

**VIRGINIA BOARD OF MEDICINE
LEGISLATIVE COMMITTEE MINUTES**

Friday, January 13, 2023

Department of Health Professions

Henrico, VA

CALL TO ORDER:

Dr. Archer called the meeting of the Legislative Committee to order at 8:34 a.m.

ROLL CALL:

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

MEMBERS PRESENT:

David Archer, MD, Vice-President, Chair
J. Randy Clements, DPM
Jane Hickey, JD
Oliver Kim, JD, LLM
Joel Silverman, MD
William Hutchens, MD

MEMBERS ABSENT:

Manjit Dhillon, MD
Karen Ransone, 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
Matt Novak, DHP Policy Analyst
Arne Owens, DHP Director

COUNCIL PRESENT:

W. Brent Saunders, Senior AAG & Board Counsel

OTHERS PRESENT:

Jennie Wood - Discipline Staff
Roslyn Nickens – Board of Medicine Licensing Supervisor
Scott Castro – MSV

EMERGENCY EGRESS INSTRUCTIONS

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

APPROVAL OF MINUTES OF SEPTEMBER 16, 2022

Dr. Clements moved to approve the meeting minutes of September 16, 2022 as presented. The motion was seconded by Ms. Hickey and carried unanimously.

ADOPTION OF AGENDA

Dr. Archer presented the agenda. There were no amendments.

PUBLIC COMMENT

There was no public comment.

DHP DIRECTOR'S REPORT

Mr. Owens welcomed all and said that it was a pleasure to meet everyone. He is excited to be back at DHP and stressed the importance of DHP to the Commonwealth. He noted that a top priority for the Administration now is behavioral health. He said the Governor has announced a three-year "Transformational Behavioral Health Plan" to increase access to behavioral health care without sacrificing public safety. DHP's role in the plan will be ensuring that behavioral health professionals are licensed in less time than they are now.

Mr. Owens shared that the General Assembly opened its 2023 Session on Wednesday, January 11, 2023. He noted that DHP's Senior Policy Analyst, Erin Barrett, could not attend the meeting today, as she was downtown at a Sub-Committee meeting. He remarked that this will be a busy time, and staff will be making trips downtown for several weeks. DHP has 4 agency bills this year. He said that he looks forward to the rest of the Session with Matt Novak, Erin Barrett, and Jim Jenkins. He is pleased to be a part of the democratic process and stated that once a bill is signed into law, the role of DHP will be implementation through regulation.

Dr. Silverman stated he hoped that mental healthcare will be expanded in the academic health centers. Mr. Owens replied that the 3-year plan has 6 pillars. DHP will be putting together a team from state government with physician representation to look at healthcare workforce needs. The plan will include a comprehensive study of all areas of the Commonwealth to find where the gaps are and to develop recommendations to enhance much-needed services.

NEW BUSINESS

1. Current Regulatory Actions – Matt Novak

Mr. Novak shared that all regulations listed on the "Current Regulatory Actions" pages remain at the same stage of review, just with a few more days added.

Mr. Novak then moved on to the handout, "Legislative Summary as of January 12, 2023". The following were reviewed:

- **HB 1389 – Mental illness or emotional disturbance; administration of controlled substances for treatment, etc.**

Mr. Novak reviewed the summary of the bill. No comments were made.

- **HB 1395 – Rights beginning at conception; definitions, etc.**

---FINAL APPROVED---

Mr. Novak reviewed the summary of the bill and stated that if passed, it would have a significant impact on abortion in the Commonwealth.

- **HB 1426 – Human trafficking; practitioners regulated by Dept. of Health Professions, etc., requiring training.**

Mr. Novak reviewed the summary of the bill and stated that if passed, this would be a risk to Compact compliance.

- **HB 1447 – Controlled substances; administration by paramedics.**

Mr. Novak reviewed the summary of the bill and stated that this bill will provide greater clarity and assurance for hospitals using paramedics in this way.

- **HB 1489 – Naturopathic medicine; establishes licensure requirements for the practice.**

Mr. Novak reviewed the summary of the bill. No comments were made.

- **HB 1511 – Midwifery; administration of medication.**

Mr. Novak reviewed the summary of the bill and stated that this legislation had not passed before due to patient safety concerns.

- **HB 1513 – Psilocybin; possession or distribution for certain medical purposes permitted, penalty.**

Mr. Novak reviewed the summary of the bill. No comments were made.

- **HB 1521 – Kratom products; prohibited acts, civil penalty.**

Mr. Novak reviewed the summary of the bill and stated that kratom has mild opioid properties, therefore some states have sought to regulate it.

- **HB 1754 – Telemedicine; extension of time period for provision of services.**

Mr. Novak reviewed the summary of the bill. He stated that this bill will increase the hiatus from 1 to 3 years for an in-person exam for patients being seen by telemedicine. This includes out-of-state practitioners who care for patients via telemedicine in Virginia.

Dr. Silverman asked about the out-of-state practitioners and his concern that the Commonwealth would not have jurisdiction if a concern with care arose. Ms. Deschenes remarked that the 1-year period for an in-person exam was put in place during COVID-19, and this bill seeks to extend it.

---FINAL APPROVED---

- **HB 1764 – Physician assistants; practice agreement exemption, elimination of practice ratio.**

Mr. Novak reviewed the summary of the bill and stated that it addresses redundancy in the law. No further comments were made.

- **HB 1787 – Schedule VI controlled substance; practitioner-patient relationship.**

Mr. Novak reviewed the summary of the bill. No comments were made.

- **HB 1795 – Abortion; born alive infant; treatment and care penalty.**

Mr. Novak reviewed the summary of the bill. No comments were made.

- **HB 2183 – Nurse practitioners; practice authority upon licensure.**

Mr. Novak reviewed the summary of the bill. No comments were made.

- **HB 2222 – Surgical technologists and surgical assistants; practice prior to certification.**

Mr. Novak reviewed the summary of the bill. He stated that this bill addresses issues created by the schedule for the certifying examination.

- **HB 2278 – Abortion; when lawful; 15-week gestational age; exceptions; penalty.**

Mr. Novak reviewed the summary of the bill. Dr. Archer stated that this is an attempt to take away the physician's decision-making. He said that usually there would be no interference with this practice. He sees this issue as more about the philosophy of government.

Dr. Harp shared that in presentations he gives to medical students, he tells them that their next-door neighbor has a say in how they practice medicine, for we live in a democracy. Dr. Clements asked about the viability of the bill. Mr. Owens said that the Governor has taken a position on this bill, so it will be taken seriously. He said that the bills that have significant advocacy will probably go all the way to the floor. He reminded the Committee that the agency is tasked with the enforcement of the law in the form it comes from the Legislature.

- **HB 2280 – Parental consent to surgical and medical treatment of certain minors.**

Mr. Novak reviewed the summary of the bill. Dr. Silverman stated that there are situations when a child is being sexually abused by a parent, and this bill will not protect the child. No further comments were made.

- **HB 2287 – Practice of certified registered nurse anesthetists.**

Mr. Novak reviewed the summary of the bill. No comments were made.

---FINAL APPROVED---

- **SB 791 – Save Adolescents from Experimentation (SAFE) Act; established, health benefit plans, etc.**

Mr. Novak reviewed the summary of the bill. No comments were made.

- **SB 792 – COVID-19; prescriptions for hydroxychloroquine and ivermectin for treatment.**

Mr. Novak reviewed the summary of the bill and stated that it was tabled last year. No further comments were made.

- **SB 833 – COVID-19 immunization; prohibition on requirement, discrimination prohibited, civil penalty.**

Mr. Novak reviewed the summary of the bill and stated that it was tabled last year. No further comments were made.

- **SB 930 – Health care; decision making, end of life, penalties.**

Mr. Novak reviewed the summary of the bill. No comments were made.

- **SB 948 – Pharmacist scope of practice; initiation of treatment for certain diseases and conditions.**

Mr. Novak reviewed the summary of the bill and stated that it would require the Board of Pharmacy to consult with the Board of Medicine. Dr. Harp said this was the 4th year for the development of the statewide pharmacy protocols. No further comments were made.

- **SB 1198 – Drug Control Act; prohibition of distribution of hypodermic needles; exception.**

Mr. Novak reviewed the summary of the bill. No comments were made.

- **SB 1284 – Abortion prohibition; exceptions;**

Mr. Novak reviewed the summary of the bill. No comments were made.

- **SB 1342 – Licensure of anesthesiologist assistants.**

Mr. Novak reviewed the summary of the bill and stated that if passed, this would require regulations by the Board of Medicine. Dr. Harp said that this profession was studied by the Board of Health Professions and was deemed not to meet the requirements for licensure. No further comments were made.

---FINAL APPROVED---

- **SB 1406 – Behavior analysts; assistant behavior analysts; licensure criteria; certifying entities.**

Mr. Novak reviewed the summary of the bill. Dr. Harp stated that when the regulations were developed 2011-2012, the Behavior Analyst Certification Board (BACB) was the only certification available. Now there are other entities that are nationally accredited. Mr. Kim asked if the pending regulations that the Board has approved will take care of this bill. Dr. Harp answered that the law will supersede the regulations. No further comments were made.

- **SB 1440 – Board of Medicine; continuing education; implicit bias and cultural competency in health care.**

Mr. Novak reviewed the summary of the bill. Mr. Owens said that the Governor has no position on this bill at this time. Dr. Harp stated that the 2 hours of opioid training is no longer a requirement for renewal. The initiative the Board voted on last year was for the Board to have the same authority as does the Board of Pharmacy. Each biennium the Board would designate a topic for 2 hours of continuing education for the purpose of renewal.

Mr. Novak concluded his presentation with instructions to the Committee members that they can go to <https://lis.virginia.gov> to keep track of the bills. Also, there will be a livestream of the House of Delegates Health, Welfare and Institutions Subcommittee #1 on Tuesday mornings which will be addressing a number of these bills.

Dr. Archer thanked Mr. Novak for reviewing the Legislative Summary with the Committee.

ANNOUNCEMENTS

None.

NEXT MEETING

May 5, 2023

ADJOURNEMENT

With no other business to conduct, the meeting adjourned at 9:53 a.m.

William L. Harp, MD
Executive Director