

**VIRGINIA BOARD OF MEDICINE
EXECUTIVE COMMITTEE MINUTES**

Friday, December 3, 2021

Department of Health Professions

Henrico, VA

CALL TO ORDER: Mr. Marchese called the meeting of the Executive Committee to order at 8:32 a.m.

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

MEMBERS PRESENT: Blanton Marchese – President, Chair
David Archer, MD – Vice-President
Amanda Barner, MD - Secretary-Treasurer
Alvin Edwards, MDiv, PhD
Jane Hickey, JD
Karen Ransone, MD
Joel Silverman, MD
Brenda Stokes, MD

MEMBERS ABSENT: None

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
Deirdre Brown - Executive Assistant
David Brown, DC – DHP Director
Barbara Allison-Bryan, MD - DHP Senior Deputy Director
Elaine Yeatts - DHP Senior Policy Analyst
Erin Barrett, JD – Assistant Attorney General

OTHERS PRESENT: W. Scott Johnson - Hancock Daniel & MSV
Scott Castro - MSV
Jennie Wood – Discipline Case Manager

EMERGENCY EGRESS INSTRUCTIONS

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

COVID INSTRUCTIONS

Mr. Marchese reminded members about the policy of wearing a mask while inside the building, unless eating or drinking.

APPROVAL OF MINUTES OF AUGUST 6, 2021

Dr. Edwards moved to approve the minutes from August 6, 2021 as presented. The motion was seconded and carried unanimously.

ADOPTION OF AGENDA

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

PUBLIC COMMENT

Mr. Marchese opened the floor for public comment. There was no comment.

DHP DIRECTOR'S REPORT

Dr. Allison-Bryan provided a COVID-19 update:

- At this time, Virginia is ranked 10th in the nation in having the most vaccinated individuals. Currently, 88.4% of adults have had at least 1 shot.
- COVID cases are stable, however Henrico County is still in a high transmission zone. The new variant, Omicron, is beginning to spread to those who are vaccinated. So far, it has caused mild symptomatology.
- DHP's involvement with COVID medicinals is to prevent stockpiling. With no authority for enforcement, DHP is just monitoring. Federal agencies are buying the doses at this time.
- Two new vaccines are in the pipeline. Both have some side effects, and have not yet been approved.

Dr. Brown provided the following information:

- Addressed the building's new security team
- Provided information on an upgrade to the audio in the conference center by spring 2022
- Spoke to study reports for the General Assembly:
 - Reviewed RD625 – Report on the Implementation of 2018 HB793: Nurse Practitioners; Practice Agreements – due October 1, 2021
 - Reported that on July 20, 2021, the Board of Nursing meeting approved the draft report as written. On August 6, 2021, the Board of Medicine Executive Committee accepted some draft modifications to HB793, but not all.

- Reviewed SD12 – Report on Midwifery Regulatory/Licensing Framework
 - Reviewed the new Licensed Certified Midwife as being essentially the same as a Certified Nurse Midwife. There is now a program in Virginia that will graduate Licensed Certified Midwives.
 - Licensed Midwives (Certified Professional Midwives) favored a Board of Midwifery with Certified Nurse Midwives and Licensed Certified Midwives. Dr. Brown stated that the low number of midwives would make an autonomous board costly. The midwives would like to know the cost a separate board would entail.
 - The question if the Certified Nurse Midwives and Licensed Certified Midwives would be solely under Board of Nursing or under the Committee of the Joint Boards remains unresolved.
- Reviewed HD18 – Report on Advanced Practice Registered Nurses
 - Provides clarification of Code titles for nurses.
 - The APRN (advanced practice registered nurse) Compact is not yet operational.
- Reviewed RD620 – Report on the Development of Recommendations for Possible Statewide Protocols for Pharmacists to Initiate Treatment for Tobacco Cessation and other Specific Conditions: HB2079 – due October 15, 2021
 - Dr. Brown stated that nothing was agreed upon, and Dr. Stokes added that there were good points brought up.
 - Elaine Yeatts added that a concern is the overload on the staff at pharmacies.
 - Dr. Stokes stated that pharmacists want to act on a CLIA test result. A physician’s approach is more comprehensive and ensures less opportunity for misdiagnosis/mistreatment.
 - Dr. Allison-Bryan added that Dr. Stokes was very instrumental in the meeting and represented the Board of Medicine well.
 - Lastly, she stated that the report on bridging from an ER visit to treatment for opioid addiction is on the DHP website under “About” then “News”.

PRESIDENT’S REPORT

Mr. Marchese reported that he and Kathy Scarbalis, Chair of the Advisory Board on Physician Assistants, attended the FSMB Physician Assistant Compact meeting on November 18th to develop consensus model legislation for states to use. He noted that the final document should be ready by March 2022.

EXECUTIVE DIRECTOR’S REPORT

Dr. Harp covered an item on mental health treatment for health care professionals that was in the 93rd edition of the Board Briefs and a blast email. He also shared comments received by the Board in response to the blast email. Mr. Marchese asked if the Board will be putting out a Q & A, to which Ms. Barrett replied that it would be up to the Board. Dr. Harp informed the Board that the language used in the email was directly quoted from the law.

Dr. Brown questioned if the language in the Code deters physicians from seeking medical help and treatment. Additionally, he stated that the Board of Medicine did address the possible need to change the language on its applications. He asked what other states ask on their applications, and how all professions help with mental health issues of their licensees? At the upcoming full Board meeting, there should be an update on this topic.

Ms. Deschenes addressed the need to distinguish between voluntary admission and involuntary admission. She stressed the need to change how reporting is viewed by licensees so as not to have them see it negatively. Mr. Marchese asked if the Board has any people who are specialized in recognizing these cases. Ms. Deschenes replied no, but states that these cases, like all cases, are carefully reviewed.

Dr. Harp referred to an email sent from Ms. Ali Walker, along with her letter in response to the blast email regarding mental health treatment for healthcare professionals. Dr. Joel Silverman states that the email was a step in the right direction, but still more work needs to be done to encourage people to get help.

Dr. Harp reviewed the FSMB Annual Survey findings and pointed out that Virginia's responses to the "5 most important topics to the Board at this time", "Procedure and Regulation Changes due to COVID-19", "Complaints and Actions Related to COVID-19", "Media Topics", "Diversity, Equity and Inclusion", and "Opioid Abuse Prevention" were similar to those of other boards of medicine.

Dr. Harp reviewed a letter from the Department of Veterans Affairs and its efforts to establish National Standards of Practice (NSP) for VA healthcare providers. He pointed out that the VA would include state boards in the derivation of standards.

Dr. Harp reviewed the "Chart of Regulatory Actions" and progress on reciprocity talks with Washington, D.C. and Maryland. Reciprocity requirements discussed so far with DC and MD are no disciplinary actions, a criminal background check, vaccination for COVID-19, and verification of the license in the other state. Virginia does not require a criminal background check or COVID vaccination at this time. Virginia's licensure by endorsement requires the applicant to submit license verifications from all states in which he/she has been licensed. The Credentials Committee has recommended the requirement be reduced to verification from the most recent state. DC, MD and Virginia will meet on January 28, 2022 is to achieve consensus on what should be required in the reciprocity agreement.

Dr. David Archer asked why Virginia does not have reciprocity with North Carolina and West Virginia, since Virginia shares boundaries with those states as well. Dr. Harp replied that West Virginia, Kentucky, Tennessee, and North Carolina are not interested in creating another pathway for licensure at this time, given that they are members of the Interstate Medical Licensure Compact.

Dr. Harp told the Board that a question had been raised about putting a licensee's degree on his/her license. Presently, allied healthcare licenses do not display the licensee's degree.

MD, DO, DPM and DC licenses display the degree. The Credentials Committee recommended that the Board maintain the status quo for now.

NEW BUSINESS

1. Regulatory and Legislative Issues – Elaine Yeatts

Ms. Yeatts presented the chart of regulatory actions as of November 17, 2021. She noted that regulations for the SB1189 Occupational Therapy Compact are still not approved. They are currently in the Governor's office.

Ms. Yeatts also stated that the NOIRA for HB1953 Licensure of Certified Midwives is also in the Governor's office.

Both of these items were for informational purposes only and did not require any action.

2. Recommendations from the Credentials Committee – Michael Sobowale, LLM

Mr. Sobowale referred to p. 31 for the meeting minutes of the November 8, 2021 Credentials Committee meeting. He then referred to the charts on pp. 38-39 and reviewed the recommendations for each profession as to which documents must be a primary-source verified, those for which copies can be accepted, and ones that are no longer needed.

MOTION: Dr. Edwards moved to accept the recommendations of the Credentials Committee as presented. The motion was seconded and carried unanimously.

3. Recommendation on Adoption of Fast-Track Regulation

Ms. Yeatts highlighted the changes necessary to implement the vote above for licensure by endorsement, PA licensure, and Radiological Technology as stated in Project 7034 – Fast-Track. It revises the language as follows:

- AMEND - 18VAC85-20-141. Licensure by endorsement (No. 3). Revises the language to state that only "the most recent license" must be verified and "is" in good standing.
- AMEND - 18VAC85-50-50. Licensure: entry requirements and application (A-4): Revises the language to state that "if licensed or certified in any other jurisdiction, verification that there has been no disciplinary action taken or pending in that" jurisdiction.
- AMEND - 18VAC85-101-28. Licensure requirements (B): Revising the language to state that "the application shall include verification that there has been no disciplinary action taken or pending in that jurisdiction."

MOTION: Dr. Edwards moved to adopt the above as a fast-track action. The motion was seconded and carried unanimously.

ANNOUNCEMENTS

Everyone was reminded to submit the Expense Reimbursement Voucher within 30 days after completion of travel (CAPP Topic 20335, State Travel Regulations, p. 7).

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

ADJOURNMENT

With no additional business, the meeting adjourned at 10:18 a.m.

Blanton Marchese
President

William L. Harp, MD
Executive Director

Deirdre C. Brown
Recording Secretary