

LEGISLATIVE COMMITTEE

MINUTES

MAY 17, 2002

The Legislative Committee chaired by J. Kirkwood Allen met on Friday, May 17, 2002, at 8:30 a.m., at the Department of Health Professions ("DHP"). The meeting was called to order by Mr. Allen.

MEMBERS PRESENT: J. Kirkwood Allen, Chair
Robert J. Bettini, MD
Richard M. Newton, MD
Sue Ellen B. Rocovich, DO
Kenneth J. Walker, MD
Jerry R. Willis, DC

MEMBERS ABSENT: James F. Allen, MD

STAFF PRESENT: William L. Harp, MD, Executive Director
Karen W. Perrine, Deputy Executive Director of Discipline
Ola Powers, Deputy Executive Director of Licensure
Kate Nobsch, Deputy Executive Director, Physician Profile
Elaine Yeatts, DHP Senior Regulatory Analyst
Gail D. Jaspen, Chief Deputy Director
Deborah A. Ordiway, Recording Secretary

GUESTS PRESENT: Harry C. Beaver, MD, President of the Virginia Board of Medicine; Melanie Gerheart, Virginia Society of Anesthesia; Brian Ball; and Susan Ward, Virginia Hospital Association

ADOPTION OF AGENDA

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

PUBLIC COMMENT ON AGENDA ITEMS

There was no public comment.

APPROVAL OF MINUTES OF JANUARY 25, 2002

Dr. Bettini moved to approve the minutes of the Legislative Committee dated January 25, 2002. The motion was seconded and carried unanimously.

#1 Chart on Status of Regulations

A handout titled Board of Medicine Regulatory Actions was distributed.

#2 Regulatory Actions

Acupuncture

Dr. Willis moved to forward the proposed licensed acupuncturists regulations to the Full board. The motion was seconded and carried unanimously.

Radiologic Technologists

Dr. Bettini moved to forward the proposed amended radiologic technologists regulations to the Full board. The motion was seconded and carried unanimously.

Respiratory Care

Dr. Willis moved to forward the proposed respiratory care regulations to the Full board. The motion was seconded and carried unanimously.

Physician Assistants

Dr. Bettini moved to forward the final regulations on physician assistants to the Full Board. The motion was seconded and carried unanimously.

Nurse Practitioners

Dr. Willis moved to forward the proposed regulations on the licensure of nurse practitioners to the Full board. The motion was seconded and carried unanimously.

Adoption of Emergency Regulations

Dr. Willis moved to forward the portion of House Bill 1318 that dealt with volunteer practice in a nonprofit to the Full board. The motion was seconded and carried unanimously.

Dr. Willis moved to forward the emergency regulations on physician assistants to the Full board. The motion was seconded and carried unanimously.

Adoption of Proposed Regulations – Office-Based Anesthesia

Dr. Bettini moved to approve the language of 18 VAC 85-20-320. The motion was seconded and carried unanimously.

Ms. Yeatts stated that 18 VAC 85-20-330 would read as follows:

- A. All providers of office-based anesthesia shall hold the appropriate license and have the necessary training and skills to deliver the level of anesthesia being provided. If anesthesia is being administered by a certified registered nurse anesthetist, supervision shall be provided by a licensed physician. The provider of anesthesia in office-based surgery shall be a licensed practitioner other than the operating physician.
- B. All providers of office-based anesthesia or those who supervise the administration of anesthesia shall maintain current training in advanced resuscitation techniques and shall obtain continuing education hours direct to the administration of anesthesia.
- C. Physicians who utilize office-based anesthesia shall ensure that all medical personnel assisting in providing patient care are appropriately trained, qualified and supervised, are sufficient in numbers to provide adequate care, and maintain training in basic cardiopulmonary resuscitation.

Dr. Bettini moved to approve the above language for 18 VAC 85-20-330. The motion was seconded and carried unanimously.

Underneath 18 VAC 85-20-350 a requirement was added that the name of the person providing the anesthesia and if the anesthesia provider is not a physician then the name of the supervising physician would be added.

Dr. Bettini moved to approve the language of 18 VAC 85-20-340 and 18 VAC 85-20-350. The motion was seconded and carried unanimously.

Dr. Rocovich moved to approve the language of 18 VAC 85-20-360. The motion was seconded and carried unanimously.

Dr. Newton moved to approve the language of 18 VAC 85-20-370. The motion was seconded and carried unanimously.

Dr. Bettini suggested that wording be added to 18 VAC 85-20-390 where it would report an adverse anesthesia outcome, which required transport to the hospital.

Dr. Bettini moved to approve the language of 18 VAC 85-20-380 and 18 VAC 85-20-390, as amended. The motion was seconded and carried unanimously.

Comment on Proposed Regulations from the Board of Dentistry – Oral and Maxillofacial Surgery

A copy of the proposed regulations on oral and maxillofacial surgeons was distributed.

#3 Legislative

Wrap-up Report from 2002 Session of the General Assembly

A handout titled "Lobbyist-in-a-Box" was distributed.

Discussion of HB 217 and Implications for Advisory Boards

House Bill 217 changed the composition of the advisory boards. Two major changes of this bill are: (1) The requirement for a special conference committee of the board would change the composition of that committee to two members of the Board of Medicine and one member from the advisory board. (2) The composition of the advisory board shall consist of five members to be appointed by the Governor for four-year terms. Each advisory board shall contain one citizen member appointed from the Commonwealth at large.

Legislative Proposals for 2003 Session of the General Assembly

Ms. Yeatts asked the board members if they had any proposed legislation for the 2003 session of the General Assembly.

Mrs. Powers asked that Section 54.1-2953 be submitted as a deletion for proposed legislation. This section states that the employment of a physician assistant shall expire at the end of one year and a new application shall be submitted for approval.

#4 Proposed Amendment to 54.1-2956.8:1 to Remove the Exemption to Licensure for Radiologic Technologists Employed by Licensed Hospitals

A proposed legislative change would be to require licensure for radiologic technologists employed by licensed hospitals.

#5 Consideration of a Monthly Disciplinary Report for the Website Similar to that of the Kentucky Board of Medicine

Dr. Walker moved that a monthly disciplinary report be added to the Board of Medicine website. The motion was seconded and carried unanimously.

#6 Other Actions of the 2002 General Assembly

A copy of House Joint Resolution No. 261 was disseminated.

#7 Disciplinary Process

Dr. Beaver stated that the disciplinary process needs to be revamped. An example is to give a letter of concern at the beginning of a process.

Dr. Walker moved that the Legislative Committee would study this agenda item. The motion was seconded and carried unanimously.

ADJOURNMENT

With no further business to discuss, the Legislative Committee of the Board of Medicine adjourned.

J. Kirkwood Allen
Chair

William L. Harp, MD
Executive Director

Deborah A. Ordiway
Recording Secretary