

BOARD OF MEDICINE

Open Session Minutes

June 27, 2018

8:30 am to 10:00 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 Open Session Minutes continue on the next page with the ‘Board Meeting Participants’.

BOARD MEETING PARTICIPANTS:

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

The Open Session Minutes 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 were discussed during the meeting.

CALL TO ORDER

OS-18-06-01
ALL

INTRODUCTIONS

- A. BOARD MEMBERS**

- B. BOARD STAFF**

APPROVAL OF MINUTES, CONSENT AGENDA AND STAFF REPORTS

OS-18-06-02
ALL

BOARD/DEPARTMENT REPORT

A. BOARD CHAIR'S REPORT

- i. Newsletter**
The Board Chair provided an update on the recent Board's newsletter.

- ii. Birth Control Bill Research**
The Board Chair informed the Board that a request had been made to legal counsel re: what prescribing tools other states had been using for pharmacy prescribing of birth control.

- iii. Posting Legislative Calendar on Website**
The Board Chair informed the Board that she had requested staff provide a link on the Board's website of legislative items.

B. EXECUTIVE DIRECTOR'S REPORT

- i. Newsletter Update**
The Newsletter was sent out on June 13, 2018, to all licensees of the Board.

- ii. PA Subcommittee Meeting**
The Executive Director provided an update on the status of the PA Subcommittee Meeting that was requested at the last Board meeting to review the issue regarding the number of PAs that can be supervised at one time.

- iii. MTL Renewals**
The Executive Director provided an update on the status of this year's MTL renewals.

- iv. Licensure Census**
The Executive Director provided an update on the current licensure census in the District.

	<p style="text-align: center;">C. BOARD ATTORNEY’S REPORT</p> <p>i. Acupuncture Rules The Board Attorney informed the Board that the comment period for the Acupuncutre regulations will be ending on July 9th. So far no comments have been received.</p> <p>ii. Birth Control Legislation Research The Board Attorney provided a brief update on their research regarding the birth control legislation allowing pharmacists to prescribe birth control.</p> <p>Only seven (7) other states have passed legislation allowing pharmacist prescribing of birth control. Two (2) states left it up to the pharmacists themselves, and the remaining states developed tools based on either ACOG or CDC guidelines. Of note, the tools developed were extremely similar, with Colorado’s tool being the most extensive.</p>	
<p>OS-18-06-03 ALL</p>	<p><u>OPEN SESSION MINUTES</u></p> <p>Board Action: Consideration of the Open Session minutes from the May 30, 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. Rich to approve the minutes. Seconded by Dr. Wind.</p> <p>Dr. Fripp, Dr. Wind, Dr. Strudwick, Mr. Rich, Mr. Dawson, Mr. Smith, and Dr. Anderson voted in favor of the motion. The motion passed unanimously.</p>	<p>FM</p>

OS-18-06-04 ALL	<p><u>OPEN CONSENT AGENDA</u></p> <p>Board Action: Consideration of the current June 27, 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 Dr. Wind to approve the Consent Agenda. Seconded by Dr. Strudwick.</p> <p>Dr. Fripp, Dr. Wind, Dr. Strudwick, Mr. Rich, Mr. Dawson, Mr. Smith, and Dr. Anderson voted in favor of the motion. The motion passed unanimously.</p>	FM
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The Open Session Minutes continue on the next page with ‘Misc. Items for Discussion’.

MISC. ITEMS FOR DISCUSSION

<p>OS-18-06-05 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: This motion was for informational purposes only. Therefore no formal action was taken at this time.</p>	<p>FM</p>
<p>OS-18-06-06 ALL</p>	<p><u>REQUEST FOR APPROVAL OF NON-ACGME FELLOWSHIP</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 Fetal Medicine Institute Fellowship training program. Of note, this is a joint Fellowship Program with George Washington University School of Medicine & Health Sciences.</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. Wind to approve. Seconded by Mr. Smith.</p> <p>Dr. Fripp, Dr. Wind, Dr. Strudwick, Mr. Rich, Mr. Dawson, Mr. Smith, and Dr. Anderson voted in favor of the motion. The motion passed unanimously.</p>	<p>FM</p>

<p>OS-18-06-07 ALL</p>	<p><u>REQUEST FOR APPROVAL OF NON-ACGME FELLOWSHIP</u></p> <p>Board Action: To review the request for approval, and supplemental documents, submitted by Georgetown University Hospital regarding their non-ACGME accredited Body 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. Wind to approve. Seconded by Mr. Smith.</p> <p>Dr. Fripp, Dr. Wind, Dr. Strudwick, Mr. Rich, Mr. Dawson, Mr. Smith, and Dr. Anderson voted in favor of the motion. The motion passed unanimously.</p>	<p>FM</p>
<p>OS-18-06-08 ALL</p>	<p><u>REQUEST FOR APPROVAL OF NON-ACGME FELLOWSHIP</u></p> <p>Board Action: To review the request for approval, and supplemental documents, submitted by Washington Hospital Center regarding their non-ACGME accredited Cardiac Surgery Advanced Valve and Aortic 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. Fripp to approve this program. Seconded by Dr. Wind.</p> <p>Dr. Fripp, Dr. Wind, Dr. Strudwick, Mr. Rich, Mr. Dawson, Mr. Smith, and Dr. Anderson voted in favor of the motion. The motion passed unanimously.</p>	<p>FM</p>

<p>OS-18-06-09 ALL</p>	<p><u>REQUEST FOR GUIDANCE</u></p> <p>Board Action: To review the request for guidance from Dr. Bridgeman-Shah regarding the use of lasers by non-physicians.</p> <p>Background: Pursuant to DC Official Code § 3-1204.08(9), the Board has the authority to “[i]ssue advisory opinions regarding compliance with acceptable standards of practice.” If a request is received for guidance that is not already covered by existing law, regulations or Board policy, it is forwarded to the Board for guidance.</p> <p>Motion: Motion made by Dr. Fripp that puva is a level 2 procedure and is therefore the practice of medicine. Thus, only a physician, physician assistant, or nurse practitioner can perform this procedure. Seconded by Dr. Wind.</p> <p>Dr. Fripp, Dr. Wind, Dr. Strudwick, Mr. Rich, Mr. Dawson, Mr. Smith, and Dr. Anderson voted in favor of the motion. The motion passed unanimously.</p>	<p>SF</p>
<p>OS-18-06-10 ALL</p>	<p><u>REQUEST FOR GUIDANCE</u></p> <p>Board Action: To review the request for guidance from Dr. Daniel Gold regarding telemedicine services being provided at Sibley Memorial Hospital.</p> <p>Background: Pursuant to DC Official Code § 3-1204.08(9), the Board has the authority to “[i]ssue advisory opinions regarding compliance with acceptable standards of practice.” If a request is received for guidance that is not already covered by existing law, regulations or Board policy, it is forwarded to the Board for guidance.</p> <p>Motion: This item was for informational purposes only, as the Executive Director will respond based on existing regulations.</p> <p>Dr. Fripp, Dr. Wind, Dr. Strudwick, Mr. Rich, Mr. Dawson, Mr. Smith, and Dr. Anderson voted in favor of the motion. The motion passed unanimously.</p>	<p>FM</p>

<p>OS-18-06-11 ALL</p>	<p><u>PROPOSED AMENDMENT TO HORA - EMERITUS STATUS</u></p> <p>Board Action: To review a proposed amendment to the HORA, which would establish a new “Emeritus” licensure status.</p> <p>Background: A status of “Emeritus” would enable those licensees with a history of successful practice in the District who retire but want to retain a license with some standing. Contrary to “inactive” status, which any practitioner can apply for, an Emeritus status is valid for those practitioners with over ten (10) years of practice in the District and no restrictions on their license.</p> <p>Motion: There was discussion regarding whether calling the license an “emeritus license” would be misleading to the general public as to whether said individual could practice?</p> <p>Motion made by Mr. Smith to recommend adoption of this amendment but to require the website add an asterisk identifying this is not a full license. Seconded by Mr. Rich.</p> <p>Dr. Fripp, Dr. Strudwick, Mr. Dawson, Mr. Smith, and Dr. Anderson voted in favor of the motion. Dr. Wind and Mr. Rich abstained. The motion passed.</p>	<p>SF</p>
<p>OS-18-06-12 ALL</p>	<p><u>PROPOSED AMENDMENT TO HORA – STATUTE OF LIMITATIONS</u></p> <p>Board Action: To review a proposed amendment to the HORA, which would establish a statute of limitations for complaints.</p> <p>Background: A statute of limitations on complaints to be considered by the Board of Medicine would primarily serve to eliminate the burden on the Board of considering cases that they cannot hope to pursue. Since Washington, DC requires patient records to be maintained for only three years, pursuing cases much older than three years distracts the Board from the pursuit of more timely claims that are substantially more likely to lead to resolution other than dismissal for lack of evidence.</p> <p>Most other states do not have a statute of limitations, although the larger population states do.</p> <p>Motion: Motion made by Mr. Smith to recommend adoption statute of limitations amendment with revision that it include language stating the limitation runs from the “date of occurrence, discovery of the occurrence, or cessation of treatment related to the infraction”.</p>	<p>SF</p>

	Dr. Fripp, Dr. Wind, Dr. Strudwick, Mr. Rich, Mr. Dawson, Mr. Smith, and Dr. Anderson voted in favor of the motion. The motion passed unanimously.	
OS-18-06-13 ALL	<p><u>PROPOSED AMENDMENT TO HORA – MALPRACTICE INSURANCE</u></p> <p>Board Action: To review a proposed amendment to the HORA, which would establish notification guidelines to patients if a physician does not hold malpractice insurance.</p> <p>Background: Currently there is no requirement in the District that health care professionals maintain malpractice insurance. This amendment would not require the practitioner to have malpractice insurance but if he or she doesn't, it does require that the patient be notified.</p> <p>Motion: Motion made by Dr. Wind to oppose this amendment. Seconded by Dr. Fripp.</p> <p>Dr. Fripp, Dr. Wind, Dr. Strudwick, Mr. Dawson, Mr. Smith, and Dr. Anderson voted in favor of the motion. Mr. Rich abstained. The motion passed.</p>	SF

The Open Session Minutes continue on the next page with ‘Motion to Close’.

MOTION TO CLOSE

OS-18-06-14
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 Mr. Rich.

Dr. Fripp, Dr. Wind, Dr. Strudwick, Mr. Rich, Mr. Dawson, Mr. Smith, and Dr. Anderson voted in favor of the motion. The motion passed unanimously.

This ends the Open Session Minutes.