

**VIRGINIA BOARD OF MEDICINE
EXECUTIVE COMMITTEE MINUTES**

Friday, August 5, 2022

Department of Health Professions

Henrico, VA

CALL TO ORDER: Mr. Marchese called the meeting of the Executive Committee to order at 8:30 a.m.

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

MEMBERS PRESENT: Blanton Marchese – President, Chair
David Archer, MD
Alvin Edwards, MDiv, PhD
Jane Hickey, JD
Joel Silverman, MD

MEMBERS ABSENT: Karen Ransone, MD

STAFF PRESENT: William L. Harp, MD - Executive Director
Jennifer Deschenes, JD - Deputy Exec. Director for Discipline
Colanthia Morton Opher - Deputy Exec. Director for Administration
Michael Sobowale, LLM - Deputy Exec. Director for Licensure
David E. Brown, DC – DHP Director
Barbara Matusiak, MD - Medical Review Coordinator
Deirdre C. Brown - Executive Assistant
Erin Barrett, JD – DHP Senior Policy Analyst

OTHERS PRESENT: Jennie Wood – Discipline Staff
W. Scott Johnson, JD - Hancock Daniel & Johnson, PC
Ben Traynham, JD - Hancock Daniel & Johnson, PC
Fran Bradford, JD - McGuireWoods

EMERGENCY EGRESS INSTRUCTIONS

Dr. Archer provided the emergency egress instructions for Board Room 4.

APPROVAL OF MINUTES OF APRIL 8, 2022

Dr. Edwards moved to approve the minutes from April 8, 2022 as presented. The motion was seconded by Ms. Hickey and carried unanimously.

ADOPTION OF AGENDA

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

PUBLIC COMMENT

Mr. Marchese opened the floor for public comment; there was none.

DHP DIRECTOR'S REPORT

Dr. Brown reported that Governor Youngkin is interested in decreasing regulation. He stated that this gives DHP an opportunity to look at and simplify what we do. Governor Youngkin has established the Office of Regulatory Management, which will be meeting in October. Erin Barrett, DHP Senior Policy Analyst, will be attending the meeting. Also, Dr. Brown shared that the agency has seen a lot of changes, including bringing Human Resources back in-house and hiring a new Director for the Healthcare Workforce Data Center and a new Director for the Prescription Monitoring Program.

PRESIDENT'S REPORT

Mr. Marchese had no report.

EXECUTIVE DIRECTOR'S REPORT

Dr. Harp shared with the Board that Michael Sobowale, Deputy for Licensure, is recruiting for a licensing supervisor with interviews to occur later this month.

The biennial budget for FY23-24 has been submitted and includes the request for a full-time licensing specialist to work the front end of the application process. Also, in the spring of each year, the Board begins to receive applications from students graduating medical school and others who need Internship/Residency/Fellowship training licenses. This year, the Board received 1,200 applications for training licenses. As usual, other licensing staff had to pitch in to help. To remedy this situation, getting a temporary employee each March for 4 months would be a big help. This position has been included in the budget.

Dr. Harp announced that there will be a Statewide Pharmacy Protocols Work Group meeting on Monday, August 8, 2022. The Board of Pharmacy was in charge of this effort for the last 2 years and produced 11 protocols. The legislation from the 2022 Session requires another 3 protocols to be developed. In the meeting there will be three Board of Medicine members, three Board of Pharmacy members, and one pharmacist and one physician from VDH.

Dr. Harp updated the Committee on the changes in Board membership. The Board bid farewell to Jim Arnold, DPM, Amanda Barner, MD, Milly Rambhia, MD, Brenda Stokes, MD and Khalique Zahir, MD as they were not reappointed for second terms. The newly appointed members are Peter Apel, MD, Randy Clements, DPM, Hazem Elariny, MD, Bill Hutchens, MD, and Krishna Madiraju, MD.

Dr. Harp stated that the OCME quarterly report on opioid overdose deaths indicates that in the last 15 years, deaths from prescribed opioids have been flat. Currently, fentanyl is responsible for 76% of the fatal opioid overdoses.

NEW BUSINESS

1. Exempt Action Based on HB145 (Physician Assistant Practice) – Erin Barrett

Exempt changes to regulations governing physician assistants based on changes from 2022 legislation (HB145)

MOTION: Dr. Edwards moved to adopt the exempt regulatory changes as presented. The motion was properly seconded by Ms. Hickey and carried unanimously.

2. Exempt Action Based on HB598 (Surgical Technologists) – Erin Barrett

Exempt changes to regulations governing surgical technologist certification based on changes from 2022 legislation (HB598)

MOTION: Dr. Edwards moved to adopt the exempt regulatory changes as presented. The motion was properly seconded by Dr. Archer and carried unanimously.

3. Approval of Bylaws for All Advisory Boards – Erin Barrett

Draft Guidance Document 85-3

MOTION: Dr. Edwards moved to adopt the newly derived Guidance Document 85-3. The motion was properly seconded by Ms. Hickey and carried unanimously.

4. Consideration of Response to Petition for Rulemaking – Erin Barrett

Ms. Barrett reviewed the petition for rulemaking from Michael Moates, public comment that was received by the Board, and public comment posted on Town Hall in response to the petition. Ms. Barrett shared with the Board that Virginia Code 54.1-2409.5 already prohibits conversion therapy and that the use of the graduated electronic decelerator would be dealt with as a standard of care issue in the disciplinary process.

MOTION: Dr. Edwards moved to take no action on the petition. The motion was properly seconded by Dr. Archer and carried unanimously.

5. Adoption of Fast-Track Action Regarding Clinical Nurse Specialists – Erin Barrett

Exempt changes to 18VAC90-30-125 regarding practice agreements for clinical nurse specialists.

Chapter 197 of the 2022 Acts of Assembly.

MOTION: Ms. Hickey moved to adopt the fast-track regulatory change to the requirement for practice agreements by clinical nurse specialists as presented. The motion was properly seconded by Dr. Edwards and carried unanimously.

6. Vacant Offices on the Board – Dr. Harp

The Board voted in a new slate of officers at the Full Board meeting held on June 16, 2022. However, the first terms of the individuals elected to the offices of Vice-President and Secretary-Treasurer expired June 30, 2022; they were not reappointed. The Board of Medicine Bylaws, Guidance Document 85-1, make provisions for filling the offices of those that were not reappointed. But the Bylaws are not completely clear on the best way to proceed at this juncture. The options appear to be as follows:

1. The President appoints a Secretary-Treasurer, but not a Vice-President.
2. The newly appointed Secretary-Treasurer fills the Vice-President position, and the President then appoints a second individual for Secretary-Treasurer.
3. Appoint a Nominating Committee to develop a slate for the vacant offices for discussion/approval at the October Full Board meeting.

Mr. Marchese then opened the floor for discussion. Dr. Brown commented that the Committee may wish to wait until the October Full Board meeting to fill the positions. Mr. Marchese expressed concern for leadership of the Legislative Committee in September. The Committee members agreed that the best option would be to make the decision today.

MOTION: Dr. Edwards moved to allow the President to appoint a Secretary-Treasurer, who would then fill the Vice-President position. Then the President would appoint a second individual for Secretary-Treasurer. The motion was properly seconded by Dr. Silverman and carried unanimously.

Dr. Harp then stated that since the work of the Nominating Committee, the prepared slate, and the vote were all public, Mr. Marchese may wish to make the appointments in the meeting. Mr. Marchese then called for anyone interested in the Secretary-Treasurer seat. Dr. Archer acknowledged his interest. Hearing no others, Mr. Marchese appointed Dr. Archer as the Secretary-Treasurer. Dr. Archer immediately moved to the Vice-President position. Then Mr. Marchese appointed Dr. Edwards as the Secretary-Treasurer of the Board.

7. Update on Reciprocity – Dr. Harp

Dr. Harp briefly reviewed the meeting that occurred June 3, 2022 and provided an update from the July 22, 2022 meeting.

At the July meeting, a draft Memorandum of Agreement (MOA) prepared by the DC Board Counsel was reviewed; all jurisdictions provided suggestions that will be incorporated. Board Counsels and the boards for all 3 jurisdictions will need to approve the MOA. Applications will be individualized for each jurisdiction and will be kept as brief as possible. The group agreed upon an optimistic start date of January 1, 2023 for the reciprocal licensing pathway.

Ms. Barrett noted that regulations were not required since the Board has already been given authority for reciprocal licensing in statute.

ACTION: For informational purposes only.

ANNOUNCEMENTS

All were reminded to submit their Travel Expense Reimbursement Vouchers within 30 days after completion of their trip (CAPP Topic 20335, State Travel Regulations, p. 7).

The next meeting of the Executive Committee will be December 2, 2022 @ 8:30 a.m.

ADJOURNMENT

With no additional business, the meeting adjourned at 9:27 a.m.

William L. Harp, MD
Executive Director