

## VIRGINIA BOARD OF MEDICINE MINUTES

Thursday, February 23, 2006

Department of Health Professions

Richmond, VA

**CALL TO ORDER:** The meeting of the Board convened at 8:25 a.m.

**MEMBERS PRESENT:** Thomas Leecost, DPM, President  
Gen. Clara Adams-Ender, RN  
John Armstrong, MD  
Sandra Anderson Bell, MD  
Patrick Clougherty, MD  
Malcolm Cothran, MD, Vice President  
Claudette Dalton, MD  
Suzanne Everhart, DO  
Stephen Heretick, JD  
Valerie Hoffman, DC  
Gopinath Jadhav, MD, Secretary/Treasurer  
Brent Lambert, MD  
Juan Montero, MD  
Robert Mosby, MD  
Jane Piness, MD  
Karen Ransone, MD

**MEMBERS ABSENT:** Christine Ober Bridge  
Ann T. Burks, JD

**STAFF PRESENT:** William L. Harp, MD, Executive Director  
Barbara Matusiak, MD, Medical Review Coordinator  
Ola Powers, Deputy Executive Director of Licensure  
Karen Perrine, Deputy Executive Director of Discipline  
Kate Nosbisch, Deputy Executive Director of  
Practitioner Information  
Elaine Yeatts, DHP Senior Policy Analyst  
Emily Wingfield, Assistant Attorney General  
Colanthia Morton Opher, Recording Secretary

**OTHERS PRESENT:** Tyler Cox, HDJN/MSV  
Leslie Payne, CPM, Advisory Board on Midwifery, Chair  
Brynne Potter, CPM, Commonwealth Midwives Alliance

**Public Hearing #1 – Proposed regulations for post-graduate training for graduates of non-accredited medical schools.**

There was no public comment.

**Public Hearing#2 – Proposed regulations on the use of major conductive block in office-based anesthesia.**

There was no public comment.

**APPROVAL OF THE NOVEMBER 17, 2005 MINUTES**

Dr. Bell moved to approve the minutes of the Board dated November 17, 2005. The motion was seconded and carried.

**ADOPTION OF AGENDA**

Dr. Armstrong moved to adopt the amended agenda. The motion was seconded and carried unanimously.

**PUBLIC COMMENT ON AGENDA ITEMS**

There was no public comment.

**REPORTS OF OFFICERS AND EXECUTIVE DIRECTOR**

**PRESIDENT**

Dr. Leecost reported on the proposed changes to the neurological birth defect bill which extends individual rights of those affected by a neurological deficit.

**VICE-PRESIDENT**

Dr. Cothran reported that he would be attending the American Society of Interventional Pain Physicians conference May 4-7, 2006

**SECRETARY-TREASURER**

Dr. Jadhav advised that the financial information would be covered in Dr. Harp's report.

**EXECUTIVE DIRECTOR**

Dr. Harp announced that Ann Burks, JD was appointed to the Board and is replacing Carol Comstock and Dr. Leonard Lovett has been appointed to the Physician Assistant's advisory Board and is replacing Delia Zisman. Dr. Harp advised that the Board is within budget for this biennium.

Dr. Harp also gave a statistical update on HPIP participants. Dr. Harp informed the Board that Neal Kauder would be attending the annual 2006 Federation of State Medical Board conference in Boston, MA noting that Mr. Kauder will be presenting an update on Virginia's use of the Sanctions Reference Points system.

Ms. Morton Opher gave an update on the new travel regulations and advised that she would be emailing the electronic travel voucher to all board members.

Dr. Harp advised that the next edition of the board's newsletter is in the process of being developed. Dr. Harp also advised that the contents will address the emergency regulations on Mixing, Diluting and Reconstituting, the change over in prescription blanks, and a number of other articles.

Dr. Harp informed the Board that as a result of efforts by DHP, PMP, the Board of Pharmacy and the Board of Medicine, a symposium is being held on April 29, 2006 at the Edward Via Virginia College of Osteopathic Medicine in Blacksburg, VA on pain management, addiction and opioids. He advised that it would be a six-hour, Category I program.

## **COMMITTEE AND ADVISORY BOARD REPORTS**

Dr. Harp advised that Ann Burks has been assigned to the Credentials Committee. Dr. Jadhav pointed out the exclusion of the Secretary/Treasurer on the Executive Committee roster.

### **Radiological Technology**

Dr. Harp advised that in 2002, the Board approved a pathway course for podiatric radiologic technologists-limiteds that is currently being taught by Blake Zobell. Dr. Harp noted that although this has been a successful effort, the Virginia Podiatric Medical Association is requesting the Board's approval to provide this training on CD-rom to be more accessible for participants and also to keep up with current technology. The advisory board members were addressed by Dr. Feinburg on February 8, 2006 and they discussed the parameters that they would like to see addressed in this type of presentation. The advisory board has requested Dr. Zobell to develop feedback questions for a workbook and present them for review at their next meeting. Dr. Zobell or Dr. Feinburg will be re-addressing the advisory board members at the June 7<sup>th</sup> meeting.

Dr. Cothran moved that the Board accept all Committee and Advisory Board Reports as presented in the agenda packet en bloc. The motion was seconded and carried.

## **NEW BUSINESS**

### **REPORT OF THE 2006 SESSION OF THE GENERAL ASSEMBLY**

Ms. Yeatts gave an update on those bills currently being considered by the General Assembly or that have been carried over to 2007. Ms. Yeatts also provided a chart of regulatory actions for informational purposes only.

### **UPDATE ON REGULATORY MATTERS**

Ms. Yeatts informed the Board that the comment period on the proposed regulations for licensure of midwives and mixing, diluting and reconstituting closed on February 22nd.

### Adoption of Proposed Regulations for licensure of midwives

Ms. Yeatts advised that all of the comments received were in support of the emergency regulations currently in effect. The only issue, which is a statutory issue, is on the agenda for discussion.

Dr. Cothran moved to adopt the proposed regulations identical to the emergency regulations with the substitution of some pronouns, where applicable. The motion was seconded and carried.

### Adoption of Proposed Regulations for the Mixing, Diluting and Reconstituting of Sterile Drug products

Ms. Yeatts advised that during the comment period she received recommendations with extensive changes to the proposed regulations. Ms. Yeatts suggested that the comments be referred back to the ad hoc committee for review and have the ad hoc committee's recommendation presented to the Board in June. Ms. Yeatts advised that the emergency regulations became effective December 21, 2005 and will remain effective until December 20, 2006.

Dr. Mosby moved to refer the proposed regulations and comments to the ad hoc committee for review. The motion was seconded and carried.

### **RECOMMENDATIONS FROM ADVISORY BOARD ON MIDWIFERY TO STUDY THE ISSUE OF POSSESSION AND ADMINISTRATION OF CERTAIN MEDICATIONS**

Dr. Harp reminded the Board of the licensure history of the midwifery profession. Ms. Leslie Payne, Chair of the Advisory Board on Midwifery, relayed to the Board the Advisory Board's belief that patient safety would be better addressed if certified professional midwives had the authority to possess and administer certain drugs. Ms. Payne asked the Board to consider forming an ad hoc committee to study the pros and cons of the request. Ms. Payne pointed out that there are only two states that do not allow midwives to possess and administer certain drugs. Dr. Piness, Dr. Bell, Dr. Montero, and Dr. Lambert volunteered to participate on an ad hoc committee in this study.

### **HOME ADDRESSES AND PHONE NUMBERS ON THE WEBSITE**

Dr. Harp provided a copy of an email he received from J. A. Leming, MD requesting that contact information, to include the home address and phone number of current Board members, be posted on the Board's website for the public to access.

After discussion, Dr. Cothran moved that home addresses and home phone numbers of board members not be placed on the website, and to have the 6603 West Broad Street, 5<sup>th</sup> Floor, Richmond, VA 23230 address serve as a point of contact for all Board members. The motion was seconded and carried unanimously.

### **THREE PAID CLAIMS**

Dr. Harp informed the Board that both the Legislative and Executive Committee met in December. At the recommendation of the Legislative Committee and the approval of the Executive Committee, the process will be that the Board will use available sources to identify those physicians with three or more paid claims and send notification to the practitioner that an evaluation is required. Once notified that an evaluation is required, the physician would bear the responsibility of coordinating the evaluation process with whatever entity he choose and would then submit his plan to the Board for approval. Dr. Harp or his designee would review and determine if the proposed evaluation is acceptable. Dr. Harp advised that a list of specialists will be developed by the medical schools as a resource.

### **RECOMMENDATIONS FOR REVIEW OF BOARD BYLAWS**

Gen. Adams-Ender moved to refer the review of the Board's bylaws

### **NOMINATING COMMITTEE**

Dr. Leecost requested that Dr. Dalton, General Adams-Ender and Ms. Bridge meet with him at the conclusion of the meeting. Dr. Harp advised the members that anyone interested in assuming an office should express their interest to one of the members of the Nominating Committee.

### **DISCIPLINE REPORT**

Karen Perrine gave a verbal report on the current status of cases, confidential consent agreements, and case review.

### **PRACTITIONER PROFILE UPDATE**

Kate Nosbisch gave a verbal update on the daily maintenance of practitioner profile.

### **SPECIAL ANNOUNCEMENT**

Dr. Harp informed the Board that Karen Perrine has announced that she would be resigning from her position as the Deputy Executive Director of Discipline effective April 24, 2006. Dr. Harp made a presentation to Ms. Perrine as a token of gratitude from the Board. Dr. Leecost opened the floor to the members and allowed comments and words of appreciation to be expressed to Ms. Perrine's for her years of dedication and hard work for the Board.

### **ANNOUNCEMENTS**

Dr. Montero asked to be heard about a concern in relation to physicians practicing outside the area of their specialty training. Dr. Cothran who chaired the Subcommittee on Continued Competency responded to those concerns and advised that Virginia should consider requiring additional training of a physician changing to another specialty area of practice. Dr. Cothran pointed out that if implemented, Virginia would be the first to institute such a requirement. During discussion, issues of the availability of malpractice, having a supervisor

for practice, moonlighting, and the question of whether there was room or not in residency programs were addressed. Dr. Lambert, who agreed with all the concerns, stated that this would be a very difficult road and would have to be done physician-by-physician basis since knowledge, skills and experience vary and would require procedures and skills to be credentialed individually. Dr. Cothran advised that comments are currently being solicited from various interested parties including medical schools and the hospital association, but assumes that an approved residency in the area would need to be completed in the specialty area. Dr. Leecost called for recommendations from the Board to the Subcommittee on how to proceed on this issue.

Next scheduled meeting: June 22-24, 2006

## **ADJOURNMENT**

With no other business to conduct, the meeting adjourned at 11:25 a.m.

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Thomas Leecost, DPM, President

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William L. Harp, M.D., Executive Director

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Colanthia Morton Opher, Recording Secretary