

**BOARD OF MEDICINE
EXECUTIVE COMMITTEE**

MINUTES

August 1, 2003

Diane L. Reynolds-Cane, M.D., Chair, called the meeting of Executive Committee to order at the Department of Health Professions ("DHP").

MEMBERS PRESENT: Diane L. Reynolds-Cane, M.D., Chair
Kenneth J. Walker, M.D.
Carol E. Comstock, R.N.
Harry C. Beaver, M.D.
Rev. LaVert Taylor, Citizen Member

MEMBERS ABSENT: Sue Ellen Rocovich, D.O.
James F. Allen, M.D.
Jerry R. Willis, D.C.

STAFF PRESENT: William L. Harp, M.D., Executive Director
Ola Powers, Deputy Executive Director of Licensing
Kate Nosbisch, Deputy Executive Director, Physician Profiling
Roscoe Roberts, Assistant Attorney General

GUESTS PRESENT: Reverend Atkins

ADOPTION OF AGENDA

Ms. Comstock moved to adopt the agenda. The motion was seconded and carried unanimously.

PUBLIC COMMENT ON AGENDA ITEMS

There was no public comment.

APPROVAL OF MINUTES OF APRIL 4 & APRIL 16, 2003 MEETINGS.

Rev. Taylor moved to adopt the agenda. The motion was seconded and carried unanimously.

NEW BUSINESS

1. Appointment of Nominating Committee

Dr. Harp explained that a nominating committee would need to be appointed to elect a President to address the vacancy in the presidency. Ms. Comstock moved that the Executive Committee accept the names of Drs. Russ, Walker, Bettini, Cothran and Rev. Taylor for Dr. Reynolds-Cane to consider for appointment of the nominating committee. The motion was seconded and carried unanimously.

2. Legislative Proposals for 2004 Session

Dr. Harp presented two DHP legislative proposals. One would provide specific authority in Section 54.1-2400 for boards to delegate informal fact finding to an agency subordinate and to provide authority for a special conference committee of all boards to order a mental or physical examination. Ms. Comstock moved to support the proposed legislation. The motion was seconded, discussed and carried unanimously. The second DHP proposal would move the provisions of 54.1-2906 and 54.1-2907 into Chapter 24 and language granting immunity from civil liability or criminal prosecution for making a report required by law or regulation would be moved to 54.1-2400.8 where it would apply to all boards in DHP. Dr. Reynolds-Cane moved to support the language of the draft legislation. The motion was seconded and carried unanimously.

Dr. Harp presented four Board legislative proposals for discussion. The first would amend and reenact Section 54.1-2919 of the Code of Virginia relating to disciplinary proceedings by the Board. Rev. Taylor moved to accept in its entirety. The motion was seconded, discussed and carried unanimously. The second would amend Section 54.1-2952 of the code of Virginia relating to practice by physician assistants in hospital emergency departments. Dr. Walker moved to support the proposal. The motion was seconded, discussed and carried unanimously. The third would amend and reenact Section 54.1-3408 of the Code relating to administration of controlled substances by certified athletic trainers. Two drafts were presented for consideration. The original draft approved by the Board at its June 5, 2003 meeting did not include language relating to an oral or written order to authorize a licensed respiratory care practitioner to administer controlled substances. Dr. Walker moved to accept the original version of the draft legislation as presented. The motion was seconded, discussed and carried unanimously. The fourth proposal would amend Section 54.1-2956.8:1 of the Code of Virginia by removing the hospital employment exemption for the licensure of Radiologic Technologists. Dr. Walker moved to accept the draft legislation. The motion was seconded and carried unanimously.

#3. Request for rule making – Athletic Trainers fees

The Committee considered the request from Marty Bradley, MS, ATC to reduce renewal fees for graduate student Athletic Trainers. Dr. Beaver moved to deny the request for rule making. The motion was seconded, discussed and carried unanimously.

#4. Board meeting schedule

A draft schedule of meetings for 2004 was reviewed. Rev. Taylor moved that the Executive Committee delegate the final scheduling of meetings to the Board President, the Executive Director and staff. The motion was seconded, discussed and carried unanimously.

#5. Confidential Consent Agreements

A suggested motion was presented for clarification and modification in reference to the use of Confidential Consent Agreements. Rev. Taylor stated that he objected to the use of Confidential Consent Agreements. After discussion, Ms. Comstock moved to modify the suggested motion to include a monetary penalty except with good cause shown. Dr. Cane offered a friendly amendment to the motion that the Executive Director be directed to provide reports during meetings regarding CCA's with specific categories. The motion with the friendly amendment would read, a Confidential Consent Agreement will be offered to a practitioner who has failed to complete the profile, has completed late, has inadvertently omitted information or failed to maintain a current address with the Board. Further, the CCA will include findings of fact, the finding of a violation (specifically Section 54.1-2915(A)(3) Unprofessional conduct, as defined in Section 54.1-2914(A)(13) (violates any of the provisions of this chapter or regulation of the Board) and Section 54.1-2910.1 (profile law) and part VII of 18 VAC 85-20 (Practitioner Profile System regulation, and 18 VAC 85-20-21 for current addresses) and assess a monetary penalty except for good cause shown. the CCA shall provide that the practitioner certifies that on the date he or she signs the CCA , he or she has completed and/or updated the profile, and provided a correct address of record. Further, the Executive Director shall report on the use of CCA's to the Board, to include the categories and the fines levied. The motion was seconded, discussed and carried with a vote of 4 yes and 1 no. Dr. Harp then suggested that the Executive Committee consider having the chair of the Legislative Committee from a sub-committee to look at CCA's and bring information to the Legislative Committee. Dr. Walker moved to have a sub-committee formed to address CCA's. The Motion was seconded, discussed and carried unanimously.

#6. Practitioner Information Report

Ms. Nosbisch gave a report to update the Committee about the Practitioner Profile website. Ms. Comstock moved to modify the Profile system display to the public to identify, separate those licensees with active licenses from those whose licenses have expired, with the disclaimer that the information for those with expired licenses have no statutory responsibility to keep their information current. The motion was seconded, discussed and carried unanimously.

#7. Report of Executive Director

Dr. Harp suggested a committee to study HB 1706. The Committee agreed that Dr. Reynolds-Cane and Dr. Harp should constitute the Ad Hoc Committee.

Dr. Harp talked about incorporating ethics into the regulations for all professions regulated by the Board. The Committee decided to form a sub-committee consisting of all professions and also others involved in ethics.

Dr. Harp announced that the first IFC was held using the new laptops and that he had received positive feedback.

Dr. Harp suggested the committee formed to study laser hair removal file a report with the full Board. The Executive Committee agreed.

Dr. Harp said that the September workshop was scheduled for Charlottesville on the 12th and 13th. The Committee discussed having speakers. It was decided that Dr. Reynolds-Cane and Dr. Harp would set the agenda with input from all board members.

Dr. Harp reported that the Board would proceed with the determinations of the Sanctions Reference Study at IFC's.

Dr. Harp announced that the Guidance Document for 1441 reporting was finalized, noted its presence on the DHP website and made copies available to the members of the Executive Committee.

#8. NEXT MEETING

The next meeting of the Executive Committee will be Friday, December 5, 2003 at 8:00 AM at the Board offices.

#9. ADJOURNMENT

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

Dianne Reynolds-Cane, M.D.
Chair

William L. Harp, M.D.
Executive Director

Ola Powers
Recording Secretary