

**VIRGINIA BOARD OF MEDICINE  
LEGISLATIVE COMMITTEE MINUTES**

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Friday, September 16, 2022

Department of Health Professions

Henrico, VA

**CALL TO ORDER:**

Dr. Archer called the meeting of the Legislative Committee to order at 8:32 a.m.

**ROLL CALL:**

Ms. Brown called the roll; a quorum was established.

**MEMBERS PRESENT:**

David Archer, MD, Vice-President, Chair  
Manjit Dhillon, MD  
Oliver Kim, LLM  
Joel Silverman, MD

**MEMBERS ABSENT:**

J. Randy Clements, DPM  
Jane Hickey, JD  
William Hutchens, MD

**STAFF PRESENT:**

William L. Harp, MD - Executive Director  
Jennifer Deschenes, JD - Deputy Exec. Director for Discipline  
Colanithia Morton Opher - Deputy Director for Administration  
Michael Sobowale, LLM - Deputy Director for Licensing  
Barbara Matusiak, MD - Medical Review Coordinator  
Deirdre Brown - Executive Assistant  
Erin Barrett, JD - DHP Senior Policy Analyst  
W. Brent Saunders, JD – Senior AAG – Board Counsel

**OTHERS PRESENT:**

W. Scott Johnson - Hancock Daniel

**EMERGENCY EGRESS INSTRUCTIONS**

Dr. Archer provided the emergency egress instructions.

**INTRODUCTION**

Dr. Archer introduced W. Brent Saunders, JD, new Board Counsel. Mr. Saunders provided brief comments about his work before arriving at OAG.

**APPROVAL OF MINUTES OF January 14, 2022**

Dr. Dhillon moved to approve the meeting minutes of January 14, 2022 as presented. The motion was seconded by Mr. Kim and carried unanimously.

## ADOPTION OF AGENDA

Dr. Dhillon moved to accept the agenda as presented. The motion was seconded by Mr. Kim and carried unanimously.

## PUBLIC COMMENT

W. Scott Johnson of Hancock Daniel, presented copies of a letter from the Medical Society of Virginia to all Committee members regarding the periodic review of 18VAC85-20. In the letter, MSV stated that it is in favor of creating a more streamlined regulatory environment. He asked the Committee to vote favorably for the proposed changes that would be presented by Ms. Barrett

## DHP DIRECTOR'S REPORT

Dr. Brown stated that he did not have much to report to the Committee. He said that today is the first day of Governor Youngkins' request, through the Office of Regulatory Management, to begin reducing the regulations so that they will be less burdensome for Virginians.

## NEW BUSINESS

### 1. Recommendations of Periodic Review – Erin Barrett

Ms. Barrett informed the Board that periodic review on the Board's regulations is done every four years, usually in the month of June.

In Chapter 15, she suggested eliminating number 5 from 18VAC85-15-20.

Dr. Silverman moved to recommend to the Board that Chapter 15 be retained with the revision suggested by Ms. Barrett. The motion was seconded by Dr. Dhillon and carried unanimously.

Ms. Barrett then proceeded to Chapter 20, beginning review with revision of 18VAC85-20-26, requesting to eliminate F. For 18VAC85-20-28, the Board discussed eliminating number 2, but to change the language in number 1 to incorporate number part of 2. Next, Ms. Barrett recommended that Sections A, B, C, and D be eliminated from 18VAC85-20-30.

Dr. Dhillon moved to recommend the above revisions to the full Board. The motion was seconded by Dr. Silverman and carried unanimously.

Ms. Barrett then reviewed suggested revisions for 18VAC85-20-40, 18VAC85-20-50, 18VAC85-20-60, 18VAC85-20-70, and 18VAC85-20-90.

Dr. Silverman moved to recommend the revisions to the full Board for consideration. The motion was seconded by Mr. Kim and carried unanimously.

Ms. Barrett then reviewed 18VAC85-20-120, 18VAC85-20-131, 18VAC85-20-140, and 18VAC85-20-141. The Committee discussed 18VAC85-20-131 and agreed that they would like the regulation to stay in place at this time. The Board reviewed 18VAC85-20-141 and agreed with the suggested revisions.

Dr. Dhillon moved to recommend the revisions to the Board. The motion was second by Dr. Silverman and carried unanimously.

Ms. Barrett reviewed 18VAC85-20-210.

Dr. Silverman moved to recommend the suggested revisions to the Board. The motion was seconded by Mr. Kim and carried unanimously.

Ms. Barrett reviewed 18VAC85-20-225.

Dr. Silverman moved to recommend deletion to the Board as suggested. The motion was seconded by Dr. Dhillon and carried unanimously.

Ms. Barrett reviewed 18VAC85-20-235.

Dr. Silverman moved to recommend the revision to the Board. The motion was seconded by Dr. Dhillon and carried unanimously.

Ms. Barrett reviewed 18VAC85-20-285.

Dr. Silverman moved to recommend deletion of the section to the Board. The motion was seconded by Dr. Dhillon and carried unanimously.

Ms. Barrett reviewed 18VAC85-20-330, 18VAC85-20-340, and 18VAC85-20-350. Stating that 18VAC85-20-350 will be moved under 18VAC85-20-330.

Dr. Silverman moved to recommend the revisions to the Board. The motion was seconded by Mr. Kim and carried unanimously.

Ms. Barrett reviewed 18VAC85-20-390.

Dr. Dhillon moved that the revision be recommended to the Board. The motion was seconded by Dr. Silverman and carried unanimously.

Ms. Barrett then asked the Committee to recommend the revisions to Chapter 15 and Chapter 20 as a Fast-Track Regulatory Action to the Board at its meeting in October.

Dr. Dhillon moved to accept the fast-track recommendation as presented. The motion was seconded by Dr. Silverman and carried unanimously.

**2. Recommendation of Approval of Revisions to Guidance Document 85-1 - Ms. Barrett**

Ms. Barrett presented suggested revisions to 85-1. After discussion, it was recommended to add Surgical Assistants to the Report of Advisory Boards list.

Dr. Dhillon moved to recommend the revision of 85-1 to the Board as presented. The motion was seconded by Dr. Silverman and carried unanimously.

**3. Recommendation of Approval of Revisions to Guidance Document 85-4 - Ms. Barrett**

Dr. Silverman moved to recommend the revisions to 85-4 to the Board as presented. The motion was seconded by Dr. Dhillon and carried unanimously.

**4. Recommendation of Approval of Revisions to Guidance Document 85-6 - Ms. Barrett**

Dr. Silverman moved to recommend the revision of 85-6 to the Board as presented. The motion was seconded by Mr. Kim and carried unanimously.

**5. Recommendation of Approval of Revisions to Guidance Document 85-8 - Ms. Barrett**

Dr. Dhillon moved to recommend the revision of 85-8 to the Board as presented. The motion was seconded by Mr. Kim and carried unanimously.

**6. Recommendation of Approval of Revisions to Guidance Document 85-13 - Ms. Barrett**

Dr. Dhillon moved to recommend the revision of 85-13 to the Board as presented. The motion was seconded by Dr. Silverman and carried unanimously.

**7. Recommendation of Approval of Revisions to Guidance Document 85-15- Ms. Barrett**

Dr. Dhillon moved to recommend the revision to 85-15 to the Board as presented. The motion was seconded by Dr. Silverman and carried unanimously.

**8. Recommendation of Approval of Revisions to Guidance Document 85-16 - Ms. Barrett**

Dr. Silverman moved to recommend the revision to 85-16 to the Board as presented. The motion was seconded by Dr. Dhillon and carried unanimously.

**9. Recommendation of Approval of Revisions to Guidance Document 85-19 - Ms. Barrett**

Dr. Silverman moved to recommend repeal of 85-19 to the Board as presented. The motion was seconded by Dr. Dhillon and carried unanimously.

**10. Recommendation of Approval of Revisions to Guidance Documents 85-2, 85-20 and 85-21 - Ms. Barrett**

Dr. Silverman moved to recommend the revisions to Guidance Doc 85-2, 85-20, 85-21 to the Board as presented. The motion was seconded by Mr. Kim and carried unanimously.

**11. Recommendation of Approval of Revisions to Guidance Document 85-23 - Ms. Barrett**

Dr. Dhillon moved to recommend the suggestion revision of 85-23 to the Board as presented. The motion was seconded by Dr. Silverman and carried unanimously.

**ANNOUNCEMENTS**

Ms. Deschenes presented 2 Consent Orders to the Committee for its consideration.

**NEXT MEETING**

January 13, 2023

**ADJOURNEMENT**

With no other business to conduct, the meeting adjourned at 10:15 a.m.

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William L. Harp, MD  
Executive Director