

**VIRGINIA BOARD OF MEDICINE  
EXECUTIVE COMMITTEE MINUTES**

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Friday, August 8, 2008

Department of Health Professions

Richmond, VA

**CALL TO ORDER:** The meeting convened at 8:46 a.m.

**MEMBERS PRESENT:** Jane Piness, MD, Vice-President  
Valerie Hoffman, DC, Secretary-Treasurer  
Gen. Clara Adams-Ender, RN, MSN, USA Retired  
Sandra Bell, MD  
Robert Mosby, MD  
Malcolm Cothran, MD, Ex Officio

**MEMBERS ABSENT:** Stephen Heretick, JD, President  
Karen Ransone, MD

**STAFF PRESENT:** William L. Harp, MD, Executive Director  
Barbara Matusiak, MD, Medical Review Coordinator  
Sandra Ryals, Director, DHP  
Amy Marschean, Assistant Attorney General  
Elaine Yeatts, DHP Senior Policy Analyst  
Colanthia Morton Opher, Operations Manager

**OTHERS PRESENT:** Scott Johnson, HDJN  
Michael Jurgensen, MSV  
Gerald Milsky, VOTA

**ROLL CALL**

**Emergency Evacuation Procedures**

Dr. Mosby gave verbal emergency evacuation instructions.

**Adoption of Agenda**

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

**Approval of the April 4, 2008**

Dr. Cothran moved to accept the minutes of April 4, 2008. The motion was seconded by Dr. Mosby. The floor opened for discussion and General Adams-Ender requested that the term “transferable” under the Agency Director’s Report be changed to the term “health acquired diseases”. After a brief discussion, the motion was carried unanimously.

## **Public Comment on Agenda Items**

There was no public comment on the agenda items.

Dr. Harp introduced to the Committee Gerald Milsky, representative for Virginia Occupational Therapy Association (VOTA), and advised that Mr. Milsky was very instrumental in the crafting of the emergency regulations for certified occupational therapy assistants, an item up for discussion later on the agenda.

Mr. Milsky acknowledged the Committee, and expressed his gratitude to Elaine Yeatts for her knowledge and guidance during this process.

## **NEW BUSINESS**

Ms. Ryals, DHP Director, addressed the Committee and provided the most recent information regarding the success that has been achieved on the key performance measure, resolution of disciplinary cases. Ms. Ryals referred to her email regarding this issue and advised more details will be provided in the future.

Ms. Ryals apprised the Committee that October 22, 2008 has been slated for new board member orientation and encouraged everyone to attend.

Ms. Ryals advised that the gubernatorial appointment process was underway and acknowledged that some members may have received communication from the Secretary's office regarding appointment or reappointment. Ms. Ryals informed the Committee that Wayne Reynolds, DO has been officially appointed to replace Suzanne Everhart, DO as the osteopathic at large member on the Full Board.

Ms. Ryals reported on the status of the budget and reminded the Committee to be good fiscal stewards.

Ms. Ryals announced that Gail Jaspén, former Deputy Director of DHP has accepted a new position with Department of Forensic Science, and will be leaving her employment with the Secretary's office August 25, 2008.

Ms. Ryals gave a brief status report on legislation, highlighting the issues from the Governor's Health Reform Commission of increased scope of practice for and direct access to nurse practitioners and physician assistants.

Ms. Ryals informed the Committee that in relation to the Emergency Contact Information, Dr. Karen Remley, State Health Commissioner, Virginia Department of Health will address the Board October 23, 2008 regarding health acquired diseases and the development of an educational package geared towards the public on health related information.

Dr. Harp noted that in the first seven months of 2008, the Board has closed 2869 cases.

Adoption of Exempt Action – Public Participation Guidelines

Dr. Mosby moved to repeal Chapter 10 and adopt the proposed amendments in Chapter 11 of the Public Participation Guidelines. The motion was seconded and carried unanimously.

Adoption of Emergency Regulations and NOIRA – Occupational Therapy Assistants (OTAs)

Ms. Yeatts gave a summation of the current status of OTAs and advised that under the Board of Medicine, this profession currently has title protection only. Ms. Yeatts advised that recent law change has mandated licensure for OTAs and the proposed emergency regulations for consideration had been carefully crafted by the members of the Advisory Board on Occupational Therapy, board staff and VOTA.

Ms. Yeatts pointed out the substantive changes, referred to the updated handout for Section 100 and addressed the Committee's inquiries regarding the remaining process.

Dr. Mosby moved to accept the proposed emergency regulations as presented. The motion was seconded and carried unanimously.

FSMB Participation Report

Dr. Harp referred to the report provided by the Federation of State Medical Boards (FSMB) and advised that any invitation to participate on a panel or a committee would be great opportunity for board members. Dr. Harp noted that Gerald Bechamps, MD, former board member, is still actively participating with FSMB.

Dr. Harp also pointed out that General Adams-Ender has been the most active board member in representing the Virginia Board at various summits and conferences.

General Adams-Enders informed the Committee that she recently attended the Federation's 5<sup>th</sup> Summit and advised that it was very lively. She said the overarching question addressed by the Summit was how the healthcare system measures and evaluates a physician's competency throughout his professional career. The General closed her remarks by stating that the group was well represented by a number of diverse groups and she has enjoyed working with them.

**Announcements**

Dr. Matusiak invited the Committee members to review probable cause cases prior to the formal hearings scheduled later in the day.

General Adams-Ender read the following apology published by the American Medical Association (AMA) July 10, 2008

**JAMA 2008;**

*“Like the nation as a whole, organized medicine in the United States carries a legacy of racial bias and segregation that should be understood and acknowledged. For more than 100 years, many state and local medical societies openly discriminated against black physicians, barring them from membership and from professional support and advancement. The American Medical Association was early and persistent in countenancing this racial segregation. Several key historical episodes demonstrate that many of the decisions and practices that established and maintained medical professional segregation were challenged by black and white physicians, both within and outside organized medicine. The effects of this history have been far reaching for the medical profession and, in particular, the legacy of segregation, bias, and exclusion continues to adversely affect African American physicians and the patients they serve.”*

General Adams-Ender requested that this article be on the October 22, 2008 agenda as an item for discussion.

General Adams-Ender informed the Committee that this year was the Commemoration of the 60<sup>th</sup> anniversary of the integration of the armed forces. She stated that this event is significant from the stand point of healthcare because many black physicians chose to serve in the military so adequate medical care would be provided to African-American soldiers.

Dr. Harp commented that Lt. Col. Howard Baugh, one of the original Tuskegee airmen, recently spoke at an event regarding his military experience and the progress that has been made in the military along racial lines. Dr. Harp recounted that Lt. Col. Baugh observed that in 1943 the armed forces were one of the most racially divided organizations, and today is one of the least racially divided.

**Adjournment:** With no other business to conduct, the meeting adjourned at 9:43 a.m.

**Next scheduled meeting:** December 5, 2008

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Jane Piness, MD,  
Vice-President

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William L. Harp, M.D.  
Executive Director

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Colanthia Morton Opher  
Operations Manager