

VIRGINIA BOARD OF MEDICINE
LEGISLATIVE COMMITTEE MINUTES

Friday, September 5, 2025

Department of Health Professions

Henrico, VA

- CALL TO ORDER:** Dr. Vaughan called the meeting of the Legislative Committee to order at 8:36 a.m.
- ROLL CALL:** Ms. Brown called the roll; a quorum was established.
- MEMBERS PRESENT:** Leroy Vaughan, Jr., MD - Vice-President & Chair
J. Randy Clements, DPM - Past President
Krishna Madiraju, MD
Patrick McManus, MD
Jennifer Rathmann, DC
Michele Nedelka, MD
- MEMBERS ABSENT:** Peter Apel, MD - President
- STAFF PRESENT:** William L. Harp, MD - Executive Director
Jennifer Deschenes, JD - Deputy Director, Discipline
Colanthia Morton Opher - Deputy Director, Doctors' Licensing and Administration
Michael Sobowale, LLM - Deputy Director, Allied Health Professions' Licensing
Arne Owens – DHP Director
Erin Barrett, JD – Director of DHP Legislative and Regulatory Affairs
Matt Novak - DHP Policy and Economic Analyst
Deirdre Brown - Executive Assistant
- COUNCIL PRESENT:** W. Brent Saunders, JD - Senior Assistant Attorney General
- OTHERS PRESENT:** Tamika Hines - Discipline Case Manager
Brandi Kilmer – Refugee Physicians Advocacy Coalition
Scott Castro – Medical Society of Virginia
Ben Traynham – Hancock, Daniel & Johnson, PC

EMERGENCY EGRESS INSTRUCTIONS

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

APPROVAL OF MINUTES OF May 9, 2025

Dr. Rathmann moved to approve the meeting minutes of May 9, 2025. The motion was seconded by Dr. McManus and carried unanimously.

ADOPTION OF AGENDA

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

PUBLIC COMMENT

Brandi Kilmer, representing the Refugee Physician Advocacy Coalition, expressed her appreciation to the Board for its work with HB995. Ms. Kilmer asked the Committee to consider removing “no more than two years out of practice”, stating that this requirement would exclude qualified physicians who may have been displaced due to conflict in their country.

DHP AGENCY DIRECTOR’S REPORT

Arne Owens, DHP Director, shared that DHP is tracking activities in Washington, DC to include new guidelines for administering COVID vaccines, Medicaid, PMP Federal funding, and the November 2026 elections.

Internally, Mr. Owens stated that DHP’s biennial budget will indicate that it is striving for greater efficiency. He said DHP is developing several legislative proposals for the 2026 General Assembly.

NEW BUSINESS

1. Ongoing Discussion of Proposed Regulatory Language Pursuant to HB995 (2024)

Dr. Vaughan shared with the Board that the Federation of State Medical Boards (FSMB) released a Guidance Document from the Advisory Commission on Additional Licensing Models in August 2025. The document provides recommendations regarding optional licensure pathways for internationally trained physicians (ITPs). Dr. Vaughan reviewed several points from the Commission’s report to assist the Committee with the review of the draft regulations.

Ms. Barrett stated that the Committee’s draft will go to the October full Board for review and further revision. After proposed regulations are adopted, they will be posted for 60 days to allow public comment.

18VAC85-20-10. Definitions.

Ms. Barrett reviewed options for defining direct supervision and indirect supervision. She presented the following as the definition for “Direct Supervision.”

- **“Direct supervision”** means the supervising physician is physically present and immediately available to the supervised individual and the patient.

MOTION: Dr. Vaughan moved the definition of direct supervision as presented. The motion was adopted by a unanimous show of hands.

Ms. Barrett then presented the first option for defining Indirect Supervision.

- **“Indirect supervision”** means the supervising physician is immediately available and is physically within the hospital or other site of patient care and is immediately available to provide direct supervision.

MOTION: Dr. Vaughan moved the first option for defining indirect supervision. The vote was 3 yeas and 3 nays. The definition was not adopted.

Ms. Barrett presented a second possible definition for indirect supervision.

- **“Indirect supervision”** means the supervising physician is immediately available but is not physically present within the hospital or other site of patient care but is immediately available by electronic or telephonic means and is available to provide direct supervision.

MOTION: Dr. Vaughan moved this definition for indirect supervision. The vote was 3 yeas and 3 nays. The definition was not adopted.

Ms. Barrett said that the discussion of the Committee on this matter will be presented to the full Board in October.

18VAC85-20-20. Required fees.

Ms. Barrett reviewed the application fee for a provisional license, stating that the fees match the current Medicine license fees.

18VAC85-20-211. Provisional licensure of foreign physicians.

Ms. Barrett suggested language to be added to 85-20-211A along with adding a new 85-20-211B, which would change the current 85-20-211B and 85-20-211C to 85-20-211C and 85-20-211D.

Dr. Harp suggested rephrasing 85-20-211A to the following:

- A physician that has practiced in a foreign country for at least 5 years after medical training may apply for a provisional license as a physician.

All agreed to the revision, and Mr. Saunders suggested that the Board remove 85-20-211D. Ms. Barrett agreed and struck 85-20-211D.

18VAC85-20-212. Requirements for maintenance of provisional licensure for foreign physicians.

Ms. Barrett reviewed 85-20-212A, asking the Board if they would like to revise the gap for full-time practice from 2 years.

MOTION: Dr. Vaughan moved to revise 85-20-212A from “two years” to “four years.” The motion was adopted with 4 yeas and 2 nays.

18VAC85-20-213. ~~Requirements for medical~~ Medical care facilities providing evaluation programs for foreign physicians.

Ms. Barrett reviewed the updates of 85-20-213 with the Board.

Dr. Harp said that the language in 85-20-213F and 85-20-213G.2 should match for “clinical competency committee” or “clinical competence committee”. Dr. Vaughan suggested that the phrase for both sections be “clinical competency committee.” All Board members agreed.

18VAC85-20-214. Supervision of provisionally licensed foreign physicians.

Ms. Barrett reviewed the updates of 85-20-214 with the Board.

18VAC85-20-215. Restricted licensure of foreign physicians.

Ms. Barrett reviewed the updates of 85-20-215 with the Board.

18VAC85-20-216. Patient notification of status of physician holding a provisional license ~~or restricted license.~~

Ms. Barrett reviewed the updates of 85-20-216 with the Board.

MOTION: Dr. Vaughan moved to send the revised draft language to the full Board held in October. The motion was seconded by Dr. Madiraju and carried unanimously.

Guidance Regarding Foreign Physicians Obtaining Provisional Licenses

Ms. Barrett reviewed the Guidance Document and asked the Board for a suggested number of years for proof of active practice. All Board members agreed on proof of 5 years of active practice.

In the list of organizations other than the World Health Organization (WHO), Mr. Sobowale suggested removing the Liaison Committee on Medical Education (LCME) because it only recognizes US medical schools, not international schools, and therefore is not applicable to ITP’s. Dr. Harp suggested adding Educational Commission for Foreign Medical Graduates (ECFMG).

CONSIDERATION OF CONSENT ORDER

Ms. Deschenes presented a Consent Order regarding an applicant for reinstatement.

MOTION: Dr. Clements moved to accept the Consent Order. The motion was properly seconded by Dr. Nedelka and passed with a vote of 6-0.

ANNOUNCEMENTS

None.

NEXT MEETING

January 9, 2026.

ADJOURNMENT

With no other business to conduct, the meeting adjourned at 10:29 a.m.

William L. Harp, MD
Executive Director