



CAPM ANNUAL MEETING, OCTOBER 23, 2013, 5:15 P.M.

MINUTES (draft 11/2/13)

PHYSICAL LOCATION: HYATT REGENCY HOTEL, 1209 L STREET. SACRAMENTO, CA, GOLDEN STATE ROOM (2ND FLOOR).

Other members were able to participate by conference call, through freeconferencecall.com.

1. Attendance (24 total):

Members present in person: Donald Lyman, President; Penny Borenstein, Lou Anne Cummings, Karen Furst, Jeffrey Gunzenhauser, Ron Hattis, Cora Hoover, Mark Horton, Claudia Jonah, Olivia Kasinje, Alex Kelter, Jessica Nunez De Ybarra, Caroline Peck, Karen Ramstrom, James Stratton

Guests present in person: Lisa Hernandez, Matt Willis

Members participating by phone: Ellen Alkon, Babatunde Jinadu, Leona Lianov, Michael Orlich, Margaret Ryan, Glen Thomazin, Stacey Wiles

2. Minutes of last general meeting, 12/5/12 (handout):

James Stratton offered the correction that he had participated by phone. Cora Hoover also phoned in, but could not stay for the whole meeting.

Action: Minutes were approved with corrections to the attendance list.

3. President's remarks: Don Lyman

It has been a productive year, especially with CMA (including Don's participation in the Legislative Council and Council on Scientific and Clinical Affairs (CSA), and Ron's at the House of Delegates), and our legislative efforts. Affordable Care Act is the main item before us, presenting an opportunity in that there is expanded care for individuals and mandates for preventive services. The downside is that it is a purely medical model without attention to other factors that fall into a public health model. The ongoing funding stream does not include public health, and we should be monitoring that the promised preventive services will be delivered.

4. Legislative report: Ron Hattis and Don Lyman (written report provided)

Supported Bills Passed by the Legislature:

AB 446 (Mitchell) will require all primary care providers to offer an HIV test to all adolescents and adults who have not had one in the last year, if blood is to be drawn for other purposes. It also facilitates posting HIV results confidentially for Web access, and permits oral consent for HIV testing in most non-clinical settings. CAPM's support was announced at legislative committee hearings in addition to letters of support, including to the Governor. The bill was sponsored by the AIDS Healthcare Foundation, and CMA also had a support position, but CAPM and Beyond AIDS provided the only testimony from a physician (Ron Hattis) which was influential.

SB 402 (De Leon) is a follow up to SB 502 requires all hospitals with perinatal unit mandates breastfeeding. SB 402 bill requires all general acute care hospitals and special hospitals that have a

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perinatal unit to adopt, by January 1, 2025, the “Ten Steps to Successful Breastfeeding,” as per the Baby-Friendly Hospital Initiative. The bill came to the attention of CAPM through one of our new resident members, Stacey Wiles, who also wrote a letter to Senator De Leon and the Governor to urge them to support this bill. The Governor did sign the bill into law.

AB 999 (Bonta) would have made condoms available in state prisons. The condoms and dispensers would have been donated. It passed both houses with strong CAPM support, but was vetoed by Gov. Brown. The veto message did not provide evidence that the Governor understood the issue of sexual activity occurring among prisoners, with the potential for disease transmission.

CAPM-sponsored Bill that Passed in 2011, Working on Implementation:

SB 380: requires the Medical Board to periodically disseminate information to physicians and hospitals about the use of nutrition and lifestyle for the prevention and treatment of chronic diseases. It authorizes but does not require the Medical Board to require content on lifestyle and nutrition in any CME activity relating to chronic diseases.

The bill also requires the Medical Board to form a Working Group to advise it on carrying out the intent of the bill, and this is the only portion that has been carried out so far. Earlier this year, CAPM President Don Lyman submitted nominations of himself, Jessica Nunez de Ybarra, Ron Hattis, Liana Lianov, Caroline Peck, and Wayne Dysinger, and all were accepted, giving CAPM a majority of this advisory body. The Education and Wellness Committee of the Board held a hearing in Sacramento on July 17, 2013, at which members of the Working Group testified on the inadequacy and importance of physician education on lifestyle and nutrition. The group recommended that the Board require content on nutrition and lifestyle for all CME dealing with cardiovascular disease, diabetes, and obesity. We are still waiting for action by the Board.

Supported Bills that Did Not Pass but Could Be Revived in 2014:

AB 640 (Hall) would require infection control practices, presumably including condoms, for the adult film industry. State legislation may be needed to address the issue, because a judge recently ruled against portions of Los Angeles County’s similar local ordinance. Cal-OSHA is still drafting regulations, but that effort has been going on for 3 years without final issuance.

AB 1176 would establish a fund to subsidize primary care residency programs

AB 336 would prohibit the use of seized condoms as evidence in prosecutions for prostitution.

SB 648 would extend the prohibitions on smoking in various places, and on advertising of tobacco products on state property, to apply also to electronic cigarettes.

Dr Horton asked if CAPM had a position on a bill giving expanded privileges to RNP’s with respect to pregnancy terminations. Don answered that CAPM did not, but that CMA had closely followed that and other scope of practice bills. In a change of strategy, not all efforts to expand the scope of practice of other non-physician disciplines were opposed by CMA this year.

Ron Hattis appealed to any members in the Sacramento area interested in legislation, to volunteer to assist with testimony and lobbying with legislative staff. Ron and Don can provide training.

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5. Report on CAPM's accomplishments at CMA House of Delegates, 10/14-17/11: Ron Hattis (written report provided)

RESOLUTIONS INTRODUCED BY CAPM:

Ron stated that CAPM introduced two resolutions, which had been pre-approved by the CAPM Board, and which were passed on the consent calendar by the House of Delegates.

Resolution 101-13: SUPPORT FOR LOCAL PUBLIC HEALTH received an endorsement and letter of support from CCLHO. It called for CMA to support adequate, stable funding for local public health; to support preservation or replacement of current funding sources for core public health functions and to restore funding lost in recent cutbacks; and to recommend that CDPH, in cooperation with CCLHO, survey gaps and weaknesses in local public health caused by cutbacks from the recession, and develop a plan to assure essential public health functions in small rural counties.

Resolution 108-13: HIV SCREENING AND CONTINUUM OF CARE called for CMA to support and encourage physicians to offer universal opt-out HIV screening for adolescents and adults; to support efforts to link persons testing positive to care and treatment; to support maintenance of funding for services covered by the Ryan White program, which will not be provided by the Affordable Care Act; and to refer the above recommendations to the AMA.

OTHER RESOLUTIONS STRONGLY-SUPPORTED BY CAPM, AND PASSED:

The CAPM Board adopted positions of strong support on the following resolutions, which proved successful at the House of Delegates.

Resolution 103-13: USE OF THE CALIFORNIA IMMUNIZATION REGISTRY TO CONTROL AND PREVENT TUBERCULOSIS

Resolution 104-13: INCREASED REPORTING OF IMMUNIZATIONS

Resolution 110-13: MANAGEMENT OF CONCUSSION GUIDELINES

Resolution 112-13: ROUTINE INQUIRY ABOUT FIREARMS AS PREVENTIVE HEALTH MEASURE

Resolution 113-13: PUBLIC FUNDING FOR RESEARCH ON GUN VIOLENCE

Resolution 114-13: REGULATION AND TAXATION OF AMMUNITION

Resolution 115-13: GRAPHIC HEALTH WARNINGS ON TOBACCO PRODUCTS

Resolution 116-13: BAN ON MENTHOL TOBACCO ADDITIVES

Resolution 118-13: LOWERING THE LEGAL ALCOHOL LIMIT FOR DRIVERS

Resolution 119-13: CELL PHONE USE/TEXTING WHILE DRIVING: PREVENTION AND PENALTIES

Resolution 121-13: SAFE BICYCLING

Resolution 510-13: OPPOSING RESTRICTIONS ON PHYSICIAN/PATIENT FREE SPEECH

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RESOLUTION SUCCESSFULLY OPPOSED BY CAPM:

Resolution 124-13: CALIFORNIA STATE TAX ON OBESITY

OTHER RESOLUTIONS LESS STRONGLY SUPPORTED BY CAPM, AND PASSED:

Resolution 107-13: SERVICES TO MENTALLY ILL STUDENTS

Resolution 117-13: ADDITIONAL SALES TAX ON ALCOHOLIC BEVERAGES

Resolution 125-13: LABELING OF FOODS AND PACKAGING CONTAINING ENGINEERED NANOPARTICLES (originally Nanotechnology Prohibition in Organic Foods; Ron spoke on the floor in favor of this resolution)

Resolution 126-13: JUNK FOOD IN HIGH VISIBILITY RETAIL LOCATIONS(urging stores not to display such items there)

Resolution 127-13: SOIL FUMIGANTS PHASE-OUT

Resolution 128-13: HYDRAULIC FRACTURING MONITORING, REGULATION, AND DISCLOSURE

Resolution 129-13: RESCHEDULING AND RESEARCH OF PSYCHEDELIC DRUGS

Ron reported that the House of Delegates adopted a plan that may replace current reference committees that consider resolutions, with standing committees and councils, within about 2 years. If that occurs, it will be important to re-establish a standing committee or council on public health.

6. Election of officers - Slate prepared by the Nominating Committee: Jeff Gunzenhauser

President: Donald Lyman*

President-Elect: Timur Durrani*

Secretary: Glen Thomazin*

Treasurer: Ronald Hattis*

Director to Serve 2014-2016: Cora Hoover (new)

*Incumbents

The following officers will also serve on the 2012 Board but are not up for election at this time:

Directors: Caroline Peck (term ends 2014), Michael Orlich (term ends 2015)

Past-President: Jeff Gunzenhauser

Action: Don Lyman placed this slate on consent calendar (along with approval of the minutes, Treasurer's report, and Bylaws changes), and asked if there were any extractions. There were not, and no nominations were added from the floor. The election of the above officers was unanimously approved as a part of the consent calendar.

An ex-officio Preventive Medicine resident member will be appointed by the regular Board members, at a later date. Leith States from Loma Linda University has been nominated but was unable to participate today, so a decision was deferred.

7. Treasurer's Report for 2013 through 10/7, and final for 2012: Ron Hattis (Excel spreadsheet provided)

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Ron provided balance sheets for full calendar year 2012, and for 2013 through October 17. For 2012, expenditures exceeded income by \$725, but income is ahead of expenditures by \$555 for 2013 to date. One cost-saving measure this year was sending only a delegate and not also an alternate to CMA. The Specialty Delegation charges \$800 for each delegate and alternate, and we reimburse major travel expenses. The bank balance as of 10/17/13 was \$1,952.84. Ron made a request for early renewals for 2014 with consideration of additional donations, without which CAPM cannot break even. Several members present filled out their renewal forms and submitted dues during the meeting.

Action: The Treasurer's Report was placed on the consent calendar by Don Lyman and was not extracted. It was therefore approved when the consent calendar was unanimously approved. The spreadsheet with the full data will be kept on file.

8. Proposed Bylaws Amendments, from Bylaws Committee: (written report provided)
The Bylaws Committee consisted of Ellen Alkon, Don Lyman, and Ron Hattis.

Bylaws Article II, Section 2: Deletion was proposed. This described an Emeritus category of membership, not eligible to hold office. That category is not utilized, and retired members do have the right to hold elective office.

Bylaws Article IV, Section 6: Deletion of a requirement to hold a Board meeting along with the Annual Meeting was proposed. There is not always time or necessity to do this.

Article IX, Section 4: Wording changes were proposed, including timeline requirements for the Secretary to receive nominations 30 days ahead of the Annual Meeting and to be the one to distribute them. This has not always been practical. The requirement to notify the membership of the nominated slate two weeks ahead of the meeting was retained.

Article X: A typographical error ("inconsistent" where "consistent was clearly intended) was corrected.

Action: This was one of the items placed on the consent calendar, and was not extracted. The Bylaws changes were approved as part of the unanimous motion to approve consent calendar

9. Medicare CAC Report: Jessica Nunez and Glen Thomazin

CAC is the California Carrier Advisory committee. This met on Oct 16, 2013 and was attended by Jessica Nunez de Ybarra, MD, MPH, FACPM and Glen Thomazin DP MPH. Comments from Jessica included concerns regarding proposed LCD's (local coverage determinations) which seem to aim at defining a standard of care within Medicine and clearly describing what types of certification and documentation is required to receive reimbursement for services rendered. Medicare thus may be insisting that future medical practice be based on evidence based protocols and allowed to be provided only to those who have proof of training. Medicare through these guidelines may only approve and reimburse those who provide documented justification for procedures done.

Glen stated that the advisory committee was reviewing proposed criteria for guidelines that would define the scope of who can perform certain procedures (facet injections, epidural steroid injections

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specifically). The aim to these guidelines are to define the evidence based practice standard for how frequently such procedures can be done as well as who can perform them. There were comments from providers on the advisory committee about that it felt as though these guidelines were an attempt by Medicare to restrict utilization on those procedures that were deemed potentially as abused procedures or revenue generating procedures. So the overall message was don't bill for it if you can't prove it is medically necessary (within good standard of practice based on evidence) or if you don't have the documentation in the medical records. The government is headed in that direction for all inpatient and outpatient procedure (hospital stays and any procedure that is commonly used to generate revenue).

10. Plans for 2014: Don Lyman, and general discussion of new ideas and proposals from the membership Southern California Activity?

Members were invited to suggest ideas informally. The following topics received discussion.

- a. Liaisons to inform medical students in all California med schools about Preventive Medicine: Many potentially interested medical students never find out about the existence of Preventive Medicine or Occupational Medicine while they are deciding on residency applications and specialty preferences. ACPM has materials for presentation to medical students, and occasionally in the past, CAPM has assisted in finding liaisons at California medical schools to get the word out to the students. Renewing this could possibly be a resident project.
- b. Preventive Medicine summit conference call: Years ago, CMA used to have a Scientific Advisory Panel for each specialty, with an elected chair, reporting to the CSA. Ron Hattis was the last to chair the panel on Preventive Medicine and Public Health, which no longer exists. This permitted a once-yearly face to face summit involving the deans of the schools of public health or designees, lead faculty for Preventive or Community Medicine from the medical schools, and CAPM. The state public health officer and president of CCLHO were sometimes invited. Ron suggested that CAPM could sponsor a similar summit by conference call, and invite CMA participation (rather than the reverse as used to occur). Potential agenda topics might include such things as informing medical students about preventive medicine training and careers, orienting residents to state public health, enhancing the status of the specialty, establishing a Web site for job posting, taking joint positions on statewide public health and prevention issues, and ideas for legislation or public policy.
- c. An event may be considered in Southern California, since the last several Annual Meetings have been in the north.

Action: No motions were passed. The Board of Directors will consider these and other ideas.

11. Other New Business:

Alex Kelter brought up the problem of prescription opiate drug monitoring, on which he is involved as a consultant, as an increasing public health problem. He is concerned that CDPH seems insufficiently

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involved, although Jessica Nunez de Ybarra said that the issue would be addressed in the California Wellness Plan. Don Lyman has been involved on a committee on the subject at CMA.

Action: A motion by Alex Kelter was unanimously approved, for the Board to hold an open conference call during 2014 on the issue of monitoring of prescription analgesic monitoring, with other interested members invited to participate.

12. Adjournment:

Action: Motion to adjourn, carried.

Submitted by Glen Thomazin, Secretary
with assistance from Ron Hattis, Treasurer