

AD HOC COMMITTEE OF THE BOARD OF MEDICINE ON ETHICS MINUTES
December 12, 2003
Richmond, Virginia

The Ad Hoc Committee of the Board Medicine on Ethics met on December 12, 2003, at 1 p.m., at the Department of Health Professions, 6603 West Broad Street, Richmond, Virginia. The meeting was called to order by Dianne Reynolds-Cane, M.D., Chair.

MEMBERS PRESENT: Dianne Reynolds-Cane, M.D, Chair
Harry Beaver, M.D.
Shane Krause, M.D.
Bonnie McQuaid, R.C.P.
Claudette Dalton, M.D.
Melvin Johnson, M.D.
Steve Heretick, J.D.

STAFF PRESENT: William L. Harp, M.D., Executive Director
Elaine Yeatts, Senior Policy Analyst
Karen Perrine, Deputy Executive Director for Discipline
Ola Powers, Deputy Executive Director for Licensing

GUESTS PRESENT: Nelson Gregory, D.C., Virginia Chiropractic Association
Bruce Keeney, Virginia Chiropractic Association
Mike Jurgensen, Medical Society of Virginia
Deborah Love, Richmond Academy of Medicine
Carolyn Thomas, M.D. Richmond Academy of Medicine
Barklie W. Zimmerman, M.D., Richmond Academy of Medicine
Bill Thesier, D.C., Virginia Chiropractic Association
Larry Stine, D.C., Virginia Chiropractic Association
Patricia Reams, M.D., Virginia Chapter, American Academy of Pediatrics
Ed Robinson, R.C.P., Virginia Society for Respiratory Care

Ms. Yeatts explained the goal of the Committee was to create general parameters for regulations and to have a draft document available for the next meeting.

Dr. Harp invited input from all present and introduced Committee members. Dr. Reynolds-Cane asked the guests to introduce themselves to the Committee.

Dr. Reynolds-Cane asked the attendees to review the topics for discussion provided and identify any areas not covered. The areas of business relationships and practices to include kickbacks, advertising, contracts, referrals from drug representatives and clinical trials in doctors' offices for

remuneration were mentioned. Medical record keeping and relationships with patients were also mentioned.

Each topic was discussed individually. The first was Confidentiality. The length of time to keep records was discussed at length. There was no consensus for a specific amount of time to keep records. Many of those present liked the federal and state laws already in place.

Prescribing to Self and Family was the next topic discussed. The Committee and guests talked about the pros and cons and thought it best to deal with parameters and not absolutes. The consensus was to incorporate language that there must always be a physician/patient relationship in place before prescribing. It was noted that the AMA is in the process of revising their code of ethics.

The topic of Communication with Patients was discussed to include informed consent and the establishment and termination of the physician/ patient relationship.

Supervision of Subordinates was discussed. The Committee suggested changing the wording in line #15 of the FSMB Grounds for Disciplinary Action from aiding and abetting to something less harsh, but still cover physician supervision and not cause patient harm and to add, "incompetent or impaired person known to you."

Under Unprofessional Behaviors, the Committee considered items from the FSMB Grounds for Disciplinary Actions and from the AMA Code of Ethics.

The final topic, Sexual Misconduct was discussed. Several items from the FSMB, the Code of Virginia and Virginia Regulations were considered. It was decided to keep it simple, but to include office sexual harassment, prohibition of relationship with significant third party and unintentional negligence.

The Committee is scheduled to meet on Friday, January 16, 2004 at 1 p.m.

Adjournment

With no further business to discuss, the meeting of the Ad Hoc Committee was adjourned.

Dianne Reynolds-Cane, MD
Chair

William L. Harp, M.D.
Executive Director

Ola Powers
Recording Secretary