

**VIRGINIA BOARD OF MEDICINE
FULL BOARD MINUTES**

February 23, 2023

Department of Health Professions

Henrico, VA 23233

CALL TO ORDER: Mr. Marchese called the meeting to order at 8:35 a.m.

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

MEMBERS PRESENT: Blanton Marchese – President, Chair
Peter Apel, MD
David Archer, MD – Vice-President
John R. Clements, DPM
Alvin Edwards, MDiv, PhD – Secretary-Treasurer
Jane Hickey, JD
Oliver Kim, JD, LLM
Krishna Madiraju, MD
Pradeep Pradhan, MD
Karen Ransone, MD
Jennifer Rathmann, DC
Joel Silverman, MD
Ryan Williams, MD

MEMBERS ABSENT: Manjit Dhillon, MD
Hazem Elariny, MD
Madge Ellis, MD
Williams Hutchens, MD
Jacob Miller, DO

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
Barbara Matusiak, MD, Medical Review Coordinator
Danielle Sangiuliano – Administrative Assistant
Arne Owens, LtC, USARet, MS - DHP Director
James Jenkins, RN – DHP Chief Deputy Director
Erin Barrett – DHP Director of Legislative and Regulatory Affairs
Matthew Novak – DHP Policy Analyst
M. Brent Saunders, JD – Senior Assistant Attorney General
Laura Booberg, JD – Senior Assistant Attorney General

OTHERS PRESENT: Clark Barrineau – MSV Assistant V-P of Government Affairs
Jennie Wood – Board Staff
Tamika Hines – Board Staff
Roslyn Nickens – Board Staff
Beulah Archer – Board Staff
ShaRon Clanton – Board Staff
Delores Cousins – Board Staff
Trish Sturrock – Board Staff

EMERGENCY EGRESS INSTRUCTIONS

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

APPROVAL OF MINUTES OF OCTOBER 6, 2022

Dr. Edwards moved to approve the minutes as presented. The motion was properly seconded by Dr. Ransone and carried unanimously.

ADOPTION OF AGENDA

Dr. Edwards moved to approve the minutes as presented. The motion was properly seconded by Dr. Ransone and carried unanimously.

PUBLIC COMMENT

No public comment.

DHP DIRECTOR'S REPORT

Mr. Owens addressed the full Board for the first time since his appointment as Director of DHP. He noted he had previously served as the Deputy Director several years ago and was happy to be here again. He provided an update on several of the agency's activities, including the focus on healthcare workforce issues. He then introduced James Jenkins as DHP's Chief Deputy Director.

Mr. Jenkins introduced himself to the Board and noted that he was briefly on the Board of Medicine several years ago prior to his appointment to the Board of Pharmacy. He said he was enthusiastic about being able to serve as Deputy Director and thanked the Board members for the work they do to keep the citizens of the Commonwealth safe.

HWDC Presentation – Virginia's Physician Workforce 2022 and Virginia's Licensed Nurse Practitioner Workforce 2022

Dr. Yetty Shobo first presented the 2022 findings for the physician workforce. She covered numerous trends in the workforce – geography, demography, age and gender, education and education debt by gender and race/ethnicity, retirement plans and more. She highlighted that over the past year, underemployment increased from an average of 1% to 2%. Job

satisfaction has declined from 94% to 92%, and the percentage of those intending to retire has steadily been increasing since 2014. Dr. Shobo concluded her presentation by noting: 1) there has been some increase in the number of licensees, the workforce, and FTE's; 2) age distribution is stable; 3) gender and racial/ethnic diversity has increased overall but has declined for physicians under 40 years of age; 4) an increase in education debt among females and some races/ethnicities; and 5) generally no change in income and geographical distribution.

After fielding some questions from Board members, Dr. Shobo provided an update on the Nurse Practitioner workforce highlighting the same trends as in the physician presentation. She noted the diversity index in education and debt by specialty.

Mr. Marchese thanked Dr. Shobo for providing these informative reports and advised that Board members may come up with questions and topics of interest they would like to have included in future presentations. Two such topics are data relevant to Mental Health Nurse Practitioners and educational debt at the time of graduation.

Mr. Owens stated that in conjunction with the HCWD, the Administration will have a report in the fall that will identify gaps in medical services and provide a basis for strategic planning to address shortfalls. He indicated that there are a range of issues to be addressed, and there is no silver bullet.

Mr. Marchese called for a recess at 9:52 a.m. and the meeting reconvened at 10:03 a.m.

REPORTS OF OFFICERS AND EXECUTIVE DIRECTOR

PRESIDENT

Mr. Marchese advised that a delegation of members from the Board will be attending the 2023 Annual Meeting of the Federation of State Medical Boards in Minneapolis this May.

VICE-PRESIDENT

No report.

SECRETARY-TREASURER

No report.

EXECUTIVE DIRECTOR

Dr. Harp gave the floor to Michael Sobowale who introduced Roslyn Nickens as the new Licensing Supervisor at the Board of Medicine.

Cash balance: Dr. Harp began his report with the Board's cash balance, which is north of 12 million. He reminded the members that the balance will dwindle over the year as this is the renewal year for professions with lesser fees. Currently, the Board is in good financial shape.

He also noted that the Board has not been advised of any upcoming reductions in renewal fees.

Opioid Regulations Periodic Review: Dr. Harp informed the Board that a petition for rulemaking was received in October 2022 to expand the opioid antagonist section of the regulations to include other drugs besides naloxone. At that time, the suggestion was made to wait until the CDC published its updated guideline and deal with the petition during periodic review. The composition of the Regulatory Advisory Panel for the periodic review will include 2 pain management physicians, 2 addiction specialists, 1 pharmacist, and a representative from the Department of Health, Department of Behavioral Health and Developmental Services, and the Department of Medical Assistance Services. The Panel will meet on March 31, 2023 to perform the periodic review.

85-10 Disclosure by Licensed Midwives for High-Risk Pregnancy Conditions: Dr. Harp provided an update on the Advisory Board on Midwifery's request to have Guidance Document 85-10 reviewed and revised to incorporate new practices and new technology. He said this workgroup will include Dr. Ransone, Dr. Archer, the 4 members of the Advisory Board that includes Ami Keatts, MD, an OB/GYN physician.

Reciprocity Update: Dr. Harp advised that the Board is on the cusp of starting reciprocal licensing. The final version of the Memorandum of Agreement (MOA) will be forwarded to DC and Maryland for signatures. Once the 3 jurisdictions sign the MOA, the process can be started soon thereafter.

Board Briefs: Dr. Harp advised that the next edition will be published soon and will include the minutes of this meeting, the removal of the X-Waiver for buprenorphine, and other topics of interest.

COMMITTEE, ADVISORY BOARD, AND OTHER REPORTS

Dr. Ransone moved to accept all reports since October 6, 2022, en bloc. The motion was properly seconded by Dr. Edwards and carried unanimously.

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

No report.

Board of Health Professions

No report.

Podiatry Report

No report.

Chiropractor Report

No report.

Committee of the Joint Boards of Nursing and Medicine

No report.

NEW BUSINESS

1. Current Regulatory Actions

Ms. Barrett provided a brief overview of the Board's regulatory actions as of February 6, 2023. This report was for informational purposes only and did not require any action.

2. 2023 General Assembly Report

Ms. Barrett shared the status of the 4 agency bills that will soon become law. Individuals will no longer have to come to DHP to copy their application materials; the new law authorizes them to be sent electronically or by snail mail. Other bills address the use of agency subordinates and criminal backgrounds checks.

Ms. Barrett then referred to her handout listing bills of interest to the Board and briefly reviewed each.

She noted 2 specific bills that affect the Board of Medicine. The first was **HB 1426 – Human trafficking; continuing education required for biennial renewal of licensure**. This bill requires that any licensee of the Board of Medicine may be required to complete 2 hours of continuing education on a specific topic prior to renewal. The bill states that if the Board of Medicine designates a topic for renewal, the first shall be on human trafficking.

The second bill was **HB173 – Mental health conditions & impairment; health regulatory board w/in DHP to amend its applications**. Ms. Barrett noted that this bill directs each health regulatory board within DHP to amend its licensure, certification, and registration applications to remove any existing questions pertaining to mental health conditions and impairment. It requires the boards to include the following questions: (1) Do you have any reason to believe that you would pose a risk to the safety or well-being of your patients or clients? and (ii) Are you able to perform the essential functions of a practitioner in your area of practice with or without reasonable accommodation? She stated that this bill will become immediately effective when signed by the Governor.

Ms. Barrett's report was for informational purposes only and did not require any action.

3. Consideration of CE Waiver for Years 2020-2022

Mr. Marchese reviewed the staff note regarding the significant number of licensees who had not answered YES to meeting the continuing education requirement during the 2020, 2021 & 2022 renewal periods. He noted that some of the NO answers were inadvertent. He pointed out that some jurisdictions relaxed their enforcement of CE requirements during the pandemic.

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Board staff has asked that consideration be given to a relaxed approach to CE enforcement during the 2020, 2021 & 2022 renewal periods. Mr. Marchese said that Board staff did not have the bandwidth to pursue each instance of failing to obtain the hours.

MOTION: After a brief discussion, Dr. Pradhan moved to waive enforcement of the CE requirement for the renewal periods of 2020, 2021, and 2022. The motion was properly seconded and carried unanimously.

4. Increase in Expert Witness Fee

Mr. Marchese led the discussion as to whether the Board's \$150 per hour paid to experts who review disciplinary cases is sufficient, or whether an increase should be considered. He noted that experts who review for the Office of the Chief Medical Examiner are contracted at \$300 per hour.

Dr. Harp stated that many potential experts believe, like Board members, that it is their duty to serve. Most say they are not doing it for the money.

MOTION: Dr. Williams moved to increase the amount of compensation for expert reviewers to \$300 per hour. The motion was seconded by Dr. Edwards. After further discussion, the motion was amended to include "without a restriction on total amounts". The amended motion passed unanimously.

5. Licensing Report

Mr. Sobowale provided an update on the trends in licensing and introduced the Licensing Staff who issued over 11,000 licenses in calendar year 2022. To recognize their efforts, the Board offered its applause. Additionally, Mr. Sobowale noted that the endorsement pathway to licensure is picking up in popularity.

6. Discipline Report

Ms. Deschenes said that the Board was holding fewer summary suspension conference calls. She reminded all that these calls are very important and asked that participation be a top priority. She pointed out that if a quorum of Board members fails to join the call, it will be ended with no business accomplished.

7. Nominating Committee

Mr. Marchese thanked Dr. Apel, Ms. Hickey, and Dr. Miller for volunteering to serve on the Nominating Committee and appointed them. The Committee will develop a slate of officers for consideration at the June 2023 full Board meeting. An email will be sent to all Board members with instructions on how to express interest in an office to the members of the Nominating Committee.

8. Board Members with Expiring Terms

Thanks were expressed to Dr. Edwards and Ms. Hickey for their time and dedication to the

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work of the Board. Both will be completing their 2nd term in June and will not be eligible for reappointment. Completion of 1st terms by Dr. Silverman and Dr. Williams was also acknowledged; both are eligible for reappointment.

ADJOURNMENT

With no additional business, the meeting adjourned at 11:03 a.m.

William L. Harp, MD
Executive Director