

**VIRGINIA BOARD OF MEDICINE
EXECUTIVE COMMITTEE MINUTES**

Friday, April 13, 2012

Department of Health Professions

Henrico, VA

CALL TO ORDER: The meeting convened at 8:45 a.m.

MEMBERS PRESENT: Claudette Dalton, MD, President
Valerie Hoffman, DC, Vice-President
Stuart Mackler, MD, Secretary-Treasurer
Stephen Heretick, JD
Jane Maddux
Jane Piness, MD
Karen Ransone, MD
Wayne Reynolds, DO

MEMBERS ABSENT:

STAFF PRESENT: William L. Harp, MD, Executive Director
Jennifer Deschenes, JD, Deputy Executive Director for Discipline
Barbara Matusiak, MD, Medical Review Coordinator
Colanthia Morton Opher, Operations Manager
Howard Casway, JD, Senior Assistant Attorney General
Erin Barrett, JD, Assistant Attorney General
Elaine Yeatts, DHP Senior Policy Analyst
Dianne Reynolds Cane, MD, DHP, Director
Arne Owens, DHP, Deputy Director

OTHERS PRESENT: Michael Jurgensen, MSV
W. Scott Johnson, JD, HDJN
Hunter Jamerson, JD, McCauley & Burtch, PC

Call to Order

Dr. Dalton called the meeting to order.

Roll Call

A quorum was declared.

Emergency Egress Procedures

Dr. Hoffman read the emergency egress procedures.

Adoption of Agenda

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

Dr. Dalton introduced Ms. Erin Barrett as the new counsel for the Board of Medicine. Ms. Barrett thanked the Committee members for their kind welcome and stated that she looked forward to working with them.

Public Comment on Agenda Items

There was no public comment.

Approval of the December 2, 2011 Minutes

Dr. Ransone moved to approve the minutes as presented. The motion was seconded and carried unanimously.

New Business

Regulatory Matters

Chart of Regulatory Actions

Ms. Yeatts briefly reviewed the status of regulations for the Board as of April 5, 2012, to include the final regulations from the periodic review for Governing the Practice of Medicine, Osteopathy, Podiatry and Chiropractic. Ms. Yeatts noted that the law requires the Board to perform a periodic review of the regulations four years after the last one has been conducted. The final regulations are at the Governor's level.

Ms. Yeatts also informed the Committee that the regulations for the newly acquired professions of licensed behavior analyst and licensed assistant behavior analyst are being developed. She noted that these professions did not arrive at the Board of Medicine with an advisory board. She suggested that the Committee may wish to recommend to the Board of Medicine that legislation proposing an advisory board be considered for the 2013 Session of the General Assembly. Ms. Yeatts stated having an advisory board in place would be more efficient and less costly than hiring an expert to consult in disciplinary matters. Ms. Yeatts explained that the work group currently developing the proposed regulations is not an advisory board, but was appointed by the Governor in accordance with the statute to develop regulations. She noted that the plan is to have proposed emergency regulations ready for review and adoption by the Full Board at its June 21, 2012 meeting. When the regulations are done, the work group will dissolve.

In addition, Ms. Yeatts provided the Committee with an update on emergency regulations pursuant to HB346 regarding nurse practitioners. She said the Committee of the Joint Boards of Nursing and Medicine has a Joint Board Regulation Committee which met on

----DRAFT UNAPPROVED----

April 13, 2012. Ms. Yeatts presented a proposed draft to which the committee made very few changes. This item will be on the agenda of the Committee of the Joint Boards on June 13th and then on the Board of Nursing agenda in July. Dr. Harp thanked Dr. Hickman for representing the Board of Medicine at this meeting.

Dr. Dalton inquired as to what the Board can do to assist with moving these regulations along. Dr. Reynolds-Cane asked the Committee to keep in mind that the Governor's policy office reviews regulations from over 100 agencies and must prioritize its work in the best interest of the entire Commonwealth.

Report of the Executive Director – William L. Harp, MD

Revenue and Expenditures Report

Dr. Harp reported that the Board is still in good shape financially.

Board of Medicine License Renewals

Dr. Harp reported that over 5900 renewals for the professions of MD, DO, DC, DPM, OT and OTA were generated for the month of June.

HPMP Statistics

Dr. Harp briefly reviewed the actions taken by the Monitoring Program Committee in March 2012.

MDR inspections

Dr. Harp reported that 44 licensees were randomly identified for the MDR audit – 11 practitioners from each Enforcement region. He reported that Enforcement was approximately halfway through its inspections. The majority of the practitioners are compliant, and most of them have the required policies and procedures available for inspection in their offices. Practitioners that are non-complaint are receiving advisory letters.

Key performance measures

Dr. Harp pointed out that thanks to the diligence of Dr. Matusiak and the Board members, 90% of cases are being resolved within 250 days. This rate is a little lower than Medicine usually demonstrates.

PMP on Homepage

Dr. Harp advised that, at the suggestion of the data staff, information about the PMP is now on the BOM's website instead of being included in the on-line renewal process.

Board Briefs

Dr. Harp told the Committee that the Federation of State Medical Boards picked up on Virginia's latest board brief which highlighted the article regarding Screening, Brief Intervention, Referral and Treatment (SBIRT), the Ryan Haight Act, and immunity for signing death certificates in good faith.

FSMB Visit

Dr. Harp reminded the Committee that Lisa Robin and Richard Whitehouse will be addressing the Board at its June meeting with an update on the maintenance of license (MOL) project. The Committee members also expressed an interest in hearing more from FSMB on telemedicine and the national license issue.

Board member SPEX

Dr. Harp announced that the offer of a free SPEX was still being extended by FSMB.

Dr. Reynolds-Cane – FSMB Washington, DC visit

Dr. Reynolds-Cane reported that she and Jay Douglas, Executive Director for the Board of Nursing, met with Congressman Cantor's health policy representative to discuss the pending bill on federal licensure. Dr. Reynolds-Cane noted that this bill was its infancy, and the agency would be following its progress.

Dr. Dalton stated that she recently participated on a panel on streamlining the licensing process through the development of a uniform application that would facilitate portability and telemedicine. She said that the vote of the membership was split on the advisability of this matter. One-third were in favor of an interstate license. One-third didn't want it because they have a adequate intrastate telemedicine. One-third wasn't sure what they wanted to do. Dr. Dalton noted that the 1/3 in favor were mainly the sparsely populated states with lots of wide open spaces, necessitating significant travel just to see a physician.

Report from the Office of the Attorney General

Mr. Casway gave an update on the legal matters involving the Board. Mr. Casway said that over the last couple of years the number of appeals has increased; on average there may be 5-6 at any one time. Overall, OAG has handled approximately 20 appeals for the agency.

Update on FSMB Maintenance of Licensure

Dr. Dalton provided a short update on the maintenance of licensure project noting that there was not much to report as the pilot is moving forward slowly.

----DRAFT UNAPPROVED----

Dr. Harp announced that Dr. Dalton, Dr. Farquhar, Mr. Heretick, and Ms. Deschenes will be attending the annual meeting of the Federation later this month.

Interpretation of “clinic” in 54.1-106

Dr. Harp provided the Committee with correspondence sent to a licensee which had the intent of clarifying the term “clinic” in the law and regulations relative to qualifications for a restricted volunteer license.

Dr. Harp pointed out that the term clinic is not defined in the law as a fixed location (bricks and mortar) and asked the Committee to weigh in on this matter. Dr. Harp said that the regulation regarding the issuance of a restricted volunteer license references the law, which says: “who renders at any site any health care services within the limits of his license, certification or licensure privilege, voluntarily and without compensation, to any patient of any clinic which is organized in whole or in part for the delivery of health care services without charge”.

After discussion, Dr. Ransone moved to approve that a restricted volunteer license be granted based on medical services provided only and not the location. The motion was seconded and carried unanimously.

The Committee wished the staff to utilize the above understanding in its review of restricted volunteer license applications.

Discipline Report

Ms. Deschenes reminded the Committee of their assignments to the afternoon disciplinary case hearings.

Dr. Dalton called for a 15 minutes recess.

Consideration of Credentials Committee Recommendation

After the Committee reconvened, Dr. Harp presented the matter of Howard VanPala, MD applicant for reinstatement of his license to practice medicine and surgery.

After reading the Recommendation of the Credentials Committee, Dr. Hoffman moved to deny the license. The motion was seconded by Dr. Dalton. The motion carried 6-2.

The meeting adjourned at 11:02 a.m.

Next scheduled meeting: August 3, 2012

Adjournment: With no other business to conduct, the meeting adjourned at 11:02 a.m.

----DRAFT UNAPPROVED----

Claudette Dalton, MD, President
President

William L. Harp, M.D.
Executive Director

Colanitha Morton Opher
Operations Manager