

**VIRGINIA BOARD OF MEDICINE
FULL BOARD MINUTES**

October 25, 2024

Department of Health Professions

Henrico, VA 23233

- CALL TO ORDER:** Dr. Clements called the meeting to order at 8:35 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
Thomas Corry – Secretary-Treasurer
Hazem Elariny, MD
Krishna P. Madiraju, MD
L. Blanton Marchese
Pradeep Pradhan, MD
Jennifer Rathmann, DC
William Hutchens, MD
Oliver Kim, JD, LLM
Deborah DeMoss Fonseca
Patrick McManus, MD
Kamlesh Dave, MD
Ken McDowell, DO
Michele Nedelka, MD
Leroy Brown Vaughan, Jr., MD
Mark Simcox, MD
- MEMBERS ABSENT:** Elliott Lucas, MD
- COUNSEL PRESENT:** M. Brent Saunders, JD – Senior Assistant Attorney General
- STAFF PRESENT:** William L. Harp, MD - Executive Director
Jennifer Deschenes, JD - Deputy Exec. Director for Discipline
Michael Sobowale, LLM - Deputy Exec. Director for Licensure
Colanithia Morton Opher - Deputy Exec. Director for Administration
Barbara Matusiak, MD - Medical Review Coordinator
Leslie Knachel – DHP Chief Operating Officer
Erin Barrett - Director of DHP Legislative and Regulatory Affairs
Deirdre Brown - Executive Assistant
- OTHERS PRESENT:** W. Scott Johnson – Hancock, Daniel and Johnson, P.C.
Clark Barrineau – Medical Society of Virginia
Ben Traynham – Hancock, Daniel and Johnson, P.C.

Tamika Hines – Discipline and Compliance Case Manager
Sean Nealon – Discipline Reinstatement Case Manager
Coralyn Powell – Discipline Administrative Assistant
Roslyn Nickens – Licensing Supervisor
Shannon Decriscio – Licensing Specialist
Matt Novak – DHP Policy and Economic Analyst

EMERGENCY EGRESS INSTRUCTIONS

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

INTRODUCTIONS

Dr. Clements asked all Board members and staff to introduce themselves.

SUMMARY SUSPENSION PRESENTATIONS

The Board received information from Sean Murphy, Senior Assistant Attorney General, regarding Steven Brewer, P.A., License No. 0110-004973, in order to determine whether his ability to practice as a physician assistant constituted a substantial danger to the public health and safety. Mr. Murphy provided details of the case for the Board's consideration.

On a motion by Mr. Marchese, and duly seconded by Dr. Pradhan, the Board determined that Mr. Brewer's ability to practice constituted a substantial danger to the public health and safety and voted to summarily suspend his license simultaneous with the institution of proceedings for a formal administrative hearing pursuant to Section 54.1-2408.1 of the Code of Virginia. The vote was unanimous.

The Board received information from Sean Murphy, Senior Assistant Attorney General, regarding Zhe Lin, D.O., License No. 0102-073370, in order to determine whether his ability to practice osteopathic medicine constituted a substantial danger to the public health and safety. Mr. Murphy provided details of the case for the Board's consideration.

On a motion by Mr. Corry, and duly seconded by Dr. Apel, the Board determined that Dr. Lin's ability to practice constituted a substantial danger to the public health and safety and voted to summarily suspend his license simultaneous with the institution of proceedings for a formal administrative hearing pursuant to Section 54.1-2408.1 of the Code of Virginia. The vote was unanimous.

The Board received information from Mandy Wilson, Assistant Attorney General, regarding Paul Spector, D.O., License No. 0102-023076, in order to determine whether Dr. Spector's ability to practice osteopathic medicine constituted a substantial danger to the public health and safety. Ms. Wilson provided details of the case for the Board's consideration.

On a motion by Mr. Corry, and duly seconded by Ms. DeMoss Fonseca, the Board determined that Dr. Spector's ability to practice constituted a substantial danger to the public health and safety and voted to summarily suspend his license simultaneous with the institution of proceedings for a formal administrative hearing pursuant to Section 54.1-2408.1 of the Code of Virginia. The vote was unanimous.

The Board received information from David Robinson, Assistant Attorney General, regarding Rae'Nika Niles, R.T., License No. 0117-009836, in order to determine whether her ability to practice as a respiratory therapist constituted a substantial danger to the public health and safety. Mr. Robinson provided details of the case for the Board's consideration.

On a motion by Dr. Rathmann, and duly seconded by Mr. Marchese, the Board determined that Ms. Niles' ability to practice constituted a substantial danger to the public health and safety and voted to summarily suspend her license simultaneous with the institution of proceedings for a formal administrative hearing pursuant to Section 54.1-2408.1 of the Code of Virginia. The vote was unanimous.

APPROVAL OF MINUTES OF June 13, 2024

Dr. Apel moved to approve the minutes of June 13, 2024. The motion was properly seconded by Mr. Corry and carried unanimously.

ADOPTION OF AGENDA

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

PUBLIC COMMENT

None.

DHP DIRECTOR'S REPORT

Leslie Knachel, DHP Chief Operating Officer, reported in Mr. Owens' absence. Ms. Knachel reviewed the new security measures that have been implemented by the agency since the Board's last meeting. The new measures include walk-through metal detectors and x-ray scanning of items at the building's two entrance points. Ms. Knachel stated that a further security enhancement will be new badges for staff and Board members which should be available soon.

Ms. Knachel updated the Board on the Governor's, "Right Help, Right Now" with the Virginia Department of Behavioral Health and Developmental Services (DBHDS). Lastly, Ms. Knachel stated that DHP is currently gearing up for the 2025 General Assembly.

REPORTS OF OFFICERS AND EXECUTIVE DIRECTOR

PRESIDENT

None.

VICE-PRESIDENT

None.

SECRETARY-TREASURER

None.

EXECUTIVE DIRECTOR

Budget Numbers as of June 30, 2024

Dr. Harp shared the Board's revenue and expenditures as of June 30, 2024. He reminded the Board that the fiscal year runs July 1st through June 30th. He noted that DHP is a special-funded agency, meaning that it gets no General Fund monies but rather relies on its fee revenue. Fees are set accordingly to fund the operations of the Board. He pointed out that calendar year 2025 will bring in less revenue than 2024 since the allied professions renew in the odd years. The cash balance as of June 20, 2024, was \$13,975,213, which puts the Board in a solid position for FY2025.

Dr. Harp noted that in FY2021, Medicine was 27.2% of Enforcement's budget. In FY2024, it was down to 23.8%. The Board of Nursing now pays a greater percentage than does Medicine to both Enforcement and the Administrative Proceedings Division.

Update on the Ambra Viewer

Dr. Harp said that the Ambra Viewer, which is an "add-on" used to view imaging studies, has been approved and will soon be available to Board members viewing cases in BOX.

Update on Opioid Statistics

Dr. Harp shared an update on prescription opioid overdose deaths in the Commonwealth, stating that in 2017 there were 507 such deaths. In 2022, deaths were down to 340. The estimated number for 2024 is 246. In the past several years, the great majority of opioid deaths have been due to fentanyl. The recent quarterly reports indicate that deaths from fentanyl are decreasing as well, probably due to the increased availability of Narcan in the community.

COMMITTEE AND ADVISORY BOARD REPORTS

Ms. DeMoss Fonseca moved to accept all reports since June 13, 2024 en bloc. The motion was properly seconded by Dr. Hutchens and carried unanimously.

OTHER REPORTS

Board Counsel – Brent Saunders, JD – Senior Assistant Attorney General

Mr. Saunders provided an update on 6 legal cases.

Board of Health Professions

Dr. Madiraju shared that “Right Help, Right Now” is addressing the mental health crisis and has implemented the new 988 number for the Suicide and Crisis Lifeline. It is accessible by phone, text or chat.

Podiatry Report

None.

Chiropractic Report

None.

Committee of the Joint Boards of Nursing and Medicine

Dr. Clements reported that the Committee of the Joint Boards of Nursing and Medicine met earlier this week to hear agency subordinate recommendations. There was no business meeting on October 23, 2024, so there were no items to report to the Board.

NEW BUSINESS

1. Current Regulatory Actions

Ms. Barrett presented the chart of regulatory actions as of October 1, 2024, stating that that there are currently 15 regulatory actions in the Secretary’s Office. She noted that a number will be moving to the Office of the Governor in the near future.

This report was for informational purposes only and did not require any action.

2. Consideration of Fast-Track Amendment Regarding Attestation of CE Compliance on Licensure Applications

Ms. Barrett reviewed with the Board the draft changes to 18VAC85-20-240 that were recommended by the Credentials Committee at their meeting on September 20, 2024. The proposed amendment will remove the requirement of submitting CE documentation to the Board when reactivating an inactive license or reinstating an expired license. Rather, attestation that the applicant has obtained the required number of continued competency hours will mirror the renewal process.

MOTION: Dr. Hutchens moved to amend 18VAC85-20-240 by Fast-Track action as presented. Dr. Apel seconded, and the motion passed unanimously.

3. Consideration of Language for Physician Assistant Reinstatement

Ms. Barrett reviewed the draft changes to 18VAC85-50 to reinstate physician assistant (PA) licenses. Currently, when a PA license has lapsed for more than 2 year, the individual must apply for a new license. The draft language will bring the PA reinstatement process into alignment with all the other professions at the Board.

MOTION: Mr. Marchese moved to adopt a fast-track regulatory action regarding PA reinstatement as presented. Dr. Pradhan seconded, and the motion passed unanimously.

4. Notice of Intended Regulatory Action to Implement HB995

Ms. Barrett noted the requirement for regulations to implement HB995. This matter was discussed with the Legislative Committee at its meeting on September 13, 2024. At that time, the Committee recommended that the Board adopt a NOIRA to begin the regulatory process.

Dr. Apel explained to the Board members that the law describes 3 phases in the licensing process. He noted that the pathway does not involve a standard training license. Once the licensee is in the 3rd phase of the process, s/he will be able to practice across the Commonwealth.

MOTION: Mr. Marchese moved to adopt a Notice of Intended Regulatory Action (NOIRA) to implement the provisions of HB995 as recommended by the Legislative Committee. Dr. Apel seconded, and the motion carried with 15 yeas and 2 abstentions.

5. Consideration of American Allied Health as an Approved Provider for Surgical Technician Certification

Ms. Barrett stated that the Advisory Board on Surgical Assistants met on October 15, 2024 and discussed its concerns about the qualifications required for certification through American Allied Health (AAH). A main concern of the Advisory was that AAH only provides training online. Ms. Barrett also emphasized that the program certifies surgical technicians,

not surgical technologists, which are two different professional designations. The Advisory Board on Surgical Assistants recommended that the Board deny the approval of the AAH credential for certification as a surgical technologist.

Mr. Marchese stated that AAH names a third entity whose credential will qualify for licensure, which will help those who have been trained in the military or elsewhere, therefore adding a new pathway for licensure.

MOTION: Dr. Apel moved to approve the AAH credential of Surgical Technician for surgical technologist certification by the Board. Mr. Marchese seconded, and the motion carried with 16 yeas and 1 abstention.

6. Re-Entry to Practice

Dr. Harp shared that the Board had asked the Credentials Committee to review the Federation of State Medical Boards report on “Reentry to Practice.” The Committee did so at its September 20, 2024, meeting and recommended no changes to the Board’s current process for re-entry. The current process was deemed to meet the Board’s mission of protecting the public due to its individualized approach.

The Board’s discussion was favorable for the recommendation of the Credentials Committee; therefore, no action was needed.

7. Expiration of Applications

Dr. Harp noted that the Board’s current policy for expiring applications allows the applicant to keep an application pending for 1 year. In some circumstances, an additional grace period of up to 1 month may be added. Therefore, an application may remain pending for up to 395 days. Dr. Harp stated that 100% of the endorsement applicants and reciprocity applicants from Maryland and DC are licensed quickly. A physician was licensed through endorsement in 1 day. The Maryland Board of Physicians’ policy is to allow the applicant 90 days to complete an application. Dr. Harp explained that with the current 1-year expiration, an accurate picture of the work of the licensing specialists is difficult to ascertain. Dr. Harp then asked Ms. Opher to share more detail about the expiration of licenses.

Ms. Opher said that the Board used to receive the majority of supporting documentation for applications by snail mail. Since COVID-19, the Board has streamlined the required supporting documents for applicants and now receives most documents via email. It stands to reason that an applicant does not need a year to complete an application.

Dr. Harp noted that on September 20, 2024, the Credentials Committee suggested applications should remain open for 180 days. The majority of applicants are licensed within 180 days from the submission of an application. A shorter timeframe would encourage applicants to submit their supporting documentation in a timely manner. Dr. Harp suggested that the change be made on January 1, 2025, and allow those who apply through December

31, 2024, to have the 365 days. The manual process to expire applications can be met within the 180-day timeframe.

MOTION: Mr. Marchese moved to accept the recommendation of the Credentials Committee to expire pending applications after 180 days beginning on January 1, 2025. Dr. Pradhan seconded, and the motion passed unanimously.

8. Licensing Report

Mr. Sobowale stated that the number of Medicine's licensees is currently 92,713 plus an additional 21,696 individuals jointly licensed with the Board of Nursing. He said the Board has received 9,913 applications so far this year, and 9,483 have been issued. This gives the Board a 96% clearance rate. The average time to licensure is 46 days across all 20 professions.

Mr. Sobowale noted that on March 13, 2023, the Board initiated the reciprocity pathway with Maryland and DC. Virginia has issued 1,087 licensees through reciprocity to Maryland and DC physicians. A smaller number of Virginia physicians have been issued licenses from Maryland and DC.

Lastly, Mr. Sobowale introduced his new licensing specialist, Shannon Decriscio, to the Board. Ms. Decriscio will be processing MD applications. Mr. Sobowale said the Licensing Section currently has 2 vacancies, which puts a strain on the licensing specialists when they pitch in to help with other professions.

9. Discipline Report

Ms. Deschenes thanked Brent Saunders for his work and welcomed Ms. DeMoss Fonseca back to the Board. She brought the handout with Discipline's numbers to the attention of the Board members. She then reviewed the protocol/conduct expected of Board members during disciplinary hearings. Ms. Deschenes noted that Mr. Saunders should not be asked legal questions in open session, but to save those and comments/discussion with other Board members for closed session.

ANNOUNCEMENTS

Dr. Clements announced that the next Board meeting will be held on February 20, 2025, at 8:30 a.m.

ADJOURNMENT

With no additional business, the meeting adjourned at 10:54 a.m.

William L. Harp, MD
Executive Director