

**VIRGINIA BOARD OF HEALTH PROFESSIONS
ENFORCEMENT COMMITTEE
JANUARY 17, 2006**

TIME AND PLACE: The meeting was called to order at 10:15 a.m. on Tuesday, January 17, 2006 at the Department of Health Professions, 6603 W. Broad St., 5th Floor, Room 1, Richmond, VA.

PRESIDING OFFICER: David H. Hettler, O.D., Acting Chair

MEMBERS PRESENT: Toni A. Aust, R.Ph.
Alan E. Mayer, Ex-Officio
Demis Stewart
Natale Ward, L.P.C.

MEMBERS NOT PRESENT: Lynne Cooper
~~Mary Gregerson, Ph.D.~~
Harold S. Seigel, DDS, Chair
Juan Montero, MD

STAFF PRESENT: Elizabeth A. Carter, Ph.D., Executive Director for the Board
Susan Stanbach, Statistical Analyst, DHP
Sammy Johnson, Deputy Director of Enforcement
Carol Stamey, Administrative Assistant

APPROVAL OF MINUTES: On properly seconded motion by Mr. Mayer, the Committee voted unanimously to approve the minutes of the September 8, 2005 meeting.

WELCOME NEWEST MEMBER: Dr. Hettler introduced the newest board member, Toni Aust, R.Ph., representing the Board of Pharmacy.

PUBLIC COMMENT: No public comment was presented.

**UPDATE ON THE SANCTION REFERENCE STUDY:
Dentistry, Nursing, Veterinary
Medicine & Other Boards – How to
Proceed?
Ash Institute Award Application**

Board updates
Neal Kauder reported that the Board of Medicine's worksheets continue to be monitored and reflect an eighty-nine percent (89%) compliance rate. He noted that it appeared that there were fewer cases than in previous years possibly due to CCA's. The Board of Dentistry adopted its sanction reference points system and will begin its implementation on January 20, 2006. The Board of Pharmacy's implementation has been put on hold in order to

allow Medicine's implementation to progress further and to make adjustments to the manual for low end sanctions and historical findings. The Board of Nursing will be reviewing the statistical analysis and draft worksheets next week. The final worksheets on CNA cases should be finalized by the end of February. The Board of Veterinary Medicine is forty percent (40%) complete with it data collection.

Mr. Kauder reported that the development of a system to review the smaller boards will soon be implemented. Further, the efficacy of the systems will be evaluated in terms of consistency, speed of resolution, and a summary of any reasons for disparity begin in August 2006 a full year after the Board of Medicine's implementation began. It was discussed that the Sanctions Reference approach and results be incorporated into board member training and that we should endeavor to ensure that practitioners and other interested parties are aware of it.

Ash Institute Award Application

Dr. Carter reported that the Board should be receiving an announcement regarding the Board's Sanctions Reference Point Study application for the Ash Institute's award in April 2006.

UPDATE ON AGENCY PERFORMANCE:

Ms. Stanbach presented an update on the agency's disciplinary case standards. It was noted that it appeared the quarterly comparison was down; however, appeared to be up annually. The issue of lowering the standards for priority "D" cases was brought up. Also, that the priority "C" cases were slow and should be focused on next. A copy of the charts and tables on agency standards performance is incorporated into the minutes as Attachment 1.

Dr. Carter reported that HJ 71 had been introduced to study ways to increase the efficiency of the investigative and hearing processes of the Department. Dr. Carter indicated that there were sufficient funds to conduct the study even through an outside source. It was the consensus of the Committee, to present the request for approval of funding to the full board.

BOARD MEMBER TRAINING DURING BOARD MEETINGS:

Dr. Carter apprised the Board that she and Dr. Seigel had discussed the need for additional board member training to be held during board meetings. It was suggested that the Enforcement and APD Units provide training in the topics of the disciplinary processes, case load and impaired

practitioners at least annually.

The Committee discussed the need for focus on the Board's mission as well as the need for more training of the members. An annual or biennial retreat was suggested as a good way to accomplish this. One third of the Board membership is up for reappointment or replacement by July 1, 2006.

**REVIEW OF FEASIBILITY OF
UNIFORM SANCTIONING FOR
CERTAIN NON-CLINICAL CASES
ACROSS BOARDS:**

Dr. Carter further updated the Committee that she and Dr. Seigel had discussed the need for developing a reference to enable consistency in non-clinical sanctioning across the boards. She noted that disciplinary actions for non-clinical case types, such as continuing education, fraud, advertising and other Priority D cases should be summarized and shared with all the boards.

Mr. Sammy Johnson, Deputy Director of Enforcement, reported that currently eight (8) professions conduct CE audits. He noted that two (2) additional professions would be beginning audits. Mr. Johnson reported that the percentage of continuing education audit varied among the various boards as well as the monetary penalties for violations.

On properly seconded motion by Mr. Mayer, the Committee requested a spreadsheet type report reflecting all the boards' CE audit policies and procedures.

NEW BUSINESS:

No new business was presented.

ADJOURNMENT:

On properly seconded motion by Ms. Stewart, the Committee adjourned at 11:05 a.m.

David H. Hettler, O.D., Acting Chair

Elizabeth A. Carter, Ph.D, Executive Director for the Board