----DRAFT UNAPPROVED---

VIRGINIA BOARD OF MEDICINE
EXECUTIVE COMMITTEE MINUTES

Friday, April 5, 2013	Department of Health Professions	Henrico, VA

CALL TO ORDER:	The meeting convened at 8:42 a.m.
MEMBERS PRESENT:	Valerie Hoffman, DC, President Stuart Mackler, MD, Vice-President Wayne Reynolds, DO, Secretary-Treasurer Jane Piness, MD Kenneth Walker, MD
MEMBERS ABSENT:	Claudette Dalton, MD Stephen Heretick, JD Jane Maddux
STAFF PRESENT:	William L. Harp, MD, Executive Director Jennifer Deschenes, JD, Deputy Executive Director for Discipline Alan Heaberlin, Deputy Executive Director for Licensure Barbara Matusiak, MD, Medical Review Coordinator Colanthia Morton Opher, Operations Manager Howard Casway, JD, Senior Assistant Attorney General Dianne Reynolds-Cane, MD, Director, DHP Arne Owens, Chief Deputy Director, DHP Elaine Yeatts, DHP Senior Policy Analyst
OTHERS PRESENT:	Scott Johnson, HDJN Mike Jurgensen, MSV

Call to Order

Dr. Hoffman called the meeting to order.

Roll Call

A quorum was declared.

Emergency Egress Procedures

Dr. Mackler provided the emergency egress procedures.

Adoption of Agenda

Dr. Mackler moved to adopt the agenda as presented. The motion was seconded and carried unanimously.

Public Comment on Agenda Items

Dr. Hoffman welcomed the public in attendance and then opened the floor for comment. There was no public comment.

Approval of the December 7, 2012 Minutes

Dr. Mackler moved to approve the minutes as presented. The motion was seconded and carried unanimously.

New Business

Report of the Executive Director – William L. Harp, MD

<u>Revenue and Expenditures Report</u>

Dr. Harp noted that the Board is in good fiscal health.

<u>Letter to Board Members from Dr. Reynolds-Cane</u>

Dr. Harp summarized that DHP is recommending that the Board consider a one-time modest decrease in renewal fees. Ms. Yeatts advised that this will be on the agenda of the June 20, 2013 meeting.

In light of the Boards' fiscal integrity, the Committee asked that consideration be given to reinstating the payment of board member per diem and travel approval for more than 2 members to attend national meetings.

Dr. Cane stated that the Secretary's Office is aware of the concerns and is very sensitive to the travel issues expressed by the Boards. She advised that all factors are taken into consideration when reviewing the requests including how many members are requesting to attend the same meeting.

Dr. Harp noted that boards and consultants to boards talk about competency and the need for board members and staff to be current in their knowledge and good at what they are asked to do. He noted that Virginia is a leader in a number of categories and should also be a leader in medical regulation. Attaining leadership status requires participation at the national level at meetings such as the Federation of State Medical Boards and others.

Dr. Reynolds suggested that a recommendation be explored to supply funding for at least five people to attend the FSMB Annual Meeting. The Executive Committee asked that a letter be composed by Board staff and sent to Dr. Reynolds-Cane asking consideration of this recommendation.

Maintenance of Licensure State Readiness Inventory Pilot Survey

Dr. Harp reviewed the document and pointed out that Virginia's responses were very similar to the six other state boards answering the survey. He spoke to the other two pilot projects that the Board agreed to tackle: 1) integration of MOL into the renewal process, and 2) review of communications materials that will go to doctors, professional societies, the public and the media.

FSMB Board of Directors Report and Letter from US Senators

Dr. Harp reminded the Committee that he and Dr. Mackler were at a special meeting of medical boards in January 2013 hosted by the Federation at which attendees evaluated the merits of seven license portability models and also discussed the use of Interstate Compacts. As noted, the recommendation of the FSMB Board of Directors to the House of Delegates is to support state medical boards in developing Interstate Compact(s) for use in facilitating multi-state practice, including telemedicine.

Dr. Hoffman, as Virginia's representative, will be voting on this issue at the FSMB Annual Meeting later this month.

Dr. Harp acknowledged the correspondence to FSMB from Senator John Thune and Senator Thomas Carper applauding its efforts in advancing telehealth.

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

Dr. Chaudhary's Letter on USMLE Step 3 and Board Sponsorship

Dr. Harp reminded the Committee that on December 7, 2012, it voted that the Board take no role in authorizing an individual to sit for Step 3. Further, at its February 21, 2013 meeting, the Board voted that staff not approve a seventh try at Step 3 if asked by a candidate. Dr. Chaudhary's letter advised that all state board sponsorship for Step 3 will be discontinued in mid-2014.

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

EVMS Letter

Dr. Harp reviewed the correspondence provided by the Liaison Committee on Medical Education confirming full accreditation of EVMS's educational program leading to the MD degree for an eight year term.

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

C-Tel Model Physician-Patient Relationship/Prescribing Language

Dr. Harp informed the Committee that C-Tel is a Washington, DC based organization that promotes telemedicine/telehealth and that they are asking that boards of medicine clarify their requirements for a doctor-patient relationship as it pertains to telemedicine.

After discussion, the Committee agreed that, given our statutory limitations, we are not able to act on this issue at this time. Board staff was asked to relay the outcome of the discussion to C-Tel.

Virginia Board of Medicine and Accommodations for USMLE Testing

Dr. Harp stated that candidates for the Step Exams of USMLE can ask for test accommodations if they display a disability that qualifies under the Americans with Disabilities Act. The FSMB and NBME have historically relied on state boards of medicine to make the call on whether a candidate gets accommodations or not. Dr. Harp then advised that the Federation currently makes this decision for several other boards of medicine, and if asked, will take the responsibility to make the accommodations determination for applicants that list Virginia as their sponsoring state.

After discussion, Dr. Mackler moved to recommend to the Full Board that the Federation be allowed to assume responsibility for determining test accommodation eligibility for candidates that identify Virginia as the state in which they are seeking licensure. The motion was seconded and carried unanimously.

Board responses to late renewals

Dr. Harp explained to the Committee the current process for handling late renewals.

Dr. Harp asked at what point action should be taken, other than imposition of a late fee, on those licensees that renew after the license expiration date.

Board staff reported that the Board of Nursing and the Board of Pharmacy do not currently pursue licensees that renew after the expiration date of their license. However, the Board of Dentistry does have a process in place that identifies the late renewer, determines whether there was a period of unlicensed practice, and in some cases issues a CCA.

Mr. Casway noted that not only are these individuals practicing without licensure, but their malpractice insurance is also put in jeopardy. Mr. Casway went on to say that this is not a misdemeanor but a felony, and that this normally comes into play with revoked or suspended licenses. However, practicing unlawfully could give rise to the same course of action.

Dr. Harp suggested the following course of action:

Licenses renewed within 30 days after the expiration date would incur the late fee
31-90 days – late fee + penalty of $100
91-120 days – late fee + penalty of $300
121-150 days--late fee + penalty of $600
151-180 days –late fee + penalty of $1,000
181+ days +- late fee + penalty of $1,500 + possible disciplinary action.

After discussion, the Committee suggested the following:

Renewals - Board staff will run reports for a few months to see what the trend is before the Committee determines this is an issue that requires any action. Staff will also look into the suggestion of automatically sending letters to unrenewed licensees acknowledging their expired license, and advising that they are subject to corrective action after a certain period.

New applicants - The Committee unanimously agreed that applicants for initial licensure in the allied professions that demonstrate a period of unlicensed practice can be given consideration up to thirty days, depending on circumstances, before being required to sign a Consent Order for a reprimand.

Bylaws

Dr. Harp advised that staff had done a periodic review of the current Bylaws and does not recommend any changes at this time.

Dr. Reynolds moved to approve the Bylaws as presented. The motion was seconded and carried.

Licensure Report - Bullet Points and Language for Licensure Applications

Alan Heaberlin reviewed the proposed language that would be placed on all the Board's applications for the purpose of better informing applicants about the licensure process, and setting reasonable expectations for customer service.

The Committee unanimously agreed that the suggested changes were acceptable as presented.

The Committee also agreed for Board staff to use an automatic e-mail response informing e-mail inquirers that a response would be forthcoming within 48 hours.

----DRAFT UNAPPROVED---

Discipline Report

Ms. Deschenes had no report.

Dr. Harp stated that Ms. Deschenes and her unit continue to do a good job. He noted that Dr. Matusiak keeps the case review process moving along.

Announcements

There were no announcements.

Next scheduled meeting: August 2, 2013

Adjournment: With no other business to conduct, the meeting adjourned at 10:40 a.m.

____
Valerie Hoffman, DC
President

____
William L. Harp, M.D.
Executive Director

____
Colanthia Morton Opher
Operations Manager