

**VIRGINIA BOARD OF MEDICINE
FULL BOARD MINUTES**

June 26, 2025

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
Leroy Brown Vaughan, Jr., MD – Secretary-Treasurer
Kamlesh Dave, MD
Hazem Elariny, MD
Deborah DeMoss Fonseca
William Hutchens, MD
Oliver Kim, JD, LLM
Elliott Lucas, MD
L. Blanton Marchese
Patrick McManus, MD
Michele Nedelka, MD
Pradeep Pradhan, MD
Jennifer Rathmann, DC
Mark Simcox, MD
- MEMBERS ABSENT:** Krishna P. Madiraju, MD
Ken McDowell, DO
- 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
Barbara Matusiak, MD - Medical Review Coordinator
Erin Barrett, JD - Director of DHP Legislative and Regulatory Affairs
Matt Novak - DHP Policy and Economic Analyst
Deirdre Brown - Executive Assistant
Shelby Smith – Licensing Specialist
- OTHERS PRESENT:** Brandi Kilmer – Refugee Physician Advocacy Coalition
Lily Cameron, MD - Refugee Physician Advocacy Coalition
Scott Castro – Medical Society of Virginia
Tamika Hines – Discipline and Compliance Case Manager
Kathleen LaMotte – Board Administrator

Roslyn Nickens – Licensing Supervisor
Sonya Armstead – Licensing Specialist
Erin Pollard – Licensing Specialist
Denise Christian – Licensing Specialist

EMERGENCY EGRESS INSTRUCTIONS

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

SUMMARY SUSPENSION PRESENTATION

The Board received information from David Robinson, Assistant Attorney General, regarding Dr. Schuyler Matthew Whelan, License No. 0104557902, to determine whether his ability to practice chiropractic constituted a substantial danger to public health and safety. Mr. Robinson provided details of the case for the Board's consideration.

On a motion by Dr. Apel, and duly seconded by Dr. Nedelka, the Board determined that Dr. Schuyler Matthew Whelan's ability to practice constituted a substantial danger to public health and safety and voted to summarily suspend his license simultaneously 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, 15-0.

APPROVAL OF MINUTES OF OCTOBER 25, 2024

Mr. Kim moved to approve the minutes of October 25, 2024. The motion was properly seconded by Dr. Elariny and carried unanimously.

ADOPTION OF AGENDA

Mr. Marchese moved to approve the agenda as presented. The motion was properly seconded by Mr. Kim and carried unanimously.

PUBLIC COMMENT

Brandi Kilmer, representing the Refugee Physician Advocacy Coalition, expressed her appreciation to the Board for its work with HB995. She stated that the Refugee Physician Advocacy Coalition currently has 150 registered international physicians that it will be assisting in the licensing process once the provisional license becomes available.

HEALTHCARE WORKFORCE DATA CENTER PRESENTATION ON THE 2024 PHYSICIAN SURVEY

Yetty Shobo, PhD, Director of the Healthcare Workforce Data Center, provided the Board with an update on the physician workforce with data from the 2024 Physician Survey.

The presentation was for informational purposes only.

DHP DIRECTOR'S REPORT

On behalf of Arne Owens, Dr. Harp stated that DHP will be providing a day of orientation for all Board and Advisory Board members on October 3, 2025. Both veteran and new Board members are welcome to attend.

REPORTS OF OFFICERS AND EXECUTIVE DIRECTOR

PRESIDENT

Dr. Clements thanked the Board for allowing him to serve as the Board's President for the past two years.

No further report.

VICE-PRESIDENT

No report.

SECRETARY-TREASURER

No report.

EXECUTIVE DIRECTOR

Budget Numbers as of May 31, 2025

Dr. Harp shared an update on the budget as of May 31, 2025, covering the first 11 months of FY2025. With 1 month remaining in the Board's fiscal year, Dr. Harp said that the Board is ahead on projected revenue with only 7% of licensing fees yet to be received. On the expenditures side, the Board has 10% of its funds left with 1 month to go, again a positive.

2026 Budget Derivation by July 1, 2025

Dr. Harp stated that the deputies and he will be finishing up the proposed budget for FY2026 to be submitted by July 1, 2025.

Licensing Section Reorganization - June 1, 2025

Dr. Harp shared that the licensing section was reorganized on June 1, 2025. The Board currently has over 96,000 licensees and averages over 11,000 new applications each year. To address

the volume and to meet expectations of shorter licensing times, Mr. Sobowale will cover the allied professions, and Ms. Opher will cover MDs, DOs, DPMs, DC's, Interns and Residents.

Board Administrator

Dr. Harp said that the Board has added a new position, a Board Administrator, who will work across all three sections of the Board: licensing, discipline and administration. He introduced Kathleen LaMotte who provided a brief bio for the Board members.

New PGY-4 Begins Rotation on July 3, 2025

Dr. Harp stated that through the years the Board of Medicine has supported VCU Psychiatry with an elective option for 4th year residents. The elective allows residents to learn more about the Board of Medicine and other divisions within DHP. He thanked everyone for mentoring them and noted that a resident will be starting next week.

Designation of Continuing Education for 2026-2027

Dr. Harp said that the Board is authorized to require up to 2 hours of Type 1 continuing education on a specific topic each biennium. It may also opt not to require a specific activity beyond what is required of a licensee's profession. Dr. Harp stated that licensees renewing in 2024-2025 have been required to complete a 1-hour CE activity on Human Trafficking. If the Board decides to select a new topic for the 2026-2027 renewal cycle, it will need to notify licensees of the requirement before January 1, 2026.

Upcoming Meetings

- July 9, 2025 – Psychologist Prescribing Work Group
 - Dr. Madiraju and Dr. Lucas will serve on this work group.
- August 12, 2025 – Therapeutic Interchange Work Group
 - Dr. Hutchens will serve on this work group.
- August 20, 2025 – Budget Item 285 – Best Practices for Psychotropic Medications in Children and Adolescents
 - Dr. Harp will serve in this effort.

COMMITTEE AND ADVISORY BOARD REPORTS

Ms. DeMoss Fonseca moved to accept all Committee and Advisory Board meeting minutes since January 10, 2025 en bloc. The motion was properly seconded by Dr. Lucas and carried unanimously.

OTHER REPORTS

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

Mr. Saunders provided an update on 9 ongoing legal cases.

Additionally, Mr. Saunders introduced a new member of his team, Ms. Sara Blöse.

Podiatry Report

No report.

Chiropractic Report

No report.

Committee of the Joint Boards of Nursing and Medicine

No report.

NEW BUSINESS

1. Current Regulatory Actions

Mr. Novak presented the chart of regulatory actions as of June 16, 2025, stating that there is currently only one regulatory action in the Secretary's Office.

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

2. Report from the 2025 Session of the General Assembly

Ms. Barrett stated that there was no legislative report at this time. The Agency's legislative proposals for the 2026 Session are being prepared and will be filed in August. Ms. Barrett will provide an update at the October Full Board meeting.

3. Consideration of Exempt Changes to Licensed Certified Midwives – Practice Agreements

Mr. Novak reviewed the proposed regulatory changes for Licensed Certified Midwives Practice Agreements. He stated that the Board of Nursing approved these changes at their May business meeting.

MOTION: Mr. Marchese moved to amend 18VAC90-30 and VAC90-70 by exempt action. Dr. Nedelka seconded, and the motion passed unanimously.

4. Recommendation of Fast-Tracking Regulatory Changes – Occupational Therapy

Ms. Barrett reviewed the recommended changes for reactivation and reinstatement of Occupational Therapists and Occupational Therapists Assistants. After review of the public comment, she added that these changes were approved by the Advisory Board of

Occupational Therapy. It also voted to recommend these changes to the Board as a fast-track action.

A Board member requested that “one of the following:” be added after “shall provide” in 18VAC85-80-80 subsection B.

MOTION: Mr. Marchese moved that the changes be fast-tracked as amended. Dr. Clements seconded, and the motion carried unanimously.

5. Repeal of Guidance Document 76-21.130

Mr. Novak pointed out that the Chapter 20 periodic review action became effective on February 27, 2025 which included the elimination of Mixing, Diluting, or Reconstituting regulations. He said that since MDR is no longer in Chapter 20, Guidance Document 76-21.1.30 is unnecessary.

MOTION: Dr. Clements moved to repeal Guidance Document 76-21.1.30. Mr. Marchese seconded, and the motion carried unanimously.

6. Consideration of Petition for Rulemaking – Athletic Training – Dry Needling

Ms. Barrett stated that there were 764 public comments on Town Hall on the petition to add dry needling to the current scope of practice for Athletic Trainers. 500 of the public comments were in favor of the change, and 250 were opposed.

MOTION: Dr. Apel moved to deny the petition for rulemaking since dry needling is not in the scope of practice for Athletic Trainers. Dr. Nedelka seconded, and the motion carried unanimously.

7. Licensing Report

Mr. Sobowale stated that the number of licensees is currently 96,724 plus an additional 23,336 APRN’s jointly licensed with the Board of Nursing. He said the Board has received 11,359 applications so far this year; 10,314 have been issued. This gives the Board a 95% clearance rate. The average time to licensure is 35 days across all 20 professions.

Mr. Sobowale introduced the following new licensing specialists to the Board:

- Sonya Armstead
- Erin Pollard
- Denise Christian

8. Discipline Report

Ms. Deschenes provided a brief report on the status of open cases as of June 6, 2025, stating that there are a total of 805 cases across all stages. During the 3rd Quarter of FY2025, the Board received 502 cases and closed 516.

9. Report of the Nominating Committee

Dr. Rathmann reported that the Nominating Committee met this morning at 7:47 a.m. and developed the following slate of officers for the Board's consideration:

- Dr. Peter Apel – President
- Dr. Bo Vaughan – Vice President
- Dr. Ken McDowell – Secretary-Treasurer

MOTION: Ms. DeMoss Fonseca moved to approve the slate provided by the Nominating Committee. Dr. Lucas seconded, and the motion passed unanimously.

10. 2026 Meeting Calendar

Dr. Clements asked Board members who have conflicts with the listed dates to please notify staff.

MOTION: Dr. Apel moved to adopt the 2026 Meeting Calendar as presented. Mr. Marchese seconded, and the motion carried unanimously.

11. Recognition of Board Members with Expiring Terms

Dr. Clements announced that the following Board member terms would expire on June 30, 2025:

- Dr. Rathmann – completing 1st term
- Mr. Marchese – completing 1st term
- Dr. Pradhan – completing 1st term
- Mr. Kim – completing 1st term

He thanked them all for their dedication to the Board and the public. Each member received a gift of appreciation.

Dr. Pradhan stated that he has been practicing for over 30 years and that the Board has been a great learning experience. He thanked the Board for allowing him to serve and Dr. Harp for his leadership.

12. Consideration of Consent Order

Ms. Deschenes presented a Consent Order for Richard Kenneth Gaines, MD, an applicant for reinstatement.

MOTION: Mr. Marchese moved to accept the Consent Order. The motion was properly seconded by Dr. Clements and passed with a vote of 15-0.

ANNOUNCEMENTS

Dr. Clements announced that the next Full Board meeting will be held October 30, 2025, at 8:30 a.m. He then passed the gavel to Dr. Apel.

ADJOURNMENT

With no additional business, Dr. Apel adjourned the meeting at 10:35 a.m.

William L. Harp, MD
Executive Director