-----FINAL APPROVED -----

VIRGINIA BOARD OF MEDICINE
LEGISLATIVE COMMITTEE MINUTES

Friday, January 20, 2012 Department of Health Professions Richmond, VA

CALL TO ORDER: The meeting of the Committee convened at 8:44 a.m.

MEMBERS PRESENT:
Valerie Hoffman, DC, Chair
Deeni Bassam, MD
Randy Clements, DPM
Claudette Dalton, MD

MEMBERS ABSENT:
Gopinath Jadhav, MD
Michael Signer, JD

STAFF PRESENT:
William L. Harp, MD, Executive Director
Jennifer Deschenes, JD, Deputy Director, Discipline
Ola Powers, Deputy Director, Licensure
Barbara Matusiak, MD, Medical Review Coordinator
Colanthia Morton Opher, Operations Manager
Elaine Yeatts, DHP Senior Policy Analyst
Dianne L. Reynolds-Cane, MD, Director of DHP
Howard Casway, Sr. Assistant Attorney General

OTHERS PRESENT:

ROLL CALL

EMERGENCY EGRESS INSTRUCTIONS

Dr. Hoffman provided the emergency egress instructions.

APPROVAL OF MINUTES OF SEPTEMBER 16, 2011

Dr. Harp brought the Committee's attention to a recommendation for these minutes made by Ms. Marschean at the October 20, 2011 Full Board meeting. Dr. Clements moved to approve the minutes of September 16, 2011 with Ms. Marschean's suggested language change. The motion was seconded and carried unanimously.

ADOPTION OF AGENDA

Dr. Bassam moved to adopt the agenda as presented. The motion was seconded and carried.

PUBLIC COMMENT

There was no public comment.

NEW BUSINESS

Status of Regulatory Actions

Ms. Yeatts gave a brief summary on the status of pending regulations and the number of days the regulations have been awaiting approval at various steps within the Executive Branch. This report was for informational purposes only and did not require any action.

Ms. Yeatts also provided an updated status report on legislation pending as of January 19, 2012 that has implications for the Board of Medicine.

The Board will be monitoring the following bills: **HB98** Athletic training; amends definition, **HB181** Registered nurse or physician assistant; authority to pronounce death, **HB 195** Higher educational institutions; course credit for military experience, **HB 260** Health care providers; prohibited acts, **HB 261** Abortion; ultrasound required prior to undergoing procedure, **HB 265** Health Professions, Board of; required to meet annually rather than quarterly, **HB 266** Surgery; definition and who may perform, **HB 268** Occupational therapy; definition, **HB 272** Death, marriage, or divorce records; changes time period before becomes public, **HB 337** Professions and occupations; unlawful procurement of certificate, license, or permit, **HB 345** Dietitians; requires Board of Medicine to promulgate regulations for licensure, **HB 346** Nurse practitioners; practice as part of patient care teams, **HB 347** Prescription Monitoring Program; disclosures, **HB 398** Radiology benefits managers; decision to deny physician's order for diagnostic radiology test, **HB 462** Abortion; informed consent, shall undergo ultrasound imaging, **HB 733** Pharmacists; compounding authority, **HB 858** Tramadol; added to list of Schedule IV controlled substances, **HB 937** Spouses of military service members; expediting issuance of business licenses, etc., **HB 938** Military training, etc.; regulatory boards to accept as equivalent to requirements for licensures, **HB 1106** Behavior and assistant behavior analysts; licensure by Board of Medicine, **HB 1140** Carisoprodol; added to list of Schedule IV controlled substances, **HB 1141** Ezogabine; added to list of Schedule V controlled substances, **HJ 51** Study; options for accepting military training and experience as requirements for licensure, etc. **HJ 84** Study; severe shortage of medical doctors; report, **SB 106** Physician assistants; use of fluoroscopy, **SB 214** Breach of medical information; notification, **SB 279** Abortion; informed consent, shall undergo ultrasound imaging, **SB 313** Surgical assistants and surgical technologists; licensure and certification by the Board of Medicine, **SB 320** Schedule II, Schedule III, etc, controlled substances; required check with Program, **SB 380** Birth control, definition, **SB 542** Health insurance coverage; deletes

requirement that board certified behavior analysts be certified, **SB 543** Definition of surgery, and **SB 584** Kinesiotherapists; licensure required (by the Board of Medicine).

The Committee discussed and expressed some concerns regarding the new professions being added to the Board of Medicine and the added burden that they will place on staff. In addition, the intent of the definition of surgery and whom it affects was also discussed. Dr. Reynolds-Cane provided an updated amendment that helped to clarify some of the questions about the definition of surgery. Dr. Clements pointed out that podiatrists were not included in the bill; Ms. Yeatts will provide that input through appropriate channels.

This item was for informational purposes only and did not require any action by the Committee.

The Committee took a short recess and reconvened at 10:03 a.m.

Advisory Board on Midwifery Minutes – October 7, 2011 and Full Board Minutes – October 20, 2011

Dr. Harp pointed out that the Advisory Board on Midwifery minutes of October 7, 2011 and the Full Board meeting minutes of October 20, 2011 captured the actions of both entities, e.g., recommendation and approval to adopt the proposed regulations on disclosure without change.

Further, Dr. Harp advised that, as captured in Full Board minutes of October 20, 2011 page 8, the issue of reporting child and elder abuse was discussed with no further action taken.

These two items were for informational purposes only and did not require any action.

Discussion of recommendations of Ad Hoc Committee on Competency

The Committee reviewed the minutes of the Ad Hoc from October 14, 2011. Ms. Yeatts had suggested three things at that meeting: 1) that the Board resurrect its continuing education report form; 2) that the Board establish a process to identify those who do not attest to having the required number of CME hours and establish an enforcement process; and 3) integrate the CME audit process into the renewal process. Dr. Harp mentioned that he believed DATA could place the CME form on each physician's profile for convenience of the licensee, the Board and the public. This approach would facilitate a 100% audit. The Committee also discussed the possibility of participating in the FSMB pilot process. Phase I has a number of different options for boards to select. Dr. Dalton will prepare to present Phase I options to the members at the February Board meeting.

The Committee agreed to forward this item to the Full Board with the recommendation that a continuing education form be attached to each practitioner's profile.

Letter of support for FSMB License Portability Project

Dr. Harp noted that he had received a letter from Jonathan Jagoda asking Virginia to provide a letter of support for FSMB's continuing license portability project. Dr. Bassam moved to provide a letter to the Federation supporting the continued need of a HRSA grant for the above stated purpose; the motion was seconded and carried unanimously.

ANNOUNCEMENTS

Board staff provided the Committee members with an update to the afternoon hearing schedule. Dr. Matusiak invited the members to assist with case review until the hearing convened.

Next meeting – May 25, 2012

Adjournment - With no other business to conduct, the meeting adjourned at 11:00 a.m.

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Wayne Reynolds, DO, Vice-President
Chair

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William L. Harp, M.D.
Executive Director

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Colanthia M. Opher
Recording Secretary