

**VIRGINIA BOARD OF MEDICINE
FULL BOARD MINUTES**

June 16, 2022

Department of Health Professions

Henrico, VA 23233

- CALL TO ORDER:** Mr. Marchese called the meeting to order at 8:30 a.m.
- ROLL CALL:** Ms. Brown called the roll; a quorum was established.
- MEMBERS PRESENT:** Blanton Marchese – President & Chair
James Arnold, DPM
Amanda Barner, MD - Secretary-Treasurer
Manjit Dhillon, MD
Jane Hickey, JD
Oliver Kim, JD
Jacob Miller, DO
Pradeep Pradhan, MD
Milly Rambhia, MD
Karen Ransone, MD
Jennifer Rathmann, DC
Joel Silverman, MD
Brenda Stokes, MD
Ryan Williams, MD
Khalique Zahir, MD
- MEMBERS ABSENT:** David Archer, MD – Vice-President
Alvin Edwards, MDiv, PhD
Madge Ellis, MD
- STAFF PRESENT:** William L. Harp, MD - Executive Director
Jennifer Deschenes, JD - Deputy Exec. Director for Discipline
Colanthia Morton Opher - Deputy Exec. Director for Administration
Michael Sobowale, LLM - Deputy Exec. Director for Licensure
Barbara Matusiak, MD - Medical Review Coordinator
Deirdre Brown - Executive Assistant
Danielle Sangiuliano – Administrative Assistant
Erin Barrett, JD – DHP Senior Policy Analyst
Charis Mitchell, JD – Assistant Attorney General
- OTHERS PRESENT:** Jennie Wood – Board Staff
Tamika Hines - Board Staff
India Clark – Board Staff
Shermin Uzair – Board Staff

Christy Evanko – Virginia Association for Behavior Analysis
W. Scott Johnson, JD – Hancock Daniel & Johnson, P.C.
Kelsey Wilkinson – Medical Society of Virginia

EMERGENCY EGRESS INSTRUCTIONS

Dr. Barner provided the emergency egress instructions for Board Room 2.

APPROVAL OF MINUTES OF FEBRUARY 17, 2022

Dr. Ransone moved to approve the minutes from February 17, 2022, as presented. The motion was properly seconded by Dr. Miller and carried unanimously.

ADOPTION OF AGENDA

Dr. Ransone moved to approve the agenda as presented. The motion was properly seconded by Dr. Miller and carried unanimously.

PUBLIC COMMENT

None.

PRESENTATION ON BOX

Michelle Schmitz, Director of DHP Enforcement, gave a presentation on BOX for the Board members. The demonstration will help Board members with remote review of Board documents.

DHP DIRECTOR'S REPORT

Dr. Brown reminded the Board of Dr. Allison-Bryan's retirement from DHP, her practice as a pediatrician, and how she will be greatly missed. He reported that DHP is still in transition with the Youngkin Administration. He said that right now the focus for the Administration has been the budget of the Commonwealth. On its agenda, the Administration wants all agencies to review and reduce their regulations by 25%. Dr. Brown emphasized that DHP has many gubernatorial appointees, many professions, many regulations, and many meetings. He noted that it will be a lot of work to go through all the regulations and decide what can be removed. Governor Youngkin is also interested in healthcare workforce issues, especially maximizing access to Primary Care and Behavioral Health professionals. The appointments of the DHP Director and DHP Senior Deputy have not yet been addressed.

REPORTS OF OFFICERS AND EXECUTIVE DIRECTOR

PRESIDENT

Mr. Marchese reported that Jane Hickey, Michael Sobowale and he attended the Federation of State Medical Boards Annual Meeting in New Orleans April 28-30. In addition, he gave an update on HB1323 and said that he needs to appoint 3 Board members from Medicine to serve alongside 3 Board members from Pharmacy in a Work Group to further develop the Statewide Pharmacy Protocols. The meeting will be held August 8, 2022. Lastly, Mr. Marchese took a moment to acknowledge Dr. Stokes for her time and dedication to the Board. Dr. Harp added that Dr. Stokes had been redistricted, and her first term expires at the end of the month.

VICE-PRESIDENT

No report.

SECRETARY-TREASURER

No report.

EXECUTIVE DIRECTOR

Dr. Harp provided an update on Reciprocal Licensing with Maryland and DC:

- He said that pursuant to 2020 legislation, Virginia, Maryland and DC have been meeting virtually throughout 2021 and 2022. The 2022 General Assembly again tasked the Board with pursuing reciprocal licensing in the region. At the last tri-jurisdictional meeting on June 3, 2022, plans were made to have a draft Memorandum of Understanding and draft applications by the next meeting on June 24, 2022.
- Dr. Harp stated that Virginia IT and Maryland IT talked about a licensing process that would utilize “pinging” for license verifications. However, Maryland currently has system issues, and DC’s IT plate is full. The coordination of IT systems will take a while to get going, but the Boards can begin with a manual process that designates an employee with a dedicated email box and phone number to process license verifications.
- Dr. Harp informed the Board that Maryland has 8,000 physicians licensed in Virginia, and 7,000 licensed in DC. The Maryland Executive Director proposed a three-in-one license. Dr. Harp said this would require an initial license to be issued through a traditional pathway in one jurisdiction with the other two states then reciprocating. In regard to draft applications, Virginia’s traditional application has 17 questions, whereas the draft reciprocal application has 7 questions. Maryland and DC require criminal background checks, and DC requires evidence of COVID-19 vaccination.
- This report was for informational purposes only and did not require action.

COMMITTEE AND ADVISORY BOARD REPORTS

Dr. Harp stated that on p. 41 of the agenda packet, "Robert Glasson" needed to be corrected to "Robert Glasgow."

Dr. Ransone moved to accept all reports en bloc since February 17, 2022. The motion was properly seconded by Dr. Miller and carried unanimously.

OTHER REPORTS

Board Counsel

Charis Mitchell, JD reported that the Office of the Attorney General is still searching for a permanent Board of Medicine Counsel.

This report was for informational purposes only.

Board of Health Professions

No report.

Meeting Minutes for the March 29, 2022 Full Board meeting were in the agenda packet on pages 50-52.

Podiatry Report

No report.

Chiropractor Report

Dr. Rathmann reported that she attended the Federation of Chiropractic Licensing Boards Annual Conference in May. She said a number of interesting topics were presented and discussed.

This report was for informational purposes only.

Committee of Joint Boards of Nursing and Medicine

No report

Meeting Minutes for the February 16, 2022 meeting were in the agenda packet on pages 53-59. Meeting Minutes for the April 20, 2022 meeting were on pages 60-66.

NEW BUSINESS

1. Current Legislative and Regulatory Actions/Considerations - Erin Barrett

Current Regulatory Actions

Ms. Barrett presented the chart of regulatory actions as of May 24, 2022 noting the following:

18 VAC 85-80 – Proposed regulations for the implementation of the OT Compact have been in the Office of the Attorney General for 42 days. They are to replace the current emergency regulations.

18VAC85-160 – Proposed regulations were published in the Register 12/30/2021 to conform the regulations with the law that moves surgical assistants from certification to licensure.

2. Initiation of Periodic Review

Ms. Barrett reminded the Board that its regulations need to be reviewed and revised at least every 4 years. She said Board of Medicine Regulations Chapters 15, 20, 40, 50, 80, 101, 110, 120, 130, 140, 150, 160, and 170 are up for periodic review.

ACTION: Dr. Williams moved to review the following chapters: 15, 20, 40, 50, 80, 101, 110, 120, 130, 140, 150, 160, and 170. The motion was properly seconded by Dr. Ransone and carried unanimously.

3. Amending Guidance Document 85-17

Ms. Barret reviewed Guidance Document 85-17 Supervisory Responsibilities of an Occupational Therapist, and pointed out minor revisions to some of the answers to questions in the document.

ACTION: Dr. Ransone moved to amend Guidance Document 85-17 as recommended by Ms. Barrett. The motion was properly seconded by Dr. Dhillon and carried unanimously.

4. Adoption of Final Regulations for Licensure of Surgical Assistants

Ms. Barrett referred Board members to the Town Hall summary page for the text of proposed final regulations for the licensure of surgical assistants. She reviewed the changes as shown.

ACTION: Dr. Arnold moved to adopt final regulations for the licensure of surgical assistants. The motion was properly seconded by Dr. Stokes and carried unanimously.

5. Fast-Track Action Related to Reinstatement of Surgical Technologists

This action was to address the lack of a reinstatement process for surgical technologists.

ACTION: Dr. Arnold moved to adopt the fast-track action. The motion was properly seconded by Dr. Stokes and carried unanimously.

6. Consideration of Legislative Proposal for Surgical Assistant & Surgical Technologist Applicants

Dr. Arnold inquired about the pass rate of surgical technologists and assistants. Ms. Barrett said that one school reported the pass rate to be approximately 90%. Dr. Stokes asked the typical wait time for students to receive their scores, and Ms. Barrett responded that it could be a couple of weeks. Dr. Williams asked if the allowance could be 3 months, instead of 6 months. Dr. Harp said the professions that have this provision to practice prior to passing their exam all have 6 months.

ACTION: Dr. Ransone moved to refer this proposal to the Legislative Committee for review. The motion was properly seconded by Dr. Miller and carried unanimously.

7. Consideration of Regulations for Licensure of Licensed Certified Midwives

Ms. Barrett explained to the Board the differences between a “licensed midwife” and a “licensed certified midwife” to ensure that the Board members understood.

ACTION: Dr. Williams moved to adopt proposed regulations governing the licensure of licensed certified midwives. The motion was properly seconded by Dr. Stokes and carried unanimously.

8. Consideration of Response to Petition for Rule-Making – QBAB

Ms. Barrett presented the Board the recommendations from the Advisory Board on Behavior Analysis. She said the Advisory Board is requesting that the Board initiate rule-making to conform the regulations with the language in Section 54.1-2957.16(B)(1) of the Code of Virginia, and further to define entities that are “nationally accredited to certify practitioners of behavior analysis”.

ACTION: Dr. Miller moved to ~~refer this matter to the Legislative Committee~~ accept the recommendation of the Advisory Board. The motion was properly seconded by Dr. Zahir and carried unanimously.

9. Consideration of Response to Petition for Rule-making – Masking

Ms. Barrett presented the Board with the petition for rule-making on masking from Michael Schulz. The petitioner requested that physicians, podiatrists, and chiropractors

be prohibited from refusing medical care to patients who refuse to wear a mask, from enforcing any requirements to wear masks to receive medical care, to prohibit refusal of patient care based on vaccination status or to those who refuse to disclose their vaccination status, including any COVID-19 vaccine.

Dr. Silverman stated he wanted to deny the petition due to the importance of preserving medical judgement and decision-making of a practitioner. Several Board members agreed and stated their concerns. Ms. Deschenes stated that the Board does not have authority over hospitals. After much discussion, the Board moved to a vote.

ACTION: Dr. Silverman suggested that the petition be denied. The motion was properly seconded by Dr. Stokes and carried unanimously.

BREAK

Mr. Marchese called for a recess at 10:10 a.m. The meeting reconvened at 10:25 a.m.

10. Credentials Committee Considerations

Mental Health and Substance Abuse Questions

Dr. Miller reviewed the Credentials Committee's report from its June 7, 2022 meeting. Regarding the questions, he said the Committee's recommendation was to remove the term "condition" but keep the word "impairment." It also recommended that there should be an encouraging attestation "to seek help if needed". The third recommendation was that the definition of "currently" be removed from the application as it appeared ambiguous.

ACTION: Dr. Miller moved that DHP and OAG give further consideration to the suggested revisions. The motion was properly seconded by Dr. Ransone and carried unanimously.

Delegation of Review of Non-Routine Information to Board Staff

The suggested revisions from the Credentials Committee were discussed.

ACTION: Dr. Miller moved to accept the recommendation of the Credentials Committee to delegate the review of limited non-routine information to Board staff. The motion was properly seconded by Dr. Stokes and carried unanimously.

11. Licensing Report

Mr. Sobowale reported to the Board that as of June 15, 2022, there were a total of 82,090 current active and inactive licensees. He noted that 62% of the licensees are MD's, DO's, and DPM's. Mr. Sobowale stated that the Board has issued 4,136 new licenses since the last Board meeting in February, with over half being MD's and DO's. Currently, the average time for processing is 81.07 days with a median of 67 days. He

pointed out that the volume of applications continues to increase without additional staffing resources. In the last year, over 10,000 licenses have been issued.

12. Discipline Report

Ms. Deschenes provided a brief report on the status of cases as of June 1, 2022 and gave a brief overview on the transition to BOX. She then asked the Board members to review the Consent Orders at their desks.

ACTION: Dr. Arnold moved to approve the Consent Orders. The motion was properly seconded by Dr. Williams and carried unanimously.

13. Approval of the 2023 Meeting Calendar

ACTION: Dr. Ransone moved to accept the calendar. The motion was properly seconded by Dr. Miller and carried unanimously.

14. Nominating Committee Report

Dr. Ransone stated that the Nominating Committee met this morning at 7:45 a.m. to develop a slate of officers for next year. The following slate was proposed: Dr. Arnold for Secretary-Treasurer, Dr. Barner for Vice-President, and Mr. Marchese as President.

ACTION: Dr. Miller moved to approve the slate as presented. The motion was properly seconded by Dr. Williams and carried unanimously.

15. Announcements/Reminders

Mr. Marchese reminded Board members that the next full Board meeting will be held October 6, 2022. He also reminded members to submit their travel Expense Reimbursement Vouchers within 30 days after completion of their trip (CAPP Topic 20335, State Travel Regulations, p. 7).

ADJOURNMENT

With no additional business, the meeting adjourned at 10:45 a.m.

William L. Harp, MD
Executive Director