

**THE VIRGINIA BOARD OF MEDICINE
MINUTES
JANUARY 22, 2004**

A Public Hearing on proposed regulations to replace emergency regulations 18 VAC 85-20-10 et seq was held at 8:15 am, prior to the full Board meeting. Comment was offered by Joseph Leming, M.D., Karsten Konerding, M.D., Chairman of the Board of the Richmond Academy of Medicine and Mike Jurgenson, Health Policy Director for the Medical Society of Virginia.

The Virginia Board of Medicine meeting commenced on January 22, 2004, at 8:30 a.m., at the Department of Health Professions ("DHP"), 6603 West Broad Street, Richmond, Virginia. The meeting was called to order by Dianne Reynolds-Cane, MD, President.

MEMBERS PRESENT:

Dianne Reynolds-Cane, MD, President
Carol E. Comstock, R.N., Vice President
Rev. LaVert Taylor, Secretary/Treasurer
James F. Allen, MD
Harry C. Beaver, M.D.
Robert J. Bettini, MD
Sandra Anderson Bell, MD
Malcolm L. Cothran, Jr., MD
Stephen E. Heretick, JD
Thomas B. Leecost, DPM, MD
Gary P. Miller, MD
Juan M. Montero, II, MD
Robert P. Nirschl, MD
Sue Ellen B. Rocovich, Ph.D, DO
Clarke Russ, MD
Kenneth J. Walker, MD
Jerry R. Willis, DC

MEMBERS ABSENT:

Christine Ober Bridge

STAFF PRESENT:

William L. Harp, MD, Executive Director
Barbara Matusiak, MD,
Karen Perrine, Deputy Executive Director of Discipline
Ola Powers, Deputy Executive Director of Licensure
Kate Nobsch, Deputy Executive Director of Practitioner
Information
Robert Nebiker, Director, DHP
Elaine Yeatts, DHP Senior Regulatory Analyst
Emily Wingfield, Assistant Attorney General
Colanthis Morton Opher, Licensing Office Manager

OTHERS PRESENT: Bonnie McQuaid, RRT, Chair, Respiratory Care Advisory Board
Patricia Cooper, OT, Vice-Chair, Occupational Therapy Advisory Board
Claudette Dalton, MD, University of Virginia School of Medicine

GUESTS PRESENT: Neal Kauder
Elinore McCance-Katz, MD

ADOPTION OF AGENDA

An amended agenda designating consent items and a re-ordering of new business items was presented. Dr. Walker moved to adopt the amended agenda. The motion was seconded, but not carried. Dr. Russ moved to add the discussion of fee increases to the agenda. The motion was then seconded and carried.

PUBLIC COMMENT ON AGENDA ITEMS

There was public comment from Lon Weber, Ph.D. regarding item #1(b), under new business, Review of Ad Hoc Committee on Regulations for Ethical Standards of Conduct.

APPROVAL OF MINUTES OF OCTOBER 9, 2003

Dr. Cothran moved to approve the minutes of the Full Board, dated October 9, 2003. The motion was seconded and carried unanimously.

EXECUTIVE DIRECTOR'S REPORT

Dr. Harp presented the Revenue and Expenditures Summary and reported that finances are within budget for the fiscal year 2004. Dr. Harp also referred to the FSMB Model Policy Guidelines for Opioid Addiction Treatment in the Medical Office and asked for a motion to adopt the Federation's guidelines as a guidance document. Dr. Bettini moved to adopt. The motion was seconded and discussed. After discussion, Dr. Bettini moved to amend his motion to refer the FSMB Model Policy Guidelines to the Legislative Committee. The motion was seconded and carried. Rev. Taylor announced that he would be leaving the Board and moving to Nevada in March. A plaque commending service his was presented to Rev. Taylor.

COMMITTEE REPORTS

All Committee and Advisory Board Reports were accepted as presented in the agenda packet, with the exception of the Executive Committee report which was extracted and discussed as agenda item #11, Fee increases.

OTHER REPORTS

Annual HPIP Report

Dr. McCance-Katz presented the annual report and update on the HPIP program noting program changes such as the witnessed pharmacotherapy program, urine drug screening for monitoring purposes and the worksite monitor educational program.

Compliance Report

Ann Tiller provided information and an update of the activities involving the Compliance Division as they relate to the Board of Medicine. She reported that 13 % of their caseload was from the Board of Medicine and that the cases are time intensive.

Board of Health Professions

Dr. Reynolds-Cane referred to the minutes of the October 22, 2003, DHP Full Board meeting for information only.

Assistant Attorney General

Ms. Wingfield reported that there was one lawsuit currently pending involving the Board. A temporary injunction prevents the Board from reporting a violation to HIPDB.

Department of Health Professions

Mr. Nebiker reported on the implementation of the Prescription Drug Monitoring Program in South West Virginia, stating that the program expires in August 2005.

Podiatry Report

No report.

Chiropractic Report

No report.

New Business

1. Status of Regulations

- a. Review of chart on regulatory action/copy of final regulations - Ms. Yeatts provided a chart reflecting regulatory actions and informed the Board that amended regulations resulting from periodic review would go into effect on February 25, 2004.
- b. Review of Ad Hoc Committee on Regulations for Ethical Standards of Conduct – Ms. Yeatts explained the progress of the Committee and informed the Board that regulations for all professions developed by the Ad Hoc Committee will come before them in April for adoption as proposed regulations which will then be published for public comment and a public hearing. Board members provided comment and suggestions for the Ad Hoc Committee and the Legislative Committee to consider when finalizing the proposed regulations for the Board’s review in April.

2. Legislation from the 2004 Session of the General Assembly

Ms. Yeatts reviewed the most current and relevant legislative report for the 2004 General Assembly. No action was necessary.

3. HB 1706 – Review and Adoption of Proposed Guidance Document

The proposed guidance document concerning ethical practice was presented by Ms. Yeatts. She asked for a motion to approve the Guidelines Concerning the Ethical Practice and the Guidelines on Performing Procedures on the Newly Deceased for Training Purposes. Dr. Bettini moved to approve the Guidelines Concerning the Ethical Practice. The motion was seconded and carried. Dr. Russ moved to amend the first sentence of the document to begin with “Prior to or during.” The motion was seconded, discussed and carried. Rev. Taylor moved to add the word “fellow” where appropriate throughout the document and delete the work “Surgery” from the title of the document. The motion was seconded and carried. Dr. Rocovich moved to approve the Guidelines on Performing Procedures on the Newly Deceased for Training Purposes. The motion was seconded, discussed and carried.

4. Nominating Committee

Dr. Reynolds-Cane asked for recognition of those interested in serving on the Nominating Committee. Drs. Bettini, Walker and Beaver expressed interest and were appointed by Dr. Reynolds-Cane as the Nominating Committee.

5. Sanctions Reference Pilot Project and Manual

Neal Kauder presented an overview of the Sanctions Reference Pilot Project. He highlighted areas of interest and responded to Board questions, indicating that training would be implemented for various groups and asked for Board input. Dr. Allen moved to approve the “Sanctioning Reference Points Instruction Manual” for the Board of Medicine’s Pilot Project as a guidance document with a modification to use the project only at informal conferences, not consent orders. The motion was seconded and carried. Dr. Cothran moved to approve the proposed training plan. The motion was seconded and carried.

6. Amendment to the Bylaws

Dr. Harp explained that the current Board Bylaws did not conform to the statute which requires that the Executive Committee be composed of three officers and five other members of the board appointed by the president to include at least two citizen members. Dr. Russ moved to amend the Bylaws to conform to the revised law. The motion was seconded and carried.

7. Board Briefs On-line

Dr. Harp reported to the Board the process of publishing and mailing the Board Briefs and Ms. Morton Opher provided an analysis of the costs involved to mail Board Briefs versus offering them on-line with postcard notification. Dr. Russ moved to approve postcard notification, with the collection of e-mail addresses in order to provide Board Briefs on-line, with e-mail capability.

8. Licensing Report

- a. On-line Renewals – Dr. Harp related that approximately 30% of licensed practitioners had renewed on-line to date and that there did not appear to be any major problems.
- b. CE Audit – Dr. Harp reported that approximately 200 of the 300 practitioners audited had responded and met the requirements. Dr. Russ suggested that the Board ask hospital administrators to post the Continued Competency and Assessment form to heighten awareness among physicians.

9. Practitioner Information Report

Ms. Nosbisch commented on her written report and noted that in a meeting with representatives from the Medical Society of Virginia inconsistencies were found in addresses on the profiles. No action was taken by the Board.

10. Discipline Report

Ms. Perrine offered her report with a chart of received, open and closed cases from October 1, 2001 to December 31, 2003, as follows: Approximately 200 complaints received, 472 cases closed and 994 open cases at all stages for open cases (i.e., investigation to processing for closure). In addition, the Board has approximately 900 open cases regarding failure to complete or late complete of the practitioner profile, which were docketed during this quarter.

11. Executive Committee – Fee Increase

Dr. Russ initiated a discussion regarding the proposed regulations for fee increases. After some discussion, Dr Russ moved that fees collected by the Board of Medicine designated for a third party and not to the direct use of the Board of Medicine and its work, however commendable the objective was not acceptable. The motion was seconded and carried.

Adjournment

With no further business to discuss, Rev. Taylor moved to adjourn. The motion was seconded and the meeting of the Board of Medicine was adjourned.

Dianne Reynolds-Cane, MD
President

William L. Harp, M.D.
Executive Director

Ola Powers
Recording Secretary