

VIRGINIA BOARD OF MEDICINE MINUTES

Friday, November 17, 2005

Department of Health Professions

Richmond, VA

CALL TO ORDER: The meeting of the Board convened at 8:25 a.m.

MEMBERS PRESENT: Thomas Leecost, DPM, President
John Armstrong, MD
Christine Ober Bridge
Carol Comstock, RN
Malcolm Cothran, MD, Vice President
Claudette Dalton, MD
Suzanne Everhart, DO
Stephen Heretick, JD
Valerie Hoffman, DC
Gopinath Jadhav, MD
Brent Lambert, MD
Juan Montero, MD
Robert Mosby, MD
Jane Piness, MD
Karen Ransone, MD

MEMBERS ABSENT: Gen. Clara Adams-Ender
Sandra Anderson Bell, MD
Patrick Clougherty, MD

STAFF PRESENT: William L. Harp, MD, Executive Director
Barbara Matusiak, MD, Medical Review Coordinator
Ola Powers, Deputy Executive Director of Licensure
Karen Perrine, Deputy Executive Director of Discipline
Bob Nebiker, Director, DHP
Elaine Yeatts, DHP Senior Policy Analyst
Emily Wingfield, Assistant Attorney General
Colanthia Morton Opher, Recording Secretary

OTHERS PRESENT: W. Scott Johnson, Hancock, Daniel, Johnson & Nagel
Michele Smith
Brynne Potter, CPM
Tyler Cox, HDJN
Kenneth Muhlendorf, MD
Trinlie Wood, Commonwealth Midwives Alliance
Michael Jurgensen, MSV
Rebecca Bowers-Lanier, Commonwealth Midwives Alliance
Peggy Franklin, Advisory Board on Midwifery
Laura Todd, The Institute of Advanced Medical Esthetics

ADOPTION OF AGENDA

Dr. Cothran moved to adopt the amended agenda. The motion was seconded and carried unanimously.

APPROVAL OF THE SEPTMEBER 16, 2005 MINUTES

Dr. Mosby moved to accept the minutes of the Board dated September 16, 2005. The motion was seconded and carried.

PUBLIC COMMENT

Michelle Smith relayed to the Board her support for CPMs being allowed to possess and administer certain medication. Ms. Smith advised the Board that she experienced an at home birth that required the midwife to use oxygen and had the medication not been available, her experience could have been less than successful. Ms. Smith stated that allowing CPMs to carry and administer certain medications would benefit the women in Virginia who choose to use a CPM.

Brynne Potter, CPM addressed the Board and gave the history on how CPMs came to be licensed by the Board and are at the point now of seeking access to certain controlled substances. Ms. Potter advised the Board that the Commonwealth Midwives Alliance is not interested in moving forward with legislation that is not condoned by the Board of Medicine.

Kenneth Muhlendorf, MD also addressed the Board on behalf of the Virginia OB/GYN Society and Mid-Atlantic Women's Care. Dr. Muhlendorf acknowledged that postpartum hemorrhage is the leading cause of maternal mortality in the world, but rare in the United States. Dr. Muhlendorf stated that both entities support the current regulations which state that prescriptive authority and possession and administration of controlled substances are prohibited for CPMs. Dr. Muhlendorf went on to say that given the fact that CPMs function independently of physicians, it is impossible to have a bona fide doctor-patient relationship with the women under their care.

REPORT OF OFFICERS

President – No report

Vice-president – No report

Secretary-Treasurer – no report

REPORT OF THE EXECUTIVE DIRECTOR

Dr. Harp briefly reviewed the Revenue Expenditure Summary advising that the Board is within spending guidelines. Dr. Harp advised that HPIP statistics were being provided for information only.

Dr. Harp informed the Board that in response to Hurricane Katrina and Hurricane Rita, Governor Warner established an expedited licensing path for affected healthcare

practitioners to obtain a temporary license. Dr. Harp advised that to date, 10 individuals have been issued this type of license.

Dr. Harp reviewed the letter from David Ellington, MD, President of the Medical Society of Virginia regarding the \$560,000 transfer from the Board to the Department of Health. Dr. Harp advised that a letter will be sent to Dr. Royston to reiterate the Board's stance on this issue.

Dr. Harp suggested the Board consider allowing the seven advisory boards under the Board of Medicine to generate individualized newsletters. The Board voiced no opposition.

Dr. Harp also commented on the swell job Dr. Jadhav did in representing the Board of Medicine at the Medical Society of Virginia meeting in Hot Springs, Va.

COMMITTEE AND ADVISORY BOARD REPORTS

Committee on Joint Boards of Medicine and Nursing – Dr. Leecost inquired about notification to any member of the Virginia Podiatric Medical Association regarding the Joint Board's meeting and the agenda item involving DPMs. After a brief discussion, Dr. Leecost called for a motion to accept all reports as a consent agenda with the notation that notice was not properly given for the meeting of the Joint Boards to doctors of podiatric medicine. The motion failed to receive a second.

List of Committee Members - Dr. Harp advised that due to extenuating circumstances, Dr. Montero would be serving as a member of the Credentials Committee for the time being.

Executive Committee – No comments

Legislative Committee - No comments

Credentials Committee - No comments

Committee on Joint Boards of Medicine and Nursing - Ms. Yeatts advised that the meeting was noticed on Commonwealth Calendar.

Advisory Board on Physician Assistants – No comments

Advisory Board of Occupational Therapy – No comments

Advisory Board on Respiratory Care – No comments

Advisory Board on Licensed Acupuncturists – No comments

Advisory Board on Radiological Technologist – No comments

Advisory Board on Athletic Training – No comments

Advisory Board on Midwifery – No comments

Ad Hoc Committee on Laser Hair Removal –Discussed later on agenda

Ad Hoc Committee on Compounding Regulations – No comment

Dr. Armstrong moved to accept all of the minutes as presented. The motion was seconded and carried.

OTHER REPORTS

Board of Health Professions/ Director – Mr. Nebiker advised that he was not present at the last meeting held of this board, but did note that the Department's budget proposal was approved which contained a staffing request from Board of Medicine.

Assistant Attorney General - No report

Chiropractic Report - No report

Podiatry Report - No report

REGULATORY ACTION

Ms. Yeatts reviewed a chart of the regulatory actions in progress. Ms. Yeatts advised that the mixing, diluting or reconstituting regulations and the regulations for the licensure of midwives are currently on the Governor's desk and should be approved by the 280 day deadline at the end of the year.

Ms. Yeatts reviewed the changes to the proposed regulations for reporting of paid claims on the Virginia Profile. After discussion, Dr. Cothran moved to adopt the amended regulations to establish criteria for reporting of malpractice paid claims on the Physician Profile System. The motion was seconded and carried.

Ms. Yeatts advised that the Medical Society of Virginia has requested that the Board begin regulatory action to eliminate the face-to-face CME requirement. The Petition for Rulemaking was published in the Virginia Registry November 6, 2005. Ms. Yeatts advised that this documentation was being provided for informational purposes only at this time.

Dr. Dalton informed the Board of two new CME categories in the AMA PRA booklet. Dr. Dalton advised that she would provide a pre-publication version of this document for distribution to all the Board members.

Ms. Yeatts advised that the fast-track regulation for the Regulations Governing the Practice of Nurse Practitioners would address several issues including a reasonable time limit for practice on a provisional license and discontinuation of the provisional license. Dr. Cothran moved to adopt proposed regulations for Chapter 30, Regulations Governing the Practice of Nurse Practitioners and to promulgate the amendments under a fast-track action. The motion was seconded and carried.

Ms. Yeatts briefly reviewed the letter from Seth Rubenstein, DPM, President of Virginia Podiatric Medical Association that requested an amendment to current regulations to allow nurse anesthetists to practice under the medical direction and supervision of a doctor of podiatric medicine. Ms. Yeatts informed the Board that the letter was presented to the committee members of the Joint Boards of Medicine and Nursing on October 19, 2005 and the Board of Nursing on November 15, 2005, and both bodies recommended that no changes be made to the current regulations at this time. After discussion, Ms. Bridge moved to table this issue. The motion was seconded and carried.

ADVISORY BOARD ON MIDWIFERY COMMENT ON THE USE OF MEDICATION

Leslie Payne, Chair of the Advisory Board on Midwifery, addressed the Board regarding the benefit to mothers if licensed midwives had access and authorization to administer certain controlled substances. After a brief discussion and question and answer period, Dr. Cothran moved that the Board take the stance that certified professional midwives be allowed to give medications after adequate training. The motion was not seconded.

MIDWIFERY BYLAWS

Dr. Cothran moved to adopt the bylaws for the Advisory Board on Midwifery. The motion was seconded and carried.

POLICY ON NEGOTIATIONS OF CCA's

Dr. Harp and Ms. Perrine informed the Board of a request from counsel for a licensee who received a CCA, asking for a change in the language prior to acceptance by the licensee. After discussion, Dr. Mosby moved that the language of the current CCAs not be negotiated, other than for factual accuracy. The motion was seconded. After further discussion, Dr. Montero called for the question. The motion was carried unanimously.

COMPETENCY EVALUATIONS FOR THREE PAID CLAIMS

Dr. Cothran moved that this matter be referred to the Legislative Committee slated to meet on December 16, 2005. The motion was seconded and carried.

RECOMMENDATIONS FROM THE AD HOC COMMITTEE ON LASER HAIR REMOVAL

Dr. Harp summarized the draft document and recommendations made by the Ad Hoc Committee on Laser Hair removal. Dr. Piness pointed out that the key to the recommendations is adequate training. After discussion, Dr. Mosby moved to accept the recommendations of the Ad Hoc Committee and have staff draft a guidance document to be used by the Board staff to field questions from the public. The motion was seconded and carried.

DISCIPLINE REPORT

Karen Perrine advised the Board that the case information was being provided for informational purposes only.

Ms. Perrine also informed the Board that the State of Missouri requires the suspension of a license for delinquency of state taxes and/or for failure to file a state income tax return. Ms. Perrine stated that this action was currently being challenged in the courts. Ms. Perrine advised that because of the Department's and Board's mandatory suspension requirement the Virginia license must be suspended after notification of this type of revocation in Missouri. Ms. Perrine asked the Board to consider granting Dr. Harp or his designee the authorization to reinstate the license of a practitioner who has lost their license in this fashion if it is proper to do so after their Missouri license has been reinstated and there is no other adverse information or action.

Dr. Montero moved to authorize Dr. Harp or his designee to reinstate the license of a practitioner affected in this manner provided no adverse information or action taken as a result of something other than the Missouri action. The motion was seconded and carried unanimously.

FSMB SCENARIOS

Dr. Harp advised the Board that in 2004 the FSMB voted that medical boards should have some role in assuring the continuing competency of their licensees. In March of 2005, Dr. Harp and Mr. Heretick attended a summit held by FSMB that addressed current health care issues, looked at past issues, projected the future issues and what health care may look like.

The summit developed scenarios for boards to review and submit comments as to their plausibility and impact on boards.

Dr. Harp suggested the members break out into groups and develop comments and then reconvene to discuss each of the scenarios. Dr. Harp advised that these comments would be relayed to FSMB at their December meeting.

ANNOUNCEMENTS

Next scheduled meeting: February 23-25, 2006.

With no other business to conduct the meeting was adjourned at 12:45 p.m.

Thomas Leecost, DPM, President

William L. Harp, MD, Executive Director

Colanthis Morton Opher, Recording Secretary

**VIRGINIA BOARD OF MEDICINE
6603 West Broad Street, 5th Floor
Richmond, VA 23230-1712**

CREDENTIALS COMMITTEE MINUTES

November 17, 2005

MEMBERS PRESENT:

Jane E. Piness, MD, Chair
Robert Mosby, MD
Valerie Hoffman, DC
Juan Montero, MD

MEMBERS ABSENT:

Karen Ransone, MD
Brent Lambert, MD
Gen. Clara Adams-Ender, RN, MSN
Gopinath Jadhav, MD

STAFF PRESENT:

Ola Powers, Deputy Executive Director - Licensing
Lorraine McGehee, APD
Leigh Kiczales, APD

The meeting of the Credentials Committee convened at 1:30pm.

INTERVIEWS

LORENZO T. TERUEL, MD

Lorenzo T. Teruel, M.D, appeared before the Committee to respond to its inquiry regarding the possible refusal to issue a license to practice medicine pursuant to Virginia code section 54.1-2915.A(1), (10) and (20) and 54.1-2915.A(5). Upon conclusion of the hearing, Dr. Piness entertained motions.

Dr. Mosby moved to convene a closed meeting pursuant to section 2.2-3711A(28) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Dr. Teruel. Additionally, he moved that, Ola Powers, Lorraine McGehee and Leigh Kiczales attend the closed meeting because their presence would aid the Committee in its deliberations. The motion was seconded and carried. Upon motion made, seconded and carried, the Committee returned to open session following the procedure for certification of executive meeting pursuant to Virginia Code Section 2.2-3712.

The Committee found that Dr. Teruel did not meet the requirements for licensure as established by Sections 54.1-2915.A(1), (10) and (20) and 54.1-2915.A(5) of the Code of Virginia (1950), as

amended (“Code”). Based on these findings, Dr. Mosby moved to deny Dr. Teruel’s application for a license. The motion was seconded and carried.

Adjournment

The meeting of the Credentials Committee was adjourned.

Jane E. Piness, MD
Chair

William L. Harp, MD
Executive Director

Ola Powers
Recording Secretary