

**VIRGINIA BOARD OF MEDICINE  
EXECUTIVE COMMITTEE MINUTES**

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Friday, August 3, 2012

Department of Health Professions

Henrico, VA

**CALL TO ORDER:** The meeting convened at 1:23 pm.

**MEMBERS PRESENT:** Valerie Hoffman, DC, President  
Stuart Mackler, MD, Vice-President  
Stephen Heretick, JD  
Jane Piness, MD  
Jane Maddux

**MEMBERS ABSENT:** Claudette Dalton, MD  
Karen Ransone, MD  
Wayne Reynolds, DO, Secretary/Treasurer

**STAFF PRESENT:** William L. Harp, MD, Executive Director  
Jennifer Deschenes, JD, Deputy Executive Director for Discipline  
Barbara Matusiak, MD, Medical Review Coordinator  
Alan Heaberlin, Deputy Executive Director for Licensure  
Erin Barrett, JD, Assistant Attorney General, Board Counsel  
Dianne Reynolds-Cane, MD, DHP Director

**OTHERS PRESENT:** Alexander Macaulay  
W. Scott Johnson, JD, HDJN  
Phil Boykin, JD, Hunton Williams  
Susan Ward, VHHA  
Georgia Raymond  
Marc Coles, VCNP  
Michelle Satterlund, VCNA

**Call to Order**

Dr. Hoffman called the meeting to order.

## **Roll Call**

A quorum was declared.

## **Emergency Egress Procedures**

Dr. Mackler read the emergency egress procedures

## **Adoption of Agenda**

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

## **Public Comment on Agenda Items**

Scott Johnson, JD requested that the Board of Medicine follow in the footsteps of the Board of Nursing and adopt the Recommendation on Amendments to Regulations Governing the Practice of Nurse Practitioners and Regulations for Prescriptive Authority for Nurse Practitioners.

Mark Coles, NP spoke on behalf of the Virginia Council of Nurse Practitioners. Mr. Coles spoke on two matters. Relative to the proposed regulations required by SB106, the Use of Fluoroscopy by Physician Assistants, he requested that language be added that would authorize nurse practitioners to use fluoroscopy as well.

His second comment was in regards to the amended Regulations Governing the Practice of NPs and the Regulations for Prescriptive Authority flowing from HB346. Mr. Coles echoed the comments of Scott Johnson in that the VCNP also requests the Executive Committee adopt the amended regulations.

## **Approval of the April 12, 2012 meeting minutes**

Dr. Mackler moved to approve the minutes as presented with only slight grammatical changes noted by Dr. Harp. The motion was seconded and carried unanimously.

## **New Business**

### **1. Chart of Regulatory Actions**

Dr. Harp reviewed the Chart of Regulatory Actions with the Committee.

He noted the Regulations Governing the Practice of Medicine, Osteopathy, Podiatry and Chiropractic are at the Governor's office for review.

The Regulations Governing the Practice of Physician Assistants are at the Governor's office for review.

The Regulations Governing the Practice of Licensed Midwives are at the Governor's office for review. Dr. Harp noted that when these regulations are approved, the Board will need to work

on the information for each of the high-risk conditions that midwives will be required to provide to their clients.

The Regulations Governing the Practice of Polysomnographic Technologists are also at the Governor's office for review.

The Regulations Governing the Practice of Behavior Analysts and Assistant Behavior Analysts were approved by the Attorney General's office on July 23. They are now with the Department of Planning and Budget which has 14 days for review. The regulations will then go to the Office of the Secretary of HHR which has 14 days for review, then on to the Governor. Once the Governor approves the regulations, the Board will file them with the Virginia Register, at which point they are in effect. Within 10 days, the Register will publish them. Then a 30-day public comment period will begin as there will be NOIRA to promulgate final regulations.

Alexander Macaulay noted the definition of Occupational Therapy was changed in Virginia Code section 54.1-2900 and that the Virginia Occupational Therapy Association supports the changes to the regulations.

## **2. Occupational Therapy – Regulatory Recommendation**

Dr. Harp reviewed with the Committee the amendments recommended by the Advisory Board on Occupational Therapy.

Dr. Mackler moved to approve the proposed regulations with the recommendations of the Advisory Committee. The motion was seconded and carried unanimously.

## **3. Physician Assistants – Adoption of Amended Regulations**

Dr. Harp reviewed with the Committee the draft amended Regulations Governing the Licensure of Physician Assistants. Dr. Harp noted the law that set forth these regulations only applies to Physician Assistants. He addressed the comments made earlier by Mr. Coles and indicated that for nurse practitioners to have authority to perform fluoroscopy, statutory change would be necessary.

Dr. Mackler moved to approve adoption of the amended regulations. The motion was seconded and carried unanimously.

## **4. Nurse Practitioners - Recommendation on Amended Regulations**

Dr. Harp reviewed with the Committee the draft amended Regulations Governing the Licensure of Nurse Practitioners.

Dr. Mackler moved to approve adoption of the amended regulations. The motion was seconded and carried unanimously.

Dr. Harp then reviewed the draft Regulations for Prescriptive Authority for Nurse Practitioners.

Dr. Mackler moved to approve adoption of the draft regulations. The motion was seconded and passed unanimously.

## **5. Action on Guidance Documents**

Dr. Harp asked Jay Douglas, Executive Director for the Board of Nursing, if she would care to comment regarding the draft guidance documents for Licensed Nurse Practitioners.

Ms. Douglas noted that since Guidance Document 90-56 had been approved by the Board of Nursing on July 17, 2012, there had been a slight grammatical change to more fully reflect the law. This change was meant to clearly identify that a licensed nurse practitioner who had a practice agreement with a patient care team physician would not need a practice agreement for each practice setting, but rather one practice agreement would suffice for all practice settings of the care team.

Dr. Harp then reviewed with the Committee the other changes in draft Guidance Documents 90-56, 90-53 and 90-33.

Dr. Mackler moved to approve adoption of the revised Guidance Documents 90-56, 90-53 and 90-33. The motion was seconded and carried unanimously.

## **6. Executive Director's Report**

Dr. Harp noted that he had recently been in communication with Rick Whitehouse, JD, Executive Director of the Ohio Board of Medicine, who asked to be remembered to the Board. He very much appreciated the mutual sharing of ideas with Board members. Dr. Harp also noted that a free SPEX was still available to a volunteer.

### **6a Revenue and Expenditures Report**

Dr. Harp reported that the Board is still in good shape financially. He noted that the Board spent 81.23% of its budget in fiscal year 2012.

### **6b Key Performance Measures Update**

Dr. Harp reviewed the Key Performance Measures with the Committee. He noted that the Board had closed 92% of its cases within 250 business days and that customer satisfaction was at 95.4%.

## **7. Review of draft legislation for the 2013 Session of the General Assembly**

Dr. Harp reviewed the Board's draft legislation for the 2013 Session of the General Assembly indicating that this was the clean-up bill that had been previously submitted. He noted changes to the following sections: 54.1-2904A; 54.1-2913.1; 54.1-2915A, 54.1-2915(A)(5); 54.1-2915(C); 54.1-2930(4); 54.1-2931(A); 54.1-2931(C); 54.1-2932; 54.1-2951.1, 54.1-2953 and 54.1-2957.4(A).

He also stated that the Surgical Technologist and Surgical Assistant bill is going to be in the next legislative session.

#### **8. Report from the Office of the Attorney General**

Erin Barrett, JD, Board Counsel, provided an update on the legal matters involving the Board.

#### **9. Nominating Committee meeting minutes**

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

#### **10. Discipline Report**

Jennifer Deschenes noted in her report that the hearing set for this day had been continued. Discipline has many cases pending, but a significant percentage may settle prior to a proceeding.

#### **11. Reminders Page**

Dr. Hoffman reminded the Committee members to please submit their travel vouchers within 30 days. Dr. Harp noted that he had sent out an ExecNet to the other boards around the country to determine what compensation their Board members get besides meals, lodging and travel. He will make that information available to the Board in the future.

#### **Announcements**

Dr. Harp gave a brief licensure update recognizing Alan Heaberlin and the good work he has done so far.

**Next scheduled meeting:** December 7, 2012

**Adjournment:** With no other business to conduct, the meeting adjourned at 2:45 p.m.

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Valerie Hoffman, DC, President  
President

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William L. Harp, M.D.  
Executive Director

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Alan Heaberlin  
Deputy Executive Director, Licensure