

**VIRGINIA BOARD OF MEDICINE
EXECUTIVE COMMITTEE MINUTES**

Friday, April 5, 2024

Department of Health Professions

Henrico, VA

CALL TO ORDER: Dr. Clements called the Executive Committee to order at 8:32 a.m.

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

MEMBERS PRESENT: John R. Clements, DPM – President, Chair
Peter Apel, MD – Vice President
William Hutchens, MD
Oliver Kim
L. Blanton Marchese
Jacob Miller, DO
Karen Ransone, MD
Jennifer Rathmann, DC

STAFF PRESENT: Jennifer Deschenes, JD – Acting Exec. Director
Colanthia Morton Opher - Deputy Exec. Director for Administration
Michael Sobowale, LLM - Deputy Exec. Director for Licensure
Erin Barrett - DHP Director of Legislative and Regulatory Affairs
Arnie Owens - DHP Director
Jim Jenkins – DHP Deputy Director
Barbara Matusiak, MD - Medical Review Coordinator
Deirdre Brown - Executive Assistant

OTHERS PRESENT: W. Scott Johnson – MSV
Christopher Fleury – MSV
Bo Keeney – VA Chiropractic Association
Mary Ottinot, RN, BSN

EMERGENCY EGRESS INSTRUCTIONS

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

APPROVAL OF MINUTES FROM AUGUST 5, 2023

Dr. Miller moved to approve the meeting minutes from August 5, 2023, as presented. The motion was seconded by Dr. Ransone and carried unanimously.

ADOPTION OF AGENDA

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

PUBLIC COMMENT

Mary Ottinot, RN, BSN, emphasized the need to include the public in public participation. Ms. Ottinot also encouraged practitioners to use resources regarding human trafficking and report any activity to the proper authorities.

DHP DIRECTOR'S REPORT

Mr. Owens shared with the Board that the General Assembly wrapped up in March, and that the challenge now is the follow-up action with DHP's various Boards. Next, he stated that Impact Makers completed an overview of the licensing process for the Board of Medicine and will soon give a status report that will identify problem areas and suggested methods to improve efficiency.

Mr. Owens stated that DHP is undergoing several internal changes in leadership. First being the new Director of Enforcement, Sarah Rogers, followed by the departure of Diane Powers who retired as the agency's Communications Director. Mr. Owens stated that on July 1st, Lisa Hahn, Chief Operating Officer, will be retiring as well. Jay Douglas, Executive Director of Nursing, will also be retiring from DHP. He stated that DHP is in great hands and mentioned that currently Jennifer Deschenes has been standing in as Acting Executive Director for the Board of Medicine during Dr. Harp's absence.

PRESIDENT'S REPORT

Dr. Clements reminded the Board that Mr. Marchese will be in Nashville in mid-April seeking election to the FSMB Board of Directors. Dr. Clements continued to pledge his support to fix BOX so imaging studies in cases can be viewed properly, and asked that representatives from the IT department be invited to attend the June Board meeting to hear board member concerns.

ACTING EXECUTIVE DIRECTOR'S REPORT

Ms. Deschenes stated that Enforcement is sending cases pre-merged through BOX which should help with the imaging results. She stated that at the upcoming Full Board meeting in June staff will request that someone from IT attend to hear board member concerns. Ms. Deschenes stated that other Boards were having similar issues and the Discipline Workgroup is meeting monthly to troubleshoot and find solutions.

Lastly, Ms. Deschenes stated that Dr. Harp is doing well and should be back at DHP at the end of April. Then she shared that Jennie Wood, Regulatory Boards Administrator for Medicine, is retiring in June, and that she will be greatly missed.

NEW BUSINESS

1. Regulatory Actions as of March 18, 2024

Ms. Barrett presented the chart for review only.

2. Current Regulatory Actions

Ms. Barrett reviewed the Current Regulatory Actions with the Board and gave updates to House Bills as some statuses have changed. She also shared that if the Governor takes no action on a bill by April 8, 2024, it becomes law.

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

3. Completion of Periodic Review of Public Participation Guidelines – 18VAC85-11

Ms. Barrett shared with the Board that a periodic review of regulatory chapters is required to be conducted by agencies every four years. Changes are made to public participation guideline regulations only when the Department of Planning and Budget provides new language, but the Board is still required to issue a periodic review. Ms. Barrett recommended that the Board retain the Chapter as is because the Department of Planning and Budget has not provided recommended changes.

MOTION: Dr. Miller moved to retain 18VAC85-11 as is. The motion was seconded by Dr. Hutchens and carried unanimously.

4. Previously Posted Guidance Documents that do not meet the definition of “guidance document” Under Va. Code § 2-2-4101

Ms. Barrett reviewed with the Board the following documents that do not meet the definition of “guidance documents” as defined in Virginia Code § 2.2-4101.

- Guidance Document 85-1: Bylaws of the Board of Medicine
- Guidance Document 85-2: Attorney General opinion on school physical exams (1986)
- Guidance Document 85-3: Bylaws for advisory boards of the Board of Medicine
- Guidance Document 85-9: Policy on USMLE step attempts
- Guidance Document 85-11: Sanction Reference Points manual
- Guidance Document 85-20: Attorney General opinion on employment of surgeon by nonprofit corporation (1992)
- Guidance Document 85-21: Attorney General opinion on employment of physician by for-profit corporation (1995)
- Guidance Document 85-26: Compliance with law for licensed midwives (list of statutory references and VDH contact)

Therefore, Ms. Barrett informed the Board that they will be removed from Town Hall as guidance documents and placed on the Board’s website as policy documents or informational documents. Ms. Deschenes stated that the OAG has completed its review of the above documents and agreed that they do not qualify as “guidance documents”, so the changes can be made to the BOM website.

--- APPROVED---

ANNOUNCEMENTS

Dr. Clements informed the Board of the updated guideline for travel reimbursement. Effective immediately, board members need to submit their request for reimbursement within 30 days for reimbursement approval. No exceptions after the 30-day deadline will be accepted.

The next meeting of the Executive Committee will be August 2, 2024, at 8:30 a.m.

ADJOURNMENT

With no additional business, the meeting adjourned at 9:25 a.m.

Jennifer Deschenes, JD
Acting Executive Director