

**VIRGINIA BOARD OF MEDICINE
EXECUTIVE COMMITTEE MINUTES**

Friday, December 27, 2013

Department of Health Professions

Henrico, VA

- CALL TO ORDER:** The meeting convened at 11:10 a.m.
- MEMBERS PRESENT:** Stuart Mackler, MD, President
Wayne Reynolds, DO, Vice-President
Kenneth Walker, MD, Secretary-Treasurer
Randy Clements, DPM
Stephen Heretick, JD
Robert Hickman, MD
- MEMBERS ABSENT:** Valerie Hoffman, DC
Jane Maddux
- STAFF PRESENT:** William L. Harp, MD, Executive Director
Jennifer Deschenes, JD, Deputy Executive Director for Discipline
Alan Heaberlin, MPA, Deputy Executive Director for Licensure
Barbara Matusiak, MD, Medical Review Coordinator
Colanthia Morton Opher, Operations Manager
Erin Barrett, JD, Assistant Attorney General
Diane Reynolds-Cane, MD, DHP Director
Arne Owens, DHP Chief Deputy Director
Elaine Yeatts, DHP Senior Policy Analyst
- OTHERS PRESENT:** W. Scott Johnson, JD, HDJN
Michael Jurgensen, MSV
Britney Vaccaro, BCaBA, LABA, Beyond Behavior Consulting, LLC

Call to Order

Dr. Mackler called the meeting to order.

Roll Call

A quorum for conducting business was declared.

Emergency Egress Procedures

Dr. Reynolds provided the emergency egress procedures.

Adoption of Agenda

Dr. Harp requested that electronic verification services be added to Mr. Heaberlin's Licensing report. Dr. Reynolds moved to adopt the agenda as amended. The motion was seconded and carried unanimously.

Public Comment on Agenda Items

Dr. Mackler welcomed the public in attendance and opened the floor for comment.

There was no comment.

Approval of the August 2, 2013 Minutes

Ms. Barrett asked that the second sentence in paragraph two on page 4 of the minutes be stricken, and on page 6, that her title be noted as AAG and not Sr. AAG. Dr. Reynolds moved to approve the minutes as corrected. The motion was seconded and carried unanimously.

DHP Director's Report--Dianne L. Reynolds-Cane, MD

Dr. Reynolds-Cane thanked the Committee members for all their hard work over the past year, and expressed that the Administration was happy with their current standing. Dr. Reynolds-Cane mentioned that in addition to the completion of the Physician Workforce Study by Dr. Carter and the HWDC staff, there were two other major accomplishments this year. She noted Virginia's participation in the National Governors Association Substance Abuse Demand Reduction effort and its Veterans' Licensing project. The latter will run for 16 months with a focus on expediting licensure for LPNs, paramedics, and PA's.

Dr. Mackler noted that all these successes could not have been achieved had it not been for the excellent leadership of Dr. Reynolds-Cane and Mr. Owens.

Dr. Harp also expressed his thanks to the Committee members, Dr. Reynolds-Cane, Mr. Owens, and Board of Medicine staff for their part in these accomplishments.

New Business

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

Revenue and Expenditures Report

Dr. Harp advised that the Board remains in good financial standing with a cash balance of \$6.2 million as of November 30, 2013.

Dr. Harp also reminded the Committee that the 14% one-time reduced renewal fee is currently benefitting the Board's licensees.

Follow-up Letter to Dr. Reynolds-Cane regarding Prescribing CME

Dr. Harp reviewed the information provided to Dr. Reynolds-Cane in regards to mandatory CME for pain management. Dr. Harp reiterated that Dr. Reynolds-Cane and Ralph Orr, through their work with the National Governors Association, had already provided the Executive Branch with their best recommendations to combat substance abuse in the Commonwealth. Legislation aimed towards reducing substance abuse/diversion is a possibility for the 2014 Session of the General Assembly.

Dr. Harp informed the Committee that in a recently published article by America's Trust for Health, Virginia was ranked 48 out of 51 jurisdictions for the rate of overdose related deaths. Only

North Dakota, South Dakota and Nebraska were lower. Dr. Harp contributes this to the hard work of all the entities working to reduce abuse and diversion, including US Attorneys, the FBI, the DEA, the Virginia State Police, local law enforcement, the PMP, the Board's robust enforcement, efforts to educate prescribers and the public, and clinicians treating patients with substance use disorders.

FY2014 Enforcement and APD Hours

Dr. Harp reviewed the report and noted that Nursing has more cases to investigate and uses more Enforcement hours. The Board of Medicine continues to utilize more APD hours because of the complexity of its cases.

FSMB Minimum Data Set Pilot Project

Dr. Harp said that he had received responses from 6 of the Committee members indicating support for Virginia serving as one jurisdiction for the FSMB pilot project. Dr. Harp explained that Dr. Elizabeth Carter would be doing the heavy lifting in this matter. Her shepherding of the HWDC has made her a national leader in physician workforce; the collaboration by DHP and FSMB will be a win for both entities.

Dr. Reynolds move to accept the letter included in the packet. The motion was seconded and carried unanimously by the Committee.

Board Briefs #74

Dr. Harp said the notice that the new Board Briefs were on the website had been sent to professionals regulated by the Board, including nurse practitioners. He added that the Board does not have the e-mail addresses of all its licensees.

Dr. Harp mentioned that Scott Johnson, JD will be contributing an article to the next Board Briefs that speaks to the illegality of purchasing drugs from non-FDA approved sources.

Dr. Reynolds and Dr. Walker suggested that the next issue include information on cremation death certificates now required by funeral homes.

Chart of Regulatory Actions

Elaine Yeatts, DHP Senior Policy Analyst, reviewed the Board's pending regulations as of December 18, 2013. This report was for informational purposes only and did not require any action.

Adoption of Final Regulations for Polysomnographic Technologists

Ms. Yeatts noted that the comment period on proposed regulations was from August 26, 2013 to October 25, 2013. A public hearing was held on October 11, 2013 at the meeting of the Advisory Board. There was no public comment.

Dr. Reynolds moved to adopt final regulations as presented in response to the mandate of Chapter 838 of the 2010 General Assembly. The motion was seconded and carried unanimously.

Regulatory Recommendation on Licensure of Behavior Analysts and Assistant Behavior Analysts

Ms. Yeatts noted that the Ad Hoc based in statute to develop regulations convened in September 2013 to develop final regulations. It convened again on December 18, 2013 to review all public comment and discuss any necessary revisions to the proposed regulations. Ms. Yeatts briefly reviewed the Draft Final Regulations, which were identical to the emergency regulations and the summary of comments with draft responses the Board might consider sending to commenters.

Ms. Yeatts advised that the Ad Hoc did not recommend that any changes be made to the emergency regulations, and that the vast majority of comment recommended that the regulations be adopted as written.

After discussion, Dr. Reynolds moved to adopt the Final Regulations for Licensure of Behavior Analysts and Assistant Behavior Analysts. The motion was seconded. The vote was four in favor, one against, and one abstaining.

Licensure Report

Mr. Heaberlin advised that after the one-year grace period for the licensure of behavior analysts and assistant behavior analysts, the Board received a number of applications which seemed to indicate that the applicants had been practicing unlawfully. As a result, staff secured BACB Experience Supervision Forms which helped to clarify applicants' activities. Staff asked that the form and the BACB letter be required as part of the license application package to help facilitate the licensure process.

Dr. Hickman moved that both the form and the BACB letter be required as part of the license application package. The motion was seconded and carried unanimously.

Mr. Heaberlin advised that over the course of the year, the Board received 6,093 verification requests for processing. He noted that the majority (5174 or (83%) was for MD's, DO's and PA's. He noted that many states are moving towards electronic license verification and a number use the service, Veridoc. Veridoc currently supports 71 jurisdictions, and it charges \$10.00 per verification.

Mr. Heaberlin asked the Committee for permission to move forward with obtaining information on the benefits of using Veridoc to provide electronic responses to verification requests.

Dr. Hickman moved that the matter be investigated further with a report at a future meeting. The motion was seconded and carried unanimously.

Discipline Report

Ms. Deschenes announced that the streamlined process of scheduling and notifying members of IFCs has been working well. Ms. Deschenes also provided an update on the caseload and noted that for the first time in memory, the Board has less than 100 pending cases.

Board Counsel Update

--- DRAFT UNAPPROVED ---

Ms. Barrett provided an update on recent developments with the cases of Dr. Vuyyuru and Dr. Petrie.

Announcements

No announcements

Next scheduled meeting: April 4, 2014

Adjournment: With no other business to conduct, the meeting adjourned at 12:10 p.m.

Stuart Mackler, MD, President
President

William L. Harp, M.D.
Executive Director

Colanthia Morton Opher
Operations Manager