

**VIRGINIA BOARD OF MEDICINE  
LEGISLATIVE COMMITTEE MINUTES**

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Friday, January 24, 2014

Department of Health Professions

Richmond, VA

**CALL TO ORDER:** The meeting convened at 9:49 a.m.

**MEMBERS PRESENT:** Kenneth Walker, MD, Chair  
Deborah DeMoss Fonseca  
Randy Clements, DPM  
Siobhan Dunnivant, MD

**MEMBERS ABSENT:** Barbara Allison-Bryan, MD  
Jane Maddux  
Wayne Reynolds, DO

**STAFF PRESENT:** William L. Harp, MD, Executive Director  
Jennifer Deschenes, JD, Deputy Director, Discipline  
Alan Heaberlin, Deputy Director, Licensure  
Barbara Matusiak, MD, Medical Review Coordinator  
Colanthia Morton Opher, Operations Manager  
Elaine Yeatts, DHP Senior Policy Analyst

**OTHERS PRESENT:** Tyler Cox, Medical Society of Virginia  
Maria Harris, Virginia Osteopathic Medical Association  
Floyd Herdrich, L.Ac, Advisory Board on Acupuncture

**ROLL CALL**

**EMERGENCY EGRESS INSTRUCTIONS**

Dr. Walker provided the emergency egress instructions.

**APPROVAL OF MINUTES OF JANUARY 20, 2012**

Dr. Clements moved to approve the minutes of January 20, 2012. The motion was seconded and carried unanimously.

**ADOPTION OF AGENDA**

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

## **PUBLIC COMMENT**

There was no public comment.

## **NEW BUSINESS**

### **Status of Regulatory Actions**

Ms. Yeatts provided an update on the status of regulatory actions affecting the Board of Medicine.

Ms. Yeatts noted the following:

- Regulations Governing the Practice of Physician Assistants – Qualifications for fluoroscopy - Comment on NOIRA ended January 1, 2014. No comments received. Will be presented for adoption at the Executive Committee meeting April 4, 2014.
- Regulations Governing the Practice of Polysomnographic Technologists – Initial regulations for licensure. Currently in the Secretary's office.
- Regulations Governing the Practice of Behavior Analysis – Initial regulations for licensure – Ms. Yeatts stated that the emergency regulations, with the six-month extension, are due to expire March 20, 2014. If they expire before initial regulations are in place, the Board will not be able to issue licenses and the discipline unit will not be able to enforce the regulations. Ms. Yeatts stated that the Executive Committee met on December 27, 2013 and did everything within their power to expedite the approval of the regulations.

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

### **Report of the 2014 General Assembly**

Ms. Yeatts also provided an updated status report on legislation pending as of January 23, 2014 that has implications for the Board of Medicine.

DHP will be monitoring the following bills:

- **HB 39 – Health care providers; VDH shall certify certain persons, immunity from liability, etc.**
- **HB 53 - Medicine and other healing arts; unprofessional conduct, purchase of prescription drugs.** Ms. Yeatts stated that this has been continued to 2015 in Health, Welfare and Institutions. Also, the next edition of the Board Briefs will include an article addressing the purchase of prescription drugs from an unlicensed wholesale distributor.

**---FINAL APPROVED---**

- **HB 190 – Athletic trainers; possession and administration of oxygen.**
- **HB 191 – Physician assistant; expert witness testimony.**
- **HB 352 – Epinephrine; possession and administration.** Ms. Yeatts informed the Committee that MSV testified that unless trained individuals are overseeing the use, unexpected consequences may occur.
- **HB 539 – Prescription Monitoring Program; delegation of authority**
- **HB 547 – Ultrasound prior to abortion; physician civil penalty.**
- **HB 565 – Birth control; definition**
- **HB 575 – Perampanel and Lorcaserin; added to Schedules III and IV, respectively.** Ms. Yeatts stated that this regulation would make the Drug Control Act consistent with DEA.
- **HB 580 – Active duty military health care providers; practice at public and private health care facilities.**
- **HB 611 – Health regulatory boards; denial or suspension of a license, certificate or registration; exception.**
- **HB 612 – Genetic counseling; regulation of practice, licensure, advisory board established.** Ms. Yeatts pointed out that this profession is slated to be regulated by the Board of Medicine.
- **HB 661 – Falsifying patient records; limitation of prosecutions.**
- **HB 784 – Virginia Geographic Information Network Advisory Board, etc.; membership and terms.** Ms. Yeatts advised that there was opposition to some of the elements in this bill.
- **HB 855 – Health regulatory boards; reinstatement of licensure.**
- **HB 874 – Drugs; designation and reporting those of concern.**
- **HB 891 – Health regulatory boards; powers and duties, special conference committees**
- **HB 893 – Anatomic pathology services; fees.**
- **HB 895 – Medicine, Board of; changes membership requirements.**
- **HB 923 – Prescription Monitoring Program; disclosure method of information to recipient.**
- **HB 926 – Behavior analysis; licensure.** Ms. Yeatts briefly discussed the two additional exemptions being requested.
- **HB 1056 – Abortion; informed consent.**
- **HB 1129 – Physician assistants; possession and administration of topical fluoride varnish.**
- **HB 1134 – Physician assistants; updates terminology related to practice agreements.**
- **HB 1135 – Sexual orientation; change efforts prohibited.**
- **HB 1235 – Department of Health Professions; use of implantable medical devices distributed by physician.**
- **HB 1247 – Spouses of military service members; reduces application review period for temporary licenses.**
- **HB 1249 – Prescription Monitoring Program; requirements of prescribers.**
- **SB 203 – Occupational therapy; practice as a therapist or therapist assistant applicant.**

- **SB 328 – Surgical technologists and surgical assistants; certification and licensure.**

These items were presented for informational purposes only and did not require any action by the Committee.

**ANNOUNCEMENTS**

Board staff provided the Committee members with an update of the afternoon hearing schedule.

**Next meeting** – May 16, 2014

**Adjournment** - With no other business to conduct, the meeting adjourned at 10:58 a.m.

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Kenneth J. Walker, MD  
Chair

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William L. Harp, M.D.  
Executive Director

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Colanthia M. Opher  
Recording Secretary