

**VIRGINIA BOARD OF MEDICINE
EXECUTIVE COMMITTEE MINUTES**

Friday, April 30, 2010

Department of Health Professions

Richmond, VA

CALL TO ORDER: The meeting convened at 8:53 a.m.

MEMBERS PRESENT: Jane Piness, MD, President
Karen Ransone, MD, Vice-President
Gen. Clara Adams-Ender, RN, MSN, USA Retired
Sandra Bell, MD
Malcolm Cothran, MD
Stephen Heretick, JD

MEMBERS ABSENT: Valerie Hoffman, DC, Secretary-Treasurer
Wayne Reynolds, DO

STAFF PRESENT: William L. Harp, MD, Executive Director
Jennifer Deschenes, Deputy Executive Director - Discipline
Barbara Matusiak, MD, Medical Review Coordinator
Ola Powers, Deputy Executive Director - Licensure
Sandra Ryals, Director, DHP
Colanthia Morton Opher, Operations Manager
Amy Marschean, Assistant Attorney General
Elaine Yeatts, DHP Senior Policy Analyst

OTHERS PRESENT: Scott Johnson, HDJN
Michael Jurgensen, MSV
Tyler Cox, HDJN

ROLL CALL

Emergency Egress Procedures

Dr. Cothran gave the verbal emergency egress instructions.

Adoption of Agenda

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

Public Comment on Agenda Items

There was no public comment on agenda items.

Approval of the December 4, 2009 Minutes

Dr. Cothran moved to accept the minutes of December 4, 2009. The motion was seconded and carried.

Report of the Agency Director – Sandra Ryals, RN, MSN

Prescription Monitoring Program Statistics

Ms. Ryals advised the Committee that the investigation surrounding the April 2009 cybercrime against the Prescription Monitoring Program was still underway. This incident expedited implementation of many additional security measures, including but not limited to the COOP plan. Ms. Ryals confirmed that the PMP was active and fully functioning, and now accessible 24/7 through DHP's website; currently there are over 35,000 potential registered users.

Virginia Performs

Ms. Ryals provided a handout charting the performance measures for the 3rd quarter, and announced that once again, the Board of Medicine was leading the charge with timely resolution of patient care cases. She referred to a recently published article in the Richmond Times Dispatch noting that the Public Citizens Report ranks the Board as 19th – (up from last year's ranking), attributing the success in part to the impact made by the sanction reference points. Ms. Ryals stated that for the fifth consecutive quarter, the Board has exceeded the expectation of greater than 90% of cases resolved within 250 business days. According to the performance report, in Quarter 3 of FY2010, the clearance rate was 116%, the pending caseload older than 250 business days was 9% and the percent closed within 250 business days was 96%.

Dr. Harp acknowledged the people he felt were responsible for this achievement; Jennifer Deschenes, Deputy Director for Discipline, Ola Powers, Deputy Director for Licensing, and Barbara Matusiak, MD, Medical Review Coordinator. In turn, the board's staff wanted it noted that Dr. Harp should also share the accolades in meeting these goals.

Other Items

Ms. Ryals addressed the Committee and stated that it had been her honor and privilege to work along side the board members and staff of the Department to fulfill the mission of protecting the public. She expressed her appreciation for the support and encouragement given through difficult times.

Mr. Heretick moved to recommend to the Full Board that it pass a resolution honoring Ms. Ryals for her outstanding support to the Board; this was accomplished by acclamation. Dr. Piness and Mr. Heretick then presented Ms. Ryals with a plaque expressing the Board's gratitude for the work she had done at DHP. Ms. Ryals received a standing ovation.

Report of the President – Jane Piness, MD

Dr. Piness informed the Committee that she, Jennifer Lee, MD, and Dr. Harp accepted an invitation from the District of Columbia Board of Medicine to attend their February board meeting. She advised that it was a privilege to observe another board's processes.

Dr. Piness also advised that she, Dr. Reynolds, Dr. Dalton, Mr. Heretick, Jennifer Deschenes, and Dr. Harp had attended the FSMB's annual conference the previous week in Chicago. There, Dr. Harp was the recipient of the John H. Clark, MD leadership award of which the Virginia delegation was very proud.

Dr. Piness acknowledged the excellent job Dr. Dalton did in presenting on the topic of telemedicine, and Mr. Heretick's seemingly ubiquitous involvement in the program, and his presentations on the role of the public board member.

Dr. Piness advised that two topics that will become important future issues for the Board are Maintenance of Licensure (MOL) and Electronic Health Records.

Dr. Piness remarked that other areas of interest were: educating medical students about ethical dilemmas and boundaries issues; boards maintaining good public communications, and the importance of keeping websites current.

Report of the Executive Director – William Harp, MD

In response to Dr. Piness' comments on receipt of the leadership award, Dr. Harp stated that the staff members working behind the scenes are the unsung heroes. He commended the staff on their diligent and professional manner in getting the job done, and humbly shares the award with all of them.

Board staff in attendance introduced themselves to the Committee in the following order: Denise Washington Mason, receptionist, Angela Fowlkes, P-14, ShaRon Clanton, Licensing Specialist, Physician Assistants, Radiologic Technology, Radiologic Technology – Limited, Tamara Farmer, Licensing Specialist, Athletic Trainers, Midwifery, Occupational Therapy, Respiratory Care Practitioners, Delores Cousins, Licensing Specialist, Medicine, Osteopathic Medicine, Podiatry and Chiropractic Jennie Wood, Case Manager, and Discipline Program Administrative Specialists Marilyn Dundon, Faye Dobson, and Krystal Blanton.

Dr. Harp informed the Committee that William Hazel, MD, the new Secretary of Health and Human Services has visited the Department and met with the management team. He was accompanied by Keith Hare, Matt Cobb, Dianne L. Reynolds-Cane, MD, (DHP's new Director), and Arne Owens, (DHP's new Chief Deputy Director). Both Dr. Reynolds-Cane and Mr. Owens will take their posts on Monday, May 3, 2010 and that Board staff looks forward to their leadership.

Revenue and Expenditures Report

Dr. Harp informed the Committee that the Board is well within budget, and that our share of the cash transfer to the general fund was \$131,265.

Prescription Monitoring Program Conference on May 1, 2010

Dr. Harp advised that the PMP, in conjunction with the Board, will hold a conference on pain management and proper prescribing on May 1, 2010 in Charlottesville.

Health Practitioners Monitoring Program

This report was provided for informational purposes only.

Ad Hoc on Competency

Dr. Harp advised that new life may be breathed into this Ad Hoc since the FSMB recently adopted the Maintenance of Licensure model. Dr. Dalton was currently chairing this Committee and a meeting date will be scheduled in July.

Ad Hoc on Office-Based Surgery

Dr. Harp identified the individuals that responded to the Board's inquiry regarding participation on this Ad Hoc Committee. He stated that although interest has been shown from the general and plastic surgery community, there has been some difficulty in recruiting stakeholders. Another attempt to secure a representative from the family practice community will be made and a meeting scheduled.

MDR Inspections

Dr. Harp advised the Committee that after meeting with members of the Enforcement Division, a rudimentary instrument was developed for conducting inspections. He was not able to provide an estimated time line on when the inspections were to begin.

MSV Newsletter Article

Dr. Harp acknowledged the article published by MSV seeking nominations to fill the upcoming Board vacancies. Dr. Harp stated the article accurately reported the responsibilities and time commitments for the average Board member.

Report of the Office of the Attorney General

Ms. Marschean gave an update on the following legal matters:

Tinoosh – still awaiting judge’s letter of opinion on February 2, 2010 argument in the Lynchburg Circuit.

Abofreka – Commonwealth filed its brief on April 14, 2010 in response to Dr. Abofreka’s Petition for Appeal addressing his charge that the roadmap of the appeal process was arbitrary and capricious.

Vuyyuru – update on lawsuits filed by Dr. Vuyyuru.

Binder – Board counsel appeared before the judge in York County and argued against the previous complaint filed by Binder; the judge dismissed the complaint with prejudice.

NEW BUSINESS

Regulatory Actions

Chart of Regulatory Actions

This chart was provided for informational purpose only.

Report of the 2010 General Assembly

The report was provided for informational purposes only. Ms. Yeatts did however briefly review several of the bills thought to be of some interest to the Committee.

DHP Regulatory/Policy Actions

Ms. Yeatts advised the Committee of two mandates the Board will be addressing in the near future: licensure of polysomnographers and guidelines for seizure management in schools, in conjunction with the Board of Nursing.

In addition, Ms. Yeatts informed the Committee that the Board of Health Professions is currently conducting studies on the Prescription Monitoring Program, Kinesiotherapy Licensure, Permitting the Use of Medication Aides in Nursing Homes, and Medical Laboratory Scientists and Technicians.

Fast-Track 18VAC85-120-80 – Provisional license

Ms. Yeatts briefed the Committee on the history of this recommendation by the Advisory Board on Athletic Training. After discussion, Dr. Bell moved to accept the recommendation as presented. The motion was seconded and carried unanimously.

Licensing Report

Dr. Harp announced that the processes in the licensing division were running smoothly.

Discipline Report

Dr. Harp reported that due to the diligence of the discipline staff, we are continuing to settle more cases.

Report on WebEx

Ms. Opher gave a quick overview on the WebEx program, its accessibility, and functionality. Dr. Harp stated that this program could be utilized for providing new board member orientation as well as for other presentation needs.

Credentials Committee request for withdrawal of petition

This item was tabled.

Next scheduled meeting: August 6, 2010

Adjournment: With no other business to conduct, the meeting adjourned at 10:25 a.m.

Karen Ransone, M.D.
President

William L. Harp, M.D.
Executive Director

Colanthia Morton Opher
Operations Manager