

**VIRGINIA BOARD OF MEDICINE
FULL BOARD MINUTES**

February 15, 2024

Department of Health Professions

Henrico, VA 23233

- CALL TO ORDER:** Dr. Clements called the meeting to order at 8:35 a.m.
- ROLL CALL:** Ms. Brown called the roll; a quorum was established.
- MEMBERS PRESENT:** John R. Clements, DPM – President, Chair
Peter J. Apel, MD – Vice-President
Karen Ransone, MD – Secretary-Treasurer
David Archer, MD
Hazem Elariny, MD
L. Blanton Marchese
Pradeep Pradhan, MD
Jennifer Rathmann, DC
Patrick McManus, MD
Elliott Lucas, MD
Thomas Corry
Deborah DeMoss Fonseca
- MEMBERS ABSENT:** Manjit Dhillon, MD
Madge Ellis, MD
William Hutchens, MD
Oliver Kim, JD, LLM
Krishna Madiraju, MD
Jacob Miller, DO
- 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 Brown - Executive Assistant
Arne Owens – DHP Director
M. Brent Saunders, JD – Senior Assistant Attorney General
- OTHERS PRESENT:** Jennie Wood – Board Staff
Tamika Hines- Board Staff
Roslyn Nickens – Board Staff
Krystal Blanton – Board Staff
Laura Wozneak, MD – VCU PGY-4

Hena Yakoob, MD – VCU PGY-4
Scott Castro – Medical Society of Virginia

ANNOUNCEMENT OF NEW BOARD MEMBERS

Dr. Clements welcomed new Board members Elliot Lucas, MD, Patrick McManus, MD, Ms. Deborah DeMoss Fonseca, and Mr. Thomas Corry to the Board of Medicine. Each introduced themselves to their fellow Board members. Thereafter, Dr. Clements expressed thanks and well wishes to those who had recently left the Board - Joel Silverman, MD, Ryan Williams, MD, Ms. Jane Hickey, JD and Reverend Alvin Edwards, PhD.

EMERGENCY EGRESS INSTRUCTIONS

Dr. Apel provided the emergency egress instructions for Board Room 2.

DHP DIRECTOR'S REPORT

Mr. Owens welcomed the new Board members and gave an update on the General Assembly. He said DHP is tracking 102 bills. He shared that Erin Barrett, DHP's Director of Legislative and Regulatory Affairs, was currently downtown attending meetings at the General Assembly.

Mr. Owens said there are 2 bills that are being closely followed, SB403 and HB 449. SB403 is about Behavioral Health Aides, and HB1449 impacts a number of mental health professions. If these 2 bills become law, more staff will be required at the Behavioral Boards to implement the initiatives.

Next, Mr. Owens updated the Board on the process of reengineering licensing processes in DHP with the assistance of a consulting firm, ImpactMakers. They are offering guidance on streamlining processes to be more efficient for the applicants and Board staff. ImpactMakers has started with the Board of Medicine and will move to other boards throughout the agency.

He informed the Board about staff changes at DHP, starting with the new Enforcement Division Director, Dr. Sarah Rogers. He also mentioned that the Director of Communications, Diane Powers, will be retiring in April. The Chief Operating Officer, Lisa Hahn, will be retiring in July.

Mr. Owens then shared with the Board that DHP's finances are in solid shape. He reminded the Board members that DHP is entirely funded by licensing fees.

Lastly, Mr. Owens announced a couple of upcoming events. New Board Member Training will be held at DHP on March 26, 2024. All-Staff Training Day will again be held at the Science Museum of Virginia's Dewey Gottwald Center on April 30, 2024. He said that approximately 350 staff attended the training last year.

DISCIPLINARY MATTERS FOR THE BOARD'S CONSIDERATION

The Board received information from Sean Murphy, JD, Assistant Attorney General, regarding Patrick A. Oliver, MD, license number 0101247379, to determine whether Dr. Oliver's continued practice of medicine constituted a danger to public health and safety. Mr. Murphy provided details of the case to the Board for its consideration.

On a motion by Dr. Apel and duly seconded by Dr. Ransone, the Board voted unanimously to summarily suspend Dr. Oliver's license simultaneous with the institution of proceedings for a formal administrative hearing pursuant to Section 54.1-2408.1 of the Code of Virginia.

Next, the Board received information from Sean Murphy, JD, Assistant Attorney General, regarding Kristina M. Collins, DC, license number 0104001985, to determine whether Dr. Collins' continued practice of chiropractic constituted a danger to public health and safety. Mr. Murphy provided details of the case to the Board for its consideration.

On a motion by Mr. Marchese and duly seconded by Dr. Ransone, the Board voted unanimously to summarily suspend Dr. Collins' license simultaneous with the institution of proceedings for a formal administrative hearing pursuant to Section 54.1-2408.1 of the Code of Virginia.

Lastly, the Board received information from Amanda Padula-Wilson, JD, Assistant Attorney General, regarding Gregory A. Alouf, MD, license number 0101230957, to determine whether Dr. Alouf's continued practice of medicine constituted a danger to public health and safety. Mr. Murphy provided details of the case to the Board for its consideration.

On a motion by Ms. DeMoss Fonseca and duly seconded by Dr. Elariny, the Board voted unanimously to summarily suspend Dr. Alouf's license simultaneous with the institution of proceedings for a formal administrative hearing pursuant to Section 54.1-2408.1 of the Code of Virginia.

APPROVAL OF MINUTES OF OCTOBER 19, 2023

ACTION: Dr. Ransone moved to approve the minutes from October 19, 2023. The motion was properly seconded by Dr. Pradhan and carried unanimously.

ADOPTION OF AGENDA

Dr. Ransone moved to approve the agenda as presented. The motion was properly seconded by Dr. Elariny and carried unanimously.

PUBLIC COMMENT

None.

REPORTS OF OFFICERS AND EXECUTIVE DIRECTOR

PRESIDENT

Dr. Clements commented on DHP's ongoing dedication to fix BOX so imaging studies in cases can be properly viewed. Ms. Deschenes said that TBS in getting an estimate on AmberViewer, a plug-in to BOX, which hopefully can be implemented in the next month or two.

VICE-PRESIDENT

No report.

SECRETARY-TREASURER

No report.

EXECUTIVE DIRECTOR

Dr. Harp began with honoring two men who were important to the Board, Warren W. Koontz, Jr., MD and N. Ray Tuck, Jr., DC, who recently passed.

Dr. Harp shared that Dr. Koontz served as Executive Director for the Board of Medicine from 1994-2000. He was an exceptional physician, a great teacher, and a kind and generous man who skillfully led the Board of Medicine. Dr. Clements then shared that Dr. Tuck had been President of the Board of Medicine and the American Chiropractic Association. Dr. Clements acknowledged that Dr. Rathmann had worked with Ray for years at the Tuck Clinic. A moment of silence was held in honor of Dr. Koontz and Dr. Tuck.

Budget

Dr. Harp then directed the Board members to the FY24 Budget which began on July 1, 2023. He focused on the FY24 Base Budget column and the Over/Under Budget column. He highlighted that 6 months into FY24, 49% of the budgeted dollars remain – which is right on target thanks to the precision budgeting of the financial office. He reminded the Board that this is an even calendar year, which is a higher income year. He said the Board was in good fiscal shape, given that the early income from January and February renewals have added to its bottom line.

Human Trafficking CE

Dr. Harp updated the Board on the 1 hour of Human Trafficking CE that is required for renewal for all professions. He shared that a notice was sent out to all licensees on December 8, 2023, regarding the updated CE requirement along with a link to The Polaris Project which provides high quality, online training at no cost to the licensee. The Board is now aware of 6 additional options for CE that will be provided in the Board Briefs to all licensees. They include the following:

- Freedom 4/24 Human Trafficking in Healthcare Training
- Global Centurion
- The Safe House Project
- Shared Hope International
- Red Flags to Freedom
- Transformation Freedom Initiative

FSMB Member Board Survey Results

Dr. Harp reviewed the FSMB 2023 Member Board Survey Results with the Board which reflected responses from 53 of 70 state boards in the fall of 2023. Top ranked topics for the boards were rated on a scale of 1 to 10. The highest ranked issue was Physician Sexual Misconduct at 8.6. Second was Responsible Opioid Prescribing at 8.4. Third was Physician Impairment also at 8.4. Other results from the survey included licensing stats with boards declaring an average of 39 days to issuance; Virginia is at 52 days. The Virginia Board is measured on the number of days from the receipt of an application to the date the license is issued, which may not be the case for all boards.

Quarterly Fatal Drug Overdose Death Report

Dr. Harp reviewed the 2023 Q2 Quarterly Fatal Drug Overdose Report from the Office of the Chief Medical Examiner. It showed that in 2022, there was a substantial drop in Rx opioid overdoses compared to 2007-2021. The projected total at the end of 2023 is 270. Unfortunately, there has been an increase in non-opioid fatal overdoses in 2021 and 2022. Cocaine overdoses have increased by 22.1%, and fatal methamphetamine overdoses have increased by 5.5%. The combination of cocaine and fentanyl represented 30.6% of all overdose deaths in 2022.

Disciplinary Processing Times

Dr. Harp reviewed DHP's Patient Care Case Processing Times report with the Board members. He explained that the Department of Health Professions has a goal of closing 90% of patient care cases in 120 days. In the 2nd quarter of FY2024, DHP closed 84% of the cases within 120 days. The Board of Medicine's goal is also 90%. Medicine has not dropped under 94% since the 3rd quarter of FY2021. The latest statistic from the 2nd quarter of FY2024 indicated a 98% closure rate. Dr. Harp thanked Dr. Matusiak, Ms. Deschenes and all the Board members for their efforts in timely case processing in support of the protection of the public.

Dr. Harp then asked Michael Sobowale to give the Board an update on the processing times for licensure. Mr. Sobowale shared that the current processing time averages 52 days across all 20 professions. This number is down from a year ago when the average was 76 days. Mr. Sobowale attributed the decrease to having a full staff and the implementation of streamlined licensing processes. Suggestions from ImpactMakers should further decrease processing times.

Blanton Marchese's FSMB Nomination

Dr. Harp said that on behalf of the Board, he had written a letter to the FSMB Nominating Committee for consideration of Blanton Marchese as a nominee for the FSMB Board of Directors. Mr. Marchese has been approved as a nominee. Mr. Marchese then shared his interest in Artificial Intelligence in healthcare and reported on his attendance at the January 2024 FSMB Symposium on AI in Health Care and Medical Regulation in Washington, DC.

COMMITTEE AND ADVISORY BOARD REPORTS

Dr. Ransone moved to accept all reports since October 19, 2023, en bloc. The motion was properly seconded by Dr. Archer and carried unanimously.

Break

Dr. Clements called for a recess at 10:28 a.m.; the meeting reconvened at 10:38 a.m.

OTHER REPORTS

Board Counsel – Brent Saunders, JD – Senior Assistant Attorney General

Mr. Saunders, SAAG, provided an update on 5 pending legal cases. He stated that 4 are appeals that all have been filed by physicians. He indicated that the filing in Zackrison v. Board of Medicine is pending.

Board of Health Professions

Draft meeting minutes from the meeting held October 27, 2023 were provided to the Board. Dr. Clements pointed out that Dr. Madiraju has been elected Chair of BHP.

Podiatry Report

No report.

Chiropractic Report

No report.

Committee of the Joint Boards of Nursing and Medicine

No report.

NEW BUSINESS

1. Current Regulatory Actions

Dr. Harp presented the chart of regulatory actions as of February 6, 2024, stating that there are currently 16 regulatory actions in the Secretary's Office.

This report was for informational purposes only and did not require any action.

2. 2024 General Assembly Report

Mr. Owens expanded on his previous review of bills in the General Assembly.

3. Comments on FSMB Draft Policies

- FSMB Report on "Reentry to Practice"

Dr. Harp said that FSMB develops policy documents to help all boards. During the development of a policy, FSMB asks all boards of medicine to review and make comments on the draft. The report from the FSMB Workgroup on Reentry to Practice provides a list of key considerations that the processes of the Virginia Board of Medicine currently incorporates. After consideration and concerns from various Board members on how the Virginia Board of Medicine should respond to FSMB, it settled upon a response.

MOTION: Dr. Apel moved to thank FSMB for the document and to let them know that the Board will have its Credentials Committee convene to review its processes and identify any changes that should be made. The motion was properly seconded by Dr. Ransone and carried unanimously.

- Guidelines for the Structure and Function of a State Medical Board

Dr. Harp reviewed the FSMB draft policy, "Guidelines for the Structure and Function of a State Medical Board and Osteopathic Board." He pointed out the qualifications of a Board member and the compensation/reimbursement suggested. As for qualifications, all Board members are appointed by the Governor. Dr. Harp did offer to write a letter to Mr. Owens on behalf of the Board members with any requests concerning compensation/reimbursement, if needed.

MOTION: Dr. Apel moved that a letter be sent to FSMB thanking them for the document and to let them know that Virginia Board of Medicine members serve without compensation other than reimbursement for expenses. DR. Ransone seconded, and the motion passed unanimously.

4. Reciprocal Licensing of Physician Assistants with Maryland and the District of Columbia.

Dr. Harp reviewed the proposal from Maryland and the District of Columbia to establish a reciprocal licensing agreement for physician assistants. The 3 jurisdictions have had such

an agreement in place for physicians since March of 2023. Dr. Harp noted the table of application requirements prepared by Christine Farrelly, Executive Director for the Maryland Board. Maryland and DC have approved this proposal and are now seeking Virginia to be a part of a reciprocity agreement.

MOTION: Mr. Marchese moved that Board staff be authorized to pursue reciprocity for PA's with Maryland and the District of Columbia. The motion was properly seconded by Dr. Clements and carried unanimously.

5. Licensing Report

Mr. Sobowale stated that the total number of licensees is currently 90,220. He shared that the Board received a total of 11,088 applications last year of which 10,874 were completed and licensed. This gives the Board a 98% clearance rate.

Mr. Sobowale shared that the Licensing staff is currently working with ImpactMakers to further streamline the licensing process to make it more efficient and user friendly for the applicant. Inquiries about pending applications from applicants, legislators, and the Executive Branch have already dropped considerably.

Lastly, Mr. Sobowale updated the Board on reciprocal licensing with Maryland and the District of Columbia. From March 2023 to present, the Board has issued 566 MD/DO licenses by reciprocity. 126 Virginia physicians have applied for licensure in the District of Columbia, and 175 have applied in Maryland.

6. Discipline Report

Ms. Deschenes provided a brief report on the status of open cases as of February 1, 2024, stating that there are total of 979 cases at all stages. Referring to the 2nd Quarter FY2024 discipline numbers, Ms. Deschenes pointed out that the Board has received 546 cases and closed 514. She also noted that there were 11 Summary Suspensions in 2023 up from 4 in 2022.

Ms. Deschenes then presented a Consent Order for Julie Yia-Pei Chao, MD, an applicant for reinstatement.

MOTION: Mr. Marchese moved to accept the Consent Order. The motion was properly seconded by Dr. Ransone with a vote of 11-0-1.

7. Appointment of a Nominating Committee

Dr. Clements stated that current officers' terms will be expiring at the June 2024 Board meeting. A Nominating Committee needs to be constituted to consider a slate of officers for 2024-2025. Board members were reminded that if they are considering running for office,

they will not be on the Nominating Committee. The Committee was not constituted at the meeting.

ANNOUNCEMENTS

Dr. Clements announced that the next Board meeting will be held on June 13, 2024, at 8:30 a.m.

ADJOURNMENT

With no additional business, the meeting adjourned at 11:36 a.m.

William L. Harp, MD
Executive Director