

BOARD OF MEDICINE

Open Session Agenda

May 29, 2024

8:30 AM

VIRTUAL MEETING

Information on how to access the public portion of the meeting virtually is listed below:

Join by Web:

Meeting link:

<https://dcnet.webex.com/dcnet/j.php?MTID=m7f823658b3b1e1556a59c90709042b04>

Meeting number:

160 487 2313

Password:

eTJJfPgX322

Join by video system

Dial [1604872313@dcnet.webex.com](tel:1604872313@dcnet.webex.com)

+1-202-860-2110 United States Toll (Washington D.C.)

1-650-479-3208 Call-in number (US/Canada)

Access code:

160 487 2313

BOARD MISSION STATEMENT:

“To **protect** and enhance the health, safety, and well-being of District of Columbia residents by **promoting** evidence-based best practices in health regulation, high standards of quality care and implementing policies that **prevent** adverse events.”

The Open Session Agenda continue on the next page with the ‘Board Meeting Participants’.

BOARD MEETING PARTICIPANTS:

BOARD MEMBERS:	
Andrea Anderson, MD (AA)	
William Strudwick, MD (WS)	
Jeffrey Smith, MD (JS)	
Archie Rich (AR)	
Carolyn Gorman, MD (CG)	
Padmaja Pavuluri, MD (PP)	
Daanish Jones (DJ)	
VACANT (Director Designee)	
VACANT (Physician Member)	
VACANT (Physician Member)	
VACANT (Physician Member)	
VACANT (Physician Member)	
VACANT (Physician Member)	
VACANT (Consumer Member)	
VACANT (Consumer Member)	
BOARD STAFF:	
Sithembile Chithenga- Executive Director	
Lisa Robinson – Health Licensing Specialist	
Mary Harris – Health Licensing Specialist	
Charles Annor – Health Licensing Specialist	
Kim Quickley – Health Licensing Specialist	
Rona Rawls – Health Licensing Specialist	
Chiquita Badgett – Health Licensing Specialist	
Ashley Callahan – Health Licensing Specialist	
Sabrina Gillison – Health Licensing Specialist	
Jennifer Stuart- Health Licensing Specialist	
Emilia Moran – Investigator	
Whitney Moore -Investigator	
LEGAL STAFF:	
Suzanne Fenzel, Esq. – Board Attorney Advisor	
Ajay Gohil, Esq. – Board Attorney Advisor	
DC HEALTH STAFF	
Matteo Lieb, Office of Government Relations- Interim Director	
Khalil Hassam- Director of Primary Care Office	

The Open Session Agenda continue on the next page with the 'Call to Order'.¹

¹ The order in which the following agenda items are listed does not necessarily reflect the order in which the items are discussed during the meeting.

CALL TO ORDER

OS-24-05-01

INTRODUCTIONS

ALL

A. BOARD MEMBERS**B. BOARD STAFF****APPROVAL OF MINUTES, CONSENT AGENDA, BOARD POLICIES, AND STAFF REPORTS**

OS-24-05-02

BOARD/DEPARTMENT REPORT

SC

ALL

A. BOARD CHAIR'S REPORT**B. EXECUTIVE DIRECTOR'S REPORT****i. DC Health Updates**

The Executive Director will provide an update on the District of Columbia responses to public health issues/concerns.

ii. Advisory Committees

The Executive Director will provide an update on the advisory committees.

iii. Board Vacancies/MOTA Update

The Executive Director will provide an update on current Board vacancies.

iv. Licensure Census

The Executive Director will provide an update on the current licensure census in the District of Columbia.

C. BOARD ATTORNEY'S REPORT**Medical Records Fees**

D.C. Official Code § 3–1210.12 establishes cost parameters for what a healthcare entity can charge for personal medical records. The District of Columbia Department of Health is responsible for publishing adjusted fees each year. The adjusted fees were calculated using the change in the Consumer Price Index for the Washington, DC metropolitan area between January 2023 and 2024 (3.6%), and published in the DC Register on April 19, 2024.

	D. OFFICE OF GOVERNMENT RELATION'S REPORT	
OS-24-05-03 ALL	<p><u>OPEN SESSION MINUTES</u></p> <p>Board Action: Consideration of the Open Session minutes from the April 24, 2024, meeting.</p> <p>Background: The Open Session Minutes are a record of the Board's past meeting(s), describing the events, list of attendees; a statement of the issues considered and related responses or decisions of the Board.</p>	CA/SC
OS-24-05-04 ALL	<p><u>OPEN CONSENT AGENDA</u></p> <p>Board Action: Consideration of the current open Consent Agenda items for purposes of review and/or ratification of Board actions taken since the last Board meeting.</p> <p>Background: The Open Consent Agenda is a record of the decisions and/or actions taken by the Board or its staff since the last meeting of the Board.</p>	CA/SC
OS-24-05-05 ALL	<p><u>WORKFORCE SURVERY PRESENTATION</u></p> <p>Background: Mr. Hassam, Director of the Primary Care Office, will present the findings of the workforce survey and outline future analysis plans.</p>	
OS-24-05-06 ALL	<p><u>PUBLIC COMMENTS</u></p> <p>Background: To provide the public with the opportunity to comment or provide feedback to the Board.</p>	

The Open Session Agenda continues on the next page with 'Motion to Close'

MOTION TO CLOSE		
OS-24-05-08	<u>MOTION TO CLOSE</u>	
ALL	<p>Board Action: To go into closed session to discuss confidential matters as permitted in DC Official Code § 2-575(b).</p> <p>Background: Pursuant to DC Official Code § 2-575(b), the Board will move into the Closed Executive Session portion of the meeting to discuss the following:</p> <ol style="list-style-type: none">1. To consult with an attorney to obtain legal advice and to preserve the attorney-client privilege between an attorney and a public body, or to approve settlement agreements pursuant to § 2-575(b)(4)(a).2. Preparation, administration, or grading of scholastic, licensing, or qualifying examinations pursuant to section § 2-575(b)(6).3. To discuss disciplinary matters pursuant to section § 2-575(b)(9).4. To plan, discuss, or hear reports concerning ongoing or planned investigation of alleged criminal or civil misconduct or violations of law or regulations, if disclosure to the public would harm the investigation pursuant to section § 2-575(b)(14).	

The Open Session Agenda continues on the next page with 'Motion to Adjourn'. The next Board meeting is Virtual and will be held on **June 26, 2024**.

MOTION TO ADJOURN		
OS-24-05-09	<u>MOTION TO ADJOURN</u>	
ALL	<p>Board Action: To adjourn the meeting.</p> <p>Background: At the end of every meeting, a motion to adjourn must be made in open session to close out the business of the Board.</p>	

This ends the Open Session Agenda.

This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at opengovoffice@dc.gov. 3 DCMR § 10409.2

DEPARTMENT OF HEALTH (DC HEALTH)

NOTICE OF FEE ADJUSTMENT

The Director of the Department of Health, pursuant to the authority set forth in section 2(d) of the Personal Medical Record Fee Amendment Act of 2022 (“Act”), effective March 10, 2023 (D.C. Law 24-290; D.C. Official Code § 3-1210.12(d)), hereby gives notice of the adjustment to the rate of fees established by section 2(b) of the Act.

The Act specifies that fees enumerated in section 2(b) of the Act shall be adjusted for inflation on an annual basis starting on January 1, 2024, in accordance with the Consumer Price Index (“CPI”) for the District of Columbia as calculated by the United States Bureau of Labor Statistics. The Act further specifies that the Department of Health shall calculate the adjusted fees and publish the adjusted fee amounts on the Department's website no later than February 1 of each year.

The Department of Health determined the applicable CPI was 3.6% and calculated new fees increased by 3.6%. The adjusted fee amounts are posted at <https://dchealth.dc.gov/page/medical-records-2024-fees> and are listed below:

Pursuant to section 2(b) of the Act, a health care entity may require an authorized person to pay:

- (1) For a personal medical record that is produced in an electronic format:
 - (A) A search and handling fee of \$23.70, even if no personal medical record is located; and
 - (B) A per page fee not exceeding \$0.68; provided the total amount shall not exceed \$89.66.
- (2) For any personal medical record that is produced in a non-electronic format:
 - (A) A search and handling fee of \$23.70, even if no personal medical record is located;
 - (B) A per page fee not exceeding \$0.91; and
 - (C) The actual cost for postage and handling.

BOARD OF MEDICINE

Open Session Minutes

April 24, 2024

8:38 AM - 9:41 AM

HYBRID MEETING

The Board meeting was held at 2201 Shannon Place SE, Washington DC 20020. Virtual access details for the meeting's public portion are listed below:

Join by Web:

Meeting link:

<https://dcnet.webex.com/dcnet/j.php?MTID=m7f823658b3b1e1556a59c90709042b04>

Meeting number:

160 487 2313

Password:

eTJJfPgX322

Join by video system

Dial [1604872313@dcnet.webex.com](tel:1604872313)

+1-202-860-2110 United States Toll (Washington D.C.)

1-650-479-3208 Call-in number (US/Canada)

Access code:

160 487 2313

This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at opengovoffice@dc.gov.

BOARD MISSION STATEMENT:

“To **protect** and enhance the health, safety, and well-being of District of Columbia residents by **promoting** evidence-based best practices in health regulation, high standards of quality care and implementing policies that **prevent** adverse events.”

The Open Session Minutes continue on the next page with the ‘Board Meeting Participants’.

BOARD MEETING PARTICIPANTS:

BOARD MEMBERS:	
Andrea Anderson, MD (AA)	
William Strudwick, MD (WS)	
Jeffrey Smith, MD (JS)	Absent
Archie Rich (AR)	Absent
Asad Bandealy, MD (AB)	Present from 9:31 AM
Carolyn Gorman, MD (CG)	
Padmaja Pavuluri, DO (PP)	
Daanish Jones (DJ)	Absent
VACANT (Physician Member)	
VACANT (Physician Member)	
VACANT (Physician Member)	
VACANT (Physician Member)	
VACANT (Physician Member)	
VACANT (Consumer Member)	
VACANT (Consumer Member)	
BOARD STAFF:	
Sithembile Chithenga- Executive Director	
Lisa Robinson – Health Licensing Specialist	
Mary Harris – Health Licensing Specialist	
Charles Annor – Health Licensing Specialist	
Kim Quickley – Health Licensing Specialist	
Rona Rawls – Health Licensing Specialist	
Chiquita Badgett – Health Licensing Specialist	
Ashley Callahan – Health Licensing Specialist	
Sabrina Gillison – Health Licensing Specialist	
Emilia Moran – Investigator	
LEGAL STAFF:	
Suzanne Fenzel, Esq. – Board Attorney Advisor	
Ajay Gohil, Esq. – Board Attorney Advisor	
DC HEALTH STAFF:	
Matteo Lieb, Office of Government Affairs	
PUBLIC:	
Pia Duryea, Engagement Director, MSDC	
Robert Hay, President, MSDC	
Mary Tucker, GME Director George Washington University Hospital	
Leanne Ekstrom, Doctor of Acupuncture, President, Acupuncture Society of Washington DC	
Adam Miramon, Doctor of Acupuncture, Acupuncture Advisory Committee	
Ryan Vulpis, DC Intern	
Lindi Vilakasi, Health Writer with the Washington Informer	

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CALL TO ORDER		
OS-24-04-01	<u>INTRODUCTIONS</u>	
ALL	A. BOARD MEMBERS B. BOARD STAFF	

APPROVAL OF MINUTES, CONSENT AGENDA, BOARD POLICIES, AND STAFF REPORTS		
OS-24-04-02	<u>BOARD/DEPARTMENT REPORT</u>	SC
ALL	<p>A. BOARD CHAIR’S REPORT</p> <p>The Board Chair reported on the annual meeting of the Federation of State Medical Boards (FSMB) held in Nashville, TN (April 17, 2024 – April 18, 2024). The title of the meeting this year was “The Science of Sound Decision”. The DC delegation presented on the “Interdisciplinary Approach to Board Governance”, and highlighted the Interboard councils, symposiums and how the various Boards can work together to uphold the DC Health public health priorities. The Board Chair also highlighted the work of Board member Dr. William Strudwick who also represented DC as a delegate and voted for new leadership at FSMB. The Board Chair also informed the Board that she was honored to have been reelected to a 3-year term on the National Board of Directors of FSMB and thanked the DC delegation.</p> <p>The Board Chair also informed the Board that FSMB in conjunction with Accreditation Council for Graduate Medical Education (ACGME) and INT Health (an advisory group for foreign medical school) is having a symposium on Jun 18 2024 on alternative licensure pathways. She informed the Board that several states are enacting pathways to licensure without USMLE or US training and that various regulatory agencies are tracking this emerging legislation and will be convening in Washington, DC to suggest best practices guidelines for this practice.</p> <p>B. EXECUTIVE DIRECTOR’S REPORT</p> <p>i. DC Health Updates</p> <p>The Executive Director provided an update on the upcoming Medical Training License (MTL) initial and renewal cycle. She informed the Board that the residents have matched into their respective</p>	

programs and are currently applying for their training licenses. Currently there are 500 MTL applications on file and up to 1700 new applications and renewals are expected.

ii. **Advisory Committees**

The Executive Director provided an update on the advisory committees. She informed the Board that staff will begin reaching out to the various committees. Physician Assistant Advisory mark-up regulations will be discussed during the May Board Meeting.

iii. **Board Vacancies/MOTA Update**

The Executive Director provided an update on current Board vacancies. She informed the Board that there are currently five physician member vacancies and two consumer member vacancies. She also informed the Board that Dr. Konrad Dawson has transitioned from the Board and thanked him for his service and commitment to the Board.

iv. **Licensure Census**

The Executive Director provided an update on the current licensure census in the District of Columbia.

ACUPUNCTURIST	152
ANESTHESIOLOGIST ASSISTANT	131
ATHLETIC TRAINER	126
CHINESE HERBOLOGY	34
MEDICAL TRAINING LICENSE I(A)	1146
MEDICAL TRAINING LICENSE I(B)	329
MEDICAL TRAINING LICENSE II	25
MEDICAL TRAINING REGISTRANT	264
MEDICINE AND SURGERY	12857
NATUROPATH PHYSICIAN	63
OSTEOPATHY AND SURGERY	842
PHYSICIAN ASSISTANT	1278
POLYSOMNOGRAPHIC TECHNICIAN	1
POLYSOMNOGRAPHIC TECHNOLOGIST	59
POLYSOMNOGRAPHIC TRAINEE	1
SURGICAL ASSISTANT	121
TRAUMA TECHNOLOGIST	4

C. BOARD ATTORNEY’S REPORT

No Report.

D. OFFICE OF GOVERNMENT RELATION’S REPORT

The interim director of the Office of Government Relations provided a report on DC Health’s Fiscal Year 2025 Budget Oversight hearing. The hearing offered an opportunity for the Committee on Health to review DC Health’s proposed budget for the 2025 Fiscal Year. There were two hearings, one on [April 10th](#) for public witnesses and one on [April 11th](#) for representatives from DC Health. During the hearing, there was discussion around staffing for health professional licensing boards and investments to address healthcare workforce issues. Information about the proposed Fiscal Year 2025 budget [here](#).

Firearm Injury Prevention Act of 2024

- On March 20th, Councilmember R. White, along with Councilmembers Pinto Lewis Goerge, McDuffie, and Allen, introduced the *Firearm Injury Prevention Amendment Act of 2024* ([B25-0751](#)).
 - This legislation requires that continuing education for Physicians, Physician Assistants, Registered Nurses, Licensed Practical Nurses, and Nursing Assistive Personnel cover firearm injury prevention. This legislation has not yet been scheduled for a hearing.

Health Occupations Revision Act (HORA) Update:

- i. DC Health worked on a significant revision of the HORA. This would be the first significant revision in seventeen years.
- ii. The revised HORA received Mayoral approval and has been introduced in the Council as the *Health Occupations Revision General Amendment Act of 2023* ([B25-0545](#)).
- iii. This legislation received a hearing on [December 7th](#). Over 80 witnesses, many of whom were healthcare professionals, signed up to provide testimony. DC Health’s Associate Director of Health Professional Licensing Boards provided testimony in support and answered questions from the Council.

	<p>iv. DC Health has been working on the Committee on Health following that hearing. A mark-up was held on March 21st, 2024. The legislation was passed unanimously by the Committee of the Whole on First Reading on April 2nd. It is scheduled for a Second Reading on May 7th.</p> <p>v. During this report Dr. Leanne Ekstrom and Dr. Adam Miramon, expressed their disappointment at the lack of communication regarding the new amendments made to the <i>Health Occupations Revision General Amendment Act of 2023</i> (B25-0545) which transitions Acupuncture from the Board of Medicine to the Board of Integrative Health Care. They would like the Board of Medicine to continue regulating the practice of acupuncture as it involves invasive procedures.</p>	
OS-24-04-03 ALL	<p><u>OPEN SESSION MINUTES</u></p> <p>Board Action: Consideration of the Open Session minutes from the March 28, 2024, meeting.</p> <p>Background: The Open Session Minutes are a record of the Board's past meeting(s), describing the events, list of attendees; a statement of the issues considered and related responses or decisions of the Board.</p> <p>Motion: Motion made by Dr. Pavuluri to approve minutes. Seconded by Dr. Strudwick.</p> <p>Vote: Dr. Anderson, Dr. Gorman, Dr. Strudwick, Dr. Bandealy, and Dr. Pavuluri voted in favor of the motion. The motion passed.</p>	SG/SC
OS-24-04-04 ALL	<p><u>OPEN CONSENT AGENDA</u></p> <p>Board Action: Consideration of the current open Consent Agenda items for purposes of review and/or ratification of Board actions taken since the last Board meeting.</p> <p>Background:</p>	SG/SC

	<p>The Open Consent Agenda is a record of the decisions and/or actions taken by the Board or its staff since the last meeting of the Board.</p> <p>Motion: Motion made by Dr. Pavuluri to approve minutes. Seconded by Dr. Strudwick.</p> <p>Vote: Dr. Anderson, Dr. Gorman, Dr. Strudwick, Dr. Bandealy, and Dr. Pavuluri voted in favor of the motion. The motion passed.</p>	
OS-24-04-05	<p><u>REQUEST FOR NON-ACGME APPROVAL</u></p> <p>Board Action: To review the request from George Washington University Hospital and determine whether to approve their non-ACGME accredited Breast Imaging Fellowship training program.</p> <p>Background: Pursuant to 17 DCMR § 4611.2(c), applicants for an MTL II license must be participating in an ACGME, AOA or Board approved postgraduate clinical training fellowship program.</p> <p>Motion: Motion made by Dr. Strudwick voted to approve Breast Imaging Fellowship training program. Seconded by Dr. Pavuluri.</p> <p>Vote: Dr. Anderson, Dr. Gorman, Dr. Strudwick, Dr. Bandealy, and Dr. Pavuluri voted in favor of the motion. The motion passed.</p>	
OS-24-04-07	<p><u>MSDC PRESENTATION</u></p> <p>Background: The Medical Society of the District of Columbia (MSDC) will provide staffing and service updates on their Physician Health Program (PHP). MSDC's Physician Health Program (PHP) is a private, confidential, non-disciplinary program that supports the health and well-being of all physicians in the Washington, DC metropolitan area and safeguards the public. In the past, the Board has referred physicians for evaluation, treatment, and monitoring related to substance abuse and mental health concerns.</p> <p>Postponed</p>	
OS-24-03-08	<p><u>PUBLIC COMMENTS</u></p>	

ALL	<p>Background:</p> <p>To provide the public with the opportunity to comment on or provide feedback to the Board.</p> <p>Pia Duryea and Robert Hays of MSDC thanked DC Health for the partnership in the Gender Equity taskforce work informed the Board of the current survey that is out. They also congratulated the Board on the new move and the new location.</p>	
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The Open Session Minutes continues on the next page with ‘Motion to Close’

MOTION TO CLOSE

OS-24-03-09

MOTION TO CLOSE

ALL

Board Action:

To go into closed session to discuss confidential matters as permitted in DC Official Code § 2-575(b).

Background:

Pursuant to DC Official Code § 2-575(b), the Board will move into the Closed Executive Session portion of the meeting to discuss the following:

1. To consult with an attorney to obtain legal advice and to preserve the attorney-client privilege between an attorney and a public body, or to approve settlement agreements pursuant to § 2-575(b)(4)(a).
2. Preparation, administration, or grading of scholastic, licensing, or qualifying examinations pursuant to section § 2-575(b)(6).
3. To discuss disciplinary matters pursuant to section § 2-575(b)(9).
4. To plan, discuss, or hear reports concerning ongoing or planned investigation of alleged criminal or civil misconduct or violations of law or regulations, if disclosure to the public would harm the investigation pursuant to section § 2-575(b)(14).

Motion:

Motion made by Dr. Bandealy to close the Open session at 9:41 am and move to Executive Session. Seconded by Dr. Strudwick.

Vote:

Dr. Anderson, Dr. Gorman, Dr. Strudwick, Dr. Bandealy, and Dr. Pavuluri voted in favor of the motion. The motion passed.

The Open Session Agenda continues on the next page with 'Motion to Adjourn'. The next Board meeting is Virtual and will be held on **May 29, 2024.**

MOTION TO ADJOURN		
OS-24-04-10	<u>MOTION TO ADJOURN</u>	
ALL	<p>Board Action: To adjourn the meeting.</p> <p>Background: At the end of every meeting, a motion to adjourn must be made in open session to close out the business of the Board.</p> <p>Motion: Motion made by Dr. Bandealy to adjourn the meeting at 3:21PM. Seconded by Dr. Strudwick.</p> <p>Vote: Dr. Gorman, Dr. Bandealy, Dr. Strudwick, Ms. Jones and Dr. Pavuluri voted in favor of the motion. The motion passed.</p>	

This ends the Open Session Agenda.

This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at opengovoffice@dc.gov. 3 DCMR § 10409.2