

---FINAL APPROVED---

Virginia Board of Medicine
Full Board Minutes

Thursday, February 21, 2013

Department of Health Professions

Richmond, VA

CALL TO ORDER: Dr. Hoffman called the meeting to order at 8:48 a.m.

ROLL CALL Alan Heaberlin called the roll and a quorum was declared.

MEMBERS PRESENT: Valerie Hoffman, DC, President
Stuart Mackler, MD, Vice-President
Wayne Reynolds, DO, Secretary-Treasurer
Barbara Allison-Bryan, MD
Randy Clements, DPM
Claudette Dalton, MD
Siobban Dunnavant, MD
Stephen Heretick, JD
Robert Hickman, MD
William Hutchens, MD
Jane Maddux
Jane Piness, MD
Michael Signer, PhD, JD
Kenneth Walker, MD

MEMBERS ABSENT: Kamlesh Dave, MD
Irina Farquhar, PhD
Kevin O'Connor, MD

STAFF PRESENT: William L. Harp, MD, Executive Director
Jennifer Deschenes, JD, Deputy Executive Director, Discipline
Barbara Matusiak, MD, Medical Review Coordinator
Alan Heaberlin, Deputy Executive Director, Licensing
Nicole Phelps, Senior Administrative Assistant, Discipline
Dianne Reynolds-Cane, MD, DHP Director
Arne Owens, DHP Chief Deputy Director
Elaine Yeatts, DHP Senior Policy Analyst
Erin Barrett, AAG, Board Counsel

OTHERS PRESENT: Jerry Caanan, HDJN
David Falkenstein, PA, VAPA

EMERGENCY EGRESS PROCEDURES

Dr. Mackler recited the emergency egress procedures for Conference Room 2.

INTRODUCTION OF NEW BOARD MEMBERS

Dr. Hoffman welcomed the new Board members: Dr. Allison-Bryan, Dr. Dunnavant, Dr. Hutchens, Dr. Walker, and Dr. O'Connor in absentia.

APPROVAL OF THE OCTOBER 25, 2012 MINUTES

With minor revisions, Dr. Mackler moved to accept the approval of the October 2012 minutes. Motion was seconded and carried unanimously.

ADOPTION OF THE AGENDA

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

INTRODUCTION OF GUESTS

Jerry Canaan, JD, HDJN
David Falkenstein, PA, VAPA
Faye Lemon, Director of Enforcement, Department of Health Professions
Paul Dalby, Deputy Director, Enforcement, Department of Health Professions
Susan Beckmann, Northern Virginia Pharmacy Inspector, Enforcement, Department of Health Professions

PUBLIC COMMENT ON AGENDA ITEMS

There was no public comment.

DHP DIRECTOR'S REPORT

Dr. Cane welcomed the new Board members. She reviewed the DHP bills that have made it through the General Assembly. She noted the Virginia Health Innovation Plan, which was created to meet the parameters established by the Centers for Medicare and Medicaid Services (CMS) for the State Innovation Model grant program, is currently drafting a grant proposal for submission to CMS.

ENFORCEMENT DIRECTOR'S REPORT

Faye Lemon introduced new Enforcement staff members to the Board. Her excellent presentation included an overview of the role enforcement plays with the agency and the processes and procedures used to fulfill this role.

REPORT OF OFFICERS AND EXECUTIVE DIRECTOR

President's Report

Dr. Hoffman had no report. Dr. Hoffman will be attending the FSMB Annual Meeting in April as the voting delegate from Virginia.

Vice-President's Report

Dr. Mackler reported that he attended the FSMB meeting on licensure in Dallas January 16-17 with Dr. Harp. The meeting was held to explore a variety of new mechanisms that would streamline current

licensing processes for physicians, enhance licensure portability, and better accommodate the use of telemedicine in the delivery of health care.

Secretary-Treasurer's Report

Dr. Reynolds had no report.

Executive Director's Report

- Revenue and Expenditures Report
The Board of Medicine is operating within its budget. The Board's balance as of 12/31/2012 was \$9,663,278. Dr. Harp advised that even-numbered years are big revenue years and that in 2013 spending would overtake revenue.
- Key Performance Measures
For FY2013 Q2, the Board's clearance rate for discipline cases was 103% with 91% of cases closed with 250 days.
- HPMP Stats
Dr. Harp noted the number of Medicine participants to be 114.5 with 79 MD's.
- Prescription Monitoring Program (PMP) Update
Dr. Harp presented the 2012 program statistics, emphasizing that 85% of the most prolific prescribers of controlled substances were signed up to use the program.
- FSMB Meeting
Dr. Hoffman, Dr. Dalton, Mr. Heretick, Dr. Bassam and Jennifer Deschenes will be attending the meeting in Boston April 18-20.

COMMITTEE AND ADVISORY BOARD REPORTS

Dr. Mackler moved to accept the reports en bloc. The motion was seconded and carried unanimously.

OTHER REPORTS

Board Counsel

Ms. Barrett reviewed her role for new Board members. She noted that two cases are closed or in the process of being closed. Dr. Vuyyuru, has two cases, one of which will be closed soon, and Dr. Amarasinghe's case has closed. Ms. Barrett reported on pending cases involving a Louisiana plaintiff and a doctor with a Veterans' Affairs hospital who is licensed by the Virginia Board. The Virginia Office of the Attorney General is working with the with U.S. Attorney's Office in Louisiana to resolve these cases. No action by the Board was required.

Board of Health Professions

Dr. Harp reported that the Board of Health Professions Regulatory Research Committee had concluded that regulation of perfusionists is not needed at this time. The Committee's recommendation will be reviewed and considered by the full Board of Health Professions in several months.

Podiatry Report

Dr. Clements had no report.

Chiropractic Report

Dr. Hoffman had no report.

Public Hearing Minutes on Physician Assistant Regulations

Dr. Dunnivant moved to accept the report. The motion was seconded and carried unanimously.

Dr. Hoffman called for 10-minute break. Board reconvened at 10:31 am.

NEW BUSINESS

REGULATORY AND LEGISLATIVE ISSUES-Elaine Yeatts

Summary from the 2013 Session of the General Assembly

Ms. Yeatts informed the Board of bills of interest from the 2013 Session of the General Assembly. No action was required.

Chart of Regulatory Actions

Ms. Yeatts provided an update on the regulatory activity of the Board of Medicine.

Adoption of Final Regulations for Physician Assistants

- Dr. Hutchens moved to amend the language in the draft regulation from “in a single episode of care” to a “single acute illness.” The motion was seconded. After a lengthy discussion, a vote was held with all members voting the proposed amendment down.
- Dr. Mackler moved to adopt the draft regulation originally presented by Ms. Yeatts as a final regulation. The motion was seconded and carried unanimously.

Periodic Review of Regulations: Governor’s Regulatory Reform Project

- Ms. Yeatts noted that *Motion to retain regulations without amendment for: “18VAC85-40-10 et seq., Regulations Governing the Practice of Respiratory Care Practitioners”* under Action 2 should be moved to Action 1, *Motion to adopt by fast-track action the amendments to:*
- Action 1) Vote to adopt a fast-track action for amendments.
 - Regulations Governing the Practice of Respiratory Care Practitioners. Dr. Dalton moved to fast-track the proposed amendments. The motion was seconded and carried unanimously.

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- Regulations Governing the Practice of Physician Assistants. Dr. Mackler moved to fast-track the proposed amendments. The motion was seconded and carried unanimously.
 - Regulations Governing the Licensure of Radiologic Technologists and Radiologic Technologists-Limited. Dr. Dalton moved to fast-track the proposed amendments. The motion was seconded and carried unanimously.
 - Regulations Governing Licensed Acupuncturists. Dr. Mackler moved to fast-track the proposed amendments. The motion was seconded and carried unanimously.
 - Regulations Governing the Licensure of Athletic Trainers. Dr. Mackler moved to fast-track the proposed amendments. The motion was seconded and carried unanimously.
- Action 2) Vote to retain regulations without amendments.
 - Dr. Mackler moved to affirm the regulations not amended by Board staff and Advisory Board review. The motion was seconded and carried unanimously.

Adoption of Fast-Track Regulation for Collaborative Practice Agreements

Dr. Dunnivant moved to adopt the fast-track regulation. The motion was seconded and carried unanimously.

C-TEL and Late Renewals

Dr. Harp asked to table these two items definitely until the Executive Committee meeting in April. Dr. Mackler made the motion to table these two items. The motion was seconded and carried unanimously.

New Policy on the Number of USMLE Step 3 Attempts

Dr. Harp presented information regarding the new USMLE policy on the number of STEP 3 attempts. The NBME/FSMB policy, in effect as of January 2013, limits a candidate to six attempts at STEP 3. There is an exemption written into the policy that a state board may authorize one more attempt for a candidate that has failed STEP 3 six times. Staff expressed that it would appreciate having a bright line drawn by the Board in this matter, such that staff can respond definitively to individuals who contact the Board seeking its approval for a seventh attempt at STEP 3. After discussion, Dr. Hickman moved to have Board staff inform those who inquire that Board policy is not to authorize an extra attempt. It was suggested that Board staff create a guidance document regarding this policy. The motion was seconded and carried unanimously.

Licensing Report

Alan Heaberlin presented information and statistics on applications received and licenses issued from July 1, 2012 to Feb 1, 2013. Further, in response to the Board's questions from its October meeting, he pointed out the steps he had taken to create greater efficiencies in the Licensing Section in the last 4 months. He also presented information regarding licensing of physicians by neighboring state boards of medicine that spoke to speed and resources. Dr. Dalton asked if more staff would be helpful. Dr. Harp pointed out that Alan was speaking with DATA to see if greater efficiencies could be attained with the Applicant Checklist and also with Online Verifications to other states.

Discipline Report

Jennifer Deschenes presented case statistics for the last year and spoke about a new process for notification of Board members about informal conference dockets. She also gave a mini-course on Board member participation and decorum in disciplinary hearings to the benefit of the Board's new members and its veterans alike.

Nominating Committee

Dr. Hoffman asked for volunteers for the Nominating Committee. Dr. Dalton, Dr. Piness, Mr. Heretick, Ms. Maddux, and Dr. Hickman volunteered for committee.

ANNOUNCEMENTS: No announcements.

ADJOURNMENT

With no further business, Dr. Hoffman adjourned the meeting at 12:24 pm.

Next Scheduled Meeting: June 20, 2013

Valerie L. Hoffman, D.C.
President, Chair

William L. Harp, M.D.
Executive Director

Alan Heaberlin
Recording Secretary