

VIRGINIA BOARD OF MEDICINE
MINUTES

Friday, September 24, 2004 Department of Health Professions Richmond, Virginia

CALL TO ORDER: The meeting of the Ad Hoc Committee convened at 12:20 p.m.

MEMBERS PRESENT: Malcolm L. Cothran, Jr., MD, Chair
Jay Douglas, RN
Marcella Fierro, MD
Mike Jurgensen
Janet Rainey
Calvin Reynolds
J. Mike Williams
Elizabeth Young

MEMBERS ABSENT: Sandy Gibson, MD
Stephen E. Heretick, JD
Wayne Reynolds, DO

STAFF PRESENT: William L. Harp, MD, Executive Director
Karen Perrine, Deputy Executive Director of Discipline
Elaine Yeatts, DHP Senior Policy Analyst
Howard Casway, Assistant Attorney General
Emily Wingfield, Assistant Attorney General
Colanithia Morton Opher, Recording Secretary

OTHERS PRESENT: W. Scott Johnson, HDJN
John Boothby, VCU CME
Jean Schlesinger, VCU
Chris Stephens, VCU
David Partridge, Regulatory Support Services
Jerry Cannan, Medical Society of Virginia
Susan Ward, VHHA
M. A. O'Donnell, VCUHS

SUMMARY OF MINUTES:

Dr. Cothran called the meeting to order. Everyone on the panel introduced themselves, which sufficed as the roll call.

Mr. Jurgensen moved to approve the minutes of July 16, 2004. The motion was seconded and carried.

Ms. Tisdale moved to adopt the agenda with the addition of the minutes from the Medical Society of Virginia's Board of Directors meeting submitted by Mr. Jurgensen as item #6. The motion was seconded and carried.

There was no public comment.

Dr. Fierro introduced Jean Schlesinger, who presented a visual presentation of the on-line Legal Medicine Course developed by the Department of Legal Medicine at the Medical College of Virginia. Ms. Schlesinger noted that the content of the on-line course was not pertinent to the issue on the table but the process for developing an educational module on death certificates would be similar.

Mr. Reynolds also presented a PowerPoint presentation of a draft for physician training. The content addressed several issues including the importance of a death registration, the importance of accurate data, distribution of information, responsibility of the funeral service licensee and the physician or medical examiner, etc. Mr. Reynolds also provided a handout detailing the process of completing a standard death certificate and a medical examiners certificate.

Dr. Cothran stated that the 24-hour timeframe for the completion of the certificate was unrealistic since the physician may not have the certificate from the funeral director. He also suggested that the Department of Health seek a change in state law to address this issue.

Dr. Harp recommended more reference to who was responsible for completing the certificate be addressed in the presentation especially when the patient may have more than one physician at the time of death.

Dr. Fierro recommended that the presentation also address different scenarios, i.e., how to complete the certificate if seen in the emergency room, seen by a consultant. Dr. Fierro also felt that some education on accurate terminology for the cause of death be addressed.

Dr. Cothran suggested that separate modules be developed for physician and funeral directors.

Dr. Harp advised on the issue of liability; the requirement to complete this certificate is law. In regards to liability, Dr. Fierro stated that even though it is not in the code, the physician is not held liable if his medical opinion is all that is required and the certificate is completed with his best medical opinion based on his care of the patient. Dr. Harp asked that Mr. Reynolds insert a slide into the presentation addressing the issue of immunity. Dr. Cothran asked that Dr. Fierro work with Mr. Reynolds on this insertion.

Dr. Harp suggested that the Legal Medicine Course currently available on-line be merged with the module being developed by Mr. Reynolds.

Dr. Fierro emphasized that the Board of Medicine should ensure that the treating physician be given proper education on how to complete these certificates and that it be a mandatory continuing education training. Dr. Harp explained that the Board has no mandate to provide CME. He went on to say that wherever the module sits, the Board of Medicine does need to direct the licensees to view the information. Ms. Yeatts reminded the committee of the board's past resistance to make any training mandatory. Dr. Harp mentioned that the Maryland Board

developed a broad-based orientation program that it requires licensees to complete within a year after licensure, which could be an option for Virginia. The module on death certificates could be included in such an orientation.

After lengthy discussion regarding the cost, funding, and hosting sites for the module, it was stressed by Dr. Harp that the Board of Medicine has no dollars earmarked this project, and even so, the committee could not commission a vendor as the sole source to produce the module. Dr. Harp also pointed out that the committee could refer the matter to the Full Board for consideration of all options. In any event, procurement laws would need to be followed.

In regards to funding, Ms. Tisdale stated that if funding from outside sources is allowed, the funeral industry may be willing to donate money since this impacted their lives everyday. Dr. Fierro advised that she will be willing to call around to other sources including federal organizations that also may be willing to make a donation for the development of the module. However, development should not be held up while she tries to obtain funding.

Dr. Harp advised the committee that by the next scheduled meeting he would have a cost analysis on the hosting and storage of this module from the department's data division. The Board of Medicine could ask the data division to host a simple module that would involve no outside funds or entities. In the alternative, MCV, MSV and Department of Health could develop a more sophisticated module with the funding from whomever Dr. Fierro could secure funds and/or funds authorized by the Board of Medicine.

Mike Jurgensen presented the memo from Warren Koontz, Chair of the Medical Society's Board of Medicine Advisory Group update to the Medical Society of Virginia Board of Directors dated September 18, 2004. The memo summarized the July 16th, 2004 meeting held by the Ad Hoc Committee on Death Certificates and also included several potential solutions to address the issue. Mr. Jurgensen stated that after the committee's discussion, the only other item of interest in Dr. Koontz's memo that had not been addressed is a realistic timeframe for completing the certificates. Mr. Jurgensen advised that MSV had suggested a 72-hour timeframe but after listening to the presentation and discussion, that timeframe may not be appropriate. He also addressed improving the design of the form to involve an electronic form with drop down "how to complete" boxes. Mr. Reynolds advised they have researched the Electronic Death Registration which the CDC suggests as an option for the Department of Health to move to. It is more complicated and costly, but on their wish list. There are presently 7 states that have this capability.

Dr. Harp recommends addressing the Board regarding their support in taking the educational versus disciplinary approach, funding to develop an educational module, and the hosting of the module on the website of the Board.

Dr. Cothran suggested that items for the next meeting to include: 1) funding sources, 2) the Board's decision to support funding and 3) other pertinent information.

ANNOUNCEMENTS

The next meeting date was set for Friday, January 7, 2005, 12:00 p.m.

ADJOURNMENT TIME

With no further business to discuss, the meeting was adjourned at 2:50 p.m.

Malcolm Cothran, MD
Chair

William L. Harp, M.D.
Executive Director