

**VIRGINIA BOARD OF MEDICINE
EXECUTIVE COMMITTEE MINUTES**

Friday, August 4, 2023

Department of Health Professions

Henrico, VA

CALL TO ORDER: Dr. Clements called the meeting of the Executive Committee to order at 8:38 a.m.

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

MEMBERS PRESENT: John R. Clements, DPM – President, Chair
Jane Hickey, JD
L. Blanton Marchese
Jacob Miller, DO
Joel Silverman, MD
Ryan P. Williams, MD

STAFF PRESENT: Jennifer Deschenes, JD, MS – Deputy Exec. Director for Discipline
Colanthia Morton Opher - Deputy Exec. Director for Administration
Michael Sobowale, LLM - Deputy Exec. Director for Licensure
Arne Owens - DHP Director
Erin Barrett - DHP Director of Legislative and Regulatory Affairs
Matt Novak – DHP Policy Analyst
Barbara Matusiak, MD - Medical Review Coordinator
Deirdre Brown - Executive Assistant

OTHERS PRESENT: James Rutkowski – Sr. Assist. Attorney General
Tamika Hines - Board Staff
Robert Glasgow – VAPA
Ashley Fine – HDJ
Michelle Satterlund - Macaulay Jamerson Satterlund & Sessa, P.C.
Clark Barrineau, MSV
Marinda Shindler – VMA
Kim Ketchersid – VAPA
Courtney Corboy – VAPA
Sarah Hamaker – VAPA
James Pickral - VRS

EMERGENCY EGRESS INSTRUCTIONS

Dr. Clements provided the emergency egress instructions for those in the building.

APPROVAL OF MINUTES FROM DECEMBER 2, 2022

Dr. Miller moved to approve the meeting minutes from December 2, 2022, as presented. The motion was seconded by Ms. Hickey and carried unanimously.

ADOPTION OF AGENDA

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

PUBLIC COMMENT

Robert Glaskco, from the Virginia Academy of Physician Assistants, informed the Committee that he has been practicing as a physician assistant for over 30 years, and he appreciates being able to administer prescriptions and thanked the Committee for their support.

DHP DIRECTOR'S REPORT

Mr. Owens shared with the Committee that DHP is focused on the Virginia Healthcare workforce. He stated that DHP is in the middle of a Rand Corporation study which is expected to wrap-up by the end of September 2023. The purpose of the study is to gather information on concerns, problems and gaps in care, and to make recommendations to address such issues.

After providing an update on the Right Help, Right Now Initiative, Mr. Owens stated that due to a recent study, employees at DHP are being compensated at current market rates which will assist in staff retention. Next, Mr. Owens informed the members that DHP has submitted its 2024-2026 budget, which included an authorization request for additional full-time employees.

Additionally, Mr. Owens stated that DHP is preparing for the next General Assembly session. He gave an account that in the last General Assembly session 8 bills were moved forward in which 4 were DHP bills that were passed and signed by the Governor. Mr. Owens noted that on July 27, 2023, he gathered with other Government administration officials to discuss the key points that the Governor would like to deliver successfully by the end of his 4-year term, and the focus is on keeping the workforce healthy, safe and economical for families in Virginia.

PRESIDENT'S REPORT

No report.

ACTING EXECUTIVE DIRECTOR'S REPORT

No report.

NEW BUSINESS

1. Regulatory Actions as of July 10, 2023

Ms. Barrett presented the chart for review only.

2. Withdrawal of NOIRA regarding behavior analyst training

Ms. Barrett stated to the Committee that the existing regulations currently conform to the 2023 legislation. To be in compliance with the 2023 legislation, the Committee must take action to withdraw the regulatory action.

MOTION: Dr. Miller moved to withdraw the NOIRA regarding behavior analyst and behavior analyst assistant training filed in June 2022. The motion was seconded by Dr. Williams and carried unanimously.

3. Adoption of final regulations for the implementation of the Occupational Therapy Interjurisdictional Compact

Ms. Barrett reviewed with the Committee the proposed regulations for the OT Compact in Virginia and advised that no public comments were received.

MOTION: Dr. Williams moved to adopt final regulations implementing the OT Compact. The motion was seconded by Dr. Miller and carried unanimously.

4. Amendment of Guidance Document 85-10 regarding midwife disclosures

Ms. Barrett reviewed with the Committee the changes made to Guidance Document 85-10 by an ad hoc committee of the Board, which were also approved by Advisory Board on Midwifery.

MOTION: Dr. Miller moved to accept the amendments to Guidance Document 85-10 as recommended by the ad hoc committee and Advisory Board on Midwifery. The motion was seconded by Mr. Marchese and carried unanimously.

5. Adoption of the midwifery formulary and best practice/standards of care protocol

Ms. Barrett referred the Committee to the formulary and best practice/standards of care handout. Mr. Marchese shared with the Committee that the formulary and best practice standards were reviewed and recommended by the ad hoc committee.

MOTION: Mr. Marchese moved to adopt the formulary and best practice/standards of care protocol. The motion was seconded by Dr. Williams and carried unanimously.

6. Final Regulations for licensed certified midwives

Ms. Barrett referred the Committee to the handout of public comments received on Town Hall. She stated that 47 comments were received and all were in support with no changes to the new regulations for licensed certified midwives. Ms. Barrett informed the Committee that since this profession will be jointly regulated by the Board of Nursing, the Board of Nursing will vote on the

final regulations at their September 2023 meeting.

MOTION: Dr. Williams moved to adopt final regulations regarding licensure of licensed certified midwives. The motion was seconded by Dr. Miller and carried unanimously.

7. Petition for rulemaking regarding supervision of radiologist assistants

Ms. Barrett presented the options of actions to the Committee regarding supervision of radiologist assistants. She shared with the Committee that a total of 6 public comments were received, four were in support and 2 were in opposition.

MOTION: Ms. Hickey moved to take no action on the petition because the issue presented was not defined or developed enough for the Board to understand the scope of the changes requested. The motion was seconded by Dr. Silverman and carried unanimously.

8. Petition for rulemaking regarding use of physician name on prescriptions issued by physician assistants

Ms. Barrett shared with the members that 186 public comments were received on Town Hall and all were in support of the petition. Additionally, a letter of support from the Medical Society of Virginia (MSV) was distributed to the members for consideration. MSV stated that Virginia patients would, “see improved efficiency and healthcare delivery with these changes”.

MOTION: Mr. Marchese moved to accept the petition and initiate rulemaking. The motion was seconded by Dr. Williams and carried unanimously.

9. Petition for rulemaking regarding consultation and collaboration requirements for patient care team physicians or podiatrists working with physician assistants

Ms. Barrett reviewed the Petition for Rulemaking that was filed by the Virginia Academy of Physician Assistants to amend 18VAC85-50-110(1). She stated that 29 public comments were received on Town Hall with none being in opposition.

MOTION: Ms. Hickey moved to accept the petition and initiate rulemaking. The motion was seconded by Mr. Blanton and carried unanimously.

10. Adoption of revised policy on meetings held with electronic participation pursuant to statutory changes

Ms. Barrett reviewed with the Committee the proposed revised electronic participation policy that is in accordance with Virginia Code § 2.2-3708.3.

MOTION: Mr. Marchese moved to adopt the revised policy on meetings held with electronic participation as presented. The motion was seconded by Ms. Hickey and carried unanimously.

ANNOUNCEMENTS

Ms. Deschenes informed the Committee of the updated guideline for travel reimbursement.

Effective immediately, board members must submit requests for reimbursement within 30 days of travel for reimbursement approval. No exceptions after the 30-day deadline will be accepted.

The next meeting of the Executive Committee will be December 1, 2023 @ 8:30 a.m.

ADJOURNMENT

With no additional business, the meeting adjourned at 9:43 a.m.

Jennifer Deschenes, JD, MS
Acting Executive Director