

FINAL APPROVED

VIRGINIA BOARD OF MEDICINE
EXECUTIVE COMMITTEE MINUTES

Friday, August 5, 2016

Department of Health Professions

Henrico, VA

CALL TO ORDER: The meeting convened at 8:35 AM.

MEMBERS PRESENT: Barbara Allison-Bryan, MD, President, Chair
Randy Clements, DPM
Lori Conklin, MD
Alvin Edwards, PhD arrived at 9:00 a.m.
Jane Hickey, JD
Maxine Lee, MD
Kevin O'Connor, MD, Vice-President

MEMBERS ABSENT: Ray Tuck, DC – Secretary-Treasurer

STAFF PRESENT: William L. Harp, MD, Executive Director, Board of Medicine
Alan Heaberlin, MPA, Deputy Executive Director for Licensure
Barbara Matusiak, MD, Medical Review Coordinator
Lynn Taylor, Administrative Assistant
Sherry Gibson, Administrative Assistant
Elaine Yeatts, DHP Senior Policy Analyst
Erin Barrett, JD, Assistant Attorney General
Lisa Hahn, DHP Deputy Director

OTHERS PRESENT: Ralston King, Medical Society of Virginia

EMERGENCY EGRESS PROCEDURES:

Dr. O'Connor provided the emergency egress procedures

PUBLIC HEARING ON PROPOSED AMENDMENTS TO 18VAD85-150-90 & 100

Dr. Allison-Bryan opened the hearing to receive public comment. As there was none offered, she adjourned the hearing.

CALL TO ORDER - EXECUTIVE COMMITTEE MEETING

Dr. Allison-Bryan called the meeting of the Executive Committee to order.

ROLL CALL

Mr. Heaberlin called the roll; a quorum was declared.

APPROVAL OF MINUTES - DECEMBER 4, 2015

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

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APPROVAL OF THE AGENDA

Dr. Harp asked the Committee to remove certain pages from the agenda packet.

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

PUBLIC COMMENT ON THE AGENDA ITEMS:

There was no public comment.

DHP DIRECTOR'S REPORT

Lisa Hahn, Deputy Director for the Department of Health Professions, provided the Director's Report. The agency is currently working on the Board member orientation day that will most likely take place in October. The specific date has not yet been determined. Invitations and the agenda will be disseminated to all Board members well in advance of the date.

The new executive director for the Boards of Funeral Directors and Embalmers, Physical Therapy and Long-term Care Administrators succeeding Ms. Hahn is Corie Tillman Wolf, JD. Ms. Wolf is currently an assistant attorney general and takes her new post on August 25, 2016.

Dr. Conklin requested that the date for the Board member orientation be provided as early as possible to allow for adjustment of schedules.

EXECUTIVE DIRECTOR'S REPORT

- **HPMP**

Dr. Harp reviewed the HPMP Monthly Census Report and noted that as of June 30, 2016, the Board of Medicine had 113 licensees in the program.

- **REVENUE AND EXPENDITURES**

Dr. Harp briefly reviewed some of the line items in this report and advised that the Board's cash balance as of May 31, 2016 was \$9,341,182.

- **COMMITTEE ASSIGNMENTS**

Dr. Harp noted the new committee appointments for the Board of Medicine for 2016-2017.

NEW BUSINESS:

1. REGULATORY ACTION – Ms. Yeatts

Chart of Regulatory Actions: Ms. Yeatts noted specifically that the Board of Medicine adopted fast track action for amending the continuing education requirements for Occupational Therapists. During the public comment period, opposition to the action was received from more than 10 people. The issue now must go back to the Advisory Board on Occupational Therapy for discussion and to decide whether to move forward with a Notice of Intended Regulatory Action. Should the Advisory Board vote to pursue the proposed regulatory change, the recommendation would go to the full Board of Medicine at its October meeting.

Genetic Counselors – The proposed regulations have been approved, and a public comment forum will open on August 22, 2016 and run through October 21, 2016.

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Adoption of Final Regulations – Exempt action – Chapter 30 and Chapter 40

Ms. Yeatts noted that 2 definitions have been added to the Code of Virginia for “certified nurse midwife” and “certified registered nurse anesthetist.”

She further noted additional changes to the Code of Virginia that allow nurse practitioners and certified nurse midwives to render care in collaboration and consultation with a physician on a patient care team.

Additionally, Ms. Yeatts reviewed the statute regarding the *“Licensure and practice of nurse practitioner; practice agreements”* which states in brief, “...certified nurse midwife shall practice in consultation with a licensed physician in accordance with a practice agreement between the nurse practitioner and the licensed physician.”

The final statutory change noted by Ms. Yeatts concerned the prescribing of Schedule VI controlled substances by nurse practitioners without the requirement for inclusion of such prescriptive authority in a practice agreement.

These new statutes require the adoption of new, corresponding regulations.

The Executive Committee reviewed the revised regulations from 18VAC90-30-10 which include the definitions of Certified Nurse Midwives and Certified Registered Nurse Anesthetists.

The Executive Committee reviewed the revised regulations of 18VAC90-30-120 regarding the regulations for Certified Registered Nurse Anesthetists and Certified Nurse Midwives to maintain a written or electronic practice agreement.

The Executive Committee reviewed the revised regulations of 18VAC90-30-123 regarding the practice of Certified Nurse Midwives practicing in consultation with a licensed physician in accordance with a practice agreement between the nurse practitioner and the physician.

The Executive Committee reviewed the revised regulations for Prescriptive Authority for Nurse Practitioners.

Ms. Yeatts said that the Board of Nursing had already reviewed and approved these regulations, and noted that they must be approved by both Boards.

Dr. Conklin moved to accept the proposed revisions to the regulations en bloc. The motion was seconded and carried unanimously.

Adoption of Final Regulations – Exempt action – Chapter 50.

Ms. Yeatts reviewed the statutory change that no longer requires pre-approval of physician assistant practice agreements by the Board of Medicine and the corresponding exempt action regulations.

Adoption of Notice of Intended Regulatory Action

Ms. Yeatts noted additional regulatory changes regarding the practice of physician assistants that the Advisory Board on Physician Assistants had requested. They fall outside of the exempt action previously reviewed. Ms. Yeatts noted that these amendments include not requiring Board approval

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of invasive procedure forms before physician assistants commence with certain invasive procedures under general supervision and would allow for the forms to be kept with the practice agreements.

Dr. Edwards moved to accept the Advisory Board's recommendation to move forward with these amendments with a Notice of Intended Regulatory Action. The motion was seconded and carried unanimously.

Ms. Yeatts reviewed the proposed guidance document "Practice Agreement Requirements for Licensed Nurse Practitioners" Dr. Allison-Bryan requested the removal of "Authorization to write DNR orders" from the guidance document which necessitates returning the document to the Board of Nursing for its consideration.

Dr. O'Connor moved to accept the Guidance Document with the deletion of "Authorization to write DNR orders". The motion was seconded and carried unanimously.

2. Parity in licensure for US, Canadian and International Graduates

Dr. Harp led a discussion regarding parity of postgraduate training requirements for licensure of US, Canadian and international medical graduates. Dr Harp provided a brief history of medical school postgraduate training requirements in Virginia.

He noted that ACGME requirements are consistent across the nation because it is a national organization, but licensing requirements vary from state to state. He briefly reviewed various state requirements for postgraduate training for licensure.

Dr. Harp noted that one of the arguments in favor of maintaining the status quo is the opportunity for trainees to moonlight. However, this argument is contrary to the logic of residency programs that are designed to provide graded autonomy based on experience, ability and performance. And physicians with one year of postgraduate training may be unprepared to take care of complicated issues, such as pediatrics or trauma.

Dr. Harp noted a second argument favoring the status quo is that mid-level providers are authorized to engage in independent practice. The counterargument rests in the studies that have been done documenting the delivery of quality care provided by mid-levels.

Dr. Clements noted that, with the advancement of fellowship training, requiring 3 years of post-graduate training may not meet much resistance.

Dr. Conklin stated that the Board cannot assume that medical education outside the U.S. is equal to US and Canadian medical education.

Ralston King of the Medical Society of Virginia noted that in MSV's discussions, requiring 3 years was briefly mentioned, but the MSV has made no recommendations.

Ms. Yeatts noted that the Board may soon be discussing the proposition of licensure by endorsement.

Dr. O'Connor stated that he would like the Board to be proactive and not to wait for the Medical Society of Virginia to make recommendations about parity.

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Dr. Allison-Bryan and Dr. Conklin stated they would be interested in helping to prepare a presentation on the topic of parity for the October Board meeting. No action on this matter was required.

3. Reminders Page: Mark September 6 on your calendar as the deadline to complete your travel vouchers.

ANNOUNCEMENTS: None

ADJOURNMENT: The meeting was adjourned at 10:30 a.m.

Barbara Allison-Bryan, MD
President

William L. Harp, M.D.
Executive Director

Alan Heaberlin
Recording Secretary