

**VIRGINIA BOARD OF MEDICINE
EXECUTIVE COMMITTEE MINUTES**

Friday, August 1, 2025

Department of Health Professions

Henrico, VA

CALL TO ORDER: Dr. Apel called the Executive Committee to order at 8:33 a.m.

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

MEMBERS PRESENT: Peter Apel, MD – President
John R. Clements, DPM
Deborah DeMoss Fonseca
L. Blanton Marchese
Kenneth McDowell, DO – Secretary-Treasurer
Jennifer Rathmann, DC

MEMBERS ABSENT: William Hutchens, MD
Leroy Vaughan, Jr., MD – Vice President

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

OTHERS PRESENT: Tamika Hines – Board of Medicine Case Manager
Roslyn Nickens – Board of Medicine Licensure Supervisor
David Brown, DC – Immediate Past DHP Director
Colleen Grady-Koerner – Medical Society of Virginia

EMERGENCY EGRESS INSTRUCTIONS

Dr. Apel provided the emergency egress instructions.

APPROVAL OF MINUTES FROM APRIL 4, 2025

Dr. Clements moved to approve the meeting minutes from April 4, 2025, as presented. The motion was seconded by Ms. DeMoss Fonseca and carried unanimously.

ADOPTION OF AGENDA

Ms. DeMoss Fonseca moved to adopt the agenda as presented. The motion was seconded by Dr. Clements and carried unanimously.

PUBLIC COMMENT

There was no public comment.

DHP DIRECTOR'S REPORT

Mr. Owens, DHP Director, shared that the final cases for 2025 have been wrapped up and is now working on proposed legislation along with the biennial budget for 2026-2027 for consideration by the 2026 General Assembly.

Mr. Owens stated that DHP is currently focusing on providing support to all boards with Human Resources, Procurement, and IT. The goal is to operate efficiently and to cut costs. He stated that he appreciates the work the Board of Medicine is doing to provide a healthy workforce.

PRESIDENT'S REPORT

There was no President's report.

EXECUTIVE DIRECTOR'S REPORT

Dr. Harp gave a brief review of the proposed FY2026 budget. He pointed out that the budget has two sections, direct and allocated expenditures. The allocated expenditures are costs shared with other boards for APD, Enforcement and other departmental services. Direct expenditures are those specifically for Board operations, such as per diem payments for Board members, staff salaries, furniture, etc. Dr. Harp informed the Board that many of the advisory boards did not meet last year, so those costs were not reflected in FY2025. A significant amount of the \$399,000 surplus from FY2025 will most likely be spent on 33 potential advisory board meetings in FY2026.

Dr. Harp reviewed two new policies:

- DHP Policy 76-10.24 Conflict of interest policy acknowledgment for board members.
 - It is the duty of all Board members to notify the Executive Director (or designee) of any conflicts of interest between you and the subject of any investigation or disciplinary action. Such notification must occur as soon as you are aware of the conflict.
 - Dr. Harp stated that all Board members should have received an email from staff requesting the acknowledgement form.
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- § DHP Policy 76-10.25 Prior convictions not to abridge rights.
 - Dr. Harp stated that the Board cannot deny a license solely based on a criminal conviction, per SB826.

- Ms. Barrett stated that the Board can deny a license if the conviction is related to the occupation or profession.

NEW BUSINESS

1. Regulatory Actions as of July 17, 2025

Mr. Novak reviewed the Current Regulatory Actions as of July 17, 2025, stating that there have been no changes since July 17th.

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

2. Consideration of Notice of Intended Regulatory Action to License Anesthesiology Assistants

Ms. Barrett stated that the Board will need to convene a Regulatory Advisory Panel to develop the regulations for Anesthesiology Assistants.

One concern voiced by a member was that the legislation did not define the scope of practice in the Code.

It was recommended to obtain information from West Virginia and the District of Columbia, as both jurisdictions currently regulate this profession and have not had significant public safety concerns.

MOTION: Mr. Marchese moved to issue a Notice of Intended Regulatory Action to license Anesthesiology Assistants. The motion was seconded by Dr. McDowell and carried unanimously.

3. Consideration of Proposed Action for Reduction of Requirements for Consultation and Collaboration

Mr. Novak reviewed the new language that included a slight reduction of requirements for consultation and collaboration.

MOTION: Dr. McDowell moved to adopt proposed stage regulations for the reduction of requirements for consultation and collaboration. The motion was seconded by Mr. Marchese. A roll call vote was taken and with a vote of 3-3 the motion did not pass.

Ms. Barrett asked the Board if they would like to withdraw the action. None replied.

BREAK: Dr. Apel called for a break at 9:03 a.m. and the meeting resumed at 9:13 a.m.

Dr. Apel opened the floor to the Board for comment:

- Dr. Apel expressed his opposition to the motion, arguing that the previous language was stronger, while the new language was too vague and could potentially be

misused. Dr. Clements, Dr. Rathmann, and Ms. DeMoss Fonseca agreed.

- Dr. McDowell stated that the current language sets up a barrier to care, and the proposed changes should not impact practice. Dr. Rathmann and Mr. Marchese agreed.

After the suggestion to add years of experience to the proposed language to make the revised language more acceptable, the following motion was made:

MOTION: Mr. Marchese motioned to return the proposed action for the Reduction of Requirements to the Physician Assistant Advisory Board for review of the Committee's concerns. The Executive Committee will revisit the Advisory Board's input at their next meeting in December. The motion was seconded by Dr. Rathmann and carried unanimously.

4. Consideration of Proposed Action for Removal of Patient Care Team Physician or Podiatrist from Prescriptions

Mr. Novak reviewed the proposed removals requested by the Physician Assistant advisory board.

MOTION: Mr. Marchese moved to adopt proposed stage regulations for removal of patient care team physician or podiatrist from prescriptions. The motion was seconded by Dr. McDowell and carried unanimously.

5. Consideration of Petition for Rulemaking – Buprenorphine Prescriptions

Ms. Barrett reviewed the Petition for Rulemaking from Dr. Lauren H. Grawert on behalf of the Virginia Society of Addiction Medicine (VASAM). The petitioner requested for 18VAC85-21-150 be amended by removing the requirement for documentation of prescribed doses exceeding 24 mg of buprenorphine per day. Additionally, the petitioner requested for 18VAC85-21-160 to remove the restriction on prescribing buprenorphine for addiction to patients under the age of 16, unless approved by the FDA.

Board members reviewed the petition and concluded that the current regulations protected patients, and the use of buprenorphine in patients under the age of 16 is not currently approved by the FDA.

MOTION: Mr. Marchese moved to deny the petition based on the lack of justification to remove the requirement for documentation of higher doses and on prescribing buprenorphine to patients under the age of 16. The motion was seconded by Dr. McDowell and carried unanimously.

6. Consideration of Exempt Endorsement Regulatory Action for Behavior Analysts

Mr. Novak reviewed the General Assembly's and the Governor's requirement for all professions at the Board of Medicine to develop licensure by endorsement pathways.

MOTION: Mr. Marchese moved to amend 18VAC85-150 by exempt action with a correction in 18VAC85-150-50(3) of “on” to “in”. The motion was seconded by Dr. Rathmann and carried unanimously.

7. Consideration of Exempt Endorsement Regulatory Action for Genetic Counselors

Mr. Novak reviewed the draft changes to 18VAC85-170 as recommended by the Advisory Board for Genetic Counseling.

MOTION: Mr. Marchese to amend 18VAC85-170 by exempt action. The motion was seconded by Dr. Rathmann and carried unanimously.

8. Consideration of Exempt Endorsement Regulatory Action for Occupational Therapists

Mr. Novak reviewed the draft changes to 18VAC85-80 as recommended by the Advisory Board on Occupational Therapists. He suggested removing the strikethrough from 18VAC85-80-35(4).

MOTION: Mr. Marchese moved to amend 18VAC85-80 by exempt action with amendment to include 18VAC85-80-35(4). The motion was seconded by Dr. Mc Dowell and carried unanimously.

9. Consideration of Exempt Endorsement Regulatory Action for Polysomnographic Technology

Mr. Novak reviewed the draft changes to 18VAC85-140 as presented to the Advisory Board on Polysomnographic Technologists. He suggested removing the strike through 18VAC85-140-50 (4) and adding a number (5) with the language from 18VAC85-140-60(B) and add “and current NPDB”.

MOTION: Mr. Marchese moved to amend 18VAC85-140 by exempt action with amendment to include 18VAC85-140-50(4) and add requirement from 18VAC85-140-60(B) as 18VAC85-140-50(5) with adding a current NPDB. The motion was seconded by Dr. Mc Dowell and carried unanimously.

ANNOUNCEMENTS

Dr. Apel 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 approval. After 30 days, no exceptions will be granted.

The next meeting of the Executive Committee will be December 5, 2025, at 8:30 a.m.

ADJOURNMENT

---DRAFT UNAPPROVED---

With no additional business, the meeting adjourned at 10:01 a.m.

William L. Harp, MD
Executive Director