

**VIRGINIA BOARD OF MEDICINE  
EXECUTIVE COMMITTEE MINUTES**

Friday, August 11, 2006

Department of Health Professions

Richmond, VA

**CALL TO ORDER:** The meeting of the Committee convened at 8:15 a.m.

**MEMBERS PRESENT:** Malcolm Cothran, MD, President  
Gen. Clara Adams-Ender, RN  
Sandra Bell, MD  
Suzanne Everhart, DO  
Stephen Heretick, JD, Vice-President  
Valerie Hoffman, DC  
Jane Piness, MD, Secretary/Treasurer

**MEMBERS ABSENT:** None

**STAFF PRESENT:** William L. Harp, MD, Executive Director  
Jennifer Deschenes, Deputy Executive Director - Discipline  
Barbara Matusiak, MD, Medical Review Coordinator  
Kate Nosbisch, Deputy Executive Director – Practitioner Information  
Ola Powers, Deputy Executive Director - Licensure  
Robert Nebiker, Director, DHP  
Sandra Ryals, Chief Deputy Director, DHP  
Elaine Yeatts, DHP Senior Policy Analyst  
Emily Wingfield, Assistant Attorney General  
Colanthia Morton Opher, Recording Secretary

**OTHERS PRESENT:** W. Scott Johnson, HDJN  
Becky Bowers-Lanier, Commonwealth Midwives Alliance  
Leslie Payne, Chair, Advisory Board on Midwifery  
Neal Kauder, President, Visual Research, Inc.  
Lorraine McGehee, Deputy Director, Administrative Proceedings  
Division

**Public Comment on 18VAC85-20-10 et seq. Malpractice Claims**

Dr. Cothran opened the floor for public comment on the proposed amendments to clarify the requirements for reporting malpractice claims. There was no public comment.

**Public Comment on 18VAC85-130-10 et seq. Licensure of Midwives**

Dr. Cothran opened the floor for public comment on the proposed regulations to replace the emergency regulations currently in effect for the licensure of midwives. Becky Bowers-Lanier,

representative for the Commonwealth Midwives Alliance, addressed the Board to show CMA's continued support for the proposed regulations for midwives.

With public comment concluded, Dr. Cothran announced that written comments may be received until September 22, 2006 and will be considered prior to final adoption in October 2006.

### **Adoption of Agenda**

Dr. Bell moved to adopt the agenda as presented. The motion was seconded and carried.

### **Approval of the April 7, 2006 Minutes**

Dr. Everhart moved to accept the minutes of April 7, 2006. The motion was seconded and carried.

### **Public Comment on Agenda Items**

There was no public comment on agenda items.

### **NEW BUSINESS**

#### **Chart of Regulatory Actions**

Ms. Yeatts reviewed the chart of regulatory actions noting the approval of several regulations in the last few days including the availability of restricted volunteer licenses and the approval of the one-year post graduate training requirement. Ms. Yeatts also noted that the regulations on compounding and continuing medical education were currently in the Secretary's office for review and approval.

#### **Adoption of Proposed Regulations – Credentials Committee NOIRA**

Gen. Adams-Ender moved to make no change to section 18VAC85-20-122. The motion was seconded and carried.

Dr. Piness moved to accept the proposed option amending 18VAC85-20-140 to require applicants that sat for the United States Medical Licensing Examination to provide evidence of passing Steps 1, 2 and 3 within a ten-year period unless the applicant is Board-certified in a specialty approved by the American Board of Medical Specialties or the Bureau of Osteopathic Specialists of the American Osteopathic Association. The motion was seconded. After discussion, the motion was unanimously carried.

#### **Adoption of Proposed Regulations for Reactivation or Reinstatement of a Respiratory Care Practitioner License**

Dr. Bell moved to adopt the proposed amended regulations to clarify the requirements for reactivation or reinstatement of an inactive or lapsed license. The motion was seconded and carried.

## **Memorandum to General Assembly on Competency Assessments of Persons with three or more paid claims in 10-year period**

Ms. Yeatts reviewed the high points of the memorandum advising this was being provided for informational purposes only. As a side note, Ms. Yeatts said that the Board will be reporting any data gathered to the courts committees of both houses July first of every year. Staff noted that five practitioners were identified and reported this year and an additional six has been identified since the report was submitted and will be reported July 2007.

### **Update on Sanction Reference Points and Consent Order Issues**

Neal Kauder, President of Visual Research provided a brief update on the Sanctions Reference Points (SRP) Process being used by other boards of the agency, and provided an analysis of the SRP scoring of Board of Medicine consent order cases. Mr. Kauder advised that in his study sample, use of the SRP rating process for pre-hearing consent orders compared favorably with their use at informal conferences. Mr. Nebiker noted that it would be valuable to use the SRP process for consent orders and possibly reduce the number of cases scheduled for hearings.

Dr. Everhart moved to accept the use of the SRP process for pre-hearing consent orders and make the necessary changes to the language in the manual to reflect its use. The motion was seconded and carried.

### **Advisory Letters**

Ms. Wingfield advised that these letters are currently being developed. The content of the letter to the source and the content of the letter to respondent were discussed.

### **NBME – Project Overview: National Needs Assessment: Problem Physician Early Warning System**

Dr. Harp provided a brief background on the concerns of the Board regarding practitioners providing primary care when they may not be prepared to do so. Dr. Harp advised that an Ad Hoc Committee on Continued Competency will be held September 22, 2006 to address this and other issues. Dr. Harp also advised that the National Board of Medical Examiners and Robert Wood Johnson contacted boards they felt were progressive in identifying problems with practitioners and has requested the inclusion of the Virginia Board of Medicine in a study in which they will observe and review the processes of the Board.

Dr. Everhart moved to approve the visit by NBME and Robert Wood Johnson team in September 2006. The motion was seconded and carried.

### **Announcements**

Dr. Cothran posed the possibility of holding the board meetings via teleconference. Ms. Wingfield stated that although possible, the process is very complex and advised against the idea.

Next scheduled meeting: December 8, 2006

**Adjournment:** With no other business to conduct, the meeting adjourned at 9:26 a.m.

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Malcolm L. Cothran, MD  
President

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William L. Harp, M.D.  
Executive Director

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Colanthia Morton Opher  
Recording Secretary