

**VIRGINIA BOARD OF HEALTH PROFESSIONS
DEPARTMENT OF HEALTH PROFESSIONS
NEW BOARD MEMBER TRAINING
DECEMBER 17, 2008**

TIME AND PLACE: The meeting was called to order at noon on Wednesday, December 17, 2008, Department of Health Professions, The Perimeter Center, 9960 Mayland Drive, 2nd Floor, Room 1, Henrico, VA.

MEMBERS PRESENT: Mary Lou Argow, L.P.C.
Fernando J. Martinez (Marty), Citizen Member
Michael Stutts, Ph.D.

MEMBERS NOT PRESENT: All new members were present.

STAFF PRESENT: Elizabeth A. Carter, Ph.D., Executive Director for the Board
Carol Stamey, Operations Manager

OTHERS PRESENT: No others were present.

NEW BOARD MEMBER ORIENTATION: Dr. Carter provided the new board members with an overview of the role, history, policy reviews, workplan of each of committees and their structures. The presentation is incorporated into the minutes as Attachment 1.

ADJOURNMENT: The new member training adjourned at 12:40 p.m.

David R. Boehm, L.C.S.W.
Board President

Elizabeth A. Carter, Ph.D.
Executive Director for the Board



Department of Health Professions

Virginia Board of Health Professions

Board Member
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Department of Health Professions

- What is the Board of Health Professions?
- What is its authority?
- Who are its members and what is their role?
- What comprises its history, major policy reviews and other activities?
- How is its work accomplished?
- Where should the future focus be?

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What is the Board of Health Professions?

The Board of Health Professions is a largely advisory body within the Department of Health Professions authorized by the General Assembly with specific powers and duties listed in §§54.1-2500, 54.1-2409.2, 54.1-2410 *et seq.*, 54.1-2729 and 54.1-2730 *et seq.* of the *Code of Virginia*.

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What is BHP's authority?

Its statutory responsibilities are several. For ease of understanding, the following listing collapses similar duties.

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What is BHP's authority?

I. To evaluate, advise, and assist in promoting coordination and resolving conflicts

More specifically, to evaluate the need for coordination among the health regulatory boards, to serve as a forum for resolving conflicts among health regulatory boards, to examine scope of practice conflicts among professions, and to advise the boards and General Assembly of the nature and degree of such conflicts.

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What is BHP's authority?

II. To study matters relating to the regulation or deregulation of health care professions

, including whether or to what degree a particular profession should be regulated and to advise the Department Director, General Assembly, and Governor accordingly.

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What is BHP's authority?

III. To facilitate communication with the public

To provide a means for citizen access to the Department, a means for publicizing the policies and programs of the Department, and to generally educate the public and elicit support for Department activities.

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What is BHP's authority?

IV. Review agency activities

Have access to Departmental information so that it may monitor the policies and activities of the Department. And, as part of this, to periodically review the investigatory, disciplinary, and enforcement processes of the Department and the individual boards to ensure public protection and the fair and equitable treatment of health professionals.

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What is BHP's authority?

V. Practitioner Self-Referral Act (1994)

To receive, review, and forward to the appropriate health regulatory board any investigative reports relating to complaints of *Practitioner Self-Referral Act* (PSR) violation, and

To determine compliance with, violations of, and grant exemptions to PSR and take appropriate action against entities, other than practitioners, for violations.

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What is BHP's authority?

VI. Other

To promote the development of standards to evaluate the competency of the professions and occupations represented, and

To make bylaws for its own governance.

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Bylaws

Provide guidance by formally addressing:

- Powers and Duties of the Board
- Duties of its Officers
- Duties of the Executive Committee
- Elections and Terms
- Appointments
- Defining Quorums for Full Board and Committees
- Attendance Requirements
- Adoption of Parliamentary Authority
- Amendment

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Who are BHP's member?

The Board is comprised of 18 members appointed by the Governor. Five are citizen members, and one member is selected by the Governor from each of DHP's 13 health regulatory boards

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and their primary roles?

The chief role of the members from the health regulatory boards is to bring their subject-matter expertise and perspectives as health care providers to the Board to assist in conducting policy reviews.

The five citizen members offer their unique perspectives to this effort as health care consumers and as informed members of the general public.

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Current Board Members

David R. Boehm, LCSW (Soc Work)	Juan M. Montero, II, MD (Medicine)
Mary Lou Argow, LPC (Counseling)	Sandra Price-Stroble (Citizen)
Paula H. Boone, OD (Optometry)	Vilma Seymour (Citizen)
Susan G. Chadwick, Au.D. (ASLP)	Mary M. Smith, NHA (Long Term Care Administrators)
Lynne M. Cooper (Nursing)	Demis L. Stewart (Citizen)
Jennifer H. Edwards, RPh (Pharmacy)	Michael Stutts, PhD (Psychology)
Meera Gokli, DDS (Dentistry)	Lucia Anna Trigiani (Citizen)
Damien Howell, PT (Physical Therapy)	Roxana Valencia (Citizen)
Billie Watson Hughes, FSL (FD&E)	John T. Wise, DVM (Veterinary Medicine)

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History

The Board of Health Professions was created by the General Assembly in 1977 at the same time as the Department to provide a means for objective policy recommendations regarding issues related to the regulation of health professions and occupations.

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History

When the Board (originally Council on Health Regulatory Boards) was created, only seven health regulatory boards were in the Department: **Dentistry, Funeral Directors & Embalmers, Medicine, Nursing, Optometry, Pharmacy, and Veterinary Medicine**. Since 1977, six regulatory boards have been added, bringing the total to 13.

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History

During the 1980's, several were transferred from the Dept. of Professional and Occupational Regulation:

- **Counseling, Psychology, & Social Work** (1983)
- **Audiology & Speech-Language Pathology and Nursing Home Administrators** (1986).

In 2000, a separate **Physical Therapy** board was created.

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Policy Reviews/Activities

1984-86 Respiratory Therapy and Occupational Therapy

1986-88 Definition of Nursing; Allied Health Professions; Dietitians and Nutritionists; X-Ray Technicians; and Hypnosis and Hypnotherapy

1988-90 Anabolic Steroids; Enforcement & Discipline; X-Ray Technicians; Practice of Acupuncture; and Cytotechnologists and Cytotechnicians

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Policy Reviews/Activities

1990-91 Nurse Practitioners – Barriers to Practice; Walk-in Medical Centers; Pharmaceutical Drug Diversion; Effects of the Use of Methylphenidate on ADHD Children; Medication Technicians (Nursing Homes); and Recreational Therapists

1991-92 Practice of Nurse Midwives; Sunrise Review Policies and Procedures; Managed Care; HIV/HBV Continuing Education; and Sexual Assault Victims and Offenders

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Policy Reviews/Activities

1993-1994 Physician Demographics; Reciprocity/Endorsement; Need for Board of Chiropractic; Marriage and Family Therapists; Tattooists and Tattoo Parlors; Certification of Sex Offender Treatment Providers; and Certification of Private Rehabilitation Providers

1994-95 Dietitians and Nutritionists and Outpatient Cardiovascular Pulmonary Clinics

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Policy Reviews/Activities

1995-96 Alternative/Complementary Medicine; Pharmacy Technicians; Massage Therapy; Art Therapy, Respiratory Therapy; Levels of Current Regulation

1996-97 Compliance and Disciplinary Performance; Disclosure of Disciplinary Information; Counseling-related Professions; and Appropriate Criteria in Determining the Need for Regulation

1997-98 Sunrise Policies and Procedures (update to 1992)* and Competition in the Funeral Industry in Virginia

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Policy Reviews/Activities

1998-99 Athletic Trainers*, Telehealth, Criminal Background Checks,

Sponsored: President's Roundtable Discussion on Major Issues Confronting the Health Regulatory Boards & Issues Forum and Roundtable Discussion on Managed Care

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Policy Reviews/Activities

1999-2000 Clinical Laboratory Professions; Reporting of Infectious Disease Status of the Deceased; Speech-Language Pathology Assistants; Merit of an Independent Board of Physical Therapy; Merit of an Independent Board of Chiropractic; Enforcement & Disciplinary Activity Update

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Policy Reviews/Activities

2000-2001 Clinical Laboratory Professions (cont'd); Certified Occupational Therapy Assistants; Enforcement & Disciplinary Activity Update (cont'd); Sponsored Issues Forum: *Role of Health Regulatory Boards in the Reduction of Medical Errors*

2001-2002 Sanction Reference; Assisting Dept. of Professional and Occupational Regulation with studies into the need to regulate: Electrologists, Estheticians, Roller Skating Rinks; and Policy Review on Release of Complaint Intake Form Information to Respondent

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Policy Reviews/Activities

2002 - present: Sanction Reference

2003-2005: Assisted Living Administrator; Agency Performance Review; Priority System Review; Dialysis Patient Care Technician regulations and revised legislation;

2005: Naturopath; Telehealth Update; Dialysis Patient Care Technician legislation

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Policy Reviews/Activities

2006 - 2007: Sanctions Reference (cont'd), Issues Forum with Citizens Advocacy Center (*Accountability through Transparency*); Telehealth Update; and Criminal Background review (issue transferred to Joint Commission on Health Care).

2007 – present: Sanctions Reference (cont'd); Emerging Professions Review:

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Policy Reviews/Activities

- EMERGING PROFESSIONS
 - Central Services/Sterile Processing Technicians;
 - Orthotists, Prosthetists, and Pedorthists;
 - Orthopaedic Technologists and Orthopedic Physicians Assistants
 - Medical Interpreters
 - Polysomnography TechniciansAdditional requests for 2009 will likely include: Surgical Assistants, Surgical Technicians, and Profusionists.

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Practitioner Self-Referral

- Virginia's *Practitioner Self-Referral Act (PSR)* is designed to ensure that the business relationship between a practitioner and referral entity is easily discerned by the patient.
- Exceptions – none approved, to date.
- Advisory Opinion Requests, nine reviewed.

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Practitioner Self-Referral

- [Advisory Opinion Regarding Excimer Laser Center, L.L.C.](#)
- [Advisory Opinion Regarding Eye Doctors of Richmond, L.L.C.](#)
- [Advisory Opinion Regarding Medserve, Inc.](#)
- [Advisory Opinion Regarding Virginia Fertility Center, L.L.C.](#)
- [Advisory Opinion Regarding Vistar Eye Center, Inc.](#)
- [Advisory Opinion Regarding InVision Healthcare, Inc.](#)
- [Advisory Opinion Regarding Vascular Access, Ltd.](#)
- Tuckahoe MRI, L.L.C. (pending Board approval)
- Winchester Orthopaedic Associates, Ltd. And Medical Circle, L.L.C. (pending Board approval)

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How is the work accomplished?

- Board Members (largely through Committees)
- Executive Director
- Administrative Assistants
- Policy and Management Analysts
- Research Assistants
- Contractors

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How is BHP's work accomplished?

Standing Committees:

- **Executive**
- **Regulatory Research**
- **Education**
- **Enforcement**
- **Nominating**
- **Practitioner Self-Referral**

Ad Hoc Committees (Example: Committee to Evaluate the Merit of a Board of Physical Therapy)



Executive Committee

- Members consist of the Officers (includes committee officers)
- The Chair of the Executive Committee is the Chair of the Board.

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Executive Committee's Mission

- Review matters of interest
- Evaluate the need for coordination among boards
- Monitor policies and activities of the Department
- Serve as a forum for resolving conflicts between boards and the Department
- Review and comment on the budget

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Regulatory Research Committee

- Membership is open to any member (typically five or more members)
- Current Membership: Susan Chadwick Vice-Chair and Acting Chair (ASLP), David Boehm (Ex officio), Meera Gokli (Dentistry) Damien Howell, (Physical Therapy), and Vilma Seymour (Citizen)

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Regulatory Research Mission

- Evaluate the need and required degree for regulation of health care professions
- Examine scope of practice conflicts
- Advise the boards and the General Assembly concerning the nature and extent of such conflicts

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Education Committee

- Membership is open to any member
- Current members: Chair Mary Smith (Long-Term Care Administrators), Lynne Cooper (Nursing), Billie Hughes (Funeral), and John Wise, DVM (Veterinary Medicine)

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Education Committee's Mission

- Provide a means for citizen access to the Department
- Provide a means of publicizing the policies and programs of the Department to educate the public and elicit public support
- Promote the development of standards to evaluate the competencies of professions represented on the Board.

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Enforcement Committee

- Membership is open to any member
- Current members: Lynne Cooper (Nursing), Vice-Chair & Acting Chair, Juan Montero, M.D. (Medicine), and Demis Stewart (Citizen)

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Enforcement Committee's Mission

- Review periodically the investigatory, disciplinary, and enforcement processes of the Department and boards
- Ensure the protection of the public and the fair and equitable treatment of health professions.

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Nominating Committee

- Membership is open to any member
- Usually three members
- Current members, Damien Howell (Physical Therapy) Juan Montero (Medicine), and Sandra Price-Stroble (Citizen)

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Nominating Committee's Mission

- Yes, you guessed it. . . to develop a slate of officers for annual elections at the Board's fall meeting.

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Practitioner Self-Referral Committee

- Membership is open to any member.
- Typically three members
- Current members, Juan Montero, M.D. (Chair), Damien Howell, (Physical Therapy) and the third position is vacant

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Practitioner Self-Referral's Mission

- To review matters pertaining to Virginia's *Practitioner Self-Referral Act* including requests for advisory opinions and exceptions.

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BHP's Workplan

The BHP Draft Workplan communicates overall goals and direction and is broken down by Committee.

It is prepared annually and revised according to the Board's changing needs.

Also, any member of the Board may ask for amendments to include new projects.

Requests for projects from the Governor, Director, the General Assembly, and the public are included.