

**VIRGINIA BOARD OF MEDICINE
FULL BOARD MINUTES**

June 22, 2023 Department of Health Professions Henrico, VA 23233

CALL TO ORDER: Mr. Marchese called the **Public Hearing** on Proposed Regulations for Implementation of the Occupational Therapy Licensure Compact to order at 8:30 a.m. There was no public comment. The floor closed at 8:31 a.m.

CALL TO ORDER: Mr. Marchese called the meeting of the Board of Medicine to Order at 8:32 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
Manjit Dhillon, MD
Hazem Elariny, MD
Madge Ellis, MD
Jane Hickey, JD
William Hutchens, MD
Oliver Kim, JD, LLM
Krishna Madiraju, MD
Jacob Miller, DO
Pradeep Pradhan, MD
Karen Ransone, MD
Jennifer Rathmann, DC
Joel Silverman, MD
Ryan Williams, 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
Danielle Sangiuliano – Administrative Assistant
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

OTHERS PRESENT: Dana Van Laeys, NCCT
Shane Stanford, VASA
Ron Passmore, NCCT
Debbie Harris, Chester Career College
Patricia Goodson, Chester Career College
Carol Square, Chester Career College
Erica Dorline, Chester Career College
Vanessa Stannermann, AST
Thea Franke, Fortis College
Lisa Day, Surgical Technologist, VCCS
Colleen Leard, Surgical Technologist TSC
Barbara Hodgdon, Ph.D., HWDC
Jennie Wood – Discipline Staff
Tamika Hines – Discipline Staff
Roslyn Nickens – Licensing Staff
Jevon Carter – Licensing Staff
Shelby Smith – Licensing Staff
Joshlynn Jones – Licensing Staff
Keira Chambers – Licensing Staff

EMERGENCY EGRESS INSTRUCTIONS

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

APPROVAL OF MINUTES OF FEBRUARY 23, 2023

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.

OAG Presentations Pursuant to 54.1-2408.1(A)

Sean Murphy, Assistant Attorney General, presented information to the Board regarding Giovanni G. Geronilla, M.D., License No. 0101-264599, to determine whether Dr. Geronilla’s ability to practice medicine constituted a substantial danger to the health and safety of the public.

On a motion by Dr. Ransone, and duly seconded by Dr. Miller, the Board determined that Dr. Geronilla’s ability to practice constituted a substantial danger to the health and safety of the public and voted to summarily suspend his license simultaneous with the institution of

proceedings for a formal administrative hearing pursuant to Section 54.1-2408.1 of the Code of Virginia. The vote was unanimous.

Mandy Wilson, Assistant Attorney General, presented information to the Board regarding Kelly Tyson, LST, License No. 0137-000125, in order to determine whether her ability to practice as a surgical technologist constituted a substantial danger to the health and safety of the public.

On a motion by Dr. Edwards, and duly seconded by Dr. Miller, the Board determined that Ms. Tyson's ability to practice constituted a substantial danger to the health and safety and voted to summarily suspend her license simultaneous with the institution of proceedings for a formal administrative hearing pursuant to Section 54.1-2408.1 of the Code of Virginia. The vote was unanimous.

HEALTHCARE WORKFORCE DATA CENTER UPDATE

Barbara Hodgdon, Ph.D., Deputy Director for the Healthcare Workforce Data Center, provided a brief overview of the program's new dashboard. Dr. Hodgdon pointed out that the dashboard captures information such as how many behavioral health professionals are licensed or registered in Virginia, the demographics of the workforce, job satisfaction, median income, retirement intentions, etc. Dr. Hodgdon also provided the data on physicians' education debt at graduation. She advised that data included physicians who graduated 2017-2018, 2019-2020, and 2021-2022. It was determined that physicians who graduated between 2019-2020 reported the highest debt upon graduation. Dr. Hodgdon noted that the data does not include residency or other factors like interest rates, amount or frequency of payback, or refinancing.

PUBLIC COMMENT

Dana Van Laeys, NCCT – spoke in favor of the Board supporting the inclusion of NCCT as an acceptable credential for licensure.

Shane Stanford, VASA – spoke in favor of the Board supporting the inclusion of NCCT as an acceptable credential for licensure.

Ron Passmore, NCCT – spoke in favor of the Board supporting the inclusion of NCCT as an acceptable credential for licensure.

Debbie Harris, Chester Career College – spoke in favor of the Board supporting the inclusion of NCCT as an acceptable credential for licensure.

Patricia Goodson, Chester Career College – spoke in favor of the Board supporting the inclusion of NCCT as an acceptable credential for licensure.

Carol Square, Chester Career College – spoke in favor of the Board supporting the inclusion of NCCT as an acceptable credential for licensure.

Erica Dorline, Chester Career College – spoke in favor of the Board supporting the inclusion of NCCT as an acceptable credential for licensure.

Vanessa Stannermann, AST – asked the Board not to support the inclusion of NCCT as an acceptable credential for licensure.

Lisa Day, Surgical Technologist, VCCS – asked the Board not to support the inclusion of NCCT as an acceptable credential for licensure.

Colleen Leard, Surgical Technologist, TSC – spoke in favor of the Board supporting the inclusion of NCCT as an acceptable credential for licensure.

Thea Franke, Fortis College – asked the Board not to support the inclusion of NCCT as an acceptable credential for licensure.

The floor for public comment closed at 9:05 a.m.

DHP DIRECTOR'S REPORT

James Jenkins, RN, DHP Chief Deputy Director, reported in Mr. Owens' absence. Mr. Jenkins expressed how grateful the Agency was for the dedication and service by Board members to the Commonwealth by Board members. He stated that they remain focused on providing the highest level of healthcare services so that all clients may benefit. He advised that DHP was already gearing up for the 2024 General Assembly Session and has been collaborating with the Secretary's Office on budget writing. Some of the other initiatives the Agency is pursuing are healthcare workforce, Earn to Learn, financial aid programs for nursing, behavioral health professionals, clinical preceptors, etc. Mr. Jenkins said that a large component of the Governor's plan includes *Right Help, Right Now*, which is a program aimed at strengthening behavioral health services for Virginians, reducing the burden on law enforcement and growing the behavioral health workforce.

REPORTS OF OFFICERS AND EXECUTIVE DIRECTOR

PRESIDENT

Mr. Marchese reported on at the 2023 Annual Meeting of the Federation of State Medical Boards in Minneapolis in May. He, along with Dr. Dhillion, Mr. Kim, Ms. Opher, and Jay Douglas from the Board of Nursing, attended several informational sessions in which the theme was how can FSMB refocus on its mission of supporting the states. Mr. Marchese noted that the Chair-Elect of the FSMB Board of Directors, Katie Templeton, is a public member.

VICE-PRESIDENT

No report.

SECRETARY-TREASURER

No report.

EXECUTIVE DIRECTOR

Budget

Dr. Harp informed the members that the Board is well within budget and that the FY25-FY26 budget has been submitted. Included in it is a request for two new full-time positions to replace a wage and a contract position which will be a benefit to the Board and its part-time employees seeking permanent positions.

Ad Hoc Meetings

Dr. Harp reported:

The Regulatory Advisory Panel on the Regulations for Opioids and Buprenorphine met on March 31, 2023. The regulations will be discussed later by Ms. Barrett.

The Ad Hoc on 85-10 Disclosure by Licensed Midwives for High-Risk Pregnancy Conditions met on May 18, 2023. The proposed updates to the disclosure statements will be presented to the Executive Committee on August 4th.

The Statewide Pharmacy Protocols meeting will be held August 11th; Dr. Hutchens and Dr. Madiraju will be representing the Board of Medicine.

Reciprocity

Reciprocal licensing with Maryland and the District of Columbia began on March 13th. This expedited process is quicker than the endorsement pathway. Since its inception, 200 applications have been received, and 150 have been issued.

COMMITTEE, ADVISORY BOARD, AND OTHER REPORTS

Dr. Williams moved to accept all reports since February 23, 2023, en bloc. The motion was properly seconded by Dr. Edwards and carried unanimously.

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

Mr. Saunders, Senior AAG, provided an update on the following cases:

Zackrison v. Board of Medicine
Mettetal v. Board of Medicine

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.

Mr. Marchese called for a recess at 9:18 a.m. and the meeting reconvened at 9:30 a.m.

NEW BUSINESS

1. Current Regulatory Actions

Ms. Barrett noted that since the preparation of the report for this meeting, all the proposed regulations have moved from Department of Planning and Budget to the Secretary's Office. All remaining fast-track actions will go to the Secretary's Office and then a longer public comment period will follow. However, they will not come back to the Board for ~~comments~~ action. Once the comment period closes, the ~~Executive Committee will vote on the regulations~~ regulations will become effective.

This report was for informational purposes only and did not require any action.

2. Adoption of Fast-Track Regulatory Amendments to 18-VAC85-21

Ms. Barrett walked the members through the recommendations of the Regulatory Advisory Panel for the existing Regulations Governing Prescribing of Opioids and Buprenorphine.

After review of the Advisory Panel recommendations and discussion of Board member suggested amendments, Dr. Miller moved to adopt as fast-track the regulatory amendments to Chapter 21 as amended. The motion was properly seconded and carried unanimously.

3. Adoption of Exempt Regulatory Amendments to 18VAC85-160-51

Ms. Barrett explained that the exempt amendment extends the grandfathering provision from December 2022 to December 2023 for those who have been working to get certification through that pathway.

MOTION: Dr. Ransone moved to adopt the exempt regulatory amendments to 18VAC85-160-51, effective July 1, 2023.

Dr. Elariny questioned why someone with 22 years of experience must expire due to the Board changing its rules. Ms. Barrett clarified that no one would have an existing certification “expire” under new General Assembly statutory changes.

After discussion, the motion was properly seconded and carried unanimously.

4. Consideration of Exempt Regulatory Changes to 18VAC90-30 and 18VAC90-40

Ms. Barrett said the exempt regulatory changes to 18VAC90-30 and 18VAC90-40 reflect terminology changes from “nurse practitioner” to “advanced practice registered nurse.” She stated that regulatory actions taken without board discretion are to comport with the statute.

MOTION: Dr. Miller moved to amend 18VAC90-30 and 18VAC90-40 as presented by exempt action effective July 1, 2023.

At 10:40 a.m., Ms. Hickey moved that the Board convene a closed session pursuant to Section 2.2-3711.A(7) of the Code of Virginia for consultation with and the provision of legal advice by Senior Assistant Attorney General Brent Saunders in the matter of surgical technologist training programs. William Harp, M.D., Jennifer Deschenes, J.D., M.S., and Erin Barrett, JD attended because their presence in the closed meeting was deemed necessary. The motion was properly seconded and carried unanimously.

At 11:13 a.m., Ms. Hickey moved to return to open meeting. Mr. Marchese asked all those who certify, to the best of your knowledge that the Board heard, discussed or considered only those public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened to say “Aye.” There were no “Nays”.

5. Consider Recommendation of Approved Surgical Technologist Training Programs for Recognition by the Board of Medicine

Mr. Marchese directed the Board member’s attention to the petition for the approval of NCCT training program.

MOTION: After a brief discussion regarding the differences between a surgical technologist and a licensed surgical first assistant, Dr. Apel moved to recognize and accept NCCT as an approved training program. The motion was properly seconded and carried unanimously.

6. Report on Implementation of the APRN Compact

Ms. Barrett briefly reviewed the correspondence from the Chair of the Senate Committee on Education and Health directing DHP to report on statutory changes needed for implementation of the APRN Compact.

No action was required; this was for informational purposes only.

7. Report Regarding Associate Physicians

Ms. Barrett referred to the letter from the Chair of the Senate Committee on Education and Health directing DHP to report on SB1006 regarding licensure of associate physicians.

No action was required; this was for informational purposes only.

8. Acceptance of Past Advisory Board Meeting Minutes

Dr. Harp said that Board staff has identified a number of advisory board minutes that are officially still in draft form because they were not voted on by the body whose actions they chronicle. This happened for various reasons. A quorum is required to approve the minutes of previous meetings, and oftentimes there would not be a quorum for the next couple of meetings. Then they would get lost in the shuffle and not be presented several meetings later. Also, COVID had a similar impact with virtual meetings and follow-up issues. He stated that the good news is that probably all of the minutes that are in the agenda packet today were presented to the full Board at its meetings, and all were accepted. Just to be sure, Board staff would like to have the Board accept all these minutes en bloc.

MOTION: Dr. Ransone moved to accept all the minutes en block identified in the packet still in draft form. The motion was properly seconded and carried unanimously.

9. Licensing Report

Mr. Sobowale updated the Board on the total number of licensees, noting that 56% are MDs, DOs, DCs, and DPMs. Compared to the previous fiscal year, there has been an increase in applications. The average processing time is currently 65 business days with 59 being the median.

Mr. Sobowale then introduced to the Board the newest licensing specialists Jevon Carter, Shelby Smith, Joshlynn Jones, and Keira Chambers.

Mr. Sobowale also provided an update on the reciprocity agreement with Maryland and the District of Columbia, which launched on March 13, 2023. He stated that by more than a 2 to 1 ratio, Maryland and DC physicians were using this pathway to gain licensure in Virginia. Additionally, he noted that these applications have a processing time of 7-10 business days.

Dr. Clements recognized and thanked the Licensing Section for getting all the interns and residents licensed in a timely manner.

10. Discipline Report

Referring to the 3rd Quarter FY2023 discipline numbers, Ms. Deschenes commended the Board members for their work over the past several months. She told the members that extra

formal dates will be needed to address the backlog. She noted the two summaries at the beginning of the meeting and said that the Board averages about 12 a year, typically handled by phone conference. She then reminded the Board how critical it is for **all** members to participate in summary suspension calls to ensure the Board meets the statutory quorum requirement to conduct business.

Ms. Deschenes also encouraged the members to take advantage of having Board Counsel in the hearings; they are there for a reason. It is important to listen to and work with them when putting the Order together. Board Counsel ensure that the evidence in the case supports the findings and decisions.

Mr. Marchese pointed out that there is a statutory requirement to hear some of these cases in a timely manner and encouraged members to look at their availability.

11. 2024 Meeting Calendar

MOTION: Dr. Edwards moved to accept the 2024 calendar as presented. The motion was properly seconded by and carried unanimously.

12. Nominating Committee

Dr. Miller provided the following slate of officers recommended by the Nominating Committee for consideration:

- J. Randy Clements, DPM, - President
- Peter J. Apel, MD – Vice-President
- Karen Ransone, MD - Secretary-Treasurer

Mr. Marchese asked if there were nominations from the floor. There were none.

MOTION: Ms. Hickey moved to accept the slate of officers as presented. The motion was seconded and carried unanimously.

8. Board Members with Expiring Terms

Mr. Marchese expressed thanks to Alvin Edwards, PhD, Jane Hickey, JD, Joel Silverman, MD and Ryan Williams, MD for their work and dedication to the Board's mission. Ms. Hickey said that she has worked with many wonderful people along the way. She has been impressed with the different perspectives of Board members and admires each and every one with whom she has worked.

Closing Speech from Blanton Marchese, President

“Serving as the President of the Virginia Board of Medicine for the last two years has been one of my greatest professional honors. Our Board, as the 8th oldest medical board in the U.S., stands strong in upholding the values and advancements of medicine. You see, we're not just a regulatory entity, but guardians of medical integrity, safeguarding public health, and

advocates for societal well-being.

Our centuries-long journey testifies to our resilience and commitment. Upholding our mission – ensuring high-quality medical practice, protecting Virginians, advocating for healthcare equity – has all been my distinct honor as the President. As I hand over to my successor, I'm confident the Board's honor, integrity, and commitment will persist.

In conclusion, thank you all. Serving as the President will forever be a treasured memory.”

ANNOUNCEMENTS

Dr. Harp announced that the Board is closing 97% of the cases on time.

Mr. Marchese said that the next meeting date of the Board is October 19, 2023 @ 8:30 a.m.

ADJOURNMENT

With no additional business, the meeting adjourned at 11:36 a.m.

William L. Harp, MD
Executive Director