

**VIRGINIA BOARD OF MEDICINE
EXECUTIVE COMMITTEE MINUTES**

Friday, December 5, 2014

Department of Health Professions

Henrico, VA

- CALL TO ORDER:** The meeting convened at 8:32 a.m.
- MEMBERS PRESENT:** Wayne Reynolds, DO, President & Chair
Kenneth Walker, MD, Vice-President
Barbara Allison-Bryan, MD, Secretary-Treasurer
Deborah DeMoss Fonseca
Stuart Mackler, MD
Kevin O'Connor, MD
- MEMBERS ABSENT:** Randy Clements, DPM
Lorri Kleine, JD
- STAFF PRESENT:** Jennifer Deschenes, JD, Deputy Executive Director for Discipline
Alan Heaberlin, MPA, Deputy Executive Director for Licensure
Barbara Matusiak, MD, Medical Review Coordinator
Colanthia Morton Opher, Operations Manager
Lynn Taylor, Administrative Assistant
Erin Barrett, JD, Assistant Attorney General
David Brown, DC, DHP Director
Caroline Juran, Executive Director, Board of Pharmacy
- OTHERS PRESENT:** W. Scott Johnson, JD, HDJN
Thomas G. Lundquist, MD, Optima Health/Sentara Health Care
Ben Dendy, Vectre
Mike Jurgensen, MSV
Michele Satterlund, MWC for Teladoc
Paul Speidell, Sentara Health Care
Susan Ward, VHHA
Robin Cummings, MSV
Kathy Wibberly, UVA Center for Telehealth
Karen Rheuban, MD, Virginia Telehealth Network

Call to Order

Dr. Reynolds called the meeting to order.

Roll Call

Ms. Opher called the roll; a quorum was declared.

Emergency Egress Procedures

Dr. Walker provided the emergency egress procedures.

Approval of the August 1, 2014

Dr. Mackler moved to approve the minutes of August 1, 2014. The motion was seconded and carried.

Adoption of the Agenda

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

Public Comment on Agenda Items

Dr. Reynolds welcomed the public in attendance and opened the floor for comment.

Ms. Satterlund, on behalf of Teladoc, Inc. provided an overview of their operation, noted that they do not prescribe controlled substances, and asked that “the guidance document maintain a technology neutral position that balances the needs of public safety and access to care”.

Thomas Lundquist, MD representing Sentara, referred the Committee to their written comments and noted one of their concerns was the definition of telemedicine setting an inappropriate ceiling standard and suggested that it should be a more broad and flexible platform.

DHP Director’s Report—David E. Brown, DC

Dr. Brown provided an update on the Governor’s Task Force On Prescription Drug And Heroin Abuse. He reported that one of the initiatives being considered is mandatory continuing education on the proper prescribing of opioids.

Dr. Brown informed the Committee that a news article on impairment among nurses will be published in the near future and he anticipates unfavorable comments regarding the HPMP program which involves all of the boards at DHP. Dr. Brown also noted that DHP has requested an audit of the HPMP program by an outside vendor, as the HPMP contract is up for renewal and it has been some time since an audit was conducted.

New Business

Chart of Regulatory Actions

Ms. Deschenes reviewed the Board’s pending regulations as of November 19, 2014.

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

Ad Hoc on Telemedicine

Dr. O’Connor, Chair of the Ad Hoc Committee thanked everyone for their lively participation. He stated that the Ad Hoc was developed so the Board could review and understand the workings of telemedicine and the balance between safety and access. He noted that a broad range of stakeholders were included on the Ad Hoc Committee, and the discussion covered a wide range of topics, including technology, security, and what constitutes a practitioner/patient relationship. Since the October 1 meeting of the Ad Hoc Committee and the October 16 meeting of the full

Board, the Board has received several insightful comments that will be incorporated into the final document.

Dr. O'Connor stated that a small committee consisting of himself, Dr. Conklin, Dr. Dunnavant, Dr. Rheuban, and Board Counsel will meet to synthesize the public comments and the draft telemedicine guidance document, and develop a final proposed document to be presented to the Full Board in February 2015.

Ms. Deschenes informed the audience that copies of all public comments received may be obtained by FOIA and that all of the meetings will be posted on Townhall.

Dr. O'Connor stated that the Board understands that this is a moving target, and that the guidance document is a good faith attempt to come to some consensus about the practice, address some misperceptions, and in response to some of the discipline cases that come before the Board, give guidance to providers who are engaging in telemedicine and the expectation between safety and access.

Ms. Barrett advised that all of the comments will be reviewed and to the extent that the Board can, and within their authority, incorporate recommendations that will enhance the clarity of document. She noted that if the General Assembly places the definition of telemedicine into law, the document could be revisited.

Ms. Juran recommended that the Board review the Federal law and regulations regarding what defines a valid prescription and a bona fide practitioner-patient relationship to ensure the guidance does not conflict with current federal requirements for the prescribing of drugs in Schedule II-V. A conflict would potentially place both prescribers and pharmacists in violation of the federal law. Additionally, she indicated pharmacists have a corresponding legal responsibility to ensure only valid prescriptions are dispensed and because a bona fide practitioner-patient relationship must exist prior to issuing a valid prescription, it is important that pharmacists also understand what minimal actions a prescriber must take prior to issuing a prescription.

Announcements

No announcements

Next scheduled meeting: April 3, 2015

Adjournment: With no other business to conduct, the meeting adjourned at 9:15 a.m.

Wayne Reynolds, MD
President

Jennifer Deschenes, JD
Deputy Executive Director

Colanthia Morton Opher
Operations Manager