

## LEDGE Minutes from the meeting **January 24, 2024**

First, the Discussion was about the Bill AB 734. To do with Concussions in Children

Steve Holtz suggested that we

“ally ourselves with the parents, since they will never object to making the kids safer”

The bill has turned into a “2 year Bill” per Steve Cattolica, as a successor bill evolves during the second year, we will have input, but lay people may perceive some of our ideas as “minutiae” and so we have to be realistic about what will go into the bill. The parents will not listen to excruciating discussions about scientific details

Roger Bertoldi asked if Football had a program like “AYSO SOCCER”? none as far as we know.

Robert Weinman noted that at first the National Football League opposed the bill stating that later in life there would be fewer people wanting to play football. We could state that with the brain protected at a young age, that later people would be in better condition due to reduced injuries early in life, to play football and would increase the number of football players.

Pop Warner is ?? a local or national organization?

Steve Cattolica noted that in Orange County 1000 kids play “flag” vs 60 playing “tackle”.

Should the new bill focus on “**SAFETY FOR CHILDREN UNDER 12**”

or “**EDUCATION FOR THE PARENTS**”???

The prior bill will be pulled off the table, it has to be rewritten and restarted, McCarty’s people are talking about what the new bill will say? Yes we are discussing and communicating with the sponsors

Stella LeGarda pointed out that rather than shutting down programs and getting hardline about this we can let the programs die by attrition as we focus on education. We need to let people make informed decisions.

Johanna Rosenthal suggested an educational video to show when we talk about the bill. Steve pointed out that we can’t make it for the bill, but we could have it available about our content and education. We can post it on U tube. Steve can contact McCarty’s office about it to coordinate and not intrude, and to work together. We can present a video ?10-20 minutes as a resource e for those in favor of the bill and we can also have another video geared more for the parents to watch before football season.

Johanna was thinking about a video that parents “**have to watch and then sign a waiver**” before their children play on public grounds. The Pop Warner programs play on School and Park fields, they probably have contracts with the Park Department and the school districts. The new bill could say that the parents have to sign that they have watched an educational video in order for Pop Warner to use Public property, and then the school and park department contracts would have to include that language. It could be argued that society is providing the parks and so society will also have to provide for all the people with frontal lobe injuries that become **INCORRIGIBLE**

The other idea was to make a 20 minute canned video for McCarty to have where the California Neurology Society actually presents the issues. The video would be for McCarty to use when he presents his information to the public at meetings or Legislative committee meetings. He has the information, but it would be great if he had a good video to use to **SELL THE SCIENCE** behind the bill. Also it would be good for California Neurology Society to “**PUT OUR BRAND**” on this information.

Stella is a great Movie Producer and she has a presentation that she already gave at the Hearing on this bill. If there is a video recording from her talk at the hearing, it could be remanufactured into the Official CNS video. Zoltan Mocsary might be a good **STAR** with the great Accent that will sound scientific and can find some clips on Google

SB357 The Driving and reporting Lapses of Consciousness bill

Per Steve it is a “2 Year Bill” It’s next step is to go through Committee. Per Jeffrey Klingman the only opposition was the CHP the California Highway Patrol and that is why Schwarzenegger vetoed it. Jeff wants to know about the opposition. Steve Cattolica will contact Cortino’s office to check on it. Jeff feels there is disinformation. Let’s meet with the Highway Patrol We will still be reporting. Per Steve that is an option

Per Steve Cattolica it is on the “Inactive File” Unless the Cortino office takes an action, it may not move ahead.

**CAN WE INVITE A REPRESENTATIVE FROM THE CHP TO THE LEDGE session in May? For a discussion???**

Duty of Care and SB 636 CORTESE

Per Steve Cattolica, The “Ask Me” folks and staff in the Governor’s Office are meeting in a week or 2. Now ‘**THE STICKING POINT IS DATA**’ that someone can look at and count, that a non California Physician is actually doing the UR.

Steve is trying to get Data,

Robert Weinmann pointed out the BILL can be STARTED by pointing out the SUPREME COURT has already expressed an opinion and why do we need a different approach??

Stella will say that the doctors are “supervised “ by someone already licensed in California

How do we counter the argument when opposing factions do not want the governor to sign the bill ???

Robert Bartoldi took the position that now is the time to start preventing AI from performing “Utilization REVIEW”

Stella said let’s keep it simple.

Robyn said “it is not an AI issue”. Robyn said that a patient had to have catheters to void and it was denied, and that has to be reported to the board as malpractice. She had a bad experience with “CARILON” a new division of BC that is doing denials she was unable to obtain a peer to peer, with a neurologist or a medical director, and was only able to speak to a pharmacy tech. It wasn’t a doctor now a PHARMACY TECH is considered a Medical Provider. Robyn testified previously in a lawsuit against BC and they settled for 8 million dollars

After she reminded them of her litigation

(and the 8 million dollars),

a pediatrician called back and approved the prior authorization

Robert Weinmann reviewed the King decision

Johanna Rosenthal pointed out that a safety net hospital paid by County Tax dollars loses money on Workers Compensation Denials. Each hospital probably knows what percentage of their total income is lost to Workers Compensation Denials, we can ask our hospitals to give us financial information about denials.

The reason we want to know about the losses to publicly funded hospitals,

is because the Governor wants to keep everyone happy.

He needs to keep insurance companies happy so that someone provides insurance in

California

. He wants to keep the doctors happy.

**The insurance companies are selling the idea to the governor that the bill about UR and DUTY of CARE should not pass.**

**The insurance companies are telling the governor NOT TO SIGN THE BILL, because it will cost more money to the public when the public pays for insurance. So if we can point out the the bill will save money for the public, because the hospitals will be paid so the taxpayers don’t have to pay for the denials, then the Governor has an argument and CAN push back with the insurance companies.**

Jeff Klingman wants to take on all the denials in W/C but also to take up the issues with all UR.

Robyn reviewed a case that was litigated. **GO Robyn** please write up what happened and what u did and let’s put it on our WEBSITE.

Steve is meeting with the GUV

Steve Cattolica had the last word.

Steve Cattolica said to use

the Department of Managed Care

The Department of Managed Care will help

it will take on single cases.

The data will come from small sources.

**The LEDGE Is on the EDGE !!!!!!**

**All these issues ! !!!!!!**

**Johanna is using INSTAGRAM SPEAK**

**and trying to “GLAM UP our BRAND”**

Wednesday Next meeting February 21, 2024

GO STEVE with the **GUV**

our next meeting will be on Wednesday February 21, 2024

7 to 8:00

Prepared by Dr Johanna Rosenthal

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## LEDGE Meeting Minutes **12/20/2023**

1. Presence roll call: Steve C, Steve H, Jeff K, Bob W, Robyn Y, Stella L
2. Minutes of last meeting -approved
3. Duty of Care/Utilization Review Steve C: Steve shared current status in SAC and recommends to put this topic as a LEDGE concern "In wait mode"  
Licensure: (Bob): UR docs are exempt from duty of care mandate of CA Board  
Jeff: standard of care in community/out of state NOT in community  
Stella: start collecting data/examples of UR failures LIVE as it happens
4. Tackle Football  
Steve C: stated next hearing is set for 10th Jan 9 AM room 127 in the Capitol to vote on whether to move the Bill forward  
Steve H: Will send Stella email with specific patient example  
Jan 9th – Steve C having his shoulder replaced  
Hearing preparation:
  - a. start with story-case
  - b. Follow up with statistics/new data
  - c. Why young brains are different Steve H: Death from second impacts: systemic reaction augmented in younger brains/immune system, shuts system down
  - d. human perspective important Think as a parent
5. Dr Rosenthal's letter – Table until next meeting
6. Gun legislation – Stella and Steve C will work to draft a Resolution to include:  
Common sense  
Lifelong injuries (not just deaths) Impacts  
medical issues  
AR 15/magazine capabilities Increase cost  
of medicine Disability  
Increases tax burden on the State  
Young, uninsured or lose it with disability No  
CMA action for a while  
Shot in head or spinal cord\*\* greater impact than shot in the stomach or leg  
Mental health consequences
7. Next meeting: Wednesday January 24, 2024 at 7 PM
8. Meeting adjourned 7:00 PM

### Minutes from CNS Legislative Committee Meeting July 12, 2023

Bob Weinmann and Steve Cattolica state that we are not getting discussion pieces about the legislation out to the body of Neurologists on our mailing list,

Whenever we do email group mailings to all the California Neurologists, we can send the minutes of our Legislative meeting and then say if anyone needs more information,

e mail to Johanna Rosenthal MD or Steve Cattolica about the Legislation  
at cnslegcomte@gmail.com

### **SB 636 had passed the Assembly Insurance Committee**

#### **Was in the Assembly Appropriations Committee**

#### **not expecting to fail since it had no effect on public funds**

Planned to go through the Senate Committee's in late Aug or early September not expected to have unusual difficulties.

Per Steve Cattolica the California State Legislature went on Summer Holiday Break July 14, 2023 and not scheduled to return until August 14, 2023. One month to complete all voting by September 15, 2023

, Governor has only 1 month to sign or *benign neglect* veto.

Dr. Weinman thought we needed representation in Sacramento instead of recruiting our members that live far away, Stella suggested getting CNS members that live in Sacramento to be there for the committee and legislative meetings where it would be good to have additional voices, (besides Steve Cattolica)

Steve pointed out that we can contact the local offices because the legislators will be in their own offices in the local areas, during August. So instead of talking to a legislator when they are in Sacramento, knock on the door when they are down the block.

### **SB 357 Passing Assembly Judiciary and Transport, expected to pass Appropriations**

### **SB 525 Hospital minimum wage requirement \$21x one year then \$25**

Passed Assembly Labor sent to Appropriations expected similar path through the Senate

Steve Holtz pointed out the the AAN sends out the Capitol Report about what the AAN is doing as far as

National Legislation to advocate for Neurologists, and we can do that for CNS

What is the best format. Seems to be advisable to send with the constant e mails

as well as to post the latest minutes on the CNS link to advocacy that Stella started previously

### **SB 1278 is now a 2-year bill, about Work Comp MPN**

**SB 652 (Umberg) special language for Expert Witnesses to use**

**Signed by the Gov June of 2023 and in force as of 01-01-24**

Roger Bertoli joined the Legislative meeting and expressed his interest. He is from Los Angeles.

Steve Cattolica came up with the idea of being able to go on

the CNS website>>>>>then click on the link to

the Advocacy Website/LEDGE>>>>>

then click on the link that has a

pop up connection to the site where you put in your ZIPCODE and

out pops the name of your California STATE Assembly Person

and the name of your California STATE Senator

and after reading all your EEG's, signing charts, and continuing Education you can make an appointment with your local legislators, and let them know that you are a "go to" person about the CNS and legislation that we are interested in.

this is your opportunity to GO VISIT.

AB 796 increasing scope of Athletic trainers 2 year bill

AB784 2 year bill

AB582 2 year bill

SB 598 Important for our group. This would allow doctors that have obtained multiple approved prior authorizations from the insurance companies to be allowed to order testing and treatment (in the same pattern) without having to get a PA

AB815 This is one that needs to be discussed at the next meeting.

It sets up a parallel credentialing process Existing law requires requirements for provider credentialing by a health care service plan or health insurer.

We might want to use this bill as ammunition for Cortese's bill, What is the point of setting up more credentialing if doctors that don't even have a license in California can practice medicine here.

We could point out that someone somewhere thinks it is good to have credentialing so why not make sure that doctors must have a CALIFORNIA license.

Also, these other boards may use incorrect criteria, because the entities will be controlling the process, such as .....don't give the doctor a good rating if they put sick patients in the hospital (cheaper as outpatient)

AB101 and SB 101 We are counting on Steve Cattolica that there are no hidden agenda bills in the budget

AB 470 is another bill that we can use as a weapon to fight for DUTY OF Care. It is trying to have doctors improve their communication skills

Here is another bill trying to improve doctors by more continuing education, but we can point out that doctors providing, supervising and reviewing treatment in California must be licensed in California and that the Medical Board of California already has Continuing Medical Education protocols in place and that there are doctors coming into the state that are not subject to the Education requirements.

Does this group even know about the KING trial? Or the judges opinion, are they good allies?

AB 931 has something to do with Physical therapy authorizations will put on agenda for discussion next meeting

AB 616 Medical group financial transparency Act also requires some in depth analysis (Rodriguez) will put on the next meeting agenda

From Johanna Rosenthal MD

### CNS Legislative Committee Meeting **March 12, 2023**

Present: BOB WEINMANN, JOHANNA ROSENTHAL, STEVE CATTOLICA, JEFF KLINGMAN, STEVE HOLTZ, ROBYN YOUNG, SHARON YEGIAIAN, STELLA LEGARDA

Meeting started at 7:05 PM.

Current Agenda: neurology-related bills to weigh in on at the upcoming COL March 17, 2023

We discussed the previously emailed 6 selected bills and formed consensus opinions which are now attached as a "sticky note" to each relevant bill.

See attached PDF and go to the specific pages:

Pages

- 35 AB 387 Alzheimer Dse Committee
- 54 AB 734 Tackle Football
- 77 AB 1029 Advanced Directive
- 98 AB 1241 Telehealth
- 163 SB 357 Physician reporting
- 188 SB 636 Workers Comp/ UR (Cortese bill)

The 'sticky note' statements reflect the meeting's majority consensus; there were minority opinions from Drs. Johanna Rosenthal and Robyn Young on SB 357 which they oppose.

**\*\* Directions on sticky notes:**

**Simply hover over the sticky note to open and read.**

**Double click on the note if you wish to make edits; after making edits, close and save as a new PDF file and send your revised PDF file back to me.**

New Business:

Dr. Rosenthal set the next legislative meeting for March 28, 2023 at 7 PM and the agenda will include:

- 1) report back from COL by Dr. Stella Legarda
- 2) **Agenda of speakers** for the 90 minutes legislative session at the next conference; these should be printed on the upcoming email invites
- 3) exploring the minority opinions stated tonight further
- 4) other agenda to be set by Dr Rosenthal

Dr. Sharon Yegiaian requested Dr.Legarda to also share a report back from the COL at the end of the next program committee meeting March 21, 2023.

The meeting adjourned at 8:35 PM.

Prepared by Dr Stella Legarda

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**Dear All,**

Here are the **minutes taken (in blue)** during the Legislative Committee meeting held tonight via Zoom Wednesday March 1, 2023 at 7 PM.

**Main topics:** AB-734 - banning tackle football for pediatric population less than 12 years of age

SB 357 - removing outdated language from requiring physicians reporting to DMV

**Main Meeting Objectives:** 1) formulate a professional response to Assemblyman McCarty.

2) **editing template support letter to Senator Portantino.**

Present: *Dr Sharon Yegiaian, Dr Robyn Young, Dr Steve Holtz, Steve Cattolica, Dr Robert Weinmann, Dr Johanna Rosenthal, Dr Stella Legarda*

*\*\* relevant items discussed during this meeting are attached to this email\*\**

**Agenda: meeting begins at 7:03 PM**

**A AB-734 - prohibiting Tackle Football**

1) AB-734 - banning tackle football for pediatric population less than 12 years of age - history and review by Steve Cattolica - 5 minutes

**Steve will interact with McCarty staffer early next week; further determine what "sponsorship" means.**

**CMA will support a Bill one of its specialty societies will sponsor, so this will be a bonus for them (most likely).**

2) reach out from Assemblyman McCarty staff member, timeframe of/ CNS' chosen manner of response - Sharon Yegiaian - 5 minutes

**\*\* Because THEY reached out to us first; we should have relevance input on further facts we can add: (Steve C)**

**a) we will be vanguard for getting his support; other healthcare providers will have input**

**b) pushback or 'opposed unless amended' from others so requires strong amendments /our facts input should help**

3) literature on safety of tackle football - Johanna Rosenthal - 5 minutes - **no opposition will be considered**

4) literature on "mild" traumatic brain injury (mTBI), brain development of white matter, and ped neuro perspective - Stella Legarda - 5 minutes --> **initial draft letter circulated followed by updated version edited by Jeff K for brevity; information in unabridged version may be used in addenda to letter of support as footnotes to references. (Attaching one additional relevant article cited on WM development.)**

6) draft presentation outline - **Our position: support with assistance/specialist input**

**B. SB 357 - reporting to DMV**

**Jeff Klingman (absent) has history of working against this Bill/ is digging up supportive material; attached with this minutes email:**

**a- letter from Epilepsy Foundation(LA)**

**b - Fact Sheet on SB 357; 44 states do not have this requirement of physicians; physician-patient relationship ta risk**

**c - template support letter --> Steve C and Jeff K will edit from a unique Neuro perspective; Steve C will then circulate this back to all of us for final /unanimous approval before sending.**

*Open table discussion: reveals individual methods in managing this very significant subject impacting lives of PWE in California within (or not within) current Law Johanna--> confer temporary disability ?*

**Steve C --> will forward us the full Bill for our review**

*See relevant attachments on this bill.*

*(Steve C and Jeff K please see note below)*

**Last few minutes to discuss:**

**our organization's Top Priority for the year: open for discussion.**

**To be presented at the March 6 CMA Specialty Delegation meeting per their directive.**

**1- Cortese Bill for UR physicians to be licensed = written too broadly. Consider amendments that better define the Bill, like the CMA Resolution language.**

**2- AB-734 --> CNS strongly supports this Bill**

**3- SB 357 --> CNS strongly supports this Bill**

**Schedule next CNS Legislative Committee meeting to discuss the bills being presented at this year's COL and that pertain to neurology. The COL will meet in Sacramento March 17, 2023. The List of Bills to be discussed will be distributed to delegates March 10.**

**Next scheduled meeting is March 12, 2023 at 7 PM - 8 PM**

**Stella will send a meeting agenda with Bills attached for our review shortly after March 10 -- please watch for it, review the Bills (all pertaining to neurology practice) and prepare to contribute to our meeting.**

Meeting adjourned at 8:10 PM

Prepared by Dr Johanna Rosenthal

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## **CNS Legislative Committee Meeting Minutes for Tuesday, March 15, 2022 6:30-7:30 PM**

**Moderator: Stella Legarda, MD**

1. Welcome; come to order; roster of attendees

Dr. Robert Weinmann, Chairman- present\_\_  \_\_ absent \_\_\_\_

Dr. Johanna Rosenthal- present\_\_  \_\_ absent \_\_\_\_

Dr. Stella Legarda- present\_\_  \_\_ absent \_\_\_\_

Dr. Steven Holtz- present\_\_  \_\_ absent \_\_\_\_

Steve Cattolica- present\_\_  \_\_ absent \_\_\_\_

New members:

Dr. Zoltan Mocsary- present \_\_\_\_ absent  \_\_

Others present: Voting members – Dr. Jeff Klingman\_  \_\_

Non-voting members/ guests – Judge Clint Feddersen \_  \_\_

2. **AB 1810**- update from Steve Cattolica (position **support** letter attached); no other news



**AB 1810** - CMA position = "*watch*"; CNS position = we voted **support**/ sent position statement letter to Levine; Dr Legarda to write brief CNS position of **support** to CMA

→ invite staff member of Levine's office to speak at Spring Conference (Steve C has contact info)

3. **Senate Bill 1327 (Hertzberg)** gun legislation – discussed; likely not DOC-related

→ Spring Meeting invite ok ; Staff Contact: Christine Aurre: [Christine.Aurre@sen.ca.gov](mailto:Christine.Aurre@sen.ca.gov) or 916-651-4018

4. **Prior Auth = most major Issue to neurologists in 2022 per AAN**

"594 respondents ranked top 3 issues they felt should be AAN policy priorities in 2022":

#1 = administrative burden associated with **prior authorization** (53 percent)

**AB 1880 – prior auth** and step therapy; Dr L reviews CMA "**support**" (COL to-be-debated March 18 )

- Last meeting Drs Young/ Holtz discussed important need to expand DOC to include Prior Auth

- \* "**clinical peer definition**" in Bill; needs to include elements of DOC. That is, definition of "clinical peer" to include licensed in CA/ subject to DOC laws and to MBC

- Attach R spot bill to AB 1880 → see Judge Feddersen opinion below

5. **Duty of Care**

**Resolution 203-22** is now official CMA Policy adopted 2/7/2022

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**Invited Guest: Workers' Comp Judge Clint Feddersen stated the following** (*clarified in email to me later*):

→ fight for **AB 1880** amendment = **totally related to duty of care.**

**a) Define "clinical peer" as above; b) add spot Bill with R number**

→ Writing a Bill is way to go otherwise to revise current UR Workers' Comp language:

**Utilization Review (UR) Duty of Care: Need for Legislative Intervention**

"The Legislature may wish to examine whether the existing safeguards provide sufficient incentives for competent and careful utilization review." Concurring Opinion of Justice Goodwin H. Liu, King v. CompPartners, Inc. (2018) 5 Cal.5<sup>th</sup> 1039 at 1063

→ Existing remedies: "weaning of medications" guidelines –

**Existing Remedies: Penalties/Sanctions/Fees (Labor Code (LC) 5813/5814/5814.5)**

"...the MTUS for Chronic Pain Medical Treatment Guidelines includes a section entitled "Weaning of Medications," ([Admin. Director's Rule 9792.24.2](#)) which provides in part:

Opioids: For opioids a slow taper is recommended. The longer the patient has taken opioids, the more difficult they are to taper. The process is more complicated with medical comorbidity, older age, female gender, and the use of multiple agents. Gradual weaning is recommended for long-term opioid users because opioids cannot be abruptly discontinued without probable risk of withdrawal symptoms. (Benzon, 2005) Patients with complex conditions with multiple comorbidities (including psych disorders) should be referred to an addiction medicine/psychiatry specialist. Opioid weaning should include the following: (a) Start with a complete evaluation of treatment, comorbidity, psychological condition; (b) Clear written instructions should be given to the patient and family; (c) If the patient can not tolerate the taper, refer to an expert (pain specialist, substance abuse specialist); (d) [\[\\*17\]](#) Taper by 20 to 50% per week of original dose for patients who are not addicted (the patient needs 20% of the previous day's dose to prevent withdrawal); (e) A slower suggested taper is 10% every 2 to 4 weeks, slowing to a reductions of 5% once a dose of 1/3 of the initial dose is reached; (f) Greater success may occur when the patient is switched to longer-acting opioids and then tapered; (g) Office visits should occur on a weekly basis; (h) Assess for withdrawal using a scale such as the Subjective Opioid Withdrawal Scale (SOWS) and Objective Opioid Withdrawal Scale (OOWS); & (i) Recognize that this may take months.

Thus both the MTUS and the UR review provide that the applicant's pain medications must be slowly tapered to avoid the deleterious effects applicant actually suffered. Thus, the record does not contain any evidence to support defendant's denial of authorization of applicant's prescriptions for pain medications, and in fact the applicable MTUS standards actually recommended against defendant's immediate termination of refills. Defendant could not reasonably rely upon the UR physician's report as a basis to immediately terminate applicant's prescriptions. Thus, there is no [\[\\*18\]](#) evidence to support a finding that defendant had a genuine doubt from a medical or legal standpoint as to its liability for the continued provision of the narcotic medication prescribed by applicant's primary treating physician...

...**IT IS ORDERED** that this matter be returned to the trial level for the determination of the penalty to be imposed, pursuant to [Labor Code section 5814](#), increased by a reasonable attorney's fee pursuant to [Labor Code section 5814.5](#), [\[\\*21\]](#) in an amount to be determined."

Majority opinion of Commissioner Marguerite Sweeney, Adel Salem v. County of Riverside, 2014 Cal. Wrk. Comp. P.D. LEXIS 206 (writ denied, County of Riverside v. Workers' Comp. Appeals Bd. (Salem) (2014) 79

Judges can apply other remedies for UR that violates the duty of care:

- Injured workers can seek increased disability/care for failure of treatment and argue against nonindustrial apportionment (see *Hikida v. WCAB* (2017) 12 Cal. App. 5th 1249)
- Independent Medical Review (IMR) of UR can be appealed for plainly erroneous misapplication of Medical Treatment Utilization Schedule (or MTUS, which advises tapering of medications, among other things)
- *Dubon II / Bodam* cases can give WCAB jurisdiction over untimely UR
- Per *Patterson* case, no UR is required for ongoing care (but not for meds, see *McCool* case)
- URAC Accreditation is required of all review organizations by 7/1/18 per LC 4610(g)(4)
- The Administrative Director (AD) of the Division of Workers' Compensation (DWC) can assess administrative penalties for repeated unreasonable conduct (up to \$400,000, LC 5814.6)

----- (Thank you, Judge Feddersen.)

6. **Chair Summary:** Dr Weinmann update/ none

7. **Spring Legislative Meeting** at Universal Sheraton- Current format: we have 90 minutes

5 minutes Dr. Legarda – CNS Membership → CNS website/ Legislative website

5 minutes Dr. Legarda - CMA updates/ DOC resolution adopted by CMA/ Introduce Speaker Dr Murphy from CMA

15 minutes (+ QA) **Dr. Tim Murphy**, Board of Trustees, California Medical Association

15 minutes Dr. Bob Weinmann – advocacy for neurologists/ for our patients-; current threats

15 minutes Dr. Rosenthal – potential for spot bill (R#); Grassroots → membership activity/ what YOU can do

15 minutes Steve Cattolica - current pending legislation

15 minutes - **Membership Round Table Discussion**

8. **CNS position on other CMA positions** for pending Bills-

AB217 – mobile stroke units “*watch*”; AB18569(Levine); ACA 11 (Kalra); AB 2288 (Choi) -mental health in adv dir.

**AB 2060** brought forward by Dr Klingman; CMA position: “*support if amended*”; CNS vote tonight: **oppose**

9. **Next meeting : Tuesday, March 29 , 6:30-7:30 PM**

10. Meeting adjournment: 845 PM

Prepared by: S Legarda, 3/15/2022

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### CNS Legislative Committee Meeting Minutes **Wednesday, March 9, 2022 6:30-7:30 PM**

Moderator: Stella Legarda, MD

11. Welcome; come to order; roster of attendees ( **5 minutes**)

Dr. Robert Weinmann, Chairman- present  absent

Dr. Johanna Rosenthal- present  absent

Dr. Stella Legarda- present  absent

Dr. Steven Holtz- present  absent

Steve Cattolica- present  absent

New members:

Dr. Zoltan Mocsary- present  absent

Others present: Voting members – Dr. Robyn Young  Dr. Jeff Klingman

Non-voting members -

12. Everyone gave a brief update of their well-being/ activities; Steve C had an active cold (get better soon)

13. Dr. Rosenthal discussed current progress/ strategic methods on finding an author for DOC legislation

- Grassroots approach; each CNS member approaching their local legislator/ seek audience

- Dr Rosenthal has secured an R number that we can apply to a “spot bill” to attach to an active **Bill**, consistent with and inclusive of the elements of our DOC Resolution,; consider Levine’s epilepsy bill

- Dr Rosenthal awaiting audience with Governor's office/ potential of spot bill to gun legislation/ pending Bill
- open discussion:
  - a) consensus that Marc Levine and associates are an alliance to actively support, invite to Spring meeting, and in future seek support back from
  - b) Dr Robyn Young discussed the need to expand DOC concept beyond WC; Dr Steve Holtz concurred
  - c) discuss gun Bill next meeting and consider inviting Newsom staffer to Zoom into our Spring meeting x 10 minutes/ 5 minutes QA; get us on their Rolodex; alliances/ possible allies to bring up DOC with
  - d) identify our Champion for Duty of Care
- 14. Dr. Steve Holtz on related affairs at AAN: echoed Dr Young's need to expand DOC beyond DOC because WC affects very few neurologists; should include Prior Auths and other UR activities
  - open for discussion Steve C reminded how DOC relates to all UR, not just WC in Knox-Keene Act; Steve H stated the KKA statute remains repeatedly disregarded. Dr Weinmann and Steve C input importance of needing to stay focused. Dr Legarda input that DOC has come to CA Assembly Floor and three times vetoed by 3 different Governors; why expect anything new? Steve C states: new people. Dr Legarda states: we need new creative strategy; if we don't need another strategy, since we were once able to get DOC to Assembly Floor before why not just do same as done before and never mind all this effort to do it another way – and hope for a different outcome “because the people are new”. Steve C states this is true, that a repeat of same is feasible/ way things get done historically.
- 15. Chairman: Dr. Bob Weinmann discussed AB1810; all present had had a chance to read the Bill and the piece on Marc Levine/ author of Bill
  - merits of the Bill (please review before meeting \* attached to email)
  - criticisms of the Bill – Dr Legarda wondered if the “intervention” for seizure were vague enough to include intranasal medications/ VNS magnet; Dr Jeff Klingman iterated this was vague enough to be favorable for the Bill as written
  - position of CNS legislative committee on the Bill? → VOTE = 7 ayes 0 nays
  - Steve Cattolica to pen Position Statement of CNS re this Bill and will circulate this to us by email by tomorrow
- 16. Date of next meeting: consensus agreement for next Tuesday March 15, 2022 at same time 6:30 – 7:30 PM**

**TABLED** for next meeting

17. Dr. Robyn Young will invite Workman Comp Judge Clint Federson to the next meeting; Judge Federson very supportive of the DOC resolution and may have suggestions/ offer guidance in our search for Champion
18. Discuss Newsom's upcoming gun legislation Bill; letter of Position Statement as a result; get us on their Rolodex/ alliances/ possible allies to bring up DOC with → search for Champion
19. Formulate the Legislative Meeting portion of upcoming Spring Meeting topics for discussion with membership conference attendees - Current format: we have 90 minutes
  - Dr. Legarda – CNS Membership; status of membership - 5 minutes; go over CNS website/ Legislative website
  - Dr. Legarda – CMA Delegate, report back from CMA; introduce Special Speaker: - 5 minutes
  - Dr. Tim Murphy, Board of Trustees, California Medical Association; get involved – 15 minutes (+ QA)
  - Dr. Bob Weinmann – advocacy for neurologists/ for our patients- 10 minutes; current threats
  - Dr. Rosenthal – Grassroots; membership activity/ what YOU can do – 10 minutes
  - Steve Cattolica - ? what topic?** – 15 minutes
20. Old Business: (if time permits)
  - AB359 – emergency licensing of out of state physicians (\*Covid19)
  - AB 890 – creation of NPAC
  - Dr. Legarda: current state of Duty of Care Resolution at CMA/ follow up activity in this regard
  - → open for discussion

**Meeting was Adjourned at 7:35 PM**

Prepared by Dr Stella Legarda

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Present: Drs. Steven Holtz, Johanna Rosenthal, Robert Weinmann, Stella Legarda

AGENDA:

- 1) Script** for meeting scheduled with Assemblymember Stone's designated representative tomorrow Wed Feb 9 at 4 PM
- 2) Template Letter** our CNS members can mail to their representatives online requesting same type grass roots audience to garner support for DOC
- 3) Legislative Hour** content - Spring meeting, April 22-24, 2022  
→ participation of **Dr Tim Murphy**, CMA Board of Trustees
- 4) cnslegislativecommittee.org website:** feedback/ ideas

**1) Script for grass roots discussions with member's representative designee**

Steve Cattolica's email was discussed fully: all agreed to follow it closely.

- A) These folks are extremely busy. We need to be respectful of their time. There are many benefits [to keeping to a script] including, the staff leaving the call with a good feeling about being well respected.
- B) Brevity sets up an opportunity to follow up later. The call should be no more than 30 minutes *unless the staffer* extends it/ requests more information - which we promise to get to them soon – provide only an overview of what they will receive.

- 1) **Brief** introductions: Presuming the staffer has already been identified, quickly go through who from CNS is on the call (no more than 2 recommended, *in these initial calls* especially, *strength is not in numbers as much as in concise*)
- 2) Why are we calling/meeting (Someone from CNS takes notes during the call or the meeting)

- **Stella will ask Steve to give:** BRIEF history of the issue and CNS' involvement in it. A "nuts and bolts" description of the problem and why the problem needs solving NOW.
- **Stella:** Current events - CNS DOC resolution and CMA adoption of it as official policy - (BRIEF statement about the Supreme Court ruling in King v CompPartners - King did not win, but the SC opinion clearly instructed the legislature to revisit UR because it's clearly not working as they may have intended.) *\*When another CNS member is present for this meeting, Johanna would take over this piece and the next \**
- **Johanna:** Therefore, the need for simple legislation that will require all UR physicians be licensed in Calif and thereby making decisions with a bit more at stake than is currently the case (re-mention King v CompPartners).  
Johanna: give examples of your patients affected by UR gone awry.  
Ask for questions **Johanna and Steve should answer these questions: Johanna on the need for legislation now; Steve on any long history/ nuts and bolts**
- Answer the questions as briefly as possible.
- **Stella:** "These patients are getting harmed. Your working constituents who get hurt on the job are not guaranteed the same level of care they would get from any other California-licensed doctor." Talk about epilepsy cases and medications refused.
- Ask that the staffer: **does this policy pique your interest; would you please ask my Assemblymember if he would sponsor and support the policy; furthermore, if he would entertain authoring or co-authoring possible legislation.**
  - How much time might the staffer need before CNS might learn if the member is interested or not?
- Ask for more questions.
- Set another appointment - even if it's for a phone call to find out the member's response or need for more information.
- IF the staffer wants to keep talking about the issue, then let them do so until they and their questions are satisfied, otherwise.
- **Thank them for their time**, "stand up" figuratively speaking.
- Repeat the date/time or time frame for the follow-up and close the meeting.

**2) Letter Template for CNS members:**

Assemblymember [ ],

My name is [ ]. I am a practicing neurologist living and working within your district. I wish to gain your

attention to my professional organization, California Neurology Society (CNS). CNS itself is recognized by the California Medical Association (CMA).

Our CNS Legislative Committee has written a resolution signifying current healthcare encumbrances impacting all Californians, especially injured workers. I am proud to announce that this resolution was submitted to the CMA Board of Trustees which adopted it on consent as official CMA policy.

Specifically aimed at California's workers compensation system, the resolution, entitled: "Duty of Care: Requisite Principle in All Healthcare Contractual Language," requires all physicians who are involved in evaluating and approving treatment for California's injured workers have the same level of responsibility and "duty of care" as the physicians who are face-to-face with the patients and provide hands-on care on an ongoing basis.

You might be thinking, "Of course, that makes sense. Why would it be otherwise?"

To answer that question properly and concisely is the purpose of my writing to you. I would very much like to schedule a Zoom meeting between you/ one of your trusted staff and two members of our legislative committee, and myself, so we may discuss this further and share the legal background.

Indeed, we are confident this represents a critically important benefit to your constituents who become hurt or sick because of their employment. We hope for your support when the subject comes to the Assembly.

Our specialty organization's advocacy committee members look forward to the opportunity of bringing the details of our Duty of Care resolution to your attention. Please have your staff contact the CNS Legislative Committee at this email address: [cnslegcomte@gmail.com](mailto:cnslegcomte@gmail.com) to schedule a meeting and to please copy me at the above email address.

Sincerely,

[first name]

[full professional name]

3) **Discuss Legislative Hour of Spring meeting** – we can discuss this as part of Program Committee

→ ?do we need a BRIEF ethics type presentation on Duty of Care? – Steve said yes; Bob asked Stella to do this

→ present DOC Resolution and Letter Template above to CNS members and direct them to website for details

→ spillover into program committee meeting = details of whole hour there

→ **Dr Tim Murphy from CMA Board of Trustees – needs 10 minutes plus any Q and A**



Timothy Murphy

to me ▾

I think 5-10 minutes at your legislative hour would be great! I can explain how CMA policy is created, then applied to legislation, and how CNS can partner with CMA on its top priorities. Those concerns of many specialty organizations, making CMA's Specialty Delegation a good place to amplify messages to CMA leadership.

The day is not important - I have nothing scheduled for that weekend. I might not make the drive to LA for such a brief appearance, but then again, depending on the agenda, I might appear in person. As I pointed out, psychiatry and neurology have a lot in common.

Tim

4) **Feedback on website**

Steve Holtz: Have an item on Universal Care; discuss pros and cons without forming strong opinion for or against

Meeting adjourned.

Prepared by Stella Legarda, MD  
February 8, 2022