

**VIRGINIA BOARD OF MEDICINE  
EXECUTIVE COMMITTEE MINUTES**

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Friday, August 1, 2014

Department of Health Professions

Henrico, VA

- CALL TO ORDER:** The meeting convened at 8:46 a.m.
- MEMBERS PRESENT:** Kenneth Walker, MD, Vice-President & Chair  
Randy Clements, DPM  
Deborah DeMoss Fonseca  
Lorri Kleine, JD  
Stuart Mackler, MD
- MEMBERS ABSENT:** Barbara Allison-Bryan, MD, Secretary-Treasurer  
Wayne Reynolds, DO, President  
Ray Tuck, Jr., DC
- STAFF PRESENT:** William L. Harp, MD, Executive Director  
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  
Erin Barrett, JD, Assistant Attorney General  
David Brown, DC, DHP Director  
Elaine Yeatts, DHP Senior Policy Analyst
- OTHERS PRESENT:** W. Scott Johnson, JD, HDJN  
Zeeshan Farouqi, MD, VCU Psychiatry PGY-4  
Joshua Chandy, D.O., VCU Psychiatry PGY-4

**Call to Order**

Dr. Walker called the meeting to order.

**Roll Call**

At roll call, a quorum of 5 was not established as Ms. DeMoss Fonseca was still en route.

**Emergency Egress Procedures**

Dr. Walker provided the emergency egress procedures.

**Public Comment on Agenda Items**

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

There was no public comment.

## **DHP Director's Report—David E. Brown, DC**

Dr. Brown informed the Committee that a campaign to promote the Prescription Monitoring Program (PMP) and the safe prescribing of opioids was underway. He asked that the Board work with Ralph Orr on the development of presentation materials that would not only be utilized by PMP, but also made available to all of the Boards for use at hospital grand rounds, medical societies, and any other venue that will get the message out about what an important tool the PMP is.

Dr. Brown noted that, due to utilization of the PMP, the number of patients that have seen 10 or more practitioners or received 10 or more opioid prescriptions in a specified timeframe has decreased significantly.

## **Report of the Executive Director – William L. Harp, MD**

### Revenue and Expenditures Report

Dr. Harp advised that the Board remains in good financial standing with a cash balance of \$9.2 million as of June 30, 2014.

Dr. Harp also reminded the Committee that the 14% one-time reduced renewal fee is currently in effect until December 2015.

### Enforcement and APD Hours

Dr. Harp reported that Board's utilization of Enforcement hours is up by approximately 200 per month this past year, which roughly equates to 1.5 FTEs.

Dr. Harp noted that for years Medicine has used the lion's share of APD services. The Board's APD hours have increased by approximately 100 per month in the last year. Medicine uses 42.6% of APD's total hours.

### Health Practitioners' Monitoring Program

Dr. Harp announced that there are currently 110 Board of Medicine licensees participating in the program.

### Compounding Workgroup

Dr. Harp advised that he, Dr. Brown, and Ms. Yeatts recently attended a Compounding Workgroup led by the Board of Pharmacy. The Board of Pharmacy has been required by 2014 legislation to convene a workgroup to explore and clarify issues related to the compounding of drugs for human and animal use. Dr. Ali was the Board of Medicine's representative on the Workgroup.

Dr. Harp noted that it is probably time that the Board of Medicine revisited its definition of immediate use in the Mixing, Diluting or Reconstituting regulations. USP has redefined immediate use to one hour. However, there was discussion at the meeting that manufacturer's beyond use dates may become the approach that USP will follow, rather than defining immediate use as a specific timeframe.

As a side note to his report, Dr. Harp noted that the Board of Medicine had 24 employees in 2004. Since that time, the Board has added 9 new professions and now has 20 employees when fully staffed. Dr. Harp expressed his thanks to all the Board staff for their continued efficiency in day-to-day operations.

## **2<sup>nd</sup> Roll Call**

At the arrival of Ms. DeMoss Fonseca, the roll was re-called and a quorum was declared at 9:09 a.m.

## **Adoption of Agenda**

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

## **Approval of the December 27, 2013 Minutes**

Dr. Mackler moved to approve the minutes as presented. The motion was seconded and carried unanimously.

## **New Business**

### Chart of Regulatory Actions

Elaine Yeatts, DHP Senior Policy Analyst, reviewed the Board's pending regulations as of July 15, 2014. This report was for informational purposes only and did not require any action.

### Recommendation for Legislative Proposals

Ms. Yeatts reviewed the draft amendments for §54.1-3021.1 and 54.1-2957.04 relating to restricted volunteer licenses for registered nurses, practical nurses and nurse practitioners. With a thorough presentation by Ms. Yeatts, little discussion by the Committee, motion made by Dr. Mackler and seconded, the Committee approved the draft legislation unanimously.

### Adoption of new regulations for registration of Surgical Assistants and Surgical Technologists

Ms. Yeatts noted that the credentials for both professions are specified in law and that the Board has no discretion. However, the Board does bear the responsibility of maintaining a registration record. Ms. Yeatts advised that these regulations can be adopted as a fast-track action.

After discussion, Dr. Mackler moved to adopt the regulations. The motion was seconded and carried 5-0.

### Credentials Committee Minutes and Recommendation

Mr. Heaberlin, Ms. Yeatts and Dr. Harp provided an overview of the business meeting of the Credentials Committee from July 23, 2014.

The Executive Committee discussed the recommendations from the Credentials Committee and responded with the following suggested actions.

**--- DRAFT UNAPPROVED ---**

1. Clerkships done in the United States by international medical students  
Language was approved that amends Section 54.1-2930 to give the Board discretion in evaluating clerkships done in the United States.
2. Required number of years of postgraduate training for licensure  
The Committee affirmed the current number of years for US, Canadian and international medical graduates, but added language to Section 54.1-2930 and Section 54.1-2935 that will require at least 12 months of training had to be successfully completed in one program.
3. Fellowships done by international medical graduates  
Language was adopted for 18VAC85-20-122 that would allow the Board discretion to assess fellowship experiences regardless of whether they were approved by the Accreditation Council on Graduate Medical Education or were not ACGME-accredited.
4. Teaching by international medical graduates  
The Committee chose to delete the regulatory language from 18VAC85-20-122 that allows a year in a position teaching medical students or residents to count as a clinical fellowship year.
5. Parameters for passage of USMLE, NBOME and NBPME examinations  
The Committee agreed with language for 18VAC85-20-140 that would require an applicant to pass all parts of USMLE or NBOME in ten years, starting with the first attempt, not the first passing score.
6. Form B's for telepathology and teleradiology  
The Committee instructed staff that it could utilize Form B's from the employers of teleradiologists and telepathologists in lieu of getting Form B's from every service site.
7. Section 54.1-2933-Licensure of persons who studied in foreign medical schools  
With the foregoing amendments to Section 54.1-2935, the Committee agreed to strike this section to achieve uniformity.
8. Section 54.1-2937-Temporary licenses to interns and residents in hospitals and other organizations  
The Committee approved the removal of "or chiropractors" as there are presently no internships or residencies in chiropractic in the Commonwealth.

Ms. Yeatts advised that the above recommendations would be prepared as legislation and rule-making as appropriate.

Discipline Report

Ms. Deschenes did not have a report.

**Announcements**

No announcements

**Next scheduled meeting:** December 5, 2014

**Adjournment:** With no other business to conduct, the meeting adjourned at 11:35 a.m.

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Kenneth Walker, MD  
President

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William L. Harp, M.D.  
Executive Director

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Colanithia Morton Opher  
Operations Manager