

BOARD OF MEDICINE

Open Session Minutes

March 28, 2018

9:00 am to 10:30 am

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 agenda continues on the next page with the ‘Board Meeting Participants’.

DRAFT

BOARD MEETING PARTICIPANTS:

BOARD MEMBERS:	
Andrea Anderson, MD (AA)	
Preetha Iyengar, MD (PI)	
Lawrence Manning, MD (LM)	
Thomas Dawson, Esq. (TD)	
Jeffrey Smith, MD (JS)	
Terrence Straub (TS)	ABSENT
Archie Rich (AR)	ABSENT
Vikisha Fripp, MD (VF)	ABSENT
David Wessel, MD (DW)	
Thomas Smith (TS2)	
Joshua Wind, MD (JW)	ABSENT
BOARD STAFF:	
Frank Meyers, JD – Executive Director	
Lisa Robinson – Health Licensing Specialist	
Mary Harris – Health Licensing Specialist	
Aisha Nixon – Health Licensing Specialist	
Angela Braxton – Health Licensing Specialist	ABSENT
Emilia Moran – Investigator	
Diane Moorer – IT Support	
LEGAL STAFF:	
Suzanne Fenzel, Esq. – Board Attorney Advisor	ABSENT
Ajay Gohil, Esq. – Board Attorney Advisor	

The agenda continues 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 were discussed during the meeting.

CALL TO ORDER

OS-18-03-001
ALL

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

OS-18-03-002
ALL

BOARD/DEPARTMENT REPORT**A. BOARD CHAIR'S REPORT****i. Newsletter Bios**

The Board Chair informed the Board of the need to have bios from Board Members for the newsletter.

ii. FSMB Annual Meeting

The Board Chair reminded the Board members of the upcoming annual meeting and provided an update on remote training to participate.

iii. Referring Potential New Members and Peer Reviewers

The Board Chair reminded the Board of the need for new members as well as peer reviewers for cases.

iv. USMLE Advisory Committee Appointment

Dr. Anderson has recently asked to serve on an advisory committee for the USMLE.

v. Public Health Hearing

DCPCA and DCHA is sponsoring an event on April 4th with presentations from DC Health re: updates in the District.

B. EXECUTIVE DIRECTOR'S REPORT**i. Recent DEA Training**

Recently the Board Executive Director and legal counsel attended a one (1) day training in DC at the US Attorneys Office regarding the prosecution of pharmaceutical cases.

ii. MTL Renewals Update

The Executive Director will provided an update on the upcoming MTL renewals, including a recent meeting with the GME programs as well as potential future changes to training licensure regulations.

iii. Pharmacy Birth Control Sub-Committee

The Executive Director provided an update to the Board on the need to form a sub-committee to work in conjunction with the Board of Pharmacy to address the recently passed legislation allowing pharmacists to dispense birth control.

iv. Newsletter Update

The Executive Director provided an update on the current Newsletter, which is scheduled to be sent in April.

v. Licensure Census

The Executive Director provided an update on the current licensure census in the District, as follows:

1. Acupuncturist – 189
2. Anesthesiologist Assistant – 80
3. Medical Training License I(A) – 1,062
4. Medical Training License I(B) – 386
5. Medical Training License II – 17
6. MTR – 186
7. Medicine and Surgery – 10,636
8. Naturopath Physician – 56
9. Osteopathy and Surgery – 350
10. Physician Assistant – 767
11. Polysom. Technician – 1
12. Polysom. Technologist – 73
13. Polysom. Trainee – 8
14. Surgical Assistant – 134
15. Trauma Technologist – 5

C. BOARD ATTORNEY'S REPORT

None at this time.

<p>OS-18-03-003 ALL</p>	<p><u>OPEN SESSION MINUTES</u></p> <p>Board Action: Consideration of the Open Session minutes from the February 28, 2018 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 Mr. Smith to approve the minutes. Seconded by Mr. Dawson.</p> <p>Dr. Wessel, Dr. Smith, Dr. Manning, Mr. Smith, Dr. Iyengar, Mr. Dawson and Dr. Anderson voted in favor of the motion. The motion passed unanimously.</p>	<p>FBM</p>
<p>OS-18-03-004 ALL</p>	<p><u>OPEN CONSENT AGENDA</u></p> <p>Board Action: Consideration of the current March 28, 2018, 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> <p>Motion: Motion made by Mr. Smith to approve the Consent Agenda. Seconded by Mr. Dawson.</p> <p>Dr. Wessel, Dr. Smith, Dr. Manning, Mr. Smith, Dr. Iyengar, Mr. Dawson and Dr. Anderson voted in favor of the motion. The motion passed unanimously.</p>	

The Open Session Minutes continue on the next page with 'Misc. Items for Discussion'.

MISC. ITEMS FOR DISCUSSION

<p>OS-18-03-005 ALL</p>	<p><u>LEGISLATIVE UPDATE</u></p> <p>Board Action: To review a list of legislative matters currently pending, both in the District and/or at a national level, that may be of interest to the Board:</p> <p>Background: The Board has previously expressed interest in being kept up to date on legislative matters that may affect the practice of medicine in the District. In response, staff has worked with DC Health to create a tracking list of legislative items that may be of interest to the Board.</p> <p>Motion: The Board requested this item be a separate material in the future that can be easily referenced, as well as adding legislative items to the newsletter.</p> <p>This item was for informational purposes only, so no formal action was taken at this time.</p>	<p>FM</p>
<p>OS-18-03-006 ALL</p>	<p><u>REQUEST FOR CE APPROVAL</u></p> <p>Board Action: To review the request from Howard University for approval of four (4) continuing education (CE) units for their Black Men's Health conference.</p> <p>Background: Staff has received a request from Howard University, asking the Board grant approval of four (4) CE credits for their upcoming Black Men's Health Conference on March 30, 2018.</p> <p>Motion: The Board expressed concerns with the continued requests from private entities asking for CE approval, specifically with the fact that the Board members are not subject matter experts in all the courses being requested, moreover the information being provided is not sufficient to ensure any approval would be appropriate. As such, the Board expressed concerns with even reviewing such requests.</p> <p>Motion made by Dr. Wessel that the Board of Medicine will not review and/or approve CE requests from non-governmental entities. Seconded by Dr .Iyengar.</p> <p>Dr. Wessel, Dr. Smith, Dr. Manning, Mr. Smith, Dr. Iyengar, Mr. Dawson and Dr. Anderson voted in favor of the motion. The motion passed unanimously.</p>	<p>FM</p>

<p>OS-18-02-007 ALL</p>	<p><u>REQUEST FOR APPROVAL OF NON-ACGME FELLOWSHIP PROGRAM</u></p> <p>Board Action: To review the request for approval, and supplemental documents, submitted by Children’s National Medical Center (CNMC) regarding their non-ACGME accredited Pediatric Pain Medicine 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 Mr. Smith to approve this request. Seconded by Dr. Iyengar</p> <p>Dr. Smith, Dr. Manning, Mr. Smith, Dr. Iyengar, Mr. Dawson and Dr. Anderson voted in favor of the motion. Dr. Wessel abstained. The motion passed.</p>	<p>FM</p>
<p>OS-18-02-008 ALL</p>	<p><u>REQUEST FOR APPROVAL OF NON-ACGME FELLOWSHIP PROGRAM</u></p> <p>Board Action: To review the request for approval, and supplemental documents, submitted by Children’s National Medical Center (CNMC) regarding their non-ACGME accredited Pediatric Plastic Surgery 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. Staff recently received a request from GW for approval of their Neuro-Radiology Fellowship training program.</p> <p>Motion: Motion made by Dr. Smith to approve this request. Seconded by Dr. Manning.</p> <p>Dr. Smith, Dr. Manning, Mr. Smith, Dr. Iyengar, Mr. Dawson and Dr. Anderson voted in favor of the motion. Dr. Wessel abstained. The motion passed.</p>	<p>FM</p>

OS-18-02-009
ALL

2018 FSMB ANNUAL MEETING RESOLUTIONS

FM

Board Action:

To review the reports and resolutions from FSMB that are scheduled to be discussed at the upcoming annual meeting in Charlotte, North Carolina.

Background:

Part of the FSMB Annual Meeting includes a presentation of several reports created by FSMB, as well as various resolutions that will be voted on. The list of reports and resolutions is as follows:

1. Resolutions:

- a. Resolution 18-1: Acute Opioid Prescribing Workgroup and Guidelines (OH);
- b. Resolution 18-2: Testing Under Time Constraints of the Necessary and Explicit Component of the USMLE (MN);
- c. Resolution 18-3: Supporting the Practice of Physician Assistants (WA-M);
- d. Resolution 18-4: Permitting Out-of-State Practitioners to Provide Continuity of Care in Limited Situations (WA-M);
- e. Resolution 18-5: Interprofessional Continuing Education (FSMB BOD); and
- f. Resolution 18-6: Workgroup on AI and Its Potential Impact on Patient Safety and Quality of Care in Medical Practice (PA-M).

2. Reports:

- a. BRD RPT 18-1: Report of the Workgroup to Study Regenerative and Stem Cell Therapy Practices;
- b. BRD RPT 18-2: Report of the Workgroup on Prescription Drug Monitoring Programs;
- c. BRD RPT 18-3: Report of the FSMB Workgroup on Physician Wellness and Burnout;
- d. BRD RPT 18-4: Guidelines for the Structure and Function of a State Medical and Osteopathic Board;
- e. BRD RPT 18-5: Report on Resolution 17-2: Advocacy for Professional Licensure of EMS Providers;
- f. Report of the Bylaws Committee; and
- g. REVISED Report of the Nominating Committee.

Copies of the various reports and resolutions are being provided for the Board's review and determination on whether any positions should be taken.

Motion:

Motion made by Dr. Smith to approve the Resolutions and Reports, except for Resolution 18-3. Mr. Dawson seconded.

	Dr. Wessel, Dr. Smith, Dr. Manning, Mr. Smith, Mr. Dawson and Dr. Anderson voted in favor of the motion. Dr. Iyengar was absent. The motion passed.	
OS-18-03-010 ALL	<p><u>MSDC REQUEST RE: FSMB RESOLUTION 18-3</u></p> <p>Board Action: To review the request from the Medical Society for the District of Columbia (MSDC) to not support FSMB Resolution 18-3: Supporting the Practice of Physician Assistants (WA-M).</p> <p>Background: Staff has received communication from MSDC requesting the Board not support FSMB Resolution 18-3: Supporting the Practice of Physician Assistants (WA-M). This resolution would have FSMB, amongst others, adopt an advocacy position for the voluntary and full independent practice of PAs up to the full scope of their education and training, and that FSMB revise its Model Practice Act to recommend all medical boards integrate Physician Assistants as full members with proportional representation or other method deemed acceptable.</p> <p>The request from MSDC, as well as a copy of the FSMB Resolution, are being submitted for the Board's review.</p> <p>Motion: Mr. Dawson made the motion to support the MSDC position to oppose FSMB Resolution 18-3. Seconded by Dr. Wessel.</p> <p>Dr. Wessel, Dr. Manning, Dr. Iyengar, Mr. Dawson and Dr. Anderson voted in favor of the motion. Dr. Smith was absent. Mr. Smith voted no. The motion passed.</p>	FM
OS-18-03-011 ALL	<p><u>TRAUMA TECHNOLOGIST REQUEST</u></p> <p>Board Action: To review the request from Mr. Marshall Jackson to expand the scope of practice for Trauma Technologists.</p> <p>Background: Staff received an inquiry from Mr. Mashall Jackson, Trauma Technologist, about whether Trauma Technologists could provide infiltration anesthesia. Upon review, legal staff determined that Trauma Technologists could not provide infiltration anesthesia, as DC Official Code § 3-1206.51(b)(4), limits their scope of practice to "[p]rovide topical application of a local anesthetic." Mr. Jackson is requesting the Board consider expanding this scope of practice, as according to him it is an essential part of their practice.</p> <p>Mr. Jackson has submitted a written request outlining his request, as well as various supplemental documents.</p>	FM

	<p>Motion: Dr. Smith made a motion to support changing the legislation to allow Trauma Technologists to provide infiltration anesthesia. Seconded by Mr. Dawson.</p> <p>Dr. Wessel, Dr. Smith, Dr. Manning, Mr. Smith, Mr. Dawson and Dr. Anderson voted in favor of the motion. Dr. Iyengar abstained. The motion passed.</p>	
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The Open Session Minutes continues on the next page with ‘Motion to Close’.

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MOTION TO CLOSE

OS-18-03-012
ALL

MOTION TO CLOSE

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 may 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 Mr. Smith to go into closed session. Seconded by Dr. Smith.

Dr. Wessel, Dr. Smith, Dr. Manning, Mr. Smith, Dr. Iyengar, Mr. Dawson and Dr. Anderson voted in favor of the motion. The motion passed unanimously.

This ends the Open Session Minutes.