

## VIRGINIA BOARD OF MEDICINE LEGISLATIVE COMMITTEE MINUTES

Friday, September 13, 2024

Department of Health Professions

Henrico, VA

**CALL TO ORDER:** Dr. Apel called the meeting of the Legislative Committee to order at 8:39 a.m.

**ROLL CALL:** Ms. Brown called the roll; a quorum was established.

**MEMBERS PRESENT:** Peter Apel, MD, Vice-President, Chair  
J. Randy Clements, DPM, President  
Jennifer Rathmann, DC  
Leroy Vaughan, Jr., MD

**MEMBERS ABSENT:** Thomas Corry, Secretary-Treasurer  
Krishna Madiraju, MD  
Pradeep Pradhan, MD

**STAFF PRESENT:** William L. Harp, MD - Executive Director  
Jennifer Deschenes, JD - Deputy Director, Discipline  
Colanthia Morton Opher - Deputy Director, Administration  
Michael Sobowale, LLM - Deputy Director, Licensing  
Barbara Matusiak, MD - Medical Review Coordinator  
Erin Barrett, JD – DHP Director for Legislative and  
Regulatory Affairs  
Deirdre Brown - Executive Assistant  
Danielle Sangiuliano – Administrative Assistant

**COUNCIL PRESENT:** W. Brent Saunders, JD - Senior Assistant Attorney General

**OTHERS PRESENT:** Tamika Hines - Discipline Case Manager  
Sean Nolan – Discipline Reinstatement Case Manager  
Roslyn Nickens – Licensing Supervisor  
Nathaniel Tuck – Guest of Dr. Rathmann  
Tyler Cox – Hancock, Daniel & Johnson, PC  
Clark Barrineau – Medical Society of Virginia  
Brandi Kilmer – Refugee Physicians Advocacy Coalition  
Lily Cameron – Refugee Physicians Advocacy Coalition  
Benjamin Hermerding – Chief of Staff for Del. Kathy Tran

### EMERGENCY EGRESS INSTRUCTIONS

Dr. Clements provided the emergency egress instructions for Board Room 4.

## **APPROVAL OF MINUTES OF January 5, 2024**

Dr. Harp noted that the date for next meeting needed to be changed from May 5, 2023 to May 5, 2024. Ms. Deschenes also corrected the title of James Jenkins from DHP Senior Deputy Director to DHP Chief Deputy Director.

Dr. Clements moved to approve the meeting minutes of January 5, 2024 with the changes noted above. The motion was seconded by Dr. Rathmann and carried unanimously.

## **ADOPTION OF AGENDA**

The agenda was adopted by unanimous consent.

## **PUBLIC COMMENT**

Brandi Kilmer of the Refugee Physicians Advocacy Coalition addressed the Committee concerning HB995 referring to a handout that indicated the Coalition has a network of 80 international physicians. She asked that the Board's regulations provide clarification of the requirements in HB995.

## **NEW BUSINESS**

### **1. HB995 - Temporary Licensure of Physicians Licensed in a Foreign Country**

Ms. Barrett gave a brief PowerPoint presentation on HB995.

After the presentation, the Committee engaged in discussion and posed questions to Ms. Barrett concerning licensure eligibility for foreign physicians and implementation of the licensing process. Dr. Harp shared that the training requirements would be in a general format that would cover all the assessment program milestones but would not address specialty milestones. Ms. Barrett added that the Board has the authority to add specialty requirements when developing the regulations. Consideration can also be given to what the applicant has done during training in their home country. The Board could also require specific clinical assessments.

Ms. Barrett and Ms. Deschenes clarified the two licenses defined in HB995 and how they were connected.

**MOTION:** Dr. Clements moved to recommend to the full Board the adoption of a notice of intended regulatory action (NOIRA) to implement the provisions of HB995. The motion was seconded by Dr. Vaughan and carried unanimously.

### **2. Budget Item Regarding Prescribers for Behavioral Health**

Ms. Barrett reviewed the requirements of Item 285 of the Budget Bill - HB 6001.

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

During discussion, a few key points were addressed. Ms. Deschenes stated that Item 285 covers anyone who prescribes behavioral health medications to children and adolescents. Dr. Harp agreed with Ms. Deschenes and added that with the Board's current process, new licensees cannot be identified as being subject to Item 285. All newly licensed MD's, DO's and DPM's are notified that they are required to populate their Practitioner Profile within 30 days of licensure. The statutory obligations of Item 285 could be included with that notification.

Dr. Apel noted that the vague language in B(ii) appeared to require licensees to always be on call.

Ms. Deschenes commented that a law is already in place, §54.1-2405, which requires practitioners who are closing their practices to provide records within 30 days. HB6001 requires the records to be produced in one week which is much less time, especially for behavioral health records.

Ms. Barrett asked the Committee if this would add another audit. Dr. Apel replied that it would require auditing every licensee. In response, Ms. Barrett said that with this requirement being in the biennial budget, implementation would have to be accomplished in a short period of time to cover the remainder of the biennium.

Mr. Sobowale asked Ms. Barrett if HB6001 - Item 285 has been reviewed by the Board of Nursing, to which she replied, not at this time. Mr. Saunders asked for an opportunity to do some research into the issue and provide legal guidance on how this should be approached before moving forward.

In conclusion, Ms. Barrett stated that there were no recommendations for an action at this time.

**ANNOUNCEMENTS**

None.

**NEXT MEETING**

January 10, 2025

**ADJOURNMENT**

With no other business to conduct, the meeting adjourned at 9:31 a.m.

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William L. Harp, MD  
Executive Director