

BOARD OF MEDICINE

Open Session Minutes

April 29, 2020
8:30 am

VIRTUAL MEETING NOTICE

Due to the COVID-19 pandemic, all board meetings will be held virtually during the declared public health emergency.

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

Join by Web

<https://dcnet.webex.com/dcnet/j.php?MTID=m8a1b582e6081162775de00b1c792aa1d>

Join by Phone

Call-in Number: 1-650-479-3208

Access Code: 476 802 355

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)	ABSENT
Thomas Dawson, Esq. (TD)	
Jeffrey Smith, MD (JS)	
Terrence Straub (TS)	
Archie Rich (AR)	
Vikisha Fripp, MD (VF)	ABSENT
David Wessel, MD (DW)	
Thomas Smith (TS2)	
Joshua Wind, MD (JW)	
Christopher Raczynski, MD (CR)	ABSENT
Joelle Simpson, MD (JS2)	
Konrad Dawson, MD (KD)	
BOARD STAFF:	
Frank Meyers, JD – Executive Director	
Lisa Robinson – Health Licensing Specialist	
Mary Harris – Health Licensing Specialist	
Angela Braxton – Health Licensing Specialist	
Charles Annor – Health Licensing Specialist	
Emilia Moran – Investigator	
LEGAL STAFF:	
Suzanne Fenzel, Esq. – Board Attorney Advisor	
Ajay Gohil, Esq. – Board Attorney Advisor	

The Open Session Minutes 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-20-04-01 ALL	<u>INTRODUCTIONS</u> A. BOARD MEMBERS B. BOARD STAFF	
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APPROVAL OF MINUTES, CONSENT AGENDA AND STAFF REPORTS

OS-20-04-02 ALL	<u>BOARD/DEPARTMENT REPORT</u> A. BOARD CHAIR'S REPORT i. Executive Director New Position The Board Chair reminded the Board that the Executive Director, Frank Meyers, has been promoted to Associate Director of the Office of Health Professional Licensing Boards. Mr. Meyers will continue as Executive Director for the Board of Medicine until a full time replacement is found. ii. Medical Reserve Corps The Board Chair gave an update on the Medical Reserve Corps and reminded members of the continued need to sign up. iii. Interdisciplinary Chair Meeting The Board Chair provided an update on the recent meeting of the various chairpersons on the DC Health's interdisciplinary board committee. iv. USMLE Testing Update The Board Chair provided an update on the status of USMLE testing, specifically that USMLE would be looking at alternatives for testing in addition to limited slots for testing via Prometric. B. EXECUTIVE DIRECTOR'S REPORT i. Certified Professional Midwives Legislation The Executive Director provided an update on the status of the Certified Professional Midwives (CPM) legislation, specifically that the bill has passed and will become	
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effective following the thirty (30) day review period with Congress.

ii. COVID-19 Response

The Executive Director provided an update on the District's responses to the ongoing COVID-19 pandemic, including:

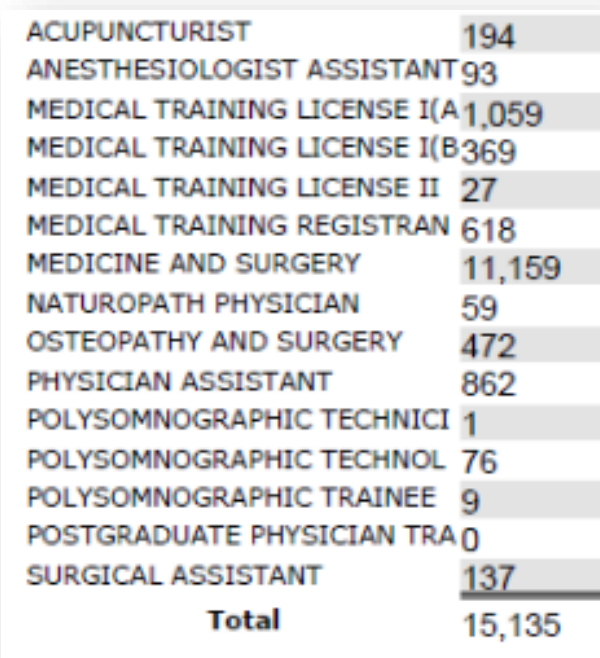
- a. Licensure Waivers
- b. Request for Volunteers
- c. Best Practices

For the most up to date information regarding COVID-19, go to <https://coronavirus.dc.gov>.

iii. Licensure Census

The census numbers were not available during the meeting, however they are now reported below:

- Trauma Technologists – 5



ACUPUNCTURIST	194
ANESTHESIOLOGIST ASSISTANT	93
MEDICAL TRAINING LICENSE I(A)	1,059
MEDICAL TRAINING LICENSE I(B)	369
MEDICAL TRAINING LICENSE II	27
MEDICAL TRAINING REGISTRAN	618
MEDICINE AND SURGERY	11,159
NATUROPATH PHYSICIAN	59
OSTEOPATHY AND SURGERY	472
PHYSICIAN ASSISTANT	862
POLYSOMNOGRAPHIC TECHNICI	1
POLYSOMNOGRAPHIC TECHNOL	76
POLYSOMNOGRAPHIC TRAINEE	9
POSTGRADUATE PHYSICIAN TRA	0
SURGICAL ASSISTANT	137
Total	15,135

iv. Waiver of Licensure Requirements for FMG

The Board discussed the request from stakeholders to waive licensure requirements for FMGs to practice in the District in response to COVID-19. The Board members felt that the current licensure waiver was both expansive

	<p>and measured, and absent an overwhelming need for more practitioners to respond to COVID-19, it would be difficult to grant a broad waiver for all FMGs as their experience and training is quite varied.</p> <p>Motion made by Dr. Simpson to defer recommending expansion of the current licensure waiver to include unlicensed FMGs to provide health services in response to COVID-19 at this time, but should issues change the Board will re-examine this issue. Seconded by Dr. Wind.</p> <p>Dr. Wessel, Dr. Wind, Dr. Simpson, Dr. Dawson, Mr. Rich, Dr. Smith, Mr. Dawson, Mr. Smith and Dr. Anderson voted in favor of the motion. Mr. Straub was absent. The motion passed.</p> <p>C. BOARD ATTORNEY’S REPORT</p> <p>i. Van Braithwaite The Board Attorney informed the Board that Mr. Van Braithwaite, one of the attorneys with the Office of General Counsel, passed away recently due to COVID-19.</p> <p>ii. Regulation Updates The Board Attorney updated the Board on the status of various regulations impacting the Board of Medicine, specifically that the 10% CE regulations have all been enacted.</p> <p>The Board Attorney also provided the Board with information about the status of the regulations for Athletic Trainers.</p>	
<p>OS-20-04-03 ALL</p>	<p><u>OPEN SESSION MINUTES</u></p> <p>Board Action: Consideration of the Open Session minutes from the February 26, 2020 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:</p>	<p>FM</p>

	<p>Motion made by Dr. Wind to approve the minutes. Seconded by Dr. Simpson.</p> <p>Dr. Wessel, Dr. Wind, Dr. Simpson, Dr. Dawson, Mr. Rich, Dr. Smith, Mr. Dawson, Mr. Smith and Dr. Anderson voted in favor of the motion. Mr. Straub was absent. The motion passed.</p>	
<p>OS-20-04-04 ALL</p>	<p><u>OPEN CONSENT AGENDA</u></p> <p>Board Action: Consideration of the current April 29, 2020, 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. Simpson.</p> <p>Dr. Wessel, Dr. Wind, Dr. Simpson, Dr. Dawson, Mr. Rich, Dr. Smith, Mr. Dawson, Mr. Smith and Dr. Anderson voted in favor of the motion. Mr. Straub was absent. The motion passed.</p>	<p>FM</p>

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

MISC. ITEMS FOR DISCUSSION

<p>OS-20-04-05 ALL</p>	<p><u>KAISER PERMANENTE RESIDENCY PROGRAM REQUEST</u></p> <p>Board Action: To review the request from Kaiser Permanente to be granted MTL licenses for their new residency program.</p> <p>Background: Kaiser Permanente has submitted a request to be approved for MTL licenses, as their DC location is an approved remote site for their recently ACGME approved residency program.</p> <p>Motion: Motion made by Dr. Simpson to approve the request. Seconded by Dr. Wind</p> <p>Dr. Wessel, Dr. Wind, Dr. Simpson, Dr. Dawson, Mr. Rich, Dr. Smith, Mr. Dawson, Mr. Smith, Mr. Straub and Dr. Anderson voted in favor of the motion. The motion passed unanimously.</p>	<p>FM</p>
<p>OS-20-04-06 ALL</p>	<p><u>ACUPUNCTURE REGULATIONS</u></p> <p>Board Action: To review feedback from physician stakeholders regarding the recently enacted regulations governing the practice of acupuncture by physicians.</p> <p>Background: The Board previously approved regulations for acupuncture, which added several updates to the profession including modifying the licensure requirements for physician applicants to include the requirement they obtain certification with the American Association of Medical Acupuncturists (AAMA). Staff has received feedback that this requirement is too excessive and unrealistic for any new applicants, as AAMA certification requires practicum hours, which some advocates argue can only be obtained after licensure. This information is being provided to the Board for guidance on how to proceed.</p> <p>Motion: Dr. William Elliott was present to express the concern of the stakeholder community, which was that current regulations require board certification which is much greater than what is needed for actual practice and licensure. The Board asked legal to draft proposed language and bring back to the Board at the next meeting for review and approval.</p>	<p>FM</p>

	No formal action was taken at this time.	
OS-20-04-07 ALL	<p><u>LABORATORY TECHNICIAN LICENSURE</u></p> <p>Board Action: To review proposed legislation moving the licensure of laboratory technicians and other professions under the Board of Medicine.</p> <p>Background: Under DC Official Code 3-1201.08, laboratory technicians, cytotechnologists, histologic technicians, histotechnologists, medical laboratory technicians, medical technologists and phlebotomists are licensed by the Board of Pharmacy. During implementation of these professions, a decision was made to shift their licensure to the Board of Medicine, and therefore draft legislation is being presented to the Board for review and feedback.</p> <p>Motion: The Board members expressed concerns with all of these additional professions being put under their authority, especially when these are not professions for which the members have any subject matter experience. The Board reiterated the need for the sub-committees, and recommended that if it is difficult to staff all the sub-committees then perhaps a larger multi-disciplinary sub-committee would be beneficial.</p> <p>This item was for informational purposes, so no formal action was taken at this time.</p>	FM
OS-20-04-08 ALL	<p><u>VOLUNTEER LICENSE FEES</u></p> <p>Board Action: To review the request for modifying licensure fees for licensees who are applying for a license to provide volunteer services.</p> <p>Background: Recently staff was contacted by Catholic Charities asking if licensure fees could be waived for physicians who were coming to provide volunteer health services. Under current law there is no “volunteer” licensure or waiver mechanism for full time volunteers. Additionally, the HORA requires a minimum fee for Board of Medicine applications, however existing fees are higher than the minimum.</p> <p>The request and written “testimony” from Catholic Charities are being provided to the Board for review.</p>	FM

	<p>Motion: The Board discussed the request, and felt that even if they changed the fee to \$500 it won't address the specific issues raised by Catholic Charities due to existing statutory requirements.</p> <p>Motion made by Dr. Wind to reply with a letter that thanks them for their services, but that it is not within the capacity of the Board to waive the fees entirely due to the existing statutes. Seconded by Dr. Simpson.</p> <p>Dr. Wessel, Dr. Wind, Dr. Simpson, Dr. Dawson, Mr. Rich, Mr. Smith, Mr. Straub and Dr. Anderson voted in favor of the motion. Dr. Smith and Mr. Dawson were absent. The motion passed.</p>	
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The Open Session Minutes continue on the next page with 'Motion to Close'.

MOTION TO CLOSE

OS-20-04-09 ALL	<p><u>MOTION TO CLOSE</u></p> <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). <p>Motion: Motion made by Dr. Wind. Seconded by Dr. Simpson.</p> <p>Dr. Wessel, Dr. Wind, Dr. Simpson, Dr. Dawson, Mr. Rich, Dr. Smith, Mr. Smith, Mr. Straub and Dr. Anderson voted in favor of the motion. Dr. Smith and Mr. Dawson were absent. The motion passed.</p>	FM
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The Open Session Minutes continue on the next page with ‘Motion to Adjourn’.

MOTION TO ADJOURN

OS-20-04-10 ALL	<p><u>MOTION TO ADJOURN</u></p> <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 Mr. Rich to adjourn the meeting. Seconded by Dr. Smith.</p> <p>Dr. Wessel, Dr. Wind, Dr. Dawson, Mr. Rich, Dr. Smith, Mr. Smith, Mr. Straub and Dr. Anderson voted in favor of the motion. Dr. Simpson was absent. The motion passed.</p>	FM
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This ends the Open Session Minutes.

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.