

**BOARD OF MEDICINE
EXECUTIVE COMMITTEE**

MINUTES

March 12, 2004

Dianne 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.
Jerry R. Willis, D.C.

MEMBERS ABSENT: James F. Allen, M.D.
Sue Ellen Rocovich, D.O.

STAFF PRESENT: William L. Harp, MD, Executive Director
Ola Powers, Deputy Executive Director of Licensure
Karen W. Perrine, Deputy Executive Director of Discipline
Barbara Matusiak, Medical Review Coordinator
Elaine Yeatts, DHP Senior Regulatory Analyst
Emily Wingfield, Assistant Attorney General
Robert Nebiker, Director, DHP
Gail Jaspen, Deputy Director, DHP
Colanthia Morton, Recording Secretary

GUESTS PRESENT: Mr. Neal Kauder
Dr. Elizabeth Carter, Board of Health Professions

APPROVAL OF MINUTES OF DECEMBER 5, 2003 MEETING

Dr. Beaver moved to approve the minutes dated December 5, 2003. Ms. Comstock moved to request a correction to the wording under DHP Directors report. The motion was seconded and carried unanimously.

ADOPTION OF AGENDA

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

PUBLIC COMMENT ON AGENDA ITEMS

There was no public comment.

DHP DIRECTOR'S REPORT

Mr. Nebiker reported that HB577 passed and the board will need to adopt regulations by July 1st for the handling of disciplinary cases. Mr. Nebiker also advised that after lengthy discussion with other entities, it was determined that there may be additional legal issues regarding the implementation of the Sanctions Reference Study and suggested that implementation be held off until the next full board meeting for discussion.

REPORT OF THE ATTORNEY GENERAL'S OFFICE

Ms. Wingfield reported that the board currently has only one pending case involving a Practitioner Profile case.

REPORT OF EXECUTIVE DIRECTOR

Dr. Harp announced the appointment of citizen member Alvin Edwards, M.Div., Ph.D. who would be completing the term of Rev. LaVert Taylor.

Dr. Harp informed the Board that a detailed report will be available in April for vote at the June 2004 full Board meeting regarding the use of laptops. He stated that board staff strongly recommends the use of laptops on selected disciplinary cases only.

Dr. Harp informed the board that Medicine is in the beginning stage of the first renewal cycle with online renewal capabilities. As of this meeting date, the Board was in the 35% range of the total number of those who could have renewed on line.

Dr. Harp advised that there has been a favorable response to the volunteer workforce survey that had been requested by the deans of UVA and other medical schools. This survey captures information regarding physician workforce issues and pending retirements.

Dr. Harp reported that he had attended a conference in Alexandria jointly sponsored by the FDA, the DEA and FSMB. The meeting addressed ways to provide some education to registrants with the DEA regarding the responsible use of opioids in pain management. The consensus was that DEA, in consultation with pain management and addiction experts develop an online educational module for first-time registrants and those renewing. The course will be voluntary, may offer CME credit and will be provided to state board to use as they see fit.

Dr. Harp advised the Board that FSMB is in the process of revising their model policy guidelines on the treatment of pain.

NEW BUSINESS

1. 2004 General Assembly Report

Ms. Yeatts gave detailed updates on all pending legislation impacting the Board of Medicine. Ms. Yeatts advised that HB 577, which delegates authority to staff for informal fact finding, requires the adoption of emergency regulations in June.

Ms. Comstock moved to have Dr. Reynolds-Cane appoint two ophthalmologists to the TPA Formulary Committee for the Board of Optometry. The motion was seconded and carried unanimously.

2. Regulatory Matters

Summary of comments on proposed regulations ref: Fee Increase: Ms. Yeatts advised that the final regulations will be replacing the emergency regulations that went into effect July 2003, on July 1, 2004. Response to public comment has been addressed. Dr. Walker moved that the Board should come up with appropriate language to express its disagreement with the transfer of funds. The motion was seconded and carried. Ms. Comstock suggested wording from the last Executive Committee that “there was no legal foundation to support the transfer of these funds regardless of their worthiness”.

Final regulations for Fee Increase Pursuant to HB 1441: Dr. Willis moved to adopt final regulations. The motion was seconded and carried.

#3. Amendment to Bylaws ref: Probable Cause Determinations

Dr. Harp discussed the proposed language for the bylaws. Dr. Willis moved to recommend the new language to the full Board for approval in April. The motion was seconded and carried.

Dr. Reynolds-Cane underscored the significance of the passage of HB 577 and the necessity for the Legislative Committee to draft language for proposed regulations at its May meeting.

#4. Mini-Residency in Appropriate Prescribing Course from UMDNJ

Dr. Harp showed a videotape of the Mini-Residency in Appropriate Prescribing offered by UMDNJ. The committee recommended that this course be accepted when there was no face to face continuing education hours required.

#5. Practitioner Information Report and Recommendation for Courtesy Letters

Ms. Nosbisch provided a list and discussed several options for addressing licensees that were in non-compliance with completing the mandatory practitioner profile information. After lengthy discussion, Dr. Walker motioned that all licensees should receive a courtesy letter regardless of how old the omitted information is. The exception will be any paid claims, actions, or felony convictions older than 60 days. Any paid claim, action, or felony older than two months will be forwarded on for a CCA. Licensees that do not respond to a courtesy letter within 30 days from the date of the letter will be forwarded on to a CCA. The motion was seconded and carried unanimously.

Ms. Comstock discussed the long term option to change regulations to have profiling matters handled administratively with or without a monetary fee. Dr. Willis moved to recommend the matter to the full Board for consideration.

#6. Sanctions Reference Pilot Project Update

Dr. Harp introduced Mr. Kauder and Dr. Elizabeth Carter and advised that since the January 22nd meeting, the Board of Medicine adopted the amended manual as a guidance document and it is presently available on the website under 85-11.

#7. ANNOUNCEMENTS

There were no announcements.

#8. NEXT MEETING

The next meeting is scheduled for August 13, 2004.

#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

Colanthia Morton
Recording Secretary