

**VIRGINIA BOARD OF MEDICINE
EXECUTIVE COMMITTEE MINUTES – VIRTUAL MEETING**

Friday, December 4, 2020

Department of Health Professions

Henrico, VA

CALL TO ORDER: Dr. Conklin called the virtual meeting of the Executive Committee to order at 8:30 a.m.

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

MEMBERS PRESENT: Lori Conklin, MD - President
Blanton Marchese – Vice-President
David Archer, MD - Secretary-Treasurer
Alvin Edwards, MDiv, PhD
Jane Hickey, JD
Karen Ransone, MD
Joel Silverman, MD
Brenda Stokes, MD

MEMBERS ABSENT: None

STAFF PRESENT: William L. Harp, MD - Executive Director
Jennifer Deschenes, JD – Deputy Exec. Director for Discipline
Colanthia Morton Opher - Deputy Exec. Director for Administration
Michael Sobowale, LLM - Deputy Exec. Director for Licensure
Barbara Matusiak, MD - Medical Review Coordinator
Barbara Allison-Bryan, MD - DHP Deputy Director
Elaine Yeatts - DHP Senior Policy Analyst
Erin Barrett, JD - Assistant Attorney General

OTHERS PRESENT: W. Scott Johnson, JD – Medical Society of Virginia
Jerry Canaan, JD
Jennie Wood – Board of Medicine staff
Jerry Gentile
Richard Grossman
Ben Traynham, JD – Hancock Daniel

EMERGENCY EGRESS INSTRUCTIONS

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

APPROVAL OF MINUTES OF AUGUST 7, 2020

Dr. Edwards moved to approve the meeting minutes from August 7, 2020 as presented. The motion was seconded by Dr. Ransone and carried unanimously.

ADOPTION OF AGENDA

Dr. Conklin advised that item number 2 under new business had been tabled. Dr. Ransone moved to adopt the amended agenda as presented. The motion was seconded by Dr. Edwards and carried unanimously.

PUBLIC COMMENT

There was no public comment.

DHP DIRECTOR'S REPORT

Dr. Allison-Bryan provided an update on the status of marijuana processors and the Governor's recent announcement of his support of legalizing recreational use in adults. She also gave a progress report on the development, approval, availability and distribution of the COVID-19 vaccine.

PRESIDENT'S REPORT

No report.

EXECUTIVE DIRECTOR'S REPORT

Dr. Harp advised Dr. Conklin that Dr. Silverman was able to hear others in the meeting but was unable to unmute for votes. Dr. Harp said he would assist Dr. Silverman by routing his attendance through Dr. Harp's iPhone.

Dr. Harp reported that the Board is in good financial shape. He briefly reviewed the investigative hours reported by the Enforcement and Administrative Proceedings Divisions. He commended Brenda Stokes, MD for her work on the Board of Pharmacy's Workgroups, her steadfast attendance at Credentials Committee hearings and disciplinary hearings, and most recently her appointment by Governor Northam as the Board of Medicine's representative on the Board of Health Professions.

NEW BUSINESS

Chart of Regulatory Actions

The chart was for review only.

Adoption of Final Regulations for Physician Assistants

Ms. Yeatts advised that the proposed amendments are identical to the emergency regulations that became effective on October 1, 2019. There were no comments on the NOIRA or the proposed regulations to replace the emergency regulations.

MOTION: Dr. Edwards moved to adopt the proposed final regulations to replace emergency regulations for the practice of physician assistants with patient care team physicians. The motion was seconded by Dr. Ransone and carried unanimously.

Regulatory Action – Waiver of Requirement for Electronic Prescribing

Ms. Yeatts stated that this action is to replace emergency regulations, which became effective on September 18, 2019, with permanent regulations. She noted that there were two comments received, both in support of the proposed regulations. She also pointed out the one difference between the emergency and proposed final regulations was an added reference to the exemptions from electronic prescribing in the Code.

MOTION: Ms. Hickey moved to adopt the final regulations for waivers as amended. The motion was seconded by Dr. Ransone and carried unanimously.

Guidance Document – Repeal of 85-3 regarding FORM B's

Ms. Yeatts explained that to facilitate and expedite licensure during the COVID pandemic, the Board discontinued the use of the FORM B to collect information about employment performance. The FORM B has been one of the most time-consuming aspects of applying for a license, and the Board is recommending elimination of this requirement on a permanent basis. Therefore, it would be appropriate for the Board to repeal the guidance document which provides instructions on how to fill out a FORM B.

Dr. Harp added that any performance issues important enough to impact licensing should be picked up on the required National Practitioner Data Bank report.

MOTION: Dr. Stokes moved to repeal Guidance Document 85-3 as presented in the agenda packet. The motion was seconded by Mr. Marchese and carried unanimously.

Regulatory Action – Approval for a Notice of Periodic Review

Ms. Yeatts noted that Regulation 18VAC110-40: Regulations Governing Collaborative Practice Agreements, are dually adopted by Pharmacy and Medicine. Following the 4-year review schedule, the Board of Pharmacy is preparing to initiate periodic reviews for all its regulations and will be adopting a Notice of Periodic Review of the Collaborative Practice regulation on December 10th.

MOTION: Dr. Edwards moved to approve a Notice of Periodic Review for Regulation 18VAC110-40: Regulations Governing Collaborative Practice. The motion was seconded by Mr. Marchese and carried unanimously.

Approval of the Recommendation from the Ad Hoc Committee on Opioid CE

Dr. Conklin provided an overview of the meeting of the Ad Hoc Committee on Opioid CE. She reviewed the trends in communications noted by Board staff and the PMP. She said the Ad Hoc recommended that all Board of Medicine licensees with prescribing authority be required

to obtain the 2 hours in the next biennium, and that the CE resources listed be made available. She also stated that the Ad Hoc agreed this requirement should extend past 2022.

Dr. Conklin said that a notification email would be sent by January 1, 2021 to the identified licensees, notifying them of the requirement and providing them with suggested resources recognized as Type 1.

MOTION: Dr. Edwards moved to accept the recommendation from the Ad Hoc Committee on Opioid CE to include the reading of the regulations, reading of the FAQs, and watching the NARX Care modules and to only claim the amount of time spent on each module. Additionally, to authorize Dr. Harp to wordsmith the email notification to licensees and include pertinent resources. The motion was seconded by Dr. Ransone and carried unanimously.

ANNOUNCEMENTS

There were no announcements.

The next meeting of the Executive Committee will be April 9, 2021 @ 8:30 a.m.

ADJOURNMENT

With no additional business, the meeting adjourned at 9:16 a.m.

Lori Conklin, MD
President, Chair

William L. Harp, MD
Executive Director

Colanthia M. Opher
Recording Secretary