

---DRAFT UNAPPROVED---

VIRGINIA BOARD OF MEDICINE
FULL BOARD MINUTES

Thursday, June 10, 2010

Department of Health Professions

Richmond, VA

CALL TO ORDER:

The meeting convened at 8:48 a.m.

MEMBERS PRESENT:

Jane Piness, MD, President
Karen Ransone, MD, Vice-President
Valerie Hoffman, DC, Secretary/Treasurer
Brig. Gen. Clara Adams-Ender, RN, MSN, USA Ret.
Deeni Bassam, MD
Sandra Anderson Bell, MD
Malcolm Cothran, MD
William Epstein, MD
Stephen Heretick, JD
Gopinath Jadhav, MD
Jennifer Lee, MD
Stuart Mackler, MD
Wayne Reynolds, DO
Ellen Shapiro, DPM
Michael Signer, Ph.D., JD

MEMBERS ABSENT:

Claudette Dalton, MD
Roderick Mathews, JD
Juan Montero, MD

STAFF PRESENT:

William L. Harp, MD, Executive Director
Jennifer Deschenes, JD, Deputy Executive Director, Discipline
Barbara Matusiak, MD, Medical Review Coordinator
Ola Powers, Deputy Executive Director, Licensing
Colanthia Morton Opher, Operations Manager
Diane L. Reynolds-Cane, MD, DHP Director
Arne Owens, DHP Chief Director
Amy Marschean, Assistant Attorney General
Elaine Yeatts, DHP Senior Policy Analyst

OTHERS PRESENT:

W. Scott Johnson, HDJN
Tyler Cox, HDJN
Kim Mosny, CPM, Commonwealth Midwives Alliance
Mike Jurgensen, MSV
Kenneth Roeber, Sands Anderson, PC
Diane Powers, DHP Communications Director
Neal Kauder, Visual Research, Inc.
Tully Patrowicz, MD, FSMB
Todd Phlipps, FSMB
Lisa Robins, FSMB

ROLL CALL

EMERGENCY EGRESS PROCEDURES

Dr. Ransone read the emergency egress procedures for Conference Room 2.

APPROVAL OF THE FEBRUARY 18-19, 2010 MINUTES

Mr. Heretick moved to accept the minutes of February 18-19, 2010 as amended by General Adams-Ender. The motion was seconded and carried unanimously.

ADOPTION OF AGENDA

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

INTRODUCTION OF GUESTS

Dr. Harp welcomed and introduced the members of the public. He also announced that portions of the business meeting would be taped and that the footage would be used as part of DHP's orientation video.

PUBLIC COMMENT ON AGENDA ITEMS

Kim Mosny, CPM, addressed the Board as a licensee and as a representative of the Commonwealth Midwives Alliance to express support for the Workgroup's Proposed Disclosure Regulations, and also for the Midwifery Advisory Board's recommendation to form an Ad Hoc Committee on Medication.

NEW BUSINESS

DHP DIRECTOR'S REPORT

Dianne Reynolds-Cane, MD, addressed the Board in her capacity as the new director for the Department of Health Professions. Dr. Reynolds-Cane welcomed the guests and expressed a hearty thanks to the Federation of State Medical Boards for their work for and with the Board of Medicine. Dr. Reynolds-Cane congratulated the Board on its accomplishments in both licensure and discipline. She thanked the Board members for their active participation, acknowledging the time they contribute to provide an invaluable service and to protect the public. Dr. Reynolds-Cane acknowledged that the Board of Medicine has set a number of precedents that have been instituted amongst the

department's other 12 regulatory boards, most notably the Sanctions Reference Points. She also mentioned the Board's 2009 ranking of 19th by Public Citizen, up from 28th in 2008.

Dr. Reynolds-Cane also acknowledged the accomplishment of William L. Harp, MD, Executive Director for the Board, in receiving the John H. Clark, MD Leadership Award for his contribution to the field of medical regulation. Dr. Harp received a standing ovation.

Dr. Reynolds-Cane then briefly mentioned the progress that the Healthcare Workforce Data Center was making in regards to data collection and measurement of Virginia's healthcare workforce. She advised that the results are scheduled for release this summer.

Dr. Reynolds-Cane stated that she is looking forward to continued opportunities to interact with the Board.

Dr. Reynolds-Cane then introduced Arne Owens as Chief Deputy of DHP and stated that he brings with him a wealth of experience in public administration, public policy and communications. The Board welcomed Mr. Owens.

INFORMATIONAL REPORTS

Neal Kauder with Visual Research provided the Board with a handout indicating the Sanctioning Reference Points (SRP's) agreement analysis. Mr. Kauder noted that it has been six years since the implementation of this tool and suggested that a repeat training in the use of the SRP's might be a good idea for the newer Board members.

The Board thanked Mr. Kauder for his presentation.

Ralph Orr with the Prescription Monitoring Program gave a brief and informative presentation on the registered users and requests to PMP's data center. Mr. Orr informed the board that as of May 2010, the center has received and processed over 140,000 inquiries; 91% of these requests come from prescribers.

Mr. Orr shared a handout that indicated the number of Virginia licensed medical professionals that are licensed in the other states, territories and the District of Columbia. He reported that movement towards interoperability that would allow some other states to access the data in the Virginia PMP is underway.

The Board thanked Mr. Orr for his presentation.

Jennifer Lee, MD, Board of Medicine member from the 8th Congressional District presented a PowerPoint entitled *Understanding Health Reform: What Will It Mean?* Her presentation provided a detailed overview of the basic components of health reform, coverage expansions, capacity building, what's happening now, and implications for the future of healthcare. She announced that July 1, 2010 a website will be available to help

individuals identify coverage options available to them under healthcare reform.

Tully Patrowicz, MD, Todd Phillips, and Lisa Robin, all with the Federation of State Medical Boards presented an overview of FSMB, its vision, mission, structure, services and strategic plan for 2010-2015.

Their presentation emphasized the FSMB committee structure and opportunities for service, the Federation Credentials Verification Service (FCVS), and the uniform application for physician licensure.

In addition to announcing the 2010 Election Results for the Board of Directors and Nominating Committee, Dr. Patrowicz announced that the FSMB House of Delegates adopted the Maintenance of Licensure (MOL) Policy Statement Framework on April 24, 2010. He pointed out that there are many issues including exit strategies, manpower impact and redistribution, scope of practice, fiscal impacts to all parties, etc. that the state medical boards would need to consider prior to implementation.

Ms. Robin also announced the opening of their new advocacy office in Washington, DC. The board thanked them all for their presentations.

REPORT OF OFFICERS AND EXECUTIVE DIRECTOR

OFFICER'S REPORT

Dr. Piness, President, gave a brief report on their attendance to the FSMB's annual conference in Chicago.

Dr. Ransone - Vice-President - No report.

Dr. Hoffman - Secretary/Treasurer – No report.

EXECUTIVE DIRECTOR'S REPORT

Revenue and Expenditures Report

Dr. Harp advised that the most recent report indicated that the Board is well within budget.

HPMP Statistics

This report was provided for information only. No action required.

MSV Newsletter

Dr. Harp acknowledged the article printed in MSV's Newsletter about the experience of

servicing on the Board of Medicine and the upcoming vacancies.

PMP Conference

Dr. Harp noted that the 4 hour Category I CME seminar, "Patient Management with Controlled Substances", presented in conjunction with the Prescription Monitoring Program on May 1, 2010 in Charlottesville was a success.

Ad Hoc on Office-Based Surgery

Dr. Harp advised that the first meeting of this Committee has been scheduled for July 13, 2010.

COMMITTEE AND ADVISORY BOARD REPORTS

Dr. Cothran moved to accept the minutes en bloc with the exception of the April 30, 2010 Executive Committee Meeting Minutes. The motion was seconded and carried. Ms. Marschean asked that the Executive Committee be amended as follows:

Abofreka – Commonwealth filed ~~plea in bar~~ its brief on April 14, 2010 in response to Dr. Abofreka's Petition for Appeal addressing his charge that the roadmap of the appeal process was arbitrary and capricious.

Binder – Board counsel appeared before the judge in York County and argued against the previous ~~order~~ complaint filed by Binder; the judge ~~denied reinstatement of the order~~ dismissed the complaint with prejudice.

Dr. Cothran moved to accept the minutes as amended. The motion was seconded and carried unanimously.

OTHER REPORTS

Assistant Attorney General

Ms. Marschean gave an update on legal matters involving the Board.

Board of Health Professions

No report.

Podiatry Report

No report.

Chiropractic Report

No report.

NEW BUSINESS

Regulatory Actions

Chart of Regulatory Actions

This report was provided for information only. No action was required.

Adoption of Exempt Final Amendments for Unauthorized Disclosure of PMP Information

Dr. Reynolds moved to adopt final amended regulations that would provide grounds for disciplinary action for unauthorized use or disclosure of confidential information received from the Prescription Monitoring Program. The motion was seconded and carried.

Proposed regulations – Disclosure requirements for high-risk pregnancies

After brief discussion, General Adams-Ender moved to adopt the proposed regulations for disclosure of risks to certain clients as amended. The motion was seconded and carried.

Response to recommendation of Advisory Board of Physician Assistants

Dr. Reynolds moved to accept the recommendation of the Legislative Committee that physician assistants remain subject to the requirement for current NCCPA certification to maintain licensure. The motion was seconded and carried.

Dr. Reynolds then moved to deny the recommendation of the Advisory Board of Physician Assistants to initiate rulemaking for the purpose of amending §18VAC85-50-56B and removing the NCCPA requirement. The motion was seconded and carried.

Legislative Actions

Recommendation for Legislative Proposal – Chapter 29 Amendments

Dr. Mackler moved to accept the recommendations for amendment of Chapter 29 as a legislative proposal for the 2011 General Assembly. The motion was seconded and carried.

Recommendation for Legislative Proposal – Three Paid Claims Assessment §54.1-2912.3

Dr. Bell moved to accept the recommended amendments as a legislative proposal for the 2011 General Assembly. The motion was seconded and carried.

DHP – Regulatory/Policy Action – 2010 General Assembly

Ms. Yeatts briefly reviewed the impact of the following new laws: HB725 - Licensure of Polysomnographers and HB1376 – Guidelines for seizure management in schools (Board of Nursing in consultation with the Board of Medicine). She also discussed the following bills: SB573/SB727 – Kinesiotherapy Licensure and HB601 – Medical Laboratory Scientists and Techniques. No action was required.

Licensing Report

Ms. Powers provided a verbal report on the current status of the licensing section. She advised that this is a very busy time and the workload is heavy. Staffing is minimal to meet the demand, but all are working diligently to meet the 30-day licensure requirement.

Discipline Report

Ms. Deschenes furnished the Board with a handout providing an overview of the number of cases settled by Consent Order, cases docketed and cases closed during 2007-2010. She thanked to Board for their assistance on moving these cases along.

Recommendation from the Midwifery Advisory Board for Ad Hoc on Medication Committee

Dr. Harp and Ms. Yeatts provided background and history on this topic. After a very brief discussion, Dr. Cothran moved to accept the recommendation of the Midwifery Advisory Board for the formation of an Ad Hoc on Medication Committee. The motion was seconded and carried unanimously.

Proposed 2011 Board Meeting Dates

The Board unanimously agreed to accept the 2011 Board meeting dates as presented. Staff was asked to canvass the members regarding possible alternative dates for the October 2010 full Board meeting.

Presentation of Plaques

Mr. Heretick presented Dr. Malcolm Cothran with a service plaque to commemorate his service to the Board and the Commonwealth from July 1, 2002-June 30, 2010. He noted that Dr. Cothran served as vice-president from October 2004 to June 2006 and then as president from June 2006 to June 2007.

Dr. Cothran thanked everyone for the opportunity to serve the citizens of the Commonwealth and to serve with his fellow Board members. He received a standing ovation.

Mr. Heretick then presented a service plaque to Brigadier General Clara Adams-Ender,

RN, MSN, USA Ret. in recognition of her extraordinary service rendered to the Board and the Commonwealth during her tenure from July 2005 to June 2010.

General Adams-Ender also thanked the Board for allowing her to be part of such an important mission and wished them well. She received a standing ovation.

Nominating Committee

The Nominating Committee, in Dr. Montero's absence, presented the following slate of officers for consideration: Karen Ransone, MD – President, Claudette Dalton, MD – Vice-President, Stuart Mackler, MD – Secretary/Treasurer.

The floor was opened for nominations – there were none. Dr. Reynolds moved to close the nominations. The motion was seconded and carried.

The Board unanimously agreed to accept the slate as presented.

Credentials Committee Recommendation

The Board was provided with the Credentials Committee's recommendation in the following matters:

Virgilio Conlu Supetran, MD - Application for a license to practice medicine and surgery in the Commonwealth.

The recommendation of the Credentials Committee that a full and unrestricted license be granted upon receipt of evidence of passage of the Special Purpose Examination (SPEX) was moved by Dr. Ransone, seconded and ratified unanimously.

Marie-Laure Nevoret, MD - Application for a license to practice medicine and surgery in the Commonwealth.

The Credentials Committee recommended that a full and unrestricted license be granted upon receipt of evidence of passage of the Special Purpose Examination (SPEX) of the Federation of State Medical Boards.

Dr. Bell moved to ratify the recommendation. The motion was seconded and carried unanimously.

Arlene Therese Farinas, MD - Application for a license to practice medicine and surgery in the Commonwealth.

Dr. Farinas asked the Board to allow her to withdraw her application at this time.

Dr. Ransone moved to grant Dr. Farinas' request to withdraw. The motion was seconded

and carried unanimously.

Announcements

Staff reminded the Board of their hearing assignments for the remainder of the day.

Adjournment: With no other business to conduct, the meeting adjourned at 12:50 p.m.

Next scheduled meeting: TBA

Jane Piness, M.D.
President, Chair

William L. Harp, M.D.
Executive Director

Colanthia M. Opher
Recording Secretary