

**VIRGINIA BOARD OF MEDICINE
LEGISLATIVE COMMITTEE MINUTES**

Friday, January 5, 2024

Department of Health Professions

Henrico, VA

CALL TO ORDER: Dr. Apel called the meeting of the Legislative Committee to order at 8:31 a.m.

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

MEMBERS PRESENT: Peter Apel, MD - Vice-President, Chair
J. Randy Clements, DPM - President
Thomas Corry
Manjit Dhillon, MD
Pradeep Pradhan, MD
Jennifer Rathmann, DC

MEMBERS ABSENT: None

STAFF PRESENT: William L. Harp, MD - Executive Director
Jennifer Deschenes, JD - Deputy Exec. Director for Discipline
Colanitha Morton Opher- Deputy Director for Administration
Michael Sobowale, LLM - Deputy Director for Licensing
Deirdre Brown - Executive Assistant
Erin Barrett - DHP Policy Analyst
James Jenkins, RN - DHP Senior Deputy Director

COUNCIL PRESENT: W. Brent Saunders - Senior AAG

OTHERS PRESENT: Ben Traynham - Hancock Daniel/MSV
Jennie Wood - Discipline Staff
Tamika Hines – Discipline Staff
Krystal Blanton – Discipline Staff
Laura Ellis – Administrative Staff

EMERGENCY EGRESS INSTRUCTIONS

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

APPROVAL OF MINUTES OF JANUARY 13, 2023

Dr. Pradhan moved to approve the meeting minutes of January 13, 2023, as presented. The motion was properly seconded and carried unanimously.

ADOPTION OF AGENDA

Dr. Rathmann moved to approve the agenda as presented. The motion was properly seconded and carried unanimously.

PUBLIC COMMENT

There was no public comment.

DHP DIRECTOR'S REPORT

Jim Jenkins, RN, DHP Senior Deputy Director, addressed the Committee members in Mr. Owens' absence and expressed the agency's continued appreciation for their leadership. Mr. Jenkins stated that they were gearing up for the 2024 General Assembly and anticipates a busy session since this a budget cycle.

EXECUTIVE DIRECTOR'S REPORT

Dr. William Harp informed the Committee of the appointment of new Board members: Deborah DeMoss Fonseca – citizen replacing Alvin Edwards; Elliot Lucas, MD - replacing Ryan Williams, MD; Patrick McManus, MD replacing Joel Silverman, MD; and Thomas Corry, the newest member on the Committee, replacing Jane Hickey, JD. Mr. Corry introduced himself and provided a brief background of his experience within the medical community and with standards and policies.

Dr. Harp then provided the members with an update on the status of the Business Processes Analysis and Re-Engineering Project led by Impact Makers. This group was recommended by the Governor, and they are focused on streamlining our current licensing process. He said that they are currently assisting with rewriting the MD/DO application instructions and will be working in phases to get through all the professions. It is anticipated that the first phase of their work will be completed by the end of March.

Additionally, Dr. Harp reported that HB1426 to require one hour of continuing education on human trafficking was added to the 2024 renewal notifications in early December. Since, notifying the licensees of this mandatory requirement and providing a link to the free CE at the Polaris Project, the Board has received multiple inquiries including a comment from a Colorado physician who stated this was the most memorable CE a board has mandated him to do. Shortly after, another comment was received that said it was the most worthless. So, there appears to be varying opinions about the mandated CE. Dr. Harp noted that those renewing in January and February will be provided an extension to meet this requirement, and an attestation will be sent out in March to assess their compliance.

Lastly, Dr. Harp mentioned that continuing education audits for all professions under the Board may be going away if the amended regulations are approved. Board staff has never had the capacity to complete audits on all the professions in the past, including those required for MDR.

NEW BUSINESS

1. Current Regulatory Actions – Erin Barrett

Ms. Barrett provided an update on the Board's current regulatory actions as of January 4, 2024. For the benefit of the Committee members, Ms. Barrett provided an overview of the stages that regulations move through from the NOIRA stage to final regulations and noted that there was no formula or way of knowing when they would be approved.

2. Legislative Summary – Erin Barrett

Ms. Barrett walked the Committee through the following bills after advising that the Session begins on January 10th. Ms. Barrett said she anticipates there will be more bills of interest to come, and they will be presented at the February 15th Full Board meeting.

- **HB 8 – Medical Ethics Defense Act; established**

Establishes the right of a medical practitioner, health care institution, or health care payer not to participate in or pay for any medical procedure or service that violates such medical practitioner's, health care institution's, or health care payer's conscience, as those terms and conditions are defined in the bill.

- **HB 32 Medicine, Board of; continuing ed. related to implicit bias and cultural competency in health care.**

Requires the Board of Medicine to adopt and implement policies that require each practitioner licensed by the Board who has direct contact with persons who are or may become pregnant to complete two hours of continuing education related to implicit bias, defined in the bill, and cultural competency in health care at least once every other license renewal cycle.

- **HB 42 Dentists and dental hygienists; added to list of providers who are immune from civil liability, etc.**

Adds dentists and dental hygienists to the list of providers who are immune from civil liability for any act done or made in performance of his duties while serving as a member of or consultant to an entity that functions primarily to review, evaluate, or make recommendations on a professional program to address issues related to career fatigue and wellness in health care professionals. The bill also extends civil immunity to certain providers for any act done or made in performance of his duties while serving as a member of or consultant to an entity that functions primarily to arrange for or provide outpatient health care for health care professionals. The bill also revises the Board of Medicine reporting requirements when a health care professional is admitted for mental health treatment. Under the bill, if a health care professional is voluntarily admitted to a health care institution for treatment of a substance abuse or psychiatric illness and is no longer believed to be a danger within 30 days then no report will be made to the Board of Medicine.

- **HB 120 DPOR and DHP; certain suspensions not considered disciplinary action.**

Prohibits any board of the Department of Professional and Occupational Regulation or the Department of Health Professions issuing a suspension upon any regulant of such board pursuant to such regulant's having submitted a check, money draft, or similar instrument for payment of a fee required by statute or regulation that is not honored by the bank or financial institution named from considering or describing such suspension as a disciplinary action.

- **HB 188 Advance Health Care Planning Registry; amendment of regulations.**

Amends the list of documents that may be submitted to the Advance Health Care Directive Registry to include any other document that supports advance health care planning. The bill also changes the name of the Advance Health Care Directive Registry to the Advance Health Care Planning Registry.

- **HB 217 Physicians; informed consent, disclosure of certain info. prior to hysterectomy or oophorectomy.**

Requires physicians to obtain informed consent from a patient prior to performing a hysterectomy or oophorectomy. Prior to obtaining informed consent, physicians must inform the patient of the patient's freedom to withhold or withdraw consent, refer the patient to the Hysterectomy Educational Resources and Services (HERS) Foundation, and provide the patient with anatomical diagrams relevant to the procedure. The bill allows physicians to forego obtaining informed consent when a hysterectomy or oophorectomy is performed in a life-threatening emergency situation.

- **SB 35 Renewal of licensure; Boards of Medicine & of Nursing to require Bd of Nursing etc., cont. ed. reqd.**

Directs the Board of Medicine and the Board of Nursing to require unconscious bias and cultural competency training as part of the continuing education and continuing competency requirements for renewal of licensure. The bill specifies requirements for the training and requires the Board of Medicine and Board of Nursing to report on the training to the Department of Health and the Neonatal Perinatal Collaborative.

Lastly, Ms. Barrett provided the Committee with the status of a house bill which seeks to remove the requirement for the Executive Director for the Board of Medicine to be eligible for licensure as a physician in Virginia. She said that if the bill passes, it would allow for the position to be filled by an attorney and that opens the bandwidth for recruitment.

Dr. Harp commented that the Executive Director's role has changed since the early 2000's from mostly clinical review to mostly administrative tasks today.

ANNOUNCEMENTS

None.

NEXT MEETING

May 5, 2023

ADJOURNEMENT

With no other business to conduct, the meeting adjourned at 9:38 a.m.

William L. Harp, MD
Executive Director