

Legislative Committee Meeting

Virginia Board of Medicine

January 13, 2023

8:30 a.m.

**PERIMETER CENTER CONFERENCE CENTER
EMERGENCY EVACUATION OF BOARD AND TRAINING ROOMS**
(Script to be read at the beginning of each meeting.)

PLEASE LISTEN TO THE FOLLOWING INSTRUCTIONS ABOUT EXITING THESE PREMISES IN THE EVENT OF AN EMERGENCY.

In the event of a fire or other emergency requiring the evacuation of the building, alarms will sound.

When the alarms sound, leave the room immediately. Follow any instructions given by Security staff

Board Room 4

Exit the room using one of the doors at the back of the room. **(Point)** Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.



AGENDA
Legislative Committee
 Virginia Board of Medicine
 Friday, January 13, 2023, 8:30 a.m.

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Call to Order – David Archer, MD – Vice-President, Chair

Egress Instructions

Roll Call

Approval of Minutes of September 16, 20221

Adoption of Agenda

Public Comment on Agenda Items - 5 minutes per speaker

DHP Director’s Report.....-----

New Business

1. Current Regulatory Actions – Ms. Barrett..... 6

Announcements

Next Meeting: May 5, 2023

Adjournment



**VIRGINIA BOARD OF MEDICINE
LEGISLATIVE COMMITTEE MINUTES**

Friday, September 16, 2022

Department of Health Professions

Henrico, VA

CALL TO ORDER: Dr. Archer called the meeting of the Legislative Committee to order at 8:32 a.m.

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

MEMBERS PRESENT: David Archer, MD, Vice-President, Chair
Manjit Dhillon, MD
Oliver Kim, LLM
Joel Silverman, MD

MEMBERS ABSENT: J. Randy Clements, DPM
Jane Hickey, JD
William Hutchens, 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
Erin Barrett, JD - DHP Senior Policy Analyst
W. Brent Saunders, JD – Senior AAG – Board Counsel

OTHERS PRESENT: W. Scott Johnson - Hancock Daniel

EMERGENCY EGRESS INSTRUCTIONS

Dr. Archer provided the emergency egress instructions.

INTRODUCTION

Dr. Archer introduced W. Brent Saunders, JD, new Board Counsel. Mr. Saunders provided brief comments about his work before arriving at OAG.

APPROVAL OF MINUTES OF January 14, 2022

Dr. Dhillon moved to approve the meeting minutes of January 14, 2022 as presented. The motion was seconded by Mr. Kim and carried unanimously.

ADOPTION OF AGENDA

Dr. Dhillon moved to accept the agenda as presented. The motion was seconded by Mr. Kim and carried unanimously.

PUBLIC COMMENT

W. Scott Johnson of Hancock Daniel, presented copies of a letter from the Medical Society of Virginia to all Committee members regarding the periodic review of 18VAC85-20. In the letter, MSV stated that it is in favor of creating a more streamlined regulatory environment. He asked the Committee to vote favorably for the proposed changes that would be presented by Ms. Barrett

DHP DIRECTOR'S REPORT

Dr. Brown stated that he did not have much to report to the Committee. He said that today is the first day of Governor Youngkins' request, through the Office of Regulatory Management, to begin reducing the regulations so that they will be less burdensome for Virginians.

NEW BUSINESS**1. Recommendations of Periodic Review – Erin Barrett**

Ms. Barrett informed the Board that periodic review on the Board's regulations is done every four years, usually in the month of June.

In Chapter 15, she suggested eliminating number 5 from 18VAC85-15-20.

Dr. Silverman moved to recommend to the Board that Chapter 15 be retained with the revision suggested by Ms. Barrett. The motion was seconded by Dr. Dhillon and carried unanimously.

Ms. Barrett then proceeded to Chapter 20, beginning review with revision of 18VAC85-20-26, requesting to eliminate F. For 18VAC85-20-28, the Board discussed eliminating number 2, but to change the language in number 1 to incorporate number part of 2. Next, Ms. Barrett recommended that Sections A, B, C, and D be eliminated from 18VAC85-20-30.

Dr. Dhillon moved to recommend the above revisions to the full Board. The motion was seconded by Dr. Silverman and carried unanimously.

Ms. Barrett then reviewed suggested revisions for 18VAC85-20-40, 18VAC85-20-50, 18VAC85-20-60, 18VAC85-20-70, and 18VAC85-20-90.

Dr. Silverman moved to recommend the revisions to the full Board for consideration. The motion was seconded by Mr. Kim and carried unanimously.

Ms. Barrett then reviewed 18VAC85-20-120, 18VAC85-20-131, 18VAC85-20-140, and 18VAC85-20-141. The Committee discussed 18VAC85-20-131 and agreed that they would like the regulation to stay in place at this time. The Board reviewed 18VAC85-20-141 and agreed with the suggested revisions.

Dr. Dhillon moved to recommend the revisions to the Board. The motion was second by Dr. Silverman and carried unanimously.

Ms. Barrett reviewed 18VAC85-20-210.

Dr. Silverman moved to recommend the suggested revisions to the Board. The motion was seconded by Mr. Kim and carried unanimously.

Ms. Barrett reviewed 18VAC85-20-225.

Dr. Silverman moved to recommend deletion to the Board as suggested. The motion was seconded by Dr. Dhillon and carried unanimously.

Ms. Barrett reviewed 18VAC85-20-235.

Dr. Silverman moved to recommend the revision to the Board. The motion was seconded by Dr. Dhillon and carried unanimously.

Ms. Barrett reviewed 18VAC85-20-285.

Dr. Silverman moved to recommend deletion of the section to the Board. The motion was seconded by Dr. Dhillon and carried unanimously.

Ms. Barrett reviewed 18VAC85-20-330, 18VAC85-20-340, and 18VAC85-20-350. Stating that 18VAC85-20-350 will be moved under 18VAC85-20-330.

Dr. Silverman moved to recommend the revisions to the Board. The motion was seconded by Mr. Kim and carried unanimously.

Ms. Barrett reviewed 18VAC85-20-390.

Dr. Dhillon moved that the revision be recommended to the Board. The motion was seconded by Dr. Silverman and carried unanimously.

Ms. Barrett then asked the Committee to recommend the revisions to Chapter 15 and Chapter 20 as a Fast-Track Regulatory Action to the Board at its meeting in October.

Dr. Dhillon moved to accept the fast-track recommendation as presented. The motion was seconded by Dr. Silverman and carried unanimously.

2. Recommendation of Approval of Revisions to Guidance Document 85-1 - Ms. Barrett

Ms. Barrett presented suggested revisions to 85-1. After discussion, it was recommended to add Surgical Assistants to the Report of Advisory Boards list.

Dr. Dhillon moved to recommend the revision of 85-1 to the Board as presented. The motion was seconded by Dr. Silverman and carried unanimously.

3. Recommendation of Approval of Revisions to Guidance Document 85-4 - Ms. Barrett

Dr. Silverman moved to recommend the revisions to 85-4 to the Board as presented. The motion was seconded by Dr. Dhillon and carried unanimously.

4. Recommendation of Approval of Revisions to Guidance Document 85-6 - Ms. Barrett

Dr. Silverman moved to recommend the revision of 85-6 to the Board as presented. The motion was seconded by Mr. Kim and carried unanimously.

5. Recommendation of Approval of Revisions to Guidance Document 85-8 - Ms. Barrett

Dr. Dhillon moved to recommend the revision of 85-8 to the Board as presented. The motion was seconded by Mr. Kim and carried unanimously.

6. Recommendation of Approval of Revisions to Guidance Document 85-13 - Ms. Barrett

Dr. Dhillon moved to recommend the revision of 85-13 to the Board as presented. The motion was seconded by Dr. Silverman and carried unanimously.

7. Recommendation of Approval of Revisions to Guidance Document 85-15- Ms. Barrett

Dr. Dhillon moved to recommend the revision to 85-15 to the Board as presented. The motion was seconded by Dr. Silverman and carried unanimously.

8. Recommendation of Approval of Revisions to Guidance Document 85-16 - Ms. Barrett

Dr. Silverman moved to recommend the revision to 85-16 to the Board as presented. The motion was seconded by Dr. Dhillon and carried unanimously.

9. Recommendation of Approval of Revisions to Guidance Document 85-19 - Ms. Barrett

Dr. Silverman moved to recommend repeal of 85-19 to the Board as presented. The motion was seconded by Dr. Dhillon and carried unanimously.

10. Recommendation of Approval of Revisions to Guidance Documents 85-2, 85-20 and 85-21 - Ms. Barrett

Dr. Silverman moved to recommend the revisions to Guidance Doc 85-2, 85-20, 85-21 to the Board as presented. The motion was seconded by Mr. Kim and carried unanimously.

11. Recommendation of Approval of Revisions to Guidance Document 85-23 - Ms. Barrett

Dr. Dhillon moved to recommend the suggestion revision of 85-23 to the Board as presented. The motion was seconded by Dr. Silverman and carried unanimously.

ANNOUNCEMENTS

Ms. Deschenes presented 2 Consent Orders to the Committee for its consideration.

NEXT MEETING

January 23, 2023

ADJOURNEMENT

With no other business to conduct, the meeting adjourned at 10:15 a.m.

William L. Harp, MD
Executive Director

Board of Medicine
Current Regulatory Actions
As of January 3, 2023

In the Governor's Office

None.

In the Secretary's Office

VAC	Stage	Subject Matter	Date submitted*	Time in office**	Notes
18VAC85-150	NOIRA	Conforming licensure requirements to Code	7/1/2022	186 days	Amendment to 18VAC85-150-60, which sets out requirements for licensure as a behavior analyst or assistant behavior analyst, to conform to Virginia Code § 54.1-2957.16(B)(1).
18VAC85-160	Final	Changes consistent with a licensed profession	7/5/2022	182 days	Proposed regulations consistent with surgical assistants changing from certification to licensure
18VAC85-160	Fast-track	Reinstatement as a surgical technologist	8/30/2022	126 days	Action to allow certified surgical technologists to voluntarily request inactive status, and for surgical technologists to reinstate certification from inactive status or from suspension or revocation following disciplinary action.
18VAC85-80	Proposed	Implementation of OT Compact	9/2/2022	123 days	Adoption of regulations to

					replace emergency regulations.
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* Date submitted to current location

** As of January 3, 2023

At DPB or OAG

VAC	Stage	Subject Matter	Date submitted*	Time in office**	Notes
18VAC85-15	Fast-track	Implementation of changes following 2022 periodic review of Chapter	10/6/2022	89 days	Periodic review changes voted on at October Board meeting
18VAC85-20	Fast-track	Implementation of changes following 2022 periodic review of Chapter	10/6/2022	89 days	Periodic review changes voted on at October Board meeting
18VAC85-40	Fast-track	Implementation of changes following 2022 periodic review of Chapter	10/6/2022	89 days	Periodic review changes voted on at October Board meeting
18VAC85-50	Fast-track	Implementation of changes following 2022 periodic review of Chapter	10/6/2022	89 days	Periodic review changes voted on at October Board meeting
18VAC85-80	Fast-track	Implementation of changes following 2022 periodic review of Chapter	10/6/2022	89 days	Periodic review changes voted on at October Board meeting
18VAC85-101	Fast-track	Implementation of changes following 2022 periodic review of Chapter	10/6/2022	89 days	Periodic review changes voted on at October Board meeting
18VAC85-110	Fast-track	Implementation of changes following 2022 periodic review of Chapter	10/6/2022	89 days	Periodic review changes voted on at October Board meeting
18VAC85-120	Fast-track	Implementation of changes	10/6/2022	89 days	Periodic review changes voted on at

		following 2022 periodic review of Chapter			October Board meeting
18VAC85-130	Fast-track	Implementation of changes following 2022 periodic review of Chapter	10/6/2022	89 days	Periodic review changes voted on at October Board meeting
18VAC85-140	Fast-track	Implementation of changes following 2022 periodic review of Chapter	10/6/2022	89 days	Periodic review changes voted on at October Board meeting
18VAC85-150	Fast-track	Implementation of changes following 2022 periodic review of Chapter	10/6/2022	89 days	Periodic review changes voted on at October Board meeting
18VAC85-170	Fast-track	Implementation of changes following 2022 periodic review of Chapter	10/6/2022	89 days	Periodic review changes voted on at October Board meeting

Recently effective/awaiting publication

None

Next Meeting Date of the Legislative Committee is

May 5, 2023



Please check your calendars and advise staff of any known conflicts that may affect your attendance.



The travel regulations require that “travelers must submit the Travel Expense Reimbursement Voucher **within 30 days after completion of their trip**”. (CAPP Topic 20335, State Travel Regulations, p.7). If you submit your reimbursement after the 30-day deadline, please provide a justification for the late submission and be aware that it may not be approved.

In order for the agency to be in compliance with the travel regulations, please submit your request for today’s meeting no later than

February 13, 2023