

BEFORE THE
SCIENTIFIC AND MEDICAL RESEARCH FUNDING WORKING GROUP
OF THE
INDEPENDENT CITIZENS' OVERSIGHT COMMITTEE
TO THE CALIFORNIA INSTITUTE FOR REGENERATIVE MEDICINE
ORGANIZED PURSUANT TO THE
CALIFORNIA STEM CELL RESEARCH AND CURES ACT
REGULAR MEETING

LOCATION: INTERCONTINENTAL MARK HOPKINS
NUMBER ONE NOB HILL
999 CALIFORNIA STREET
SAN FRANCISCO, CALIFORNIA

DATE: JANUARY 8, 2007
8 A.M.

REPORTER: BETH C. DRAIN, CSR
CSR. NO. 7152

BRS FILE NO.: 77090

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I N D E X

ITEM	DESCRIPTION	PAGE NO.
CALL TO ORDER		3
ROLL CALL		3
CONSIDERATION OF RECOMMENDATIONS TO THE ICOC:		14
A.	DESIGNATION OF A SCIENTIFIC MEMBER OF THE GRANTS WORKING GROUP BY THE CHAIR TO SERVE AS ALTERNATE CHAIRPERSON IN THE ABSENCE OF THE CHAIR	
B.	DESIGNATION OF AN ICOC PATIENT ADVOCATE MEMBER OF THE GRANTS WORKING GROUP BY THE VICE CHAIR TO SERVE AS ALTERNATE VICE CHAIRPERSON IN THE ABSENCE OF THE VICE CHAIR	
C.	DESIGNATION OF OTHER PATIENT ADVOCATE MEMBERS OF THE ICOC TO SERVE AS ALTERNATES IN THE ABSENCE OF ANY OF THE ICOC PATIENT ADVOCATE MEMBERS OF THE GRANTS WORKING GROUP	
PRESIDENT'S REPORT		4
PUBLIC COMMENT		NONE
ADJOURNMENT TO CLOSED SESSION		43

1 SAN FRANCISCO, CALIFORNIA; MONDAY, JANUARY 8, 2007

2 8:30 A.M.

3

4 CHAIRMAN ORKIN: I THINK WE'RE GOING TO
5 CALL -- I THINK WE'RE GOING TO CALL THIS TO ORDER.
6 WELCOME. I THINK WE'RE CALLING OURSELVES TO ORDER
7 HERE. WE HAVE ONE MORE MEMBER COMING, SO NOW WE HAVE A
8 QUORUM. FIRST ORDER IS A ROLL CALL.

9 DR. CHIU: SCIENTIFIC AND MEDICAL RESEARCH
10 FUNDING WORKING GROUP OF THE CALIFORNIA INSTITUTE FOR
11 REGENERATIVE MEDICINE. GOOD MORNING. I'LL DO THE ROLL
12 CALL.

13 MARCY FEIT. BOB KLEIN.

14 MR. KLEIN: HERE.

15 DR. CHIU: SHERRY LANSING. JOAN SAMUELSON.
16 DAVID SERRANO-SEWELL. JEFF SHEEHY. JANET WRIGHT.

17 DR. WRIGHT: HERE.

18 DR. CHIU: SUSAN BONNER-WEIR.

19 DR. BONNER-WEIR: HERE.

20 DR. CHIU: ALI BRIVANLOU.

21 DR. BRIVANLOU: HERE.

22 DR. CHIU: MARIE CSETE.

23 DR. CSETE: HERE.

24 DR. CHIU: STEVEN EMERSON.

25 DR. EMERSON: HERE.

1 DR. CHIU: ANDREW FEINBERG.
2 DR. FEINBERG: HERE.
3 DR. CHIU: JOHN ODORICO.
4 DR. ODORICO: HERE.
5 DR. CHIU: STU ORKIN.
6 CHAIRMAN ORKIN: HERE.
7 DR. CHIU: FRANK RAUSCHER. PAUL ROBERTSON.
8 DR. ROBERTSON: HERE.
9 DR. CHIU: MIKE ROSEN.
10 DR. ROSEN: HERE.
11 DR. CHIU: JEFFREY ROTHSTEIN. DENNIS
12 STEINDLER.
13 DR. STEINDLER: HERE.
14 DR. CHIU: RAINER STORB.
15 DR. STORB: HERE.
16 DR. CHIU: AMY WAGERS.
17 DR. WAGERS: HERE.
18 DR. CHIU: WISE YOUNG.
19 DR. YOUNG: HERE.
20 DR. CHIU: THANK YOU.
21 CHAIRMAN ORKIN: WELCOME. I THINK THE FIRST
22 ORDER OF BUSINESS IS ACTUALLY TO TURN TO ZACH, WHO WILL
23 DISCUSS, I THINK IT'S, ITEM 4.
24 DR. HALL: HOW ABOUT IF I DO THE PRESIDENT'S
25 REPORT IN THE HOPE THAT SOMEBODY ELSE WILL COME AND WE

1 HAVE A QUORUM. I DON'T HAVE A LOT TO SAY. SOME OF YOU
2 WERE HERE IN NOVEMBER. WE HAD A GRANTS REVIEW WORKING
3 GROUP MEETING TO EVALUATE AND REVIEW 232 SEED GRANTS,
4 AND I SAY THAT IN THE HOPES THAT ALL OF YOU WILL
5 RECOGNIZE HOW LIGHT THE LOAD IS THIS TIME. WE ONLY
6 HAVE 70, BUT IT WAS QUITE A REMARKABLE THREE DAYS IN
7 WHICH WE DID REVIEW THOSE GRANTS AND MAKE
8 RECOMMENDATIONS TO THE ICOC, AND WE WERE VERY PLEASED
9 AND EXCITED TO HAVE DONE SO.

10 IT WAS JUST THAT 200 GRANTS ARE MORE -- OR
11 232 GRANTS IS MORE THAN THE USUAL NIH STUDY SECTION
12 DOES IN A YEAR, SO THIS WAS QUITE AN EXTRAORDINARY
13 ACCOMPLISHMENT BY THE WORKING GROUP. AND I WANT TO SAY
14 HOW MUCH WE APPRECIATE IT TO THOSE OF YOU WHO WERE
15 HERE, AND FOR THOSE WHO AREN'T HOW MUCH WE APPRECIATE
16 THE HARD WORK AND DEDICATION FOCUSED BY ALL THE WORKING
17 GROUP MEMBERS WHO HELPED MAKE THIS POSSIBLE.

18 THOSE GRANTS WILL -- THOSE RECOMMENDATIONS
19 WILL THEN GO TO THE ICOC AT ITS FEBRUARY 15TH MEETING
20 FOR APPROVAL. AND THE STAFF IS CURRENTLY WORKING VERY
21 HARD TO WRITE UP BOTH THE CONFIDENTIAL SUMMARIES, WHICH
22 GO BACK TO THE APPLICANTS, AND THE PUBLIC SUMMARIES OF
23 THOSE DISCUSSIONS WHICH WILL BE PROVIDED TO THE ICOC.

24 AND JUST AS A REMINDER TO THOSE WHO MAY BE
25 NEW TO OUR PROCESS, THE WORKING GROUP MAKES

1 RECOMMENDATIONS, IT REVIEWS, EVALUATES, AND MAKES
2 RECOMMENDATIONS, BUT DOES NOT MAKE FINAL DECISIONS.
3 FINAL DECISIONS ARE MADE BY OUR BOARD, THE ICOC. WE
4 HAVE SIX MEMBERS OF THE BOARD PLUS THE CHAIR ON THIS
5 WORKING GROUP AS PATIENT ADVOCATES, AND THE BOARD MAKES
6 ITS DECISIONS IN A PUBLIC MEETING. AND SO WE HAVE
7 TRIED TO DEVISE POLICIES THAT SKIRT THE LINE BETWEEN
8 MAINTAINING CONFIDENTIALITY AND PROVIDE AS MUCH
9 TRANSPARENCY AS WE CAN. WE BELIEVE THAT THE
10 CONFIDENTIALITY IS VERY IMPORTANT TO GET THE BEST
11 POSSIBLE PRODUCT OF THIS PROCESS FOR THE CALIFORNIA
12 PEOPLE; THAT IS, MAKING SURE THAT WE RECEIVE THE BEST
13 IDEAS THAT PEOPLE HAVE AND THAT WE GET THE MOST CANDID
14 JUDGMENTS ABOUT THOSE IDEAS AND ABOUT THOSE
15 APPLICATIONS AND THAT WE PROTECT UNPUBLISHED DATA AND
16 OTHER CONFIDENTIAL INFORMATION.

17 SO WE WILL PROVIDE, THEN, AT THE PUBLIC
18 MEETING THE TITLE OF THE GRANT. WE DO NOT PROVIDE
19 EITHER THE APPLICANT'S NAME OR THE INSTITUTION. WE
20 PROVIDE THE TITLE OF THE GRANT, WE PROVIDE A LAY
21 SUMMARY WHICH IS WRITTEN BY THE APPLICANT. WE PROVIDE
22 A BENEFIT-TO-CALIFORNIA PARAGRAPH, AND THEN WE PROVIDE
23 A RESUME AND SYNOPSIS OF THE DISCUSSION THAT WAS HAD
24 HERE, AND WE ALSO PROVIDE THE SCIENTIFIC SCORE AND WE
25 PROVIDE THE BUDGET, AND THEN THE ICOC MAKES ITS

1 DECISIONS ON THAT BASIS.

2 SO WE WILL BE GOING TO THE ICOC WITH THE SEED
3 GRANTS FEBRUARY 15TH, AND OUR HOPE IS TO TAKE THE
4 RECOMMENDATIONS THAT ARE MADE IN THE NEXT SEVERAL DAYS
5 TO THE ICOC IN MARCH. AND THEN THIS WILL -- WE WILL BE
6 ABLE TO AWARD FUNDS AND GET THE MONEY OUT SHORTLY AFTER
7 THAT, AND WE'RE QUITE EXCITED ABOUT THIS WHOLE PROCESS
8 OF FINALLY GETTING STEM CELL RESEARCH GOING IN A BIG
9 WAY SPONSORED BY CIRM AND CALIFORNIA.

10 SO JUST TO SAY THAT YOU ARE PARTICIPATING IN
11 WHAT FOR US IS A VERY HISTORIC EVENT; THAT IS, OUR
12 FIRST EFFORTS TO GET MONEY OUT TO SUPPORT STEM CELL
13 RESEARCH IN CALIFORNIA BY THE INSTITUTE.

14 THERE IS A THIRD PART TO THIS, WHICH IS A
15 SHARED SPACE RFA; AND THAT IS THAT WE PLAN TO GIVE
16 MONEY TO INSTITUTIONS TO DEVELOP SPACE THAT CAN BE
17 USED, SHARED AMONG DIFFERENT INVESTIGATORS FOR
18 EMBRYONIC STEM CELL RESEARCH OUTSIDE THE FEDERAL
19 GUIDELINES. AS MANY OF YOU KNOW, IT'S VERY DIFFICULT
20 FOR INSTITUTIONS TO USE SPACE SUPPORTED IN ANY WAY BY
21 NIH FOR THIS RESEARCH.

22 I'LL JUST MAKE A NOTE; THAT IS, OUR CHAIR,
23 BOB KLEIN, HAS BEEN IN WASHINGTON TRYING TO WORK ON
24 ASPECTS OF THIS PROBLEM, AND WE HOPE THAT THERE WILL BE
25 A CHANCE DURING OR PERHAPS IN CONNECTION WITH THIS

1 MEETING FOR HIM TO GIVE A REPORT ON THE VERY IMPORTANT
2 WORK THAT HE'S DONE IN WASHINGTON ON THIS ISSUE.

3 AT ANY RATE, THAT RFA, WHICH WILL PROVIDE
4 MONEY FOR DEVELOPING A MODEST AMOUNT OF SPACE; THAT IS,
5 UP TO 2,000 -- SEVERAL THOUSAND SQUARE FEET OF SHARED
6 SPACE, WE HOPE THAT RFA WILL GO OUT THIS WEEK. WE'RE
7 WORKING VERY HARD ON THAT. WE HAVE A TIGHT SCHEDULE TO
8 MEET TO MAKE THAT AWARD IN JUNE. AND IF WE ARE ABLE TO
9 DO THAT, THEN OVER THIS NEXT SIX MONTHS, WE WILL END UP
10 MAKING AN AWARD THAT, COUPLED WITH OUR TRAINING GRANTS,
11 WILL RESULT IN A TOTAL OF \$190 MILLION COMMITTED TO
12 STEM CELL RESEARCH IN CALIFORNIA. SO THAT WE SEE --
13 THAT'S OUR GOAL, AND WE ARE WORKING VERY HARD TO
14 ACHIEVE THAT.

15 THE ONLY OTHER PERSONAL NOTE THAT I MIGHT
16 MAKE AS PART OF MY PRESIDENT'S REPORT, AS MANY OF YOU
17 MAY KNOW, I ANNOUNCED AT THE DECEMBER BOARD MEETING
18 THAT I WILL BE STEPPING DOWN SOMETIME IN THE NEXT SIX
19 MONTHS. I'M AT THE TIME IN MY LIFE AND CAREER WHEN I'M
20 READY TO RETIRE AND STOP WORKING SO HARD, AND I WOULD
21 LIKE VERY MUCH TO GET MOST OR ALL OF THE FUNDS OUT FOR
22 THESE THREE RFA'S BEFORE I LEAVE. THAT WILL BE MY
23 OBJECTIVE, BUT THE ICOC WILL BE LOOKING FOR A NEW
24 PRESIDENT. SO IF ANY OF YOU IN THE AUDIENCE OR BEHIND
25 THE TABLE ARE INTERESTED, BY ALL MEANS CONTACT THE

1 ICOC.

2 SO I THINK THAT CONCLUDES THE PRESIDENT'S
3 REPORT AS FAR AS I'M CONCERNED; AND IF THERE ARE ANY
4 QUESTIONS OR COMMENTS ON IT, I'D BE HAPPY TO ANSWER
5 THEM AT THIS TIME.

6 MR. SIMPSON: JOHN SIMPSON, FOUNDATION FOR
7 TAXPAYER AND CONSUMERS RIGHTS. I DIDN'T REALLY GET A
8 CHANCE TO DO THIS AT THE ICOC MEETING, BUT I JUST
9 WANTED TO PUBLICLY ACKNOWLEDGE THE TREMENDOUS
10 CONTRIBUTIONS DR. HALL HAS MADE AND SAY THAT ALL OF US
11 IN CALIFORNIA ARE APPRECIATIVE OF ALL THOSE EFFORTS.
12 HE AND I DON'T ALWAYS SEE EYE TO EYE ON EVERY ISSUE,
13 BUT I THINK I HAVE BEEN A CONSTRUCTIVE CRITIC. I HAVE
14 FOUND THAT HE'S ALWAYS A CONSTRUCTIVE LISTENER, AND I
15 APPRECIATE THAT VERY, VERY MUCH.

16 THE SECOND THING I WANTED TO DO, IF YOU HAVE
17 NOT SEEN IT, IS REFER ALL OF YOU TO TODAY'S *OAKLAND*
18 *TRIBUNE*, WHICH HAPPENS TO INCLUDE AN OP ED PIECE BY
19 MYSELF IN WHICH I TRY TO SUGGEST THAT THIS PROCESS
20 COULD INDEED BE A LITTLE BIT MORE TRANSPARENT AND DRAW
21 ATTENTION TO WHAT'S BEEN DONE IN CONNECTICUT.

22 EVERYTHING FOLLOWS PRETTY MUCH THE SAME WAY
23 EXCEPT THAT NAMES OF THE PEOPLE WHO ARE APPLYING ARE
24 ALL PART OF THE RECORD, AND THAT'S DONE IN A PUBLIC
25 MEETING. WE THINK THAT THAT'S A VERY IMPORTANT

1 ADDITION, AND THAT IT WOULD BOLSTER THE PUBLIC'S TRUST
2 IN THIS VERY IMPORTANT KIND OF RESEARCH. SO I WOULD
3 COMMEND THE COMMITTEE'S ATTENTION, ONCE AGAIN, TO THE
4 WAY IT'S DONE IN CONNECTICUT, SPECIFICALLY DR. WARREN
5 WOLLSCHLAGER WITH THE OFFICE OF RESEARCH AND
6 DEVELOPMENT IN CONNECTICUT, DEPARTMENT OF PUBLIC
7 HEALTH. THAT'S THE AGENCY THAT IS, IN FACT, HANDLING
8 THEIR STEM CELL PROGRAM. AND IRONICALLY THE EQUIVALENT
9 OF THIS COMMITTEE, THEIR PEER REVIEW COMMITTEE, IT'S A
10 SMALLER GROUP, IT HAPPENS TO BE CHAIRED BY A
11 CALIFORNIAN, DR. LESLIE WEINER, WHO IS CHAIRMAN OF THE
12 NEUROLOGY DEPARTMENT AT USC'S KECK SCHOOL OF MEDICINE.

13 AND HE AND I HAD A LONG CONVERSATION ABOUT
14 ALL THIS PROCESS. AND ONE OF THE THINGS HE WAS
15 SUGGESTING WAS THAT AT SOME POINT EVERYONE WHO WAS
16 INVOLVED IN THESE KINDS OF THINGS STEP BACK AND DO SOME
17 REVIEW OF THE REVIEW. I WOULD SUGGEST THAT AT AN
18 APPROPRIATE TIME DOWN THE ROAD SOME KIND OF REVIEW OF
19 THE REVIEW PROCESS, AGAIN, WOULD BE A STEP THAT WOULD
20 BOLSTER THE PUBLIC'S TRUST AND CREDIBILITY IN WHAT IS A
21 TREMENDOUSLY IMPORTANT PROJECT FOR ALL CALIFORNIANS.
22 THANK YOU VERY MUCH. AGAIN, DR. HALL, THANK YOU.

23 DR. HALL: THANK YOU, JOHN. LET ME JUST SAY
24 THAT WE'RE VERY INTERESTED IN THIS AND HAVE ACTUALLY
25 BEGUN TO MAKE PLANS FOR GETTING TOGETHER SOME OF THE

1 AGENCIES IN DIFFERENT STATES TO DISCUSS COMMON PROBLEMS
2 AND OUR DIFFERENT EXPERIENCES WITH HAVING GRANTS
3 AWARDED IN A DIFFERENT WAY. THAT'S CERTAINLY ONE OF
4 THOSE TOPICS WE'RE VERY INTERESTED IN, BOTH FOR
5 CONVEYING OUR OWN EXPERIENCE AND LEARNING WHAT WE CAN
6 ABOUT THE OTHER ORGANIZATIONS.

7 MR. REED: DON REED, CALIFORNIANS FOR CURES.
8 THIS THURSDAY, AS I UNDERSTAND IT, THE HOUSE OF
9 REPRESENTATIVES WILL BE CONSIDERING HR 810, THE STEM
10 CELL ENHANCEMENT ACT, NOW I THINK HR 3, SENATE 5, WHICH
11 IS BASICALLY THE SAME THING AS THE CASTLE-DEGETTE BILL,
12 IS GOING TO COME BACK AGAIN. AND I REALLY HOPE THAT
13 YOU GET AN OPPORTUNITY TO SPEAK ABOUT THIS, THAT ONE OF
14 THE THINGS TO CONSIDER IS THE MATCHING GRANTS BECAUSE
15 MANY OF THE GRANTS THAT WE DO HERE THAT YOU GUYS
16 APPROVE WOULD BE ELIGIBLE FOR MATCHING GRANTS FROM THE
17 NIH IF A STEM CELL ENHANCEMENT ACT DOES PASS. AND THIS
18 IS GIGANTIC.

19 ONE SMALL EXAMPLE. THE ROMAN REED ACT, WE
20 HAD A \$120,000 GRANT TO DR. REGGIE EDGERTON AT UCLA TO
21 DEVELOP A ROBOTIC FOOT REPLACEMENT SO THAT YOU MIGHT
22 HAVE SEEN CHRISTOPHER REEVE SUSPENDED ABOVE A
23 TREADMILL, AND THE FEET WOULD MOVE BY PEOPLE, BUT THIS
24 IS VERY LABOR INTENSIVE AND NOT PRACTICAL. EVEN THOUGH
25 IT WOULD BE VALUABLE FOR MOST PARALYZED PEOPLE, IT

1 COSTS TOO MUCH MONEY. IF THERE WAS A MACHINE THAT
2 WOULD -- REGGIE EDGERTON CREATED A MACHINE FOR RATS TO
3 WORK WITH THEM, MOVE THEIR FEET. IT'S A ROBOTIC
4 DEVICE, AND WE PAID \$120,000. NIH CAME IN WITH FOUR
5 AND A HALF MILLION IN MATCHING GRANTS. CHRISTOPHER
6 REEVE GAVE 881,000. SO THE MATCHING GRANTS WERE
7 GIGANTIC.

8 AS IT IS NOW IN CALIFORNIA, MOST RESEARCHERS
9 ARE INELIGIBLE FOR MATCHING GRANTS BECAUSE OF THE
10 CURRENT RESTRICTIONS. IF THE STEM CELL RESEARCH
11 ENHANCEMENT ACT PASSES, OUR CALIFORNIA RESEARCHERS WILL
12 GET MANY TIMES THE BANG FOR THE BUCK AND WILL BE ABLE
13 TO GET MILLIONS AND MILLIONS IN MATCHING GRANTS. JUST
14 SOMETHING TO THINK ABOUT. THANK YOU.

15 MR. KLEIN: DON, BOB KLEIN. WHILE I'D LIKE
16 TO BE OPTIMISTIC ABOUT THE PASSING OF HR 3 OR SENATE
17 BILL 5, I THINK WE'RE WITHIN RANGE OF A VETO OVERRIDE
18 IN THE SENATE, BUT WE'RE 25 TO 34 VOTES SHORT IN THE
19 HOUSE AT THE MOMENT. THINGS CAN CHANGE, BUT IT IS, OF
20 COURSE, IMPORTANT THAT, EVEN IF THE OVERRIDE ONLY
21 OCCURS IN THE SENATE OR IF IT OCCURS IN THE SENATE, IT
22 IS A TREMENDOUS MESSAGE GLOBALLY. I THINK THAT MESSAGE
23 INFLUENCED THE AUSTRALIANS TO MAKE A CHANGE IN
24 RESTRICTIONS, WHICH, AS MANY OF YOU KNOW, THREE WEEKS
25 AGO APPROXIMATELY THE AUSTRALIANS LIFTED THEIR

1 RESTRICTIONS, INCLUDING THE RESTRICTION ON SCNT. AND
2 JOHN HOWARD, THE PRIME MINISTER THERE, MADE IT A
3 CONSCIENCE VOTE.

4 AS THE HOUSE AND SENATE VOTED IN THE UNITED
5 STATES, IT WAS CLEAR THAT IT WAS A FREIGHT TRAIN OF
6 PUBLIC OPINION THAT WOULD BE PERHAPS BETTER FOR PEOPLE
7 NOT TO BE IN FRONT OF. BUT WHILE WE SEE THESE VOTES
8 CONVEYING IMPORTANT MESSAGES IN THIS COUNTRY AND
9 GLOBALLY, I THINK THAT WE SHOULD HAVE A COMMITMENT TO
10 WORKING THROUGH THIS VOTE AND TO FUTURE VOTES WHICH
11 HOPEFULLY WILL GET THIS PASSED. THERE IS OTHER
12 CRITICAL LEGISLATION THAT WILL ENHANCE OUR ABILITY TO
13 DO STEM CELL RESEARCH THAT I THINK WILL GET PASSED AND
14 POTENTIALLY AS A RIDER TO OTHER MUST-PASS LEGISLATION
15 NOT VETOED. BUT WITH YOUR PASSION, PERHAPS THAT MARGIN
16 OF VOTES WILL CHANGE THAT WE NEED IN THE HOUSE, AND
17 CERTAINLY THE ADVOCACY BEST EFFORTS TO SEE THAT THAT
18 HAPPENS ARE EXTREMELY IMPORTANT.

19 MR. REED: NOBODY IS MORE PASSIONATE THAN THE
20 PREVIOUS SPEAKER AND MORE EFFECTIVE. I WONDER, BOB,
21 WHAT IS YOUR THOUGHTS ON ATTACHING THE STEM CELL
22 RESEARCH ENHANCEMENT ACT TO BUDGET MUST-PASS
23 LEGISLATION?

24 MR. KLEIN: I THINK THIS IS A DIFFERENT
25 DISCUSSION, AND I APPRECIATE VERY MUCH THE FACT OF ITS

1 TIMELINESS, BUT I THINK IN THIS SESSION WE NEED TO
2 FOCUS ON THE CRITICAL NATURE OF THE AGENDA WE HAVE
3 BEFORE US. I'LL BE HAPPY TO TALK TO YOU AFTERWARDS.

4 CHAIRMAN ORKIN: I THINK THE NEXT ITEM, I'LL
5 TURN TO ZACH, IS CONSIDERATION OF RECOMMENDATIONS TO
6 THE ICOC.

7 DR. HALL: WE HAVE SEVERAL SORT OF PROCEDURAL
8 MATTERS THAT WE NEED TO DEAL WITH. LET ME JUST OUTLINE
9 THEM, THE THREE AT ONCE FIRST, AND THEN WE CAN GO BACK
10 OVER THEM ONE BY ONE.

11 FIRST OF ALL, WE HAVE OCCASIONS WHEN EITHER
12 THE CHAIR OR THE VICE CHAIR ARE UNABLE TO BE HERE
13 EITHER BECAUSE THEY MAY HAVE A CONFLICT OF INTEREST AND
14 HAVE TO STEP OUT OF THE ROOM OR BECAUSE OF A SCHEDULE
15 CONFLICT WHEN THEY ARE UNABLE TO MAKE AN ENTIRE
16 MEETING. SO WE WOULD LIKE TO PROPOSE TO THE ICOC THAT
17 THE CHAIR OR THE VICE CHAIR HAVE THE AUTHORITY TO
18 APPOINT AN ALTERNATE PERSON IN THEIR ABSENCE EITHER
19 TEMPORARILY OR FOR A MEETING. THIS WOULD NOT BE MORE
20 THAN THAT. SO THOSE ARE ITEMS NO. 1 AND 2.

21 ITEM NO. 3 IS, ALTHOUGH THERE ARE ALTERNATES
22 FOR THE SCIENTIFIC MEMBERS OF THE GRANTS WORKING GROUP,
23 WE HAVE NO PROVISION FOR ALTERNATES FOR THE PATIENT
24 ADVOCATES. AND THIS PUTS A TREMENDOUS BURDEN ACTUALLY
25 ON THE PATIENT ADVOCATES FOR THESE WORKING GROUP

1 MEETINGS. AND SO THE IDEA WOULD BE TO PROPOSE TO THE
2 ICOC THAT THEY DEVELOP SOME MECHANISM FOR PROVIDING
3 ALTERNATES FOR PATIENT ADVOCATES IN CASES WHERE THEY'RE
4 UNABLE TO COME OR WHERE THE SCHEDULE HAS JUST BECOME SO
5 STRENUOUS THAT THEY NEED TO TAKE A MEETING OFF AND WE
6 CAN HAVE A MECHANISM FOR HAVING ANOTHER PERSON BE
7 PRESENT.

8 SO THOSE ARE THE THREE ITEMS THAT WE WANT TO
9 CONSIDER. I GUESS WE STILL DO NOT HAVE A QUORUM, AND
10 SO MAYBE WE COULD TAKE THEM -- MAYBE USE THE CONSENSUS
11 MECHANISM, IF WE CAN REACH A CONSENSUS ON EACH OF THESE
12 THREE, SO THAT THEY CAN BE PROPOSED TO THE ICOC.

13 AND I APOLOGIZE THAT WE DON'T HAVE -- WE DO
14 NOT HAVE THE LANGUAGE CRAFTED FOR EACH OF THESE, BUT WE
15 WILL BE HAPPY TO DO THAT FOR THE ICOC GIVEN AN
16 APPROPRIATE MOTION FROM THIS GROUP.

17 LET'S TAKE THEM UP ONE BY ONE. ACTUALLY I'LL
18 TURN IT BACK TO THE CHAIR TO CONSIDER EACH OF THESE.
19 IF WE CAN CONSIDER A MOTION, A SECOND, ANY DISCUSSION
20 BY THE WORKING GROUP, ANY DISCUSSION BY THE PUBLIC, AND
21 THEN TAKING A VOTE. I CAN SEE CHIEF LEGAL COUNSEL IS
22 VERY RESTIVE OVER HERE. I MUST HAVE DONE SOMETHING
23 THAT LEADS OUTSIDE THE BOUNDS OF EITHER PROPRIETY OR
24 THE LAW. SO LET ME TURN TO SCOTT TOCHER.

25 MR. TOCHER: IF IT STAYS IN THIS ROOM, IT'S

1 FINE. IT'S BRILLIANT RIGHT UP TO THE POINT OF A
2 MOTION. SINCE WE DON'T HAVE A QUORUM, WE COULDN'T TAKE
3 AN OFFICIAL VOTE; HOWEVER, FINDING OUT WHAT THE GENERAL
4 CONSENSUS OF THE MEMBERS ARE IS ACCEPTABLE.

5 DR. HALL: MOTION FOR A CONSENSUS VOTE, STRAW
6 VOTE. AT ANY RATE, WHATEVER THE MECHANISM, WE HAVE TWO
7 MEMBERS ON THEIR WAY, AND MAYBE THEY WILL ARRIVE
8 MOMENTARILY. WE CAN GO THROUGH AND GET STARTED ON IT
9 AND SEE.

10 CHAIRMAN ORKIN: IS THERE ANY COMMENT ON THE
11 DESIGNATION OF AN ALTERNATIVE CHAIR TO THE WORKING
12 GROUP? I MAY HAVE INSTIGATED THIS BECAUSE I'M UNABLE
13 TO MAKE THE NEXT MEETING, I BELIEVE. COMMENTS FROM THE
14 GROUP?

15 MR. SIMPSON: JUST A QUESTION ON THE
16 MECHANISM OF THAT. WOULD THIS PERSON BE ANNOUNCED IN
17 ADVANCE SO THAT PEOPLE WOULD KNOW WHO IT WAS AND THAT
18 SORT OF THING? WOULD IT BE SUBSEQUENT OR AN AD HOC
19 EVENT?

20 DR. HALL: THERE ARE TWO CIRCUMSTANCES.
21 DURING THE COURSE OF A MEETING, THERE'S A CONFLICT OF
22 INTEREST TO A PERSON WHO MUST STEP OUT OF THE ROOM, AND
23 THEN WE NEED SOMEBODY TO DO THAT. I THINK THAT
24 PROBABLY WOULD NOT BE ANNOUNCED BECAUSE IT MAY BE THAT
25 THE FIRST SUBSTITUTE, THAT WOULD BE DONE SORT OF BY

1 ACCORDING TO WHO WAS THERE. BUT CERTAINLY THE CHAIR
2 FOR AN UPCOMING MEETING WOULD BE ANNOUNCED IN ADVANCE.

3 MR. KLEIN: STUART, BOB KLEIN. CERTAINLY I
4 THINK IT'S GOOD FOR THE RECORD TO HAVE SOME DISCUSSION
5 OF THE ASSUMPTIONS HERE BECAUSE WHILE THERE MAY BE
6 THOUSANDS OF PEOPLE WHO LOOK AT THIS ONLINE AS A
7 TRANSCRIPT, THERE ARE FEW IN THE AUDIENCE. SO PUTTING
8 AS MUCH ON THE RECORD AS POSSIBLE THAT'S ASSUMED IN
9 THIS MOTION IS VALUABLE.

10 BUT I WOULD ASSUME THAT WHAT WE'RE TALKING
11 ABOUT IS DESIGNATING INDIVIDUALS WHO ARE ALREADY ON
12 THIS COMMITTEE WHO HAVE COMPLIED WITH ALL THE
13 REQUIREMENTS OF THE COMMITTEE, ALREADY BEEN SCREENED
14 AND APPROVED BY THE BOARD FOR MEMBERSHIP ON THE
15 COMMITTEE.

16 CHAIRMAN ORKIN: I BELIEVE THAT'S RIGHT.

17 DR. HALL: THAT'S EXACTLY RIGHT, YES.

18 MR. KLEIN: WE'RE TALKING ABOUT STAYING
19 COMPLETELY WITHIN THE FRAMEWORK OF THE PREVIOUS
20 DISCLOSURE, THE PREVIOUS PUBLIC MEETING APPROVALS BY
21 THE ICOC, THE OVERSIGHT COMMITTEE, AND INDIVIDUALS WHO
22 WOULD BE TAKING THIS POSITION WOULD BE COMPLYING WITH
23 ALL THE PROVISIONS IN PLACE FOR THE CHAIRMAN AS THEY
24 CURRENTLY EXIST.

25 DR. HALL: THANK YOU, BOB. THAT IS EXTREMELY

1 IMPORTANT. ADDITIONAL NOTE HERE, I MEAN ONE POSSIBLE
2 ALTERNATIVE WAY OF HANDLING THIS IS TO HAVE A FIXED
3 PERSON WHO WOULD BE THE ALTERNATE. AS YOU ALL KNOW,
4 ACCORDING TO THE STRATEGIC PLAN, WE MAY BE RUNNING SIX
5 OR MORE REVIEW SESSIONS IN A YEAR. AND SO THEN IT
6 BECOMES A QUESTION OF TRYING TO -- I SHOULD HAVE
7 INTRODUCED THAT MORE GENTLY. I SHOULDN'T HAVE SLIPPED
8 THAT IN. BUT WE HAVE A LARGE POOL OF ALTERNATES FROM
9 WHICH TO CHOOSE. OFTEN PUTTING TOGETHER A REVIEW GROUP
10 IS A MATTER OF SCHEDULE. WE'D LIKE TO HAVE SOME
11 FLEXIBILITY IN CASE EVEN A COUPLE PEOPLE CAN'T MAKE IT
12 AND THAT WE'LL BE ABLE TO CHOOSE SOMEBODY ELSE TO DO
13 THAT. SO THAT'S THE REASON FOR DOING IT IN THIS WAY,
14 BUT THANK YOU, BOB. EXTREMELY IMPORTANT POINT THAT
15 SHOULD BE FORMALLY STATED HERE AND WILL BE STATED IN
16 WHATEVER WRITTEN MATERIAL WE HAVE, THAT THIS WILL BE
17 SOMEBODY CHOSEN FROM THE GROUP THAT HAS BEEN ALREADY
18 APPROVED BY THE ICOC.

19 CHAIRMAN ORKIN: ADDITIONAL COMMENTS?

20 DR. CHIU: I GUESS I JUST WANT TO CLARIFY
21 THAT FOR CONSIDERATION, THE AGENDA ITEM IS DESIGNATION
22 OF A SCIENTIFIC MEMBER OF THE GRANTS WORKING GROUP BY
23 THE CHAIR TO SERVE AS ALTERNATE CHAIRPERSON, AND
24 SIMILARLY, DESIGNATION OF AN ICOC PATIENT ADVOCATE
25 MEMBER OF THE WORKING GROUP TO SERVE AS VICE CHAIR AS

1 NEEDED AND DESIGNATED BY THE CHAIR AND VICE CHAIR
2 RESPECTIVELY.

3 MR. KLEIN: AND, ARLENE, IN TERMS OF THAT
4 CLARIFICATION, THE COMMENTS I MADE AS TO THE CHAIR
5 WOULD ALSO BE COMMENTS THAT WOULD BE APPROPRIATE TO THE
6 VICE CHAIR. THE PATIENT ADVOCATE MEMBER WOULD HAVE
7 FILLED OUT FORM 700 WITH A FULL DISCLOSURE OF THEIR
8 FINANCIAL INTERESTS AND WILL HAVE MET ALL THE
9 REQUIREMENTS OF THE BOARD AND HAVE BEEN SELECTED BY THE
10 BOARD TO SERVE ON THIS COMMITTEE. SO I WANT TO ASSURE
11 EVERYONE THAT ALL OF THE FIREWALLS ARE IN PLACE TO
12 PROTECT THE PUBLIC, AND ALL OF THE DISCLOSURE
13 REQUIREMENTS ARE IN PLACE.

14 MR. SIMPSON: FINAL COMMENT FROM JOHN
15 SIMPSON, FOUNDATION FOR TAXPAYER AND CONSUMER RIGHTS.
16 THIS KIND OF FLEXIBILITY IS ABSOLUTELY ESSENTIAL AS
17 LONG AS THE FIREWALLS ARE IN PLACE. I THINK IT'S
18 WONDERFUL AND PARTICULARLY IMPORTANT THAT WE ALL IN
19 CALIFORNIA RECOGNIZE THAT YOU ARE ALL SCIENTISTS COMING
20 FROM OUT-OF-STATE AND DOING THIS WITHOUT PAY. IT IS A
21 TREMENDOUS CONTRIBUTION TO US, AND WE ARE ALL
22 APPRECIATIVE OF THAT. THANK YOU.

23 CHAIRMAN ORKIN: THANK YOU. WE DO IT WITH
24 PAY, NOT VERY MUCH PAY.

25 MR. KLEIN: IT'S A PER DIEM, VERY LOW LEVEL,

1 NOT CERTAINLY THE COMPENSATION YOU DESERVE.

2 DR. HALL: SO WHAT'S THE PROPER PROCEDURE,
3 SCOTT? SHOULD WE ASK FOR A CONSENSUS VOTE OR STRAW
4 VOTE?

5 MR. TOCHER: I THINK THAT'S FINE. YOU COULD
6 ASK IF THERE'S ANY OBJECTION TO -- ANY OBJECTION TO THE
7 SUBSTANCE OF THE RECOMMENDATIONS THEMSELVES, AND WE CAN
8 INDICATE TO THE ICOC THAT THERE WAS NO OBJECTION OR
9 THERE WAS --

10 DR. HALL: PUT, I THINK, A MORE POSITIVE WAY,
11 IS THERE SUPPORT FOR THE FIRST TWO? SINCE WE ENDED UP
12 ACTUALLY TALKING ABOUT THE FIRST TWO, LET'S DO IT ONE
13 BY ONE.

14 CHAIRMAN ORKIN: SO FOR THE DESIGNATION OF
15 SCIENTIFIC MEMBER AS AN ALTERNATE, DO WE HAVE SUPPORT?

16 MR. KLEIN: JUST A SHOW OF HANDS.

17 CHAIRMAN ORKIN: THOSE IN SUPPORT? THOSE
18 OPPOSED? I THINK IT'S A UNANIMOUS CONSENSUS.

19 I GUESS THE SECOND ONE IS THE SAME FOR THE
20 DESIGNATION OF THE ICOC PATIENT ADVOCATE MEMBER
21 ALTERNATE. ANY SHOW OF HANDS FOR SUPPORT?

22 MR. KLEIN: YOU MIGHT, BECAUSE IT IS A
23 SEPARATE ITEM, ASK IF THERE IS SEPARATE PUBLIC COMMENT.

24 CHAIRMAN ORKIN: OKAY. I THINK ANY
25 ADDITIONAL COMMENT? NO. OKAY. SUPPORT, THOSE IN

1 SUPPORT? THOSE OPPOSED? UNANIMOUS CONSENSUS.

2 FOR THE THIRD ONE --

3 DR. HALL: THIRD ONE, THE POINT OF THE THIRD
4 ONE IS THAT THERE ARE SIX PATIENT ADVOCATE MEMBERS
5 APPOINTED TO THIS WORKING GROUP -- ASSIGNED TO THIS
6 WORKING GROUP BY THE ICOC. AND THERE IS NO PROVISION
7 FOR SUBSTITUTING FOR ANY OF THEM, SUBSTITUTION BY OTHER
8 ICOC WORKING GROUP MEMBERS. AND SO THE QUESTION IS --

9 JOAN, THIS IS OUR VICE CHAIR. GLAD TO SEE
10 HER.

11 CHAIRMAN ORKIN: IN TERMS OF THE PRIOR ITEMS,
12 WE CAN GO BACK AND YOU CAN --

13 MR. TOCHER: YOU CAN. THE RECORD SHOULD SHOW
14 THAT VICE CHAIR JOAN SAMUELSON IS HERE AND WE HAVE A
15 QUORUM.

16 MR. KLEIN: MAYBE WE CAN GO ON TO THE NEXT
17 ITEM AND COME BACK.

18 DR. HALL: LET ME JUST BRING YOU UP TO DATE.
19 WE HAVE CONSIDERED A RECOMMENDATION THAT THE ICOC --
20 THAT THE CHAIR BE ALLOWED TO APPOINT AN ALTERNATE
21 CHAIRPERSON IN THE EVENT THAT EITHER YOU HAVE TO LEAVE
22 THE ROOM FOR A MEETING OR THAT THEY ARE UNABLE TO MAKE
23 ONE OF OUR MEETINGS. AND THAT PERSON WOULD COME FROM
24 THE GROUP OF WORKING GROUP MEMBERS WHO HAVE ALREADY
25 BEEN APPROVED BY THE ICOC, WHO ALREADY HAVE FILED

1 FINANCIAL INFORMATION FORMS. AND THERE WAS A UNANIMOUS
2 CONSENT VOTE FOR THAT.

3 MR. KLEIN: THAT WAS A STRAW VOTE BECAUSE WE
4 DIDN'T HAVE A QUORUM PRESENT. STRAW VOTE OF THE
5 DISCUSSION BEING REPORTED.

6 DR. HALL: SECOND IS A SIMILAR THING FOR THE
7 VICE CHAIR, WHICH IS YOU STEP OUT OF THE ROOM, THEN YOU
8 WOULD BE ABLE --

9 VICE CHAIRPERSON SAMUELSON: I'VE READ IT. I
10 WANT TO GO BACK TO THE DRAWING BOARD. AND WE DIDN'T
11 HAVE A QUORUM. I THINK THERE'S NO CERTAINLY NO HARM,
12 NOR FOUL. NOT HAVING SEEN THIS AGENDA BEFORE IT WENT
13 OUT, I DIDN'T HAVE AN OPPORTUNITY TO WEIGH IN. I THINK
14 AT MOST IT SHOULD BE A DISCUSSION ITEM THAT WE COULD
15 CERTAINLY TALK ABOUT, BUT I'M NOT ENTIRELY SURE WHAT IS
16 MEANT. AND I'D ALSO LIKE TO GET JAMES HARRISON TO
17 WEIGH IN ON WHAT THE IMPLICATIONS OF IT WOULD BE.

18 SO, FOR EXAMPLE, THE FIRST ONE, IT SEEMS TO
19 ME THAT IF THIS IS WHEN THE WORKING GROUP IS DOING
20 ACTUAL PEER REVIEW, THAT THAT MAKES SOME SENSE TO HAVE
21 ANOTHER SCIENTIST AVAILABLE. AT SOME OTHER POINT IN
22 OUR DELIBERATIONS, SUCH AS A PUBLIC MEETING, I THINK
23 THE FUNCTION OF TAKING OVER THE GAVEL OF THE CHAIR IS
24 MY FUNCTION. I WOULD WANT TO KNOW WHAT EXACTLY ARE THE
25 OPPORTUNITIES FOR WHEN WE WOULD BE USING THAT, WHERE IS

1 THAT REALLY APPROPRIATE WITHOUT DILUTING OR TRIMMING
2 OTHER APPROPRIATE AUTHORITY.

3 AND ON THE VICE CHAIR AND THE DESIGNATION OF
4 OTHER PATIENT ADVOCATE MEMBERS TO FILL IN FOR OTHER
5 PATIENT ADVOCATES ON THE WORKING GROUP, I THINK THOSE
6 ARE THE FUNCTION OF THE PATIENT ADVOCATES THEMSELVES
7 AND REALLY DOESN'T NEED TO BE THE WORK OF THE FULL
8 WORKING GROUP. SO WE AMONG THE PATIENT ADVOCATES CAN
9 DISCUSS WHAT WE NEED THERE. AND, IF NECESSARY, IF
10 JAMES THINKS WE NEED SOME KIND OF AUTHORITY TO DO IT
11 ASIDE FROM JUST INFORMAL ASSISTANCE, THEN WE CAN BRING
12 IT BACK TO THE WORKING GROUP.

13 DR. HALL: LET ME JUST SAY THERE WAS NO
14 INTENT FOR THE WORKING GROUP TO APPOINT THE ALTERNATE,
15 THE ALTERNATE VICE CHAIRPERSON. IT IS YOUR
16 PREROGATIVE. THE INTENT OF THIS WAS TO AUTHORIZE YOU
17 TO DO THAT -- AS A MEMBER OF THE ICOC TO DO THAT AND
18 ASK THE GRANTS WORKING GROUP TO APPROVE THAT.

19 VICE CHAIRPERSON SAMUELSON: AS I JUST SAID,
20 I THINK THAT'S THE PURVIEW OF THE PATIENT ADVOCATES.
21 AND I WOULD AT LEAST WANT US TO HAVE AN OPPORTUNITY TO
22 CHEW ON THIS WITH A LITTLE BIT OF TIME TO THINK ABOUT
23 IT, WHETHER WE REALLY NEED THAT KIND OF FORMAL
24 AUTHORITY, AS WELL AS HAVING JAMES WEIGH IN ON IT.

25 MR. KLEIN: BOB KLEIN FOR THE RECORD. AND IF

1 EACH PERSON IDENTIFIES THEMSELVES, THAT'S HELPFUL FOR
2 THE TRANSCRIPT.

3 VICE CHAIRPERSON SAMUELSON: I'M JOAN
4 SAMUELSON.

5 MR. KLEIN: JOAN, IF I CAN UNDERSTAND. YOUR
6 FIRST POINT IS THAT YOU ARE VERY SUPPORTIVE OF THE
7 CHAIR APPOINTING ANOTHER SCIENTIST TO REPLACE HIM IF
8 THE CHAIR CAN'T BE THERE DURING THE SCIENTIFIC PEER
9 REVIEW.

10 VICE CHAIRPERSON SAMUELSON: AS A WAY TO
11 MANAGE THAT PROCESS, CERTAINLY THAT MAKES SENSE.

12 MR. KLEIN: YOUR POINT, AS I UNDERSTAND IT,
13 IS DURING THE PUBLIC MEETINGS WHERE WE'RE DISCUSSING
14 PUBLIC POLICY, THAT YOU THINK THAT IF THE CHAIR IS NOT
15 ABLE TO BE THERE, THAT IT'S APPROPRIATE FOR THE VICE
16 CHAIR TO BE INVOLVED IN LEADING THE DISCUSSION ON
17 PUBLIC POLICY.

18 VICE CHAIRPERSON SAMUELSON: YEAH. AND SO I
19 WOULD THINK THAT WE WANT JAMES TO WEIGH IN ON IF WE
20 THINK WE NEED SOMETHING TO THIS EFFECT THAT WOULD GO TO
21 THE ICOC, THAT WE BE CAREFUL ABOUT HOW WE'RE RAISING
22 IT.

23 MR. KLEIN: SO IT SEEMS TO ME, MR. CHAIRMAN,
24 THAT THIS IS REALLY KIND OF AN AMENDMENT TO THE PRIOR
25 DISCUSSION AND INFORMATION THAT WASN'T AVAILABLE

1 BECAUSE THERE WAS UNANIMOUS CONSENT TO MAKE SURE THAT
2 THERE IS CONTINUITY IN THE ROLE, BUT THIS SEEMS LIKE A
3 COMPLEMENTARY PIECE OF INFORMATION AND IS A
4 MODIFICATION OF ONLY A PORTION OF THAT PRIOR
5 RECOMMENDATION. PERHAPS WE SHOULD JUST SEE IF THERE IS
6 DISCUSSION ON THAT ITEM.

7 VICE CHAIRPERSON SAMUELSON: AND I WOULD LIKE
8 THIS WHOLE DISCUSSION TO BE THAT, DISCUSSION, RATHER
9 THAN FOR A VOTE.

10 DR. HALL: JOAN, THE PRACTICAL PROBLEM IS
11 THAT WE ARE NOW TRYING TO ORGANIZE AND WILL BE
12 ORGANIZING A REVIEW SESSION FOR WHICH THE CHAIR CANNOT
13 BE PRESENT. SO I WOULD -- I THINK YOUR AMENDMENT, AS
14 FAR AS I'M CONCERNED, IS A PERFECTLY REASONABLE ONE.
15 IT WOULD BE NICE IF WE COULD GET APPROVAL BY THIS GROUP
16 AND THEN BY THE ICOC FOR THIS SO THAT THE LEGAL WAY
17 WOULD BE CLEARED FOR US TO DO THE SCIENTIFIC REVIEW.

18 VICE CHAIRPERSON SAMUELSON: I'D RATHER NOT
19 MOVE AHEAD. AND PROCEDURALLY, IF WE DIDN'T HAVE A
20 QUORUM, WHICH I'M RESPONSIBLE FOR, AND I APOLOGIZE, WE
21 DIDN'T HAVE A LEGAL VOTE, SO WE WILL HAVE TO GO BACK TO
22 SQUARE ONE.

23 MR. KLEIN: JOAN, IN TERMS OF THE TECHNICAL
24 SIDE OF THIS HERE, PREVIOUSLY THERE WAS A SHOWING OF
25 HANDS TO GET A FEELING OF THE GROUP, AND THERE CAN

1 CERTAINLY STILL BE THE SAME EXPRESSION BECAUSE, AS THE
2 VICE CHAIR KNOWS, YOU CAN RESERVE THE ABILITY AND RIGHT
3 TO HAVE SOME TIME TO THINK ABOUT THIS AND PRESENT YOUR
4 IDEAS IN FULL AT THE BOARD. GIVEN WE ALREADY HAVE A
5 STRAW VOTE, IT WOULD BE APPROPRIATE TO HAVE A STRAW
6 VOTE INDICATING WHETHER PEOPLE ARE SUPPORTIVE OF YOUR
7 MODIFICATION.

8 VICE CHAIRPERSON SAMUELSON: I'M NOT A BIG
9 FAN OF STRAW VOTES. IF WE HAVE A QUORUM, WE CAN DO
10 BUSINESS. IF WE DON'T, WE SHOULDN'T BE DOING THAT.

11 I GUESS ONE QUESTION IS, STUART, DO YOU HAVE
12 A PLAN TO NEED TO BE NOT PRESENT AT THE NEXT REVIEW?

13 CHAIRMAN ORKIN: YES. THAT WAS THE EVENT
14 THAT PROBABLY TRIGGERED THIS DISCUSSION.

15 VICE CHAIRPERSON SAMUELSON: YOU WON'T BE
16 THERE FOR THE WHOLE REVIEW?

17 CHAIRMAN ORKIN: I THINK GOING FORWARD IT'S
18 CLEAR THAT, WHOEVER THE CHAIR IS, THIS CIRCUMSTANCE
19 WILL PERIODICALLY HAPPEN. I THINK WE NEED TO BE
20 PREPARED TO DEAL WITH IT.

21 MR. KLEIN: JOAN, PART OF THE DISCUSSION THAT
22 PREVIOUSLY OCCURRED, THEY RAISED THE POINT THAT IF THE
23 CHAIR HAS, DURING THE SCIENTIFIC PEER REVIEW, A
24 CONFLICT, THE NEED TO SUBSTITUTE A CHAIR DURING THE
25 PEER REVIEW. AND SO IT WOULD BE VERY GOOD TO GET THIS

1 POLICY CLEAR AND IN PUBLIC DISCUSSION TO HAVE A SENSE
2 FOR THE PUBLIC OF WHICH WAY WE'RE GOING. IT SEEMS LIKE
3 YOU ARE SUPPORTIVE OF DURING THE SCIENTIFIC REVIEW THIS
4 SUBSTITUTE BEING AVAILABLE.

5 VICE CHAIRPERSON SAMUELSON: YEAH. YEAH. I
6 THINK THAT WOULD BE FINE. I'M NOT SURE THAT IT'S
7 ACTUALLY GOING TO NEED ANY KIND OF ACTUAL ACTION BY THE
8 ICOC. AND I'D RATHER GET JAMES TO WEIGH IN AND WE
9 ACTUALLY NEED THE SCOPE OF IT SO WE WOULDN'T BE FURTHER
10 CONFUSED WHEN IT GOES TO THE ICOC FOR A VOTE.

11 DR. HALL: JAMES HARRISON IS OUTSIDE LEGAL
12 COUNSEL. ALSO, WE HAVE ANOTHER PATIENT ADVOCATE BOARD
13 MEMBER HERE, MARCY FEIT. WELCOME, MARCY.

14 CHAIRMAN ORKIN: DO WE NEED ADVICE ON HOW TO
15 PROCEED?

16 MR. TOCHER: YOU HAVE A QUORUM NOW. YOU
17 ACTUALLY HAVE 16 MEMBERS AND ONE ADDITIONAL MEMBER THAN
18 A QUORUM, SO YOU CAN TAKE ANY OFFICIAL ACTION THAT YOU
19 WISH TO TAKE OR ENTERTAIN ANY MOTIONS TO EITHER VOTE UP
20 OR DOWN ON THESE RECOMMENDATIONS OR AUGMENT THEM AS YOU
21 SEE FIT.

22 CHAIRMAN ORKIN: MAYBE WE PROPOSE A MOTION ON
23 THE FIRST POINT, POINT A; THAT IS, AN ALTERNATE FOR THE
24 SCIENTIFIC CHAIR, SHOULD IT BE NECESSARY.

25 DR. CHIU: JEFF SHEEHY IS HERE.

1 CHAIRMAN ORKIN: I THINK WE NEED A MOTION.
2 AM I ALLOWED? I'LL MAKE THE MOTION THAT, WITH THE
3 CONCERNS THAT JOAN HAS RAISED, THAT WE STILL CONSIDER
4 THE FIRST POINT, WHICH IS THAT WE NEED TO DESIGNATE A
5 SCIENTIFIC MEMBER AS AN ALTERNATE SHOULD THE CHAIR NOT
6 BE ABLE TO BE PRESENT EITHER DURING THE REVIEW OR FOR
7 AN ENTIRE MEETING.

8 MR. KLEIN: DR. ORKIN, ARE YOU MAKING THAT
9 MOTION WITH THE MODIFICATION THAT, DURING THE PUBLIC
10 MEETINGS WHERE THERE'S PUBLIC POLICY DISCUSSED, THAT
11 THE VICE CHAIR WOULD, IN FACT, RUN THOSE MEETINGS IF
12 THE CHAIR WERE NOT PRESENT?

13 CHAIRMAN ORKIN: WE CAN CONSIDER THAT.

14 VICE CHAIRPERSON SAMUELSON: THAT WAS NOT
15 PART OF YOUR MOTION, AND THAT FLIES IN THE FACE --

16 CHAIRMAN ORKIN: I THINK THE ALTERNATIVE, AS
17 I SEE IT, IS EITHER THAT JOAN'S SUGGESTION STANDS; OR
18 IF IT'S AN ENTIRE MEETING, THAT THE ALTERNATE
19 SCIENTIFIC CHAIR SERVE AT THAT MEETING.

20 MR. KLEIN: IN THE PUBLIC SESSION.

21 CHAIRMAN ORKIN: IN THE PUBLIC SESSION.
22 THOSE ARE THE TWO ALTERNATIVES.

23 MR. KLEIN: WHICH ALTERNATIVE WOULD YOU HAVE
24 IN YOUR MOTION?

25 VICE CHAIRPERSON SAMUELSON: THIS IS EXACTLY

1 WHY I THINK THIS SHOULD BE A DISCUSSION POINT SO THAT
2 WE CAN CHEW ON IT AND GET LEGAL COUNSEL'S ADVICE, AND
3 I'M WORRIED THAT WE'LL HAVE AN ALTERNATE AT THE NEXT
4 MEETING AND WE'VE NOT BEEN ABLE TO GET THE ICOC TO
5 VOTE.

6 CHAIRMAN ORKIN: CAN WE GET LEGAL COUNSEL
7 INPUT INTO THAT?

8 MR. TOCHER: DR. ORKIN, YOU MADE YOUR MOTION.
9 IT'S JUST A QUESTION AS TO WHETHER OR NOT IT INCLUDES
10 THE PROVISION DURING A PUBLIC MEETING PORTION OF THE
11 MEETING, AND THEN WE CAN ENTERTAIN WHETHER OR NOT THERE
12 ARE REQUESTS TO AMEND THE MOTION OR NOT. REGARDING THE
13 OVERALL PROVISION FOR ALTERNATE SCIENTIFIC CHAIR
14 MEMBERS OR PATIENT ADVOCATE VICE CHAIR MEMBERS, THE
15 ICOC IS RESPONSIBLE FOR CREATING THE POLICIES AND
16 PROCEDURES FOR THE CONDUCT OF THE WORKING GROUPS
17 ALREADY. THERE ARE PROVISIONS IN THE BYLAWS WHICH
18 ADDRESS THESE ISSUES FOR ALTERNATE MEMBERS, AS YOU
19 KNOW, AND SPECIALISTS. THESE ARE AREAS, HOWEVER, THAT
20 ARE NOT COVERED BY THE BYLAWS. AND SO THIS WOULD BE --
21 THAT'S THE BASIS FOR THE SUBSTANCE OF THE
22 RECOMMENDATIONS TO THE ICOC, TO APPROVE AND ENDORSE THE
23 CHANGES THAT YOU'RE CONSIDERING NOW.

24 VICE CHAIRPERSON SAMUELSON: AND IF THAT'S --
25 I DON'T THINK THAT'S BEFORE US RIGHT NOW. I HAVE A

1 COMMENT. IF WE'RE ONLY TALKING ABOUT SUBPART A, I'LL
2 HOLD IT.

3 CHAIRMAN ORKIN: COULD WE THEN CONSIDER
4 SUBPART A AND THEN AN AMENDMENT WITH RESPECT TO THE
5 SECOND POINT, OR SHOULD WE AMEND A AND VOTE ON IT?

6 MR. TOCHER: AMEND A, HOWEVER YOU WISH TO.

7 MR. KLEIN: PARLIAMENTARY RULES WOULD DICTATE
8 THAT IF THERE'S A MOTION ON THE FLOOR, THAT IF AN
9 AMENDMENT IS MADE, THEN YOU VOTE ON THE AMENDMENT AND
10 THEN YOU VOTE ON THE MOTION. SO THE QUESTION IS A
11 MOTION HAS BEEN MADE. I THINK THERE'S A SECOND. SO
12 THE QUESTION IS, JOAN, ARE YOU MAKING A PROPOSED
13 AMENDMENT TO SUGGEST THAT THE VICE CHAIR WOULD RUN THE
14 PUBLIC POLICY -- WOULD RUN THE PUBLIC MEETING PORTION,
15 WHICH IS THE PORTION OF THE MEETING COMMITTED TO PUBLIC
16 POLICY DISCUSSIONS?

17 VICE CHAIRPERSON SAMUELSON: MAYBE IT'S MY
18 BACKGROUND AS A LAWYER, WHICH IS ALWAYS LOOKING AT THE
19 REAL FINE PRINT, BUT I DON'T WANT TO START TRYING TO
20 PARSE WHEN IT WOULD APPLY AND WHEN IT WOULDN'T. I
21 CERTAINLY DON'T THINK THAT'S THE TIME FOR SOMEONE OTHER
22 THAN THE VICE CHAIR TO STEP IN DURING THE PUBLIC
23 MEETING IN ITS ENTIRETY. I DON'T KNOW ANY OTHER POINTS
24 WHEN WE CONVENE BESIDES THAT TIME WHEN THIS SHOULD
25 APPLY.

1 I'D LIKE US TO BE ABLE TO THINK ABOUT IT
2 BECAUSE I ALSO, AS A POINT OF ORDER, OBJECT TO THE FACT
3 THAT IT WAS PLACED ON THE AGENDA WITHOUT MY PRIOR
4 REVIEW. I HAD ASKED EXPLICITLY TO KNOW WHAT'S ON THE
5 AGENDA BEFORE IT'S FINALIZED, AND THIS IS WHY -- I'M
6 NOT TRYING TO HOLD ANYTHING UP. I'D LIKE US TO BE A
7 LITTLE MORE DELIBERATE ABOUT IT.

8 MR. KLEIN: JUST FOR GENERAL INFORMATION,
9 GIVEN WE HAVE ONGOING LITIGATION, I THINK JOAN IS VERY
10 CONCERNED ALWAYS TO MAKE SURE THAT JAMES HARRISON, WHO
11 IS INTERFACING THE LITIGATION, IS THERE FOR DISCUSSIONS
12 RELATED TO THESE ORGANIZATIONAL MATTERS --

13 VICE CHAIRPERSON SAMUELSON: THAT'S RIGHT.

14 MR. KLEIN: -- OUT OF CONCERN FOR THE IMPACT
15 ON LITIGATION.

16 VICE CHAIRPERSON SAMUELSON: RIGHT.

17 MR. KLEIN: SINCE THIS WILL GO TO THE ICOC,
18 JOAN, AND SINCE THERE HAS BEEN A DISCUSSION ON THE
19 RECORD, RESERVING THE APPROVAL OF OUTSIDE COUNSEL ON
20 THIS AND MODIFICATIONS OF OUTSIDE COUNSEL RECOMMENDED
21 TO THE ICOC, I THINK IT MIGHT BE IMPORTANT TO HAVE A
22 SENSE OF THE COMMITTEE'S VOTE ON THE AMENDMENT THAT
23 YOU'VE SUGGESTED. IT SEEMS LIKE AN IMPORTANT AMENDMENT
24 SO THAT IF WE'RE GOING TO GET THAT ON THE RECORD, WE
25 NEED TO ADDRESS IT NOW AS AN AMENDMENT. OTHERWISE THE

1 MOTION WILL GO FORWARD WITHOUT THAT VOTE BEING TAKEN.
2 VICE CHAIRPERSON SAMUELSON: OKAY. IF IT'S
3 NO ONE ELSE'S, THAT'S MY AMENDMENT.
4 CHAIRMAN ORKIN: OKAY. VOTE ON THE AMENDMENT
5 FIRST.
6 MR. TOCHER: IF THERE'S A SECOND.
7 DR. WRIGHT: SECOND.
8 MR. TOCHER: SECOND BY JANET WRIGHT. ROLL
9 CALL VOTE ON THE AMENDMENT.
10 VICE CHAIRPERSON SAMUELSON: I THINK THE BEST
11 WAY TO PHRASE IT WOULD BE THAT THE DESIGNATED ALTERNATE
12 WOULD REPLACE THE CHAIR IN THE PEER REVIEW SESSIONS.
13 DR. HALL: BUT IN THE PUBLIC SESSION THE VICE
14 CHAIR IS IN THAT ROLE.
15 VICE CHAIRPERSON SAMUELSON: I DON'T THINK WE
16 NEED -- I DON'T WANT TO ADD ANYTHING THAT'S UNNECESSARY
17 TO IT.
18 CHAIRMAN ORKIN: THIS IS RESTRICTED TO THE
19 SCIENTIFIC REVIEW.
20 VICE CHAIRPERSON SAMUELSON: SCIENTIFIC
21 REVIEW, RIGHT.
22 CHAIRMAN ORKIN: WE'VE HAD A SECOND.
23 MR. TOCHER: THIS IS ON THE AMENDMENT.
24 MARCY FEIT.
25 MS. FEIT: YES.

1 MR. TOCHER: SHERRY LANSING. NOT PRESENT.
2 JOAN SAMUELSON.
3 VICE CHAIRPERSON SAMUELSON: YES.
4 MR. TOCHER: DAVID SERRANO-SEWELL IS NOT
5 PRESENT. JEFF SHEEHY.
6 MR. SHEEHY: YES.
7 MR. TOCHER: JANET WRIGHT.
8 DR. WRIGHT: YES.
9 MR. TOCHER: SUSAN BONNER-WEIR.
10 DR. BONNER-WEIR: YES.
11 MR. TOCHER: ALI BRIVANLOU.
12 DR. BRIVANLOU: YES.
13 MR. TOCHER: MARIE CSETE.
14 DR. CSETE: YES.
15 MR. TOCHER: STEVE EMERSON.
16 DR. EMERSON: YES.
17 MR. TOCHER: ANDREW FEINBERG.
18 DR. FEINBERG: YES.
19 MR. TOCHER: JOHN ODORICO.
20 DR. ODORICO: YES.
21 MR. TOCHER: STUART ORKIN.
22 CHAIRMAN ORKIN: YES.
23 MR. TOCHER: FRANK RAUSCHER. PAUL ROBERTSON.
24 DR. ROBERTSON: YES.
25 MR. TOCHER: MIKE ROSEN.

1 DR. ROSEN: YES.

2 MR. TOCHER: JEFFREY ROTHSTEIN. DENNIS
3 STEINDLER.

4 DR. STEINDLER: YES.

5 MR. TOCHER: RAINER STORB.

6 DR. STORB: YES.

7 MR. TOCHER: AMY WAGERS.

8 DR. WAGERS: YES.

9 MR. TOCHER: WISE YOUNG.

10 DR. YOUNG: YES.

11 SO THE AMENDMENT PASSES UNANIMOUSLY. AND SO
12 WE'LL -- ESSENTIALLY THE MOTION THAT WE'VE APPROVED FOR
13 RECOMMENDATION TO THE ICOC WITH RESPECT TO A.

14 MR. KLEIN: THAT IS THE AMENDMENT. WE NOW
15 NEED A VOTE ON THE MOTION ITSELF.

16 VICE CHAIRPERSON SAMUELSON: I WOULD LIKE B
17 AND C TO BE DEFERRED FOR FUTURE DISCUSSION.

18 CHAIRMAN ORKIN: WE HAVE A MOTION. DO WE
19 NEED A SECOND?

20 DR. WRIGHT: SECOND.

21 CHAIRMAN ORKIN: READY FOR THE ROLL CALL.

22 MR. TOCHER: MARCY FEIT.

23 MS. FEIT: COULD YOU RESTATE THE MOTION,
24 PLEASE?

25 MR. TOCHER: THE MOTION WAS TO MAKE A

1 RECOMMENDATION ON SUBDIVISION 4 A TO DESIGNATE A
2 SCIENTIFIC MEMBER OF THE GRANTS WORKING GROUP BY THE
3 CHAIR TO SERVE AS THE ALTERNATE CHAIRPERSON IN THE
4 CHAIRPERSON'S ABSENCE DURING THE PROGRAMMATIC REVIEW.
5 VICE CHAIRPERSON SAMUELSON: NO. SCIENTIFIC
6 REVIEW.
7 MR. TOCHER: AND WE HAD A SECOND BY JANET
8 WRIGHT.
9 MARCY FEIT.
10 MS. FEIT: YES.
11 MR. TOCHER: JOAN SAMUELSON.
12 MS. SAMUELSON: YES.
13 MR. TOCHER: JEFF SHEEHY.
14 MR. SHEEHY: YES.
15 MR. TOCHER: JANET WRIGHT.
16 DR. WRIGHT: YES.
17 MR. TOCHER: SUSAN BONNER-WEIR.
18 DR. BONNER-WEIR: YES.
19 MR. TOCHER: ALI BRIVANLOU.
20 DR. BRIVANLOU: YES.
21 MR. TOCHER: MARIE CSETE.
22 DR. CSETE: YES.
23 MR. TOCHER: STEPHEN EMERSON.
24 DR. EMERSON: YES.
25 MR. TOCHER: ANDREW FEINBERG.

1 DR. FEINBERG: YES.
2 MR. TOCHER: JOHN ODORICO.
3 DR. ODORICO: YES.
4 MR. TOCHER: STUART ORKIN.
5 CHAIRMAN ORKIN: YES.
6 MR. TOCHER: PAUL ROBERTSON.
7 DR. ROBERTSON: YES.
8 MR. TOCHER: MICHAEL ROSEN.
9 DR. ROSEN: YES.
10 MR. TOCHER: DENNIS STEINDLER.
11 DR. STEINDLER: YES.
12 MR. TOCHER: RAINER STORB.
13 DR. STORB: YES.
14 MR. TOCHER: AMY WAGERS.
15 DR. WAGERS: YES.
16 MR. TOCHER: AND WISE YOUNG.
17 DR. YOUNG: YES.
18 AND THAT WAS WITH RESPECT TO PART A.
19 VICE CHAIRPERSON SAMUELSON: I WOULD LIKE TO
20 DEFER B AND C FOR FUTURE DISCUSSION AND POSSIBLE
21 ACTION.
22 CHAIRMAN ORKIN: DO WE NEED TO -- IS THAT A
23 MOTION?
24 DR. HALL: WE'RE ON THE RECORD FOR B AT LEAST
25 WITH A CONSENSUS. I DON'T KNOW WHAT THE PROCEDURE IS.

1 MR. KLEIN: JOAN, WHAT DR. HALL IS MAKING IS
2 A VERY GOOD POINT IS SINCE THERE WAS A STRAW VOTE ON
3 THE CONSENSUS ON B, UNLESS YOU NOW GO THROUGH WITH A
4 FORMAL MOTION, WHETHER AS IT STANDS OR AS AMENDED, THEN
5 YOU ONLY HAVE ONE RECORD THAT GOES FORWARD. SO IT'S
6 IMPORTANT TO NOTE THAT THE STRAW VOTE WAS THAT YOU AS
7 VICE CHAIR BE ABLE TO DESIGNATE A SUBSTITUTE IF AT ANY
8 TIME YOU WERE NOT PRESENT.

9 VICE CHAIRPERSON SAMUELSON: I'M BETWEEN A
10 LITTLE BIT OF A ROCK AND A HARD PLACE. I'M NOT A
11 BELIEVER IN STRAW VOTES.

12 MR. KLEIN: I WANT YOU TO BE AWARE OF THE
13 RECORD.

14 VICE CHAIRPERSON SAMUELSON: I UNDERSTAND.

15 MR. SHEEHY: I'M WITH JOAN ON THAT. I DON'T
16 THINK THE RECORD SHOULD REFLECT STRAW VOTES.

17 MR. KLEIN: JEFF SHEEHY, I'M NOT TAKING A
18 POSITION ON WHETHER TO TAKE STRAW VOTES. I JUST
19 INDICATED WHAT IS ON THE RECORD.

20 VICE CHAIRPERSON SAMUELSON: IT'S NOT ON THE
21 RECORD BECAUSE WE DIDN'T HAVE A QUORUM.

22 MR. KLEIN: IT'S ON THE TRANSCRIPT, AND THE
23 TRANSCRIPT GOES FORWARD. SO WHAT I WANT TO INDICATE TO
24 YOU IS THAT, JOAN, IF THERE'S A DIFFERENCE OF OPINION
25 OR SOMETHING YOU WANT TO REGISTER, IT'S IMPORTANT TO

1 PUT IT ON THE RECORD AT THIS POINT SINCE THE ONLY
2 TRANSCRIPT AVAILABLE AT THIS POINT SHOWS THE CONSENSUS.

3 VICE CHAIRPERSON SAMUELSON: I'LL REPEAT WHAT
4 I SAID BEFORE, WHICH IS IN THE RECORD AS WELL, I THINK,
5 BUT I THINK THE REMAINING TWO ITEMS CONCERN THE PATIENT
6 ADVOCATE MEMBERS, AND I THINK WE AMONG US SHOULD BE
7 DELIBERATING ON WHAT ALTERNATE HELP WE MAY NEED IN WHAT
8 SORTS OF SITUATIONS AND WHO IS AVAILABLE TO DO THAT AND
9 THEN DECIDE WHETHER WE NEED ANY ACTION ON IT. SO I
10 WOULD PREFER THAT WE DEFER B AND C FOR FUTURE
11 DISCUSSION AND POSSIBLE ACTION.

12 MR. KLEIN: OKAY. THE --

13 VICE CHAIRPERSON SAMUELSON: AND NOTE THAT
14 THERE HAD NOT BEEN A VOTE ON IT BECAUSE THERE WAS NO
15 QUORUM DURING THE DISCUSSION, NOR WAS I PRESENT TO BE
16 ABLE TO DISCUSS THIS.

17 DR. HALL: THAT'S IN THE RECORD. WE LET IT
18 LIE.

19 MR. SIMPSON: PUBLIC COMMENT ON THAT? IT
20 SEEMS TO ME THAT YOU HAVE TWO ITEMS THAT WERE
21 APPROPRIATELY AGENDIZED AND THERE BEFORE YOU, AND YOU
22 NEED A MOTION ON EITHER OF THOSE THINGS AS TO WHETHER
23 YOU'RE GOING TO CONSIDER THEM, DEFER THEM, OR WHATEVER,
24 THAT THAT REQUIRES, I THINK, FORMAL ACTION. YOU CAN'T
25 LEAVE IT OFF THE AGENDA, CAN YOU? IT'S BEEN --

1 MR. TOCHER: IF IT'S NOT AN ITEM THAT WE WISH
2 TO DISCUSS.

3 MR. SIMPSON: YOU DON'T NEED FORMAL ACTION TO
4 DO THAT?

5 VICE CHAIRPERSON SAMUELSON: IN PART, JOHN,
6 BECAUSE THERE WAS A MISCOMMUNICATION OR THE WORD DIDN'T
7 MAKE IT THROUGH ALL THE RIGHT CHANNELS, BUT I HAD ASKED
8 THAT THERE BE -- FIRST OF ALL, THAT I BE ABLE TO REVIEW
9 AN AGENDA BEFORE IT GOES OUT SO THAT I CAN VET IT
10 MYSELF AND KNOW IF THERE'S ANY POTENTIAL CONFUSION, AS
11 I FOUND HERE. AND THEN ALSO I WANTED TO BE SURE THAT I
12 WAS PRESENT. NOW, I WAS DELAYED, BUT I MADE THAT VERY
13 CLEAR.

14 DR. WRIGHT: I JUST HAVE A QUESTION. THE
15 QUESTION IS, JOAN, WHERE WILL THAT DISCUSSION TAKE
16 PLACE? DO YOU WANT TO DO THAT IN THIS GROUP NEXT TIME
17 OR --

18 VICE CHAIRPERSON SAMUELSON: I'M NOT SURE
19 THAT IT'S THE PURVIEW OF THE FULL WORKING GROUP.

20 DR. WRIGHT: OKAY.

21 VICE CHAIRPERSON SAMUELSON: I THINK WE CAN
22 DISCUSS IT AMONG OURSELVES, AMONG THE PATIENT
23 ADVOCATES, AND SEE WHAT SORTS OF SITUATIONS WE MIGHT
24 HAVE NEED FOR THIS, IF AT ALL, AND GET COUNSEL'S INPUT
25 ON WHETHER IT NEEDS TO BE FORMALIZED. IF IT DOES, OF

1 COURSE, WE WANT TO GO THROUGH THE RIGHT CHANNELS.

2 MR. SIMPSON: JOHN SIMPSON, FOUNDATION FOR
3 TAXPAYER AND CONSUMER RIGHTS. THAT DISCUSSION HAS TO
4 TAKE PLACE IN PUBLIC. YOU CAN'T HAVE A CONVERSATION
5 AMONG THE PATIENT ADVOCATES. YOU HAVE TO HAVE A PUBLIC
6 DISCUSSION. THIS MAY NOT BE THE APPROPRIATE FORUM, BUT
7 YOU MUST HAVE A PUBLIC DISCUSSION.

8 VICE CHAIRPERSON SAMUELSON: I AGREE. THE
9 APPROPRIATE PLACE IS THE FULL ICOC.

10 MR. KLEIN: I THINK THAT, AS THE BOARD
11 CHAIRMAN, I THINK, JOAN, WHILE THIS WOULD PROPOSE TO
12 GIVE HER PERSONALLY THE RIGHT, WOULD FEEL MORE
13 COMFORTABLE HAVING THE DISCUSSION BEFORE THE WHOLE ICOC
14 SO THAT ALL THE MEMBERS CAN TAKE PART IN THAT
15 DISCUSSION.

16 VICE CHAIRPERSON SAMUELSON: THAT'S RIGHT.

17 MR. KLEIN: AND THAT SHE DOESN'T PRESUPPOSE
18 OR PREJUDICE THE DISCUSSION ABOUT HER AUTHORITY WITHOUT
19 THE BENEFIT OF OUR COLLEAGUES PARTICIPATING IN IT. I
20 THINK THAT'S A VERY FINE SENSITIVITY, AND I THINK IT'S
21 CLEARLY GOING TO BE A PUBLIC DISCUSSION THAT SHE'S
22 REFERRING TO.

23 DR. HALL: SO MY QUESTION IS WILL THIS GO TO
24 THE ICOC THEN WITHOUT ANY APPROVAL HERE, JUST BE ON THE
25 AGENDA?

1 MR. KLEIN: IT WILL GO TO THE ICOC. THERE
2 HAS BEEN DISCUSSION HERE. THAT'S ON THE TRANSCRIPT.
3 AND IT WILL GO FOR A FULL DEBATE THERE AND DISCUSSION
4 AND A DECISION AT THAT POINT.

5 MR. SHEEHY: I'LL MAKE A MOTION TO REFER IT
6 TO THE ICOC WITHOUT RECOMMENDATION OR COMMENT ON ITEM B
7 AND C. I MAKE THAT MOTION.

8 CHAIRMAN ORKIN: IS THERE A SECOND FOR THAT?

9 DR. WRIGHT: YES.

10 CHAIRMAN ORKIN: ROLL CALL VOTE ON THE MOTION
11 WHICH IS TO DEFER B AND C TO THE ICOC.

12 MR. TOCHER: AND WITHOUT RECOMMENDATION.

13 MR. SHEEHY: WITHOUT RECOMMENDATION SO THE
14 RECORD WILL REFLECT NEUTRALITY.

15 MR. TOCHER: THAT WAS SECONDED BY DR. WRIGHT.
16 MARCY FEIT.

17 MS. FEIT: YES.

18 MR. TOCHER: JOAN SAMUELSON.

19 MS. SAMUELSON: YES.

20 MR. TOCHER: JEFF SHEEHY. NOT TO BE PROCESS
21 ORIENTED, CAN WE ASK FOR PUBLIC COMMENT? WE PUT -- WE
22 MADE A MOTION, AND WE NEED TO TAKE PUBLIC COMMENT ON
23 THE MOTION.

24 MR. TOCHER: RIGHT. THANK YOU.

25 MR. SHEEHY: ANY PUBLIC COMMENT?

1 MR. TOCHER: MARCY FEIT.
2 MR. KLEIN: I THINK THAT ARLENE --
3 DR. CHIU: IT IS PROPER THAT WE PUT ON THE
4 RECORD NO PUBLIC COMMENT.
5 MR. TOCHER: THAT'S RIGHT. NO PUBLIC
6 COMMENT.
7 MARCY FEIT.
8 MS. FEIT: YES.
9 MR. TOCHER: JOAN SAMUELSON.
10 VICE CHAIRPERSON SAMUELSON: YES.
11 MR. TOCHER: JEFF SHEEHY.
12 MR. SHEEHY: YES.
13 MR. TOCHER: JANET WRIGHT.
14 DR. WRIGHT: YES.
15 MR. TOCHER: SUSAN BONNER-WEIR.
16 DR. BONNER-WEIR: YES.
17 MR. TOCHER: ALI BRIVANLOU.
18 DR. BRIVANLOU: YES.
19 MR. TOCHER: MARIE CSETE.
20 DR. CSETE: YES.
21 MR. TOCHER: STEPHEN EMERSON.
22 DR. EMERSON: YES.
23 MR. TOCHER: ANDREW FEINBERG.
24 DR. FEINBERG: I'M A LITTLE CONFUSED ABOUT
25 WHAT I'M BEING ASKED. I'M LOST NOW.

1 MR. TOCHER: THE MOTION IS TO DEFER ITEMS B
2 AND C TO THE ICOC WITHOUT RECOMMENDATION.
3 DR. FEINBERG: FINE.
4 MR. TOCHER: JOHN ODORICO. STUART ORKIN.
5 CHAIRMAN ORKIN: YES.
6 MR. TOCHER: FRANK RAUSCHER. PAUL ROBERTSON.
7 DR. ROBERTSON: YES.
8 MR. TOCHER: MICHAEL ROSEN.
9 DR. ROSEN: YES.
10 MR. TOCHER: JEFFREY ROTHSTEIN. DENNIS
11 STEINDLER.
12 DR. STEINDLER: YES.
13 MR. TOCHER: RAINER STORB.
14 DR. STORB: YES.
15 MR. TOCHER: AMY WAGERS.
16 DR. WAGERS: YES.
17 MR. TOCHER: WISE YOUNG.
18 DR. YOUNG: YES.
19 AND THE MOTION IS ADOPTED.
20 CHAIRMAN ORKIN: I THINK THOSE ARE THE END OF
21 OUR MOTIONS AND RECOMMENDATIONS. SO ARE THERE ANY
22 OTHER PUBLIC COMMENTS BEFORE WE CLOSE, ADJOURN? I
23 THINK WE'RE MOVING TO THE CLOSED SESSION, WHICH IS
24 UPSTAIRS.
25 (MEETING THEN ADJOURNED TO CLOSED SESSION AT 9:30 A.M.)

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REPORTER'S CERTIFICATE

I, BETH C. DRAIN, A CERTIFIED SHORTHAND REPORTER IN AND FOR THE STATE OF CALIFORNIA, HEREBY CERTIFY THAT THE FOREGOING TRANSCRIPT OF THE PROCEEDINGS BEFORE THE SCIENTIFIC AND MEDICAL RESEARCH FUNDING WORKING GROUP OF THE CALIFORNIA INSTITUTE FOR REGENERATIVE MEDICINE IN THE MATTER OF ITS REGULAR MEETING HELD AT THE LOCATION INDICATED BELOW

INTERCONTINENTAL MARK HOPKINS SAN FRANCISCO
NUMBER ONE NOB HILL
999 CALIFORNIA STREET
SAN FRANCISCO, CALIFORNIA
ON
JANUARY 8, 2007

WAS HELD AS HEREIN APPEARS AND THAT THIS IS THE ORIGINAL TRANSCRIPT THEREOF AND THAT THE STATEMENTS THAT APPEAR IN THIS TRANSCRIPT WERE REPORTED STENOGRAPHICALLY BY ME AND TRANSCRIBED BY ME. I ALSO CERTIFY THAT THIS TRANSCRIPT IS A TRUE AND ACCURATE RECORD OF THE PROCEEDING.

BETH C. DRAIN, CSR 7152
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