

**VIRGINIA BOARD OF MEDICINE  
FULL BOARD MINUTES**

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October 19, 2023

Department of Health Professions

Henrico, VA 23233

**CALL TO ORDER:** Dr. Clements called the meeting to order at 8:30 a.m.

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

**MEMBERS PRESENT:** John R. Clements, DPM – President & Chair  
Peter J. Apel, MD – Vice-President  
David Archer, MD  
Manjit Dhillon, MD  
Hazem Elariny, MD  
Madge Ellis, MD  
William Hutchens, MD  
Oliver Kim, JD, LLM  
Krishna Madiraju, MD  
L. Blanton Marchese  
Jacob Miller, DO  
Pradeep Pradhan, MD  
Jennifer Rathmann, DC  
Joel Silverman, MD  
Ryan Williams, MD

**MEMBERS ABSENT:** Jane Hickey, JD  
Karen Ransone, MD – Secretary-Treasurer  
Alvin Edwards, MDiv, PhD

**STAFF PRESENT:** William L. Harp, MD - Executive Director  
Jennifer Deschenes, JD - Deputy Exec. Director for Discipline  
Colanithia 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  
Arnie Owens – DHP Director  
James Jenkins, RN – DHP Chief Deputy Director  
Erin Barrett, JD – DHP Director for Legislative and Regulatory Affairs  
Matt Novak – DHP Policy Analyst  
Brent Saunders, JD – Board Counsel/Senior Asst. Attorney General

**OTHERS PRESENT:** Jennie Wood – Board Staff  
Tamika Hines- Board Staff  
Roslyn Nickens – Board Staff  
Janice Martin – Board Staff  
Scott Johnson – Hancock Daniel & Johnson/MSV

## **EMERGENCY EGRESS INSTRUCTIONS**

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

## **APPROVAL OF MINUTES OF JUNE 22, 2023**

Ms. Barrett addressed a revision that needed to be made on page 6 of the agenda packet under New Business concerning the current regulatory actions. She recommended the following changes:

“Ms. Barrett noted that since the preparation of the report for this meeting, all the proposed regulations have moved from Department of Planning and Budget to the Secretary’s Office. All remaining fast-track actions will go to the Secretary’s Office and then a longer public comment period will follow. However, they will not come back to the Board for ~~comments~~ action. Once the comment period closes, the ~~Executive Committee will vote on the regulations~~ regulations will become effective.”

**ACTION:** Dr. Miller moved to approve the minutes with the amendment proposed by Ms. Barrett. The motion was properly seconded by Dr. Apel and carried unanimously.

## **ADOPTION OF AGENDA**

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

## **PUBLIC COMMENT**

None.

## **DHP DIRECTOR’S REPORT**

Mr. Owens welcomed everyone and thanked the Board members for their time and their expertise that they bring to the Board. He shared that DHP is beginning a review of board processes throughout DHP with the goal of improving efficiencies. Impact Makers will be performing the study and will start with the Board of Medicine. They will then move to the Board of Counseling and to other boards. Mr. Owens stated that this board process review should improve efficiency, especially in licensing, and get professionals into the workforce

more expeditiously. Mr. Owens advised that the Governor is in the process of finalizing the budget for the fiscal year 2025. He said that DHP does not get general funds but is still required to run its budget through the General Assembly. DHP will have a number of legislative proposals for the 2024 Session. He also shared that the General Assembly has a new building and encouraged everyone to visit it as it is open to the public. Mr. Owens gave an update on the healthcare workforce study conducted by the Virginia Healthcare Workforce Development Authority. The study has focused on shortages in nursing, primary care, and behavioral health workforces and how to retain and recruit more professionals to Virginia. Lastly, Mr. Owens said that the Governor's *Right Help Right Now* Behavioral Health Plan is receiving a lot of support from various faith-based groups.

## **REPORTS OF OFFICERS AND EXECUTIVE DIRECTOR**

### **PRESIDENT**

Dr. Clements thanked Mr. Owens for the upgraded software that allows Board members performing probable cause to review medical images more efficiently. He then thanked Michael Sobowale for his service as Commissioner from Virginia to the Occupational Therapy Compact and for chairing the Compact's Rules Committee.

### **VICE-PRESIDENT**

No report.

### **SECRETARY-TREASURER**

No report.

### **EXECUTIVE DIRECTOR**

Dr. Harp reported that on June 30, 2022, the Board's cash balance was \$10,703,44. The cash balance on June 30, 2023, was \$11,942,161. He said that there were 5 areas in the FY2023 budget that exceeded the budgeted amount by a collective total of \$13,708. In contrast to that small figure, FY2023 ended with an excess of \$435,970. This put the Board in a good financial posture for FY2024 which began July 1, 2023. During calendar year 2024, doctors and occupational therapists will be renewing, so it will be a big revenue year. Dr. Harp then thanked the Board members who are continuing to serve while awaiting their replacements. Lastly, he mentioned that general dentists will be able to administer cosmetic botulinum toxin injections when Board of Dentistry regulations are in place. He asked Ms. Barrett to comment on this issue. She stated that the Board of Dentistry must consult with the Board of Medicine to establish training and continuing education requirements. Regulations are designated emergency, so they must

be done by the end of the year. She said that Virginia will be one of two states that authorizes dentists to provide this service. The first meeting to draft regulations will be October 27<sup>th</sup>.

### **COMMITTEE AND ADVISORY BOARD REPORTS**

Dr. Miller moved to accept all reports since June 22, 2023, en bloc. The motion was properly seconded by Dr. Williams and carried unanimously.

### **OTHER REPORTS**

#### **Board Counsel**

Brent Saunders, Senior AAG, reported that the Office of the Attorney General was dealing with three pending appeals.

This report was for informational purposes only.

#### **Board of Health Professions**

No report.

#### **Podiatry Report**

No report.

#### **Chiropractic Report**

No report.

#### **Committee of the Joint Boards of Nursing and Medicine**

No report.

### **NEW BUSINESS**

#### **1. Current Legislative and Regulatory Actions/Considerations – Erin Barrett**

Ms. Barrett presented the chart of regulatory actions as of September 28, 2023, stating that there are 15 regulatory actions currently in the Secretary's Office.

## **2. Consideration of human trafficking CE requirement – Erin Barrett**

After a thorough discussion, Dr. Madiraju moved that the Board consider the requirement for 2 hours of CE on human trafficking in the next biennial renewal cycle. His motion was not seconded.

Dr. Hutchens expressed his concern that multiple states are implementing a variety of mandated CE topics. For those holding licenses in multiple states, it is burdensome to try to keep up with the latest mandated topic(s), while making time to actually keep up to date on the medicine the licensee practices on a daily basis.

After some discussion, Dr. Apel moved to table the issue and form an ad hoc committee to review the matter and present its findings to the Board later for consideration.

Mr. Marchese noted that the law was passed by the General Assembly with input from the Board in part to address the issue of outside groups requesting that the Board require CE in certain subjects. He said the Board should effectively use the tool given it by the General Assembly, preferably in 2024 with human trafficking. Ms. Deschenes added that while she understands the hesitation to add to the CE mandates, this law gives the Board a useful tool that the Board of Pharmacy has had in place for years to address significant CE issues. This new law permits the Board to respond to emerging issues of concern, rather than having outside organizations make such decisions for the Board.

Ms. Barrett noted that the next meeting of the full Board is in February 2024, and an ad hoc would not be able to meet and make recommendations that could be timely communicated to the licensees before the next renewal cycle begins January 2024.

Dr. Apel withdrew his prior motion.

Mr. Marchese moved to implement the 2 hours of CE on human trafficking for the next biennial renewal cycle. A friendly amendment was made to reduce the requirement to 1 hour. The motion was seconded.

Dr. Clements called for a vote. The vote was 12-2.

Ms. Barrett pointed out that 4 of the Board's professions do not have a CE requirement (e.g., physician assistants, licensed midwives et al) and that this would be an added renewal requirement for those 4 professions.

After further discussion, Mr. Marchese amended his motion to exclude the 4 professions identified by Ms. Barrett. Dr. Madiraju and Dr. Ellis noted that the 4 professions engage with the public and could identify potential human trafficking victims (e.g., physician assistants are primary staff in many hospital emergency departments; licensed midwives see pregnant women in the home). A friendly amendment to the motion was made to include all the professions licensed by the Board, with the exception being certified surgical technologists.

Dr. Clements restated the motion on the floor as 1 hour of CE for the next biennial renewal cycle regarding human trafficking for all professions licensed by the Board. The motion passed 13-1.

**3. Consideration of fast-track regulatory changes to 18VAC85-130-80 – Ms. Barrett**

Ms. Barrett reviewed the proposed changes in Project 7683 – Fast-Track for 18VAC85-130-80. This change updates the regulations to comport with the recommendations of the Regulatory Advisory Panel that met to develop the Formulary and Best Practices document for licensed midwives that was approved by the August Executive Committee.

**ACTION:** Mr. Marchese moved to amend 18VAC85-130-80 as presented by fast-track action. The motion was properly seconded by Dr. Clements and carried unanimously.

**4. Initiation of periodic review of public participation guidelines contained in 18VAC85-11 – Ms. Barrett**

Ms. Barrett reviewed with the Board the requirement of agencies to review its regulatory chapters every 4 years.

**ACTION:** Dr. Miller moved to initiate periodic review of 18VAC85-11. The motion was properly seconded by Dr. Clements and carried unanimously.

**5. Consideration of fast-track regulatory changes to 18VAC90-30-240 – Ms. Barrett**

Ms. Barrett explained to the Board that this regulatory action was missed, and that due to statutory deadlines for exempt actions, this now needed to be fast-tracked. She also informed the Board that the action was adopted by the Board of Nursing on September 12, 2023.

**ACTION:** Mr. Marchese moved to amend 18VAC90-30-240 as presented by fast-track action. The motion was properly seconded by Dr. Williams and carried unanimously.

**6. Licensing Report**

Mr. Sobowale stated that the total number of licensees is currently 88,870. He shared that the licensing unit is now fully staffed and introduced a new staff member, Licensing Specialist Janice Martin.

Mr. Sobowale shared with the Board that the number of days from application to issuance of a license is going down. He stated that in 2022 the average processing time was up to 75 days, whereas this year's average is down to 61 days.

Lastly, Mr. Sobowale stated that since March of 2023, the Board has issued 342 licenses through reciprocity to physicians in Maryland and the District of Columbia. The average processing time is 20 days.

## **7. Discipline Report**

Ms. Deschenes provided a brief report on the status of cases open as of October 1, 2023. She stated that the Board is catching up on formal hearings that were delayed due to the pandemic.

Ms. Deschenes gave a brief overview of BOX and stated how useful the program is to Discipline and the Board members in the review of cases. Dr. Williams asked if the links to cases sent for probable cause review could have a longer expiration date than the current 2 weeks. Ms. Deschenes stated that could be considered.

## **ANNOUNCEMENTS**

Dr. Clements announced that the next Board meeting will be held on February 15-17, 2023 at 8:30 a.m.

## **ADJOURNMENT**

With no further business to conduct, the meeting adjourned at 10:04 a.m.

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William L. Harp, MD  
Executive Director