

**VIRGINIA BOARD OF MEDICINE  
EXECUTIVE COMMITTEE MINUTES**

Friday, December 4, 2015

Department of Health Professions

Henrico, VA

**CALL TO ORDER:** The meeting convened at 8:35 a.m.

**MEMBERS PRESENT:** Kenneth Walker, MD, President & Chair  
Barbara Allison-Bryan, MD, Vice-President  
Deborah DeMoss Fonseca  
Jane Hickey, JD  
Stuart Mackler, MD  
Kevin O'Connor, MD, Secretary-Treasurer  
Wayne Reynolds, DO

**MEMBERS ABSENT:** Randy Clements, DPM

**STAFF PRESENT:** William L. Harp, MD, Executive Director, Board of Medicine  
Jennifer Deschenes, JD, Deputy Executive Director for Discipline  
Alan Heaberlin, MPA, Deputy Executive Director for Licensure  
Barbara Matusiak, MD, Medical Review Coordinator  
Colanthia Morton Opher, Operations Manager  
Lynn Taylor, Administrative Assistant  
Lisa Hahn, DHP Chief Deputy Director  
Elaine Yeatts, DHP Sr. Policy Analyst

**OTHERS PRESENT:** Mike Jurgensen, MSV  
Joel Andres, US Oncology

**CALL TO ORDER – PUBLIC HEARING ON PROPOSED REGULATIONS ON OFFICE-BASED ANESTHESIA**

Dr. Walker called to order the public hearing on the Proposed Regulations on Office-Based Anesthesia 8:35 a.m.

Mike Jurgensen, speaking on behalf of the Medical Society of Virginia, noted that the Family Practice and Plastic Surgery community still support the proposed regulations and look forward to them being implemented. He thanked the Board for their collaboration in this effort.

Dr. Walker read that the comment period closes January 29, 2016 and comments could be posted on Townhall or sent to William L. Harp, MD, Executive Director.

The public hearing closed at 8:39 a.m.

**CALL TO ORDER – EXECUTIVE COMMITTEE MEETING**

The Executive Committee was called to order at 8:40 a.m.

## **ROLL CALL**

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

## **EMERGENCY EGRESS PROCEDURES**

Dr. Allison-Bryan provided the emergency egress procedures.

## **APPROVAL OF THE AGENDA**

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

## **INTRODUCTION OF NEW DHP CHIEF DEPUTY DIRECTOR**

Dr. Walker introduced Lisa Hahn, DHP Chief Deputy Director, who stated that she looks forward to working with the Board in her new role. Ms. Hahn noted that while she is taking on the responsibilities of Chief Deputy, she will still serve as the Executive Director for the Boards of Funeral Directors and Embalmers, Physical Therapy, and Audiology and Speech Language Pathology until the close of the 2016 General Assembly session. Ms. Hahn will also serve as the DHP's human resource liaison and provide oversight for the PMP and BHP.

The members welcomed Ms. Hahn.

## **PUBLIC COMMENT ON AGENDA ITEMS**

Dr. Walker welcomed the public in attendance and opened the floor for comment.

There was no public comment.

## **APPROVAL of the AUGUST 7, 2015 MINUTES**

Dr. Mackler moved to accept the minutes of August 7, 2015. The motion was seconded and carried unanimously.

## **DHP DIRECTOR'S REPORT—LISA HAHN**

There was no report.

## **EXECUTIVE DIRECTOR'S REPORT— WILLIAM L. HARP, MD**

- Revenue and Expenditures Report

Dr. Harp briefly reviewed some of the line items of this report and advised that the Board's cash balance as of October 31, 2015 was \$7.7 million.

This report was for informational purposes only and did not require any action.

- Enforcement, APD and HPMP Cost Analysis Report

Dr. Harp briefly reviewed the reports and advised that the Board of Nursing still leads in investigative and inspection hours and Medicine leads in administrative proceedings services. He also noted that the Board of Medicine continues to provide approximately 25% of the funds that DHP pays to HPMP.

These reports were for informational purposes only and did not require any action.

- Quarterly Performance Measurements

Dr. Harp reviewed the Board Level Patient Care Case Closure report for first Quarter of FY2016 and noted that DHP is performing just below 90% for closing cases within 120 days.

Dr. Harp pointed out that, for this quarter, Medicine demonstrated a 98% rate of case closure within 120 days and credits Dr. Matusiak for doing a great job of keeping the Board above the Key Performance Measure threshold of 90%.

This report was for informational purposes only and did not require any action.

## **NEW BUSINESS**

- Chart of Regulatory Actions

Ms. Yeatts advised that currently there are no regulations in the Secretary's or Governor's office awaiting approval.

Ms. Yeatts said that she and Dr. Brown took the opportunity to meet with the Secretary's staff to review the pending regulations, and everything is in great shape to move forward.

This report was for informational purposes only and did not require any action.

- Regulatory Action – Requirements for office-based anesthesia

Ms. Yeatts stated that the regulations in the packet were included only as a reference for the public hearing. She reminded the members that the regulations are currently in a comment period and will be before the Full Board in February 2016 for comment review and final adoption.

- Regulatory Action – Regulations for Mixing, Diluting or Reconstituting of Drugs for Administration

Ms. Yeatts provided a brief history on this regulation and said that recent review looked closely at the intent of "immediate use". She said that, after several meetings of the Ad Hoc Committee on MDR, the determination was made that no change will be made to the 10-hour definition of immediate use in the regulations. However, following the advice of counsel to the Board of Pharmacy, the Ad Hoc recommended that the Board of Medicine remove "pharmacist" from 18VAC85-20-400 B(3) as pharmacists do compounding and not MDR. Ms. Yeatts said this could be a fast-track action to change the regulations. The suggested language is as follows:

3. Establish and implement procedures for verification of the accuracy of the product that has been mixed, diluted, or reconstituted to include a second check performed by a doctor of medicine or osteopathic medicine or a ~~pharmacist~~, or by a physician assistant or a registered nurse who has been specifically trained pursuant to subdivision 2 of this subsection in immediate-use mixing, diluting or reconstituting. Mixing, diluting or reconstituting that is performed by a doctor of medicine or osteopathic medicine, a ~~pharmacist~~, or by a specifically trained physician assistant or registered nurse or mixing, diluting or reconstituting of vaccines does not require a second check;

After a short discussion, Ms. DeMoss Fonseca moved to adopt a fast-track action to amend the regulations as presented. The motion was seconded and carried unanimously.

- Regulatory Action – Regulations for Renewal Fees 2016-2017

Ms. Yeatts informed the members that the law requires that a board that has funds exceeding its budget by 10%, it must consider a reduction in fees. That was the case in 2013 when the Board reduced renewal fees for 2014-2015 renewals by 14%. Now again that same consideration is required for 2016-2017 renewals. Ms. Yeatts advised that this is done as a one-time fee reduction, since setting a permanent fee reduction would guarantee that the Board's funds would eventually fail to meet the budget. After a one-time 20% reduction of renewal fees for 2016-2017, the fees will revert back to the original ones in the regulations.

Dr. Mackler moved to accept the one-time fee reduction for 2016-2017 renewals. The motion was seconded and carried unanimously.

### **Announcements**

No announcements

**Next scheduled meeting:** April 1, 2016

**Adjournment:** With no other business to conduct, the meeting adjourned at 9:08 a.m.

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Kenneth Walker, MD  
President

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William L. Harp, MD  
Executive Director

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Colanthia Morton Opher  
Operations Manager