FM 13)
493 expenditure. For the prior year (PY) 2020-21, the Board had a beginning balance of
494 \$4.8 million, giving the Board 18.1 months in reserve. For the current FY 2021-22,
495 the Board has a beginning balance of \$4.7 million and 14.9 months in reserve. The
496 Board is projecting a full expenditure for FY 2021-22.

497 498 Expenditure Projection Report

499
500 The Expenditure Projection Report shows the expenditures as they were reflected
501 towards the budget. The report shows that the Board is projecting about \$738,000 in
502 personal services and \$1.6 million in Operating Expenses & Equipment (OE&E)
503 expenses. The Board is showing a total of \$2.4 million of total expenditures, this
504 created a saving of \$457,000, adding up to 16% savings. Based on this projection
505 there is no concern for the fund and the Board is in a good place.

506
507 In response to Mr. Armenta's question of what the recommended months of reserve
508 are, Ms. Balkis responded that 13% or higher is a good place for the Board to be
509 at. Currently the Board is in a good place, despite not having the FY 2021-22
510 actuals. The Board is projecting full expenditures and that is good.

511
512 In response to Ms. Earley's question of what has the Board saved in expenditures
513 during the pandemic due to lack of travel, Ms. Balkis responded that she does not
514 have this information currently and will get back to the Board.

515
516 In response to Dr. Hawkins' question of when Ms. Balkis can anticipate giving the
517 Board a more accurate financial update with all of the services that have been
518 brought in house from MBC, Ms. Balkis responded that for FM 2 for FY 2021-22, the
519 projection is set to be completed this week and the new fund condition can be
520 provided to the Board the following week. This could be an expenditure report with
521 FM 1 and FM 2 with actuals, showing the Board what projections are expected
522 further for the full staff and what is estimated for the report.

523
524 No public comment.

525 526 **Returned from Recess - Roll Call**

527
528 Board Members Present:

529
530 Charles Alexander, PhD
531 Juan Armenta, Esq.
532 Jennifer Carlquist, PA-C
533 Sonya Earley, PA-C
534 Randy Hawkins, M.D.
535 Diego Inzunza, PA-C
536 Vasco Deon Kidd, PA-C

537 538 **12. Approval of Passing Score for 2022 Physician Assistant (PA) Initial** 539 **Licensing Examination and 2022 Dates and Locations for PA Initial Licensing** 540 **Examination**

541 542 Passing Score

543
 544 Mr. Armenta stated that Business and Professions Code section 3517 provides in
 545 pertinent part that the board shall establish a passing score for each examination for
 546 year 2022 as established by the National Commission on Certification of Physician
 547 Assistants.

548
 549 M/ Juan Armenta S/ Sonya Earley to:

550
 551 Motion to approve the passing score for the physician assistant initial licensing
 552 examination for year 2022 as established by the National Commission on
 553 Certification of Physician Assistants.
 554

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

555
 556 No public comment.

557
 558 Dates and Locations

559
 560 Pursuant to Business and Professions Code section 3517, the time and place of
 561 examination shall be fixed by the Board. The locations are the Pearson VUE
 562 Professional Centers, these examinations are provided on a year-round basis,
 563 although there will be no testing December 18-31, 2022.

564
 565 M/ Juan Armenta S/ Sonya Earley to:

566
 567 Motion to approve the dates and locations for the physician assistant initial licensing
 568 examination for year 2022.
 569

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

570
 571 No public comment.

572
 573 **13. Discussion and Possible Action Setting Schedule for 2022 Board Meeting**
 574 **Dates and Locations**

575
 576 Mr. Armenta stated that the proposed meeting dates are February 7, May 9, August
 577 8, and November 7, 2022. The Board usually meets in Southern California on the

578 third meeting of the year, which previously took place in San Diego. The other
579 meetings previously took place in Sacramento.

580
581 In response to Ms. Earley’s question if it would be possible to move the August
582 meeting back to August 15, Ms. Khan responded that this shouldn’t be a problem as
583 these are only proposed dates. The August meeting is always in conjunction with the
584 CAPA conference and the Board can consider the August dates later at the
585 February Board meeting.

586
587 Mr. Armenta suggested that the Board set the date for the February meeting and
588 defer the action on the other dates and locations until the Board has further
589 input from CAPA on when their conference would be. It would be useful for the
590 Board to hold the meetings at the same facility as in the past, giving the Board better
591 public input and with these stakeholders it’s a nice symbiotic thing to do.

592
593 Ms. Earley and Ms. Carlquist stated that they agree.

594
595 M/ Juan Armenta S/ Sonya Earley to:

596
597 Motion to fix the Monday, February 7, 2022, date in Sacramento.

598

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

599
600 No public comment.

601
602 **14. Report on Medical Board of California Activities**

603
604 Health Profession Education and Foundation

605
606 Dr. Hawkins stated that he was a board member on Health Profession Education
607 Foundation (HPEF) which last met September 8, 2021. On October 1, 2021, HPEF
608 was incorporated into the new Department of Health Care Access and Information
609 (HCAI). Physician assistants can investigate financial support programs by visiting
610 two California portals and are encouraged to immediately do so to confirm support
611 and application deadlines; such as grants and loan forgiveness. The first is under
612 the HCAI at HCAI.ca.gov and the second one is the California Grants Portal at
613 grants.ca.gov.

614
615 Medical Board of California

616
617 Dr. Hawkins reported that the MBC last met August 19 and 20, 2021, and will next
618 meet November 18 and 19, 2021. SB 806 was approved by the Legislature;
619 however, the MBC has requested amendments to the bill that reflect the additional
620 board priorities that were not met.

621
622 These include the following: adequate increase to physician and surgeon fees,
623 removal of the Boards two to four month reserve requirement, tolling the statute of
624 limitations for subpoena enforcement, enhanced medical record inspection authority,
625 timely access to pharmacy records, establishment of a licensed midwife board, and
626 transferring the research psychoanalyst program to the Board of Psychology.

627
628 The MBC also requested but did not receive approvals for a public board majority
629 and for authority to issue a letter of advice, which is a lesser form of discipline than
630 public letters of reprimand.

631
632 Dr. Hawkins commented that PAs are strongly encouraged to visit both portals,
633 HCAI.ca.gov and grants.ca.gov, to get support from the various grants and loan
634 programs.

635
636 In response to Mr. Armenta's question of whether or not there is a link to these
637 portals on the Board's website, Dr. Hawkins responded that he is not sure if they are
638 on the Board's website, however if they are not available, they should be.

639
640 Ms. Earley stated that she agrees with these suggestions and thanked Dr. Hawkins
641 for bringing the Board's attention to these two portals.

642
643 Mr. Armenta directed Ms. Khan to inquire if the links could be made available on the
644 Board's website.

645
646 No public comment.

647 648 **15. Regulations**

649
650 Ms. Halbo stated that two packages address what changes need to be made to the
651 Board's regulations to adopt SB 697. After discussion both before and after the
652 meetings with CAPA, the Board had made some additional changes to the package.

653 654 **A. Review, consider, and possible action to amend previously adopted draft** 655 **regulatory language in two separate regulatory packages that change existing** 656 **regulations to align with SB 697 statutory changes:**

657
658 1. SB 697 Implementation: Amend 16 CCR sections 1399.502, 1399.540, 1399.541,
659 and 1399.545 (MBC approved this text on 5.14.2021)

660
661 In the meeting materials, the package changes are listed starting with the SB 697
662 implementation text because it is primarily focused on physician assistant practice.
663 This big switch to having the practice agreement is to walk through each of the
664 changes that were made. Attached at the end of the memo is text that is highlighted
665 in yellow with double strikeouts to show where something had been taken out and
666 double underlined to show where items have been put in, since the Board's previous
667 vote on this text.

668
669 M/ Juan Armenta S/ Charles Alexander to:

670
671 Motion to approve the proposed revisions to the language for the SB 697
672 Implementation regulation package sections 1399.502, 1399.540, 1399.541,

673 1399.545 and direct staff to submit the text to the Director of the Department of
 674 Consumer Affairs and the Business Consumer Services and Housing Agency for
 675 review. If no adverse comments are published during the 45-day comment period
 676 and if no adverse comments are received; authorize the Executive Officer to take all
 677 steps necessary to complete the rulemaking process, adopt the text as noticed and
 678 make any non-substantive changes to the package.
 679

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

680
 681 Mr. Howard, speaking on behalf of CAPA, thanked the Board for allowing him the
 682 time to speak and informed the Board that CAPA has no additional comments to be
 683 added to the regulation of both the implementation of SB 697 or the additional
 684 package. CAPA feels that all the issues that were expressed have now been
 685 addressed. CAPA would like to take a moment and express what a significant
 686 undertaking SB 697 has been and express praise to the Board President and the
 687 Board's excellent staff for the hard work. There are a couple of technical changes
 688 that CAPA caught, these technical changes are non-substantive. There appears to
 689 be some inconsistency between how synonymous phrases of competence, training
 690 and competence, and education and training and experience are used. For example,
 691 in the proposed section 1399.540(a) text, the phrase "education, training, and
 692 experience" is used, in subdivision (c) the word "competence" is used, in subdivision
 693 (d) the word "competence" is used and in section 1399.545(b) there is the different
 694 phrase "training and competence". With those non-substantive observations, CAPA
 695 concludes with deepest gratitude to President Armenta, colleagues on the Board
 696 and Board staff.
 697

698 Mr. Armenta thanked Mr. Howard for his kind words and expressed that this project
 699 would not have been completed without the work from Ms. Earley, Ms. Halbo, Ms.
 700 Dhillon and the Board's counsel. Mr. Armenta stated that he agrees with Mr. Howard
 701 that the Board saw a large seat change in the profession and that Mr. Armenta is
 702 happy that CAPA and the Board are on the same page in terms of the regulatory
 703 package, especially one that has been such a monumental undertaking. Mr.
 704 Armenta congratulated all staff that were involved in completing this package.
 705

706 No further public comment.
 707

708 2. Applications, Exams, Addresses and Recordkeeping: Amend 16 CCR sections
 709 1399.506, 1399.507, 1399.511, and 1399.546
 710

711 The Applications, Exams, Addresses and Recordkeeping regulation package had
 712 some minor changes that did not require MBC approval for the language. Those
 713 changes for the second package are highlighted in yellow with a double strikeout to
 714 depict when items are taken out and double underlined to show the reader where
 715 materials have been added in. The changes made in the packet were small

716 grammatical changes. The Board listened to CAPA which provided useful
717 information and arguments and implemented these changes to make the regulations
718 more parallel with the new state law.

719
720 Mr. Armenta stated that Ms. Halbo and Ms. Dhillon did great work getting these
721 regulations completed as regulations can be an arduous process and the Board is
722 gaining a decent regulation.

723
724 In response to Dr. Kidd's questions of, when looking at the memo should the Board
725 focus on the Physician Assistant Board proposed language, or CAPA's respectful
726 suggestions that were made, as there is some differences in opinion in terms of how
727 CAPA feels about the language. Is the Board reconciling the difference between
728 those two, or has that already been done though previous meetings? Is there a
729 general consensus regarding what the Board is looking at and voting on, Ms. Halbo
730 responded that yes, this is the consensus of listening to CAPA's changes and
731 discussing how the Board can best move forward and use that change. Ms. Earley
732 and Mr. Armenta attended the meeting with CAPA and shared their thoughts, so that
733 their suggestions would be considered in the final version of the regulation. Mr.
734 Armenta responded that it was a methodical type of process where the Board has
735 some proposed language. The Board invited CAPA to comment, studied their
736 comments, made adjustments and then had another meeting with CAPA to look at
737 those adjustments that were made and again process their comments.

738
739 Mr. Armenta stated that he's the first board president who is not a PA, however
740 working as a lawyer in Title 8, regulatory framework can give one a familiarity with
741 regulations. It was also helpful gaining expert insights from Ms. Halbo and Ms.
742 Dhillon throughout the process. All the comments from CAPA were incorporated to
743 the best of the Board's abilities, the final product of the multiple stage process and
744 by the Board's estimation — the best product. Of course, there are going to be some
745 areas of disagreement, but the Board paired those down.

746
747 In response to Dr. Kidd's question of what are the highlights of the differences that
748 still exist between the Board and CAPA on specific regulatory language, Ms. Halbo
749 responded that CAPA's senior legal counsel recommended the Board remove
750 repeating definitions from statute. When this text was originally drafted by staff, the
751 whole concept of a practice agreement was this new paradigm and she was trying to
752 put in these definitions to be helpful. However, the Office of Administrative Law
753 reviewed it and does not want everything that is in the statute repeated in regulation,
754 because that would make the regulation very long. With this input from the senior
755 reviewer, repeats were struck out. The language the Board used about the necessity
756 of a PA doing surgery with someone under general anesthesia, CAPA would argue
757 that PAs should be able to do their job perhaps without too much oversight.
758 However, the Board felt as a public protection mandate, the Board needed to have
759 the supervising physician available in case something went wrong. In that section
760 there is some language that the Board had discussed with CAPA and they did not
761 continue to raise this issue, showing how the Board and CAPA were able to come to
762 an agreement.

763
764 In section 1399.541, Medical Services Performable, CAPA wanted language
765 removed and the Board explained why they could not grant this request. Subdivision
766 (i)(1) states that prior to delegating surgical procedures, supervising surgeons are to
767 review evidence to determine whether the PA is trained and qualified. Within the

768 statement of reasons, it states that evidence can be the supervising physician's own
769 experience with this procedure. What the Board is asking for is that the supervising
770 physician ask themselves if the PA can complete a surgery before that PA can
771 begin. This issue was able to come to a resolution. There are not many differences
772 between CAPA's proposed language and the Board's proposed language, and the
773 Board did a great job working with CAPA and now they will have to wait for public
774 comment.

775
776 Mr. Armenta stated that the biggest areas of contention have been whittled down to
777 a fair consensus. The immediate availability of a supervising physician when general
778 anesthesia is being performed is to avoid the scenario where the surgeon completes
779 part of the surgery, leaves the PA to close and then something goes wrong. The
780 Board does not want to have a supervising physician absent during a time of an
781 emergency such as the aforementioned. The Board was able to cut it down to define
782 the term immediately as "being able to attend to the patient without delay." There
783 were some iterations prior where the Board and CAPA discussed methods of
784 availability or electronic devices, but the Board thought the consensus would be that
785 it is simply "physically available to attend to the patient without any delay to prevent
786 harm to the patient".

787
788 The other point that required some work, as Ms. Halbo mentioned, was 1399.545(b)
789 and the Board did some significant work there to whittle this down to the practice
790 agreement, with procedures for the immediate care of patients who are in need of
791 emergency care beyond the PA's training and competency. Some of the earlier
792 language CAPA pointed out might be too onerous. During the last discussion, the
793 Board defined what regulation means and that it has been considered within the
794 practice agreement. The Board knows that there are procedures, this does not mean
795 there is a checklist that one must go through during an emergency, but the Board
796 wants people to have a plan for the outset. In that office meeting where there is
797 participation, the practice agreement being the things that are at least considered
798 that gives great deference to the competency training and professionalism of both
799 the supervising physician and the PA. The Board feels this is a fair medium that
800 allows the Board to fulfill their primary objective of public protection, while respecting
801 the contours of SB 697. Those were the two main areas that reached a significant
802 consensus on. Much of the other items were stylistic and this has been worked out
803 by regulations counsel.

804
805 M/ Diego Inzunza S/ Charles Alexander to:

806
807 Motion to approve and adopt the proposed revisions to the language for the
808 Applications, Exams, Addresses and Recordkeeping regulation package sections
809 1399.506, 1399.507, 1399.511 and 1399.546 and direct staff to submit the text to
810 the Director of the Department of Consumer Affairs and the Business Consumer
811 Services and Housing Agency for review and public notice. If no adverse comments
812 are received, authorize the Executive Officer to take all steps necessary to complete
813 the rulemaking process, adopt the text as noticed and make any non-substantive
814 changes to the package.

815

Member	Yes	No	Abstain	Absent	Recusal
Charles Alexander	X				
Juan Armenta	X				

Jennifer Carlquist	X				
Sonya Earley	X				
Jed Grant				X	
Diego Inzunza	X				
Vasco Deon Kidd	X				

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No public comment.

B. Update and Possible Action on Pending Regulatory Packages

1. Status of 16 CCR Section 1399.523.5 – Required Actions Against Registered Sex Offenders. Public comment period began April 2, 2021, and closed on May 18, 2021.

Ms. Dhillon stated that this package was completed, sent to the Director of DCA and approved on November 4, 2021. The package was then sent to the Business, Consumer Services and Housing Agency on November 5, 2021, with review requested to be completed by the end of the day on November 8, 2021. However, the Board needs to vote to adopt the proposed language for 16 CCR Section 1399.523.5, which was published for the 45-day public comment period. No public comments were received.

M/ Jennifer Carlquist S/ Sonya Earley to:

Motion to adopt the proposed language, as was noticed for the Required Actions Against Registered Sex Offenders package, 16 CCR Section 1399.523.5. The final documents have been submitted to the Director of DCA and to the Business, Consumer Services and Housing Agency for their review and upon receiving it, that the Board authorizes the Executive Officer to take all steps necessary to complete the rulemaking process and make any non-substantive changes to the package.

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

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No public comment.

2. 16 CCR Sections 1399.514 and 1399.615 – License Renewal and Continuing Medical Education Required. Staff is working to prepare documents for initial submission to Legal, Executive, and Agency review.

Ms. Dhillon stated that this package requires the Board to vote to adopt the proposed language for 16 CCR Sections 1399.514 and 1399.615, for publication to start the 45-day public comment period.

M/ Juan Armenta S/ Sonya Earley to:

854 Motion to approve and adopt the revised language for the License Renewal and
 855 Continuing Medical Education Requirements package, 16 CCR Sections 1399.514
 856 and 1399.615, to direct staff to submit the text to the Director of DCA and the
 857 Business, Consumer Services and Housing Agency for review and send out for
 858 public notice. If no adverse comments are received, authorize the Executive Officer
 859 to take all steps necessary to complete the rulemaking process, adopt the text as
 860 notice if needed, and make any non-substantive changes to the package.
 861

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

862
 863 No public comment.

864
 865 3. 16 CCR section 1399.616 – Approved Continuing Medical Education Programs
 866 Implicit Bias. Public comment period began April 9, 2021, and closed on May 25,
 867 2021. Staff is working to prepare final documents for Legal, Executive, and Agency
 868 review

869
 870 Staff is currently working with Ms. Halbo to complete the final documents and get
 871 this package to legal immediately. At the August 9, 2021, Board meeting, the Board
 872 voted to reject the public comment and to adopt staff’s proposed response to the
 873 comment and adopt the regulatory language.

874
 875 4. 16 CCR 1399.502, 1399.540, 1399.541, 1399.545 – SB 697 Implementation

876
 877 The Board just reviewed this package and staff will be preparing the initial
 878 documents.

879
 880 5. 16 CCR 1399.506, 1399.507, 1399.511, 1399.546 – SB 697: Applications,
 881 Exams, Addresses, & Recordkeeping

882
 883 This has been reviewed by the Board and initial documents will be prepared for the
 884 package.

885
 886 6. 16 CCR 1399.515 – AB 2461: Retired Status to Include Fingerprint Requirement

887
 888 This is a new package for which initial documents are required.

889
 890 7. 16 CCR 1399.523 – SB 1441: Implement Uniform Standards Related to
 891 Substance Abusing Licensees and Update of Disciplinary Guidelines

892
 893 Initial documents for this package are required and staff are working on getting the
 894 language together.
 895

896 **16. Education/Workforce Development Advisory Committee: Update on**
897 **Physician Assistant Education Programs and Applicants in California**
898

899 Dr. Alexander stated that this was a typical report that Mr. Grant normally presents
900 to the Board, in terms of the number of programs and schools and their current
901 status. There are some new online PA programs and this will increase the number of
902 PAs in the state with the classes that they are enrolling.
903

904 Ms. Earley commented that the state has an increased number of PA schools
905 coming on board and/or developing in the State of California. With that, as the Board
906 continues to grow with the number of PAs, does the Board need additional help now
907 that the Board has doubled, almost tripled in capacity and now there may be a need
908 to have additional licensing staff?
909

910 No public comment.
911

912 **17. Report by the Legislative Committee; Discussion and Possible Action to**
913 **Consider Positions Regarding the following Legislation**
914

915 Ms. Dhillon updated the Board on SB 48, that a position letter was sent out on
916 August 24, 2021, removing the Board's opposed position and changing it to a watch
917 position. This bill was approved by the Governor on October 4, 2021. However, it
918 does not apply to the PA Board. The bill expands scheduled benefits to include an
919 annual cognitive health assessment for medical beneficiaries, and was amended
920 and approved.
921

922 A. AB 107 – Salas: Licensure: Veterans and Military Spouses
923

924 Ms. Dhillon stated on August 24, 2021, a Board position letter was sent to the
925 Author's office to inform them of its watch position. This letter explained the
926 concerns regarding the bypass of the review process and the elimination of the
927 provision that makes a temporary license invalid upon the denial a license
928 application. The Board did not receive any comment on the letter and the bill was
929 approved by the Governor on October 8, 2021, and will become effective January 1,
930 2022. Regulations will be needed to implement this bill.
931

932 B. AB 646 – Low: Department of Consumer Affairs: Expunged Convictions
933

934 At its August 9, 2021, meeting, the Board chose to maintain its watch position. This
935 is a two-year bill, located in the Assembly Committee on Business, Professions, and
936 Consumer Protection. As of the last Board meeting, there have been no new
937 amendments or changes to this bill.
938

939 C. SB 731 – Durazo: Criminal Records: Relief
940

941 At its August 9, 2021, meeting, the Board chose to maintain its opposed unless
942 amended position. This bill is currently located in the Assembly Committee on
943 Appropriations. On September 10, 2021, the bill was refused passage, but it could
944 be taken up again in January 2022. The Board will keep a close eye on this bill as
945 the legislature reconvenes on January 3, 2022. As of the last Board meeting, no new
946 amendments were made to this bill.
947

948 D. SB 806 – Roth: Healing Arts

949
950 At its August 9, 2021, meeting, the Board chose to maintain its support position. The
951 bill was approved by the Governor on October 7, 2021. This bill extends the
952 existence of the Board and makes various statutory changes to reflect the
953 independence of the PA Board as a standalone board. It also removed a number of
954 outdated references to the PA Board having to consult with or receive prior approval
955 from MBC prior to taking certain actions. Additionally, the bill removes the
956 requirement that the Board establish a passing score, time and place for the PA
957 examination since the current examination is administered by the NCCPA.

958
959 E. AB 562 – Low: Frontline COVID-19 Provider Mental Health Resiliency Act of
960 2021: Health Care Providers: Mental Health Services

961
962 At its August 9, 2021, meeting, the Board voted to maintain its watch position. This
963 bill is currently located in the Senate Committee on Appropriations. As of the last
964 Board meeting, there have been no new amendments. The Board will keep a close
965 eye on this bill.

966
967 F. SB 395 – Caballero: Excise Tax: Electronic Cigarettes: Health Careers
968 Opportunity Grant Program: Small and Rural Hospital Relief Program

969
970 At its August 9, 2021, meeting, the Board took a support position. This bill was
971 approved by the Governor on October 4, 2021. This bill will establish the Health
972 Careers Opportunity Grant Program (HCOP) under the administration of the Health
973 Professions Education Foundation. This is for the purpose of improving access by
974 underrepresented students from disadvantaged backgrounds to health profession
975 programs offered by the state's public postsecondary education institutions. Ms.
976 Dhillon stated that she consulted with the author's staff regarding the Board's
977 concern about the fiscal impact that this bill may have and was informed that there is
978 no anticipation of any costs to the healing arts boards on the implementation of the
979 HCOP program.

980
981 G. AB 1306 – Arambula: Health Professions Careers Opportunity Program

982
983 At its August 9, 2021, meeting, the Board took a support position. This bill is
984 currently located in the Senate Committee on Appropriations and no new
985 amendments have been made since the last Board meeting. Ms. Dhillon stated that
986 she consulted with the author's office regarding this bill and they do not anticipate
987 any costs to the healing arts boards.

988
989 In response to Mr. Armenta's question of whether SB 731 was rejected in
990 Committee, Ms. Dhillon responded that this is correct. Ms. Dhillon stated that they
991 had been informed by Ryan Tacher, the Legislative Analyst, that the bill could be
992 taken up again in January 2022. Once legislature reconvenes on January 3, 2022,
993 because they are in interim recess currently, the Board will have a better
994 understanding of the bill's future.

995
996 Mr. Armenta stated that the Board will need to keep an eye on the bill for the
997 reasons previously discussed, particularly the healing arts boards, with the ability to
998 dispense dangerous medications. It is surprising that the healing arts boards are not
999 excluded from this bill; the Board will have to see which direction this bill goes. Mr.

1000 Armenta also stated it is great to see that SB 806 passed, which is great for the
1001 Board.

1002
1003 Dr. Alexander stated that it is good to see that SB 395 and AB 1306 are moving
1004 through quite nicely and thanked the Board for their support.

1005
1006 No public comment.

1007
1008 **18. Agenda Items for Next Meeting**

1009
1010 1) Discussion and possible action setting schedule for 2022 Board meeting dates
1011 and locations for three meetings in May, August and November.

1012
1013 No public comment.

1014
1015 **19. CLOSED SESSION**

1016
1017 A. Pursuant to Section 11126(a)(1) of the Government Code, the Board will conduct
1018 the annual evaluation of performance of the Executive Officer.

1019
1020 B. Pursuant to Section 11126(c)(3) of the Government Code, the Board will
1021 deliberate and take action on disciplinary matters.

1022
1023 **20. Adjournment**

1024
1025 Adjournment will immediately follow closed session and there will be no other items
1026 of business discussed.

1027
1028 Minutes do not reflect the order in which agenda items were presented at the Board
1029 meeting.

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1035