

**VIRGINIA BOARD OF MEDICINE
LEGISLATIVE COMMITTEE MINUTES**

Friday, January 31, 2020

Department of Health Professions

Henrico, VA

CALL TO ORDER:

Dr. Conklin called the meeting of the Legislative Committee to order at 8:33 a.m.

ROLL CALL:

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

MEMBERS PRESENT:

Lori Conklin, MD, Vice-President & Chair
David Giammittorio, MD
Jane Hickey, JD
Jacob Miller, DO
Kevin O'Connor, MD
Brenda Stokes, MD

MEMBERS ABSENT:

Svinder Toor, MD

STAFF PRESENT:

William L. Harp, MD, Executive Director
Jennifer Deschenes, JD, Deputy Director for Discipline
Colanthia Morton Opher, Deputy Director for Administration
Michael Sobowale, LLM, Deputy Director for Licensing
Barbara Matusiak, MD, Medical Review Coordinator
Barbara Allison-Bryan, MD, DHP Chief Deputy Director
Elaine Yeatts, DHP Senior Policy Analyst
Erin Barrett, JD, Assistant Attorney General

OTHERS PRESENT:

Kathy Martin, MSV

EMERGENCY EGRESS INSTRUCTIONS

Dr. Conklin provided the emergency egress instructions.

APPROVAL OF MINUTES OF SEPTEMBER 6, 2019

Dr. Giammittorio moved to approve the meeting minutes of September 6, 2019 as presented. The motion was seconded and carried unanimously.

ADOPTION OF AGENDA

Dr. O'Connor moved to accept the agenda as presented. The motion was seconded and carried unanimously.

PUBLIC COMMENT

There was no public comment.

DHP DIRECTOR'S REPORT

Dr. Allison-Bryan provided a brief update on the monitoring of bills and visits to the General Assembly. She said it has been validating for DHP staff as they felt their contributions were heard, providing a valuable voice in the legislative process. Though they provided no opinions, they have been able to provide technical assistance to facilitate better outcomes for the bills that will affect the Agency.

EXECUTIVE DIRECTOR'S REPORT

Dr. Harp gave an overview of the Board's finances and informed the Board members of the FSMB Annual Meeting, April 29 to May 2, 2020. He also reminded them that a Nominating Committee will need to be constituted at the full Board meeting to develop the slate of officers for 2020-2021.

NEW BUSINESS

1. Chart of Regulatory Actions

Ms. Yeatts reviewed the Board's regulatory activity as of January 20, 2020. This report was for informational purposes only and did not require any action.

2. Report of the 2020 General Assembly

Ms. Yeatts reviewed the proposed legislation in the 2020 Session and highlighted those below that will have a direct effect on the Board of Medicine:

- HB 42 – Health care providers; screening of patients for prenatal and postpartum depression, training.
- HB 188 - Health care services; payment estimates.
- HB 277 – Abortion; born alive human infant, treatment and care, penalty.
- HB 362 – Physician assistant; capacity determinations.
- HB 385 – Chiropractic, practice of; clarifies definition.
- HB 386 – Conversion therapy; prohibited by certain health care providers.
- HB 471 – Health professionals; unprofessional conduct, reporting.
- HB 517 – Collaborative practice agreements; adds nurse practitioners and physician assistants.
- HB 601 – Administrative Process Act; review of occupational regulations.
- HB 626 – Opioids; prescribing, required patient disclosures.
- HB 967 – Military service members; expediting the issuance of credentials to spouses.
- HB 982 – Professions and occupations; licensure by endorsement.
- HB 1040 – Naturopathic doctors; Board of Medicine to license and regulate.
- HB 1060 – Ultrasound prior to abortion; physician civil penalty exemption.

--- DRAFT UNAPPROVED---

- HB 1084 – Surgical Assistants; definition, licensure.
- HB 1449 – Physicians; medical specialty board certification options.
- HB 1506 – Pharmacists; prescribing, dispensing, and administration of controlled substances.
- HB 1551 – Abortion; fetal dismemberment prohibited.
- HB 1683 - Diagnostic medical sonography; definition, certification.
- HB 1701 – Practice of medicine; license not required, person licensed in a contiguous state.
- SB 1079 – Board of Medicine; medically unnecessary chaperones.

3. Petition for Rulemaking – Lee Tannenbaum, M.D.

Ms. Yeatts referred to the copy of the petition submitted by Lee Tannenbaum, MD who is the Senior Medical Director for ARS addiction treatment facilities. Dr. Tannenbaum is asking the Board to consider an amendment to 18VAC85-21-150(l) Treatment with Buprenorphine for Addiction that will increase the maximum dose of buprenorphine to 32 mg per day.

Ms. Yeatts noted that comments were received for and against this amendment.

The members agreed that there was not enough evidence to support increasing the dosage beyond 24 mg daily.

MOTION: After the discussion, Dr. O'Connor moved to take no regulatory action and authorized staff to relay the decision and explanation for denial to Dr. Tannenbaum.

4. Petition for Rulemaking – Virginia Academy of Physician Assistants (VAPA).

Ms. Yeatts noted that the Virginia Academy of Physician Assistants (VAPA) is requesting an amendment to 18VAC85-50-160 Disclosure. Specifically, VAPA is requesting the removal of the requirement for the patient care team physician's name to be on Schedule II-V prescriptions.

MOTION: Dr. Miller moved to take no regulatory action and authorized staff to relay the decision and explanation for denial to the VAPA.

5. Recommendation on Conversion Therapy

Ms. Yeatts provided the following staff note: The Board submitted Guidance Document 85-7, Practice of Conversion Therapy, for publication in the Register of Regulations and posted it on the Virginia Regulatory Town Hall with the request for public comment from November 11, 2019 to December 11, 2019. During that time, there were 726 comments posted.

438 comments were in **support** of the Board's guidance document which notes that conversion therapy has no scientific basis, is not supported by any medical or mental health professional organization, and has been shown to be ineffective, harmful, unethical and destructive to individuals and families.

--- DRAFT UNAPPROVED---

238 comments were in **opposition** to the Board's guidance document noting any prohibition of practice is a violation of an individual's freedom of religion and free speech. Patients should have the right to receive medical care or counseling for unwanted sexual feelings. Parents have the fundamental right to make decisions for their children.

MOTION: After discussion, Dr. O'Connor moved to recommend that the Board reaffirm Guidance Document 85-7, Practice of Conversion Therapy. The motion was properly seconded and carried unanimously.

6. FSMB Strategic Plan

Dr. O'Connor informed the members that he had served on the Special Committee on Strategic Planning. He said the 2015 Strategic Plan was solid, but needed some tweaking due to changes in technology, the blurring of scopes of practice, and the creation of the Interstate Medical Licensure Compact. He noted that FSMB has the ability to collect and mine data that could be a good resource for the boards. Additionally, he encouraged as many members as possible to attend the FSMB Annual Meeting in the spring and get involved wherever possible.

The Committee members noted their support of the Draft Strategic Plan as presented.

ANNOUNCEMENTS

Committee members were reminded to stay for probable cause review

NEXT MEETING

May 22, 2020

ADJOURNEMENT

With no other business to conduct, the meeting adjourned at 9:31 a.m.

Lori Conklin, MD
Vice-President, Chair

William L. Harp, MD
Executive Director

Colanthia Morton Opher
Recording Secretary