

**VIRGINIA BOARD OF MEDICINE
EXECUTIVE COMMITTEE MINUTES**

Friday, April 8, 2022

Department of Health Professions

Henrico, VA

CALL TO ORDER: Mr. Marchese called the meeting of the Executive Committee to order at 8:30 a.m.

ROLL CALL: Ms. Opher called the roll; a quorum was established.

MEMBERS PRESENT: Blanton Marchese – President, Chair
Amanda Barner, MD - Secretary-Treasurer
Alvin Edwards, MDiv, PhD
Karen Ransone, MD
Joel Silverman, MD
Brenda Stokes, MD

MEMBERS ABSENT: David Archer, MD – Vice-President
Jane Hickey, JD

STAFF PRESENT: William L. Harp, MD - Executive Director
Jennifer Deschenes, JD - Deputy Exec. Director for Discipline
Colanthia Morton Opher - Deputy Exec. Director for Administration
Michael Sobowale, LLM - Deputy Exec. Director for Licensure
Barbara Matusiak, MD - Medical Review Coordinator
Deirdre C. Brown - Executive Assistant
Erin Barrett, JD – DHP Senior Policy Analyst

OTHERS PRESENT: Jennie Wood – Discipline Staff
W. Scott Johnson - Hancock Daniel & Medical Society of Virginia

EMERGENCY EGRESS INSTRUCTIONS

Dr. Barner provided the emergency egress instructions for Board Room 4.

APPROVAL OF MINUTES OF DECEMBER 3, 2021

Dr. Edwards moved to approve the minutes from December 3, 2021 as presented. The motion was seconded by Dr. Ransone and carried unanimously.

ADOPTION OF AGENDA

Dr. Edwards moved to adopt the agenda as presented. The motion was seconded by Dr. Ransone and carried unanimously.

PUBLIC COMMENT

Mr. Marchese opened the floor for public comment. There was none.

PRESIDENT'S REPORT

No report.

EXECUTIVE DIRECTOR'S REPORT

Dr. Harp had been asked by Dr. Brown to provide an update on DHP. He reported that there were no updates about administration transitions from the Governor's office. He also spoke to the following:

- DHP leadership is pleased with the new security service in the building.
- On Monday, April 4, 2022, everyone returned to the office. Teleworking, up to 3 days a week may be approved by supervisors, if one's job is amenable to telework.
- During the pandemic, original materials were able to leave the building to facilitate telework. Effective immediately, original materials are to be returned to the building.
- Elaine Yeatts' DHP retirement celebration was held on April 1, 2022 in the building.
- Looking forward, Liz Carter and Ralph Orr will be retiring on July 1, 2022.

Dr. Harp then gave an overview of the Cash Balance Report and reminded the Committee that the Board cannot have more than 10% in cash reserves. Currently the Board is in the 4th biennial decrease of renewal fees for all its professions. On June 30, 2022, the decrease in renewal fees will continue.

Next, Dr. Harp covered the Revenue and Expenditures Summary. He highlighted that the Board's "Total Fee Revenue" for the period of July 1, 2021 through December 31, 2021 was 21.03% of that anticipated for FY2022. He pointed out that this was an even year when most of the fee revenue comes in, so the % of fee revenues will be going up throughout the year. Dr. Harp then pointed out the "Total Computer Hardware and Software" item and that 100.92% of monies budgeted had already been spent. He said that this expense was to setup robotic responses called BOTs, which initially will generate automatic responses to applicants about their status updates. Lastly, Dr. Harp gave a brief overview on the "Allocated Expenditures" at the end of the Revenue and Expenditures Summary.

NEW BUSINESS

1. Report of the 2022 General Assembly – Erin Barrett

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Ms. Barrett reviewed the 2022 General Assembly with the Executive Committee, highlighting several bills that have passed or are still pending. She also presented a handout of the “Virginia Regulatory Town Hall – Current Actions Underway” as of April 5, 2022. Ms. Barrett then reviewed the following bills for the Committee as being passed or still pending:

- HB 192 Opioids; repeals sunset provisions relating to prescribers requesting information about a patient from the Prescription Monitoring Program. It was passed by both houses.
- HB 191 Health Workforce Development; creates the position of Special Advisor to the Governor. Ms. Barrett stated that this bill is pending and has been moved to the Special Session.
- HB 213 Optometrists; allowed to preform laser surgery if certified by Board of Optometry. Ms. Barrett stated that this bill did pass, but will not have an immediate effect.
- HB 264 Public health emergency; out-of-state licenses, deemed licensure. Authorizes medical professionals legally licensed in another jurisdiction to deliver telemedicine services with Virginia patients with whom he/she has an established relationship.
- HB 286 Nurse practitioners; declaration of death and cause of death.
- HB 896 Nurse practitioners; patient care team provider. Ms. Barrett said that there is a lot of misinformation that is being sent out regarding this bill.
- HB 1323 Pharmacists; initiation of treatment with and dispensing and administration of vaccines. Ms. Barrett did state that the Board of Medicine will take the lead on this and establish a panel of Board members and VDH representatives by this summer.
- SB 169 Practical nurses, licensed; authority to pronounce death for a patient in hospice, etc. Ms. Barrett did point out that this bill provides limited authority.
- SB 317 Out-of-State health care practitioners; temporary authorization to practice. This bill allows an applicant to practice for 90 days pending licensure.
- SB 480 Administrative Process Act; final orders, electronic retention. Ms. Barrett added that as of July 1, 2022, documents may be scanned then shredded.
- SB 511 Opioid treatment program pharmacy; medication dispensing, registered/licensed practical nurses.

Aside from the above bills being passed, Ms. Barrett did state that HB 1245 - Nurse practitioners; practice without a practice agreement; which repeals the sunset provision still remains pending. This bill has been moved to the Special Session, since agreement on this bill was not reached in conference.

These items were for informational purposes only and did not require any action.

2. Approval of Proposed Regulations for Implementation of the Occupational Therapy Interjurisdictional Compact – Erin Barrett

Ms. Barrett stated that this is an approval of proposed regulations, not final regulations, for implementation of the Occupational Therapy Interjurisdictional Compact. She reviewed the language for definitions under the compact. 1) “Compact” means the Occupational Therapy Interjurisdictional Licensure Compact.” 2) “Compact privilege” means the same as the definition of the term in 54.1-2956.71 of the Code of Virginia.” 3) “Practitioner” means an occupational

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therapist or occupational therapy assistant licensed in Virginia or an occupational therapist or occupational assistant practicing in Virginia with a compact privilege.”

MOTION: Dr. Edwards moved to approve the amended regulations as presented. The motion was properly seconded by Dr. Ransone and carried unanimously.

3. Review and Approval of Revised Guidance Document 85-9 – Dr. Harp

Dr. Harp reviewed current Guidance Document 85-9 on USMLE Step Attempts which allows 6 attempts at each Step. He reported that as of July 1, 2021, NBME and FSMB has reduced the number of attempts at each USMLE Step from 6 to 4 for all applicants applying on July 1, 2021 or thereafter. The new USMLE policy allows a one-time exception for a 5th attempt at one of the Step exams. Sponsorship by a state board is required for USMLE’s consideration of an additional attempt.

Dr. Harp proposed a new version of 85-9, which includes that the Board, in its discretion, could support a one-time 5th attempt of a USMLE Step exam. Dr. Edwards moved to approve, and Dr. Ransone seconded. Dr. Silverman then questioned the need for an exception and the rationale for allowing a 5th attempt. He stated concerns of legal consequences and suggested that there should only be 4 attempts allowed, no exceptions. Dr. Harp referred the Committee to the language on page 34 that indicates the document does not authorize an extra attempt at Step 3. He further pointed out that an applicant requesting an exception must have passed all 3 Steps previously and only needs Step 1 or Step 2 to bring his/her scores into line with Virginia’s 10-year requirement. Mr. Sobowale said that about 2% of the applicants email him, requesting a waiver. Ms. Deschenes then asked Mr. Sobowale, “How many other states have exceptions?” to which Mr. Sobowale replied, 45 or 46 states have time limits to pass the USMLE.

MOTION: Dr. Edwards moved to approve the revised Guidance Document 85-9. The motion was properly seconded by Dr. Ransone. After discussion, 5 approved and 1 opposed.

4. Update on Reciprocal Licensing with Maryland and the District of Columbia – Dr. Harp

Dr. Harp updated the Committee on the status of reciprocal licensing with Maryland and the District of Columbia. He said that the meeting scheduled for Friday, April 1, 2022 had been rescheduled to April 28, 2022. He described the draft application for reciprocity generally as having far fewer questions and documents required than the traditional and endorsement applications. He said he hopes to be able to present the draft application at the June Board meeting. Ms. Deschenes said that there is a statutory foundation for reciprocity, so no regulations should be needed.

ANNOUNCEMENTS

---FINAL APPROVED---

Everyone was reminded to submit their Travel Expense Reimbursement Vouchers within 30 days after completion of their trip (CAPP Topic 20335, State Travel Regulations, p. 7).

The next meeting of the Executive Committee will be August 5, 2022 @ 8:30 a.m.

ADJOURNMENT

With no additional business, the meeting adjourned at 9:17 a.m.

William L. Harp, MD
Executive Director