

# BOARD OF MEDICINE

## Open Session Minutes

September 30, 2020  
8:41 am – 10:18 am

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### 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=m6103cfeba7a4f12a2869cd77585cea0f>

**Join by Phone**

Call-in Number(s):

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

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

Access Code: 172 386 4322

**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:**

<b>BOARD MEMBERS:</b>	
Andrea Anderson, MD (AA)	
Preetha Iyengar, MD (PI)	
William Strudwick, MD (WS)	
Thomas Dawson, Esq. (TD)	<b>ABSENT</b>
Jeffrey Smith, MD (JS)	
Terrence Straub (TS)	<b>ABSENT</b>
Archie Rich (AR)	
Vikisha Fripp, MD (VF)	
David Wessel, MD (DW)	
Thomas Smith (TS2)	<b>ABSENT</b>
Joshua Wind, MD (JW)	
Christopher Raczynski, MD (CR)	
Joelle Simpson, MD (JS2)	
Konrad Dawson, MD (KD)	

<b>BOARD STAFF:</b>	
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	

<b>LEGAL STAFF:</b>	
Suzanne Fenzel, Esq. – Board Attorney Advisor	
Ajay Gohil, Esq. – Board Attorney Advisor	
Erin Donnelly – Legal Intern	

The Open Session Minutes continue on the next page with the 'Call to Order'.<sup>1</sup>

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<sup>1</sup> 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-20-09-01  
ALL**INTRODUCTIONS**

- A. BOARD MEMBERS**
- B. BOARD STAFF**

**APPROVAL OF MINUTES, CONSENT AGENDA AND STAFF REPORTS**OS-20-09-02  
ALL**BOARD/DEPARTMENT REPORT****A. BOARD CHAIR'S REPORT****i. Presentation to MSDC**

The Board Chair provided an update on the recent webinar held by MSDC in which the Board Chair and Executive Director provided an overview of the upcoming renewal system.

Over 400 individuals registered for the event, and several questions were answered. A recording of the event has been published on MSDC's youtube page, and has also been linked to the Board's website.

**ii. FSMB Webinar on COVID-19 & Physician Wellbeing**

The Board Chair provided an update on the recent FSMB webinar re: COVID-19 that took place on August 27, 2020, and it's impact on physician wellbeing.

**iii. Interprofessional Board Chair Collaboration (IBCC) Meeting**

The Board Chair provided an update on the recent meeting of the IBCC held on September 21, 2020. This was the third meeting of the IBCC, which continues to focus on issues addressing all health professional licensing boards. Going forward, the IBCC will be focusing on telehealth issues, including forming a subcommittee made up of various board chairs to discuss best practices for telehealth in the District.

**B. EXECUTIVE DIRECTOR'S REPORT****i. COVID-19 Update**

The Executive Director provided a general update on the District's response to COVID-19. More information

regarding COVID-19 can be found at <https://coronavirus.dc.gov>.

**ii. Renewal Update & New License System**

The Executive Director provided an update on this years renewals, which are scheduled to go live on or about October 1, 2020. The Board Executive Director stated that while the initial go-live date was October 1, the system will not be opened until after Board members have had a chance to test it themselves. The updated go-live date is now October 5, 2020.

**iii. November and December Meetings**

The November and December Board meetings are scheduled for November 25<sup>th</sup> and December 30<sup>th</sup>. Considering the proximity of these dates to holidays, the Board discussed whether to move these dates or combine them into a single meeting date. Ultimtely the Board agreed to combine the meetings into one meeting in November. The Board Executive Director will send out a Doodle Poll to determine the best date for the November meeting.

**iv. Licensure Census**

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

*Trauma Technologists - 5*

	Active
ACUPUNCTURIST	198
ANESTHESIOLOGIST ASSISTANT	105
MEDICAL TRAINING LICENSE I(A)	1,131
MEDICAL TRAINING LICENSE I(B)	348
MEDICAL TRAINING LICENSE II	18
MEDICAL TRAINING REGISTRAN	729
MEDICINE AND SURGERY	11,622
NATUROPATH PHYSICIAN	61
OSTEOPATHY AND SURGERY	509
PHYSICIAN ASSISTANT	945
POLYSOMNOGRAPHIC TECHNICI	1
POLYSOMNOGRAPHIC TECHNOL	78
POLYSOMNOGRAPHIC TRAINEE	8
POSTGRADUATE PHYSICIAN TRA	0
SURGICAL ASSISTANT	142
<b>Total</b>	<b>15,895</b>

	<p align="center"><b>C. BOARD ATTORNEY’S REPORT</b></p> <p align="center"><b>i. Legal Intern</b> Suzanne Fenzel introduced the new legal intern, Erin Donnelly.</p>	
OS-20-09-03 ALL	<p><b><u>OPEN SESSION MINUTES</u></b></p> <p><b>Board Action:</b> Consideration of the Open Session minutes from the July 29, 2020 meeting.</p> <p><b>Background:</b> 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><b>Motion:</b> Motion made by Dr. Wind to approve the minutes. Seconded by Mr. Rich.</p> <p>Dr. Wessel, Dr. Wind, Dr. Simpson, Dr. Strudwick, Dr. Fripp, Dr. Raczynski, Mr. Rich and Dr. Anderson voted in favor of the motion. Dr. Dawson and Dr. Iyengar were absent. The motion passed.</p>	FM
OS-20-09-04 ALL	<p><b><u>OPEN CONSENT AGENDA</u></b></p> <p><b>Board Action:</b> 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><b>Background:</b> 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><b>Motion:</b> Motion made by Dr. Wind to approve the consent agenda. Seconded by Mr. Rich.</p> <p>Dr. Wessel, Dr. Wind, Dr. Simpson, Dr. Strudwick, Dr. Fripp, Dr. Raczynski, Mr. Rich and Dr. Anderson voted in favor of the motion. Dr. Dawson and Dr. Iyengar were absent. The motion passed.</p>	FM

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

**MISC. ITEMS FOR DISCUSSION**

<p>OS-20-09-05 ALL</p>	<p><b><u>FEDERATION OF STATE MEDICAL BOARDS – CALL FOR NOMINATIONS</u></b></p> <p><b>Board Action:</b> To review the “1<sup>st</sup> Call for Nominations” from the Federation of State Medical Boards (FSMB).</p> <p><b>Background:</b> The FSMB Nominating Committee is beginning it’s recruitment of potential nominees for the 2021 elections to the Board of Directors. As part of the recruiting process, FSMB will be publishing it’s “1<sup>st</sup> Call for Nominees” in the FSMB eNews on October 6<sup>th</sup>. A copy of the notice from FSMB, including information on how to run for office, is being provided to the Board for review.</p> <p><b>Motion:</b> This item was for information purposes only, so no formal action was taken at this time.</p>	<p>FM</p>
<p>OS-20-09-06 ALL</p>	<p><b><u>FEDERATION OF STATE MEDICAL BOARDS – REQUEST FOR BY-LAWS</u></b></p> <p><b>Board Action:</b> To determine whether to submit any proposed amendments to the Federation of State Medical Boards (FSMB) by-laws.</p> <p><b>Background:</b> The FSMB Bylaws Committee will meet on December 2, 2020, to consider requests for amendments to the FSMB Bylaws. The deadline for submission of proposed changes is November 13, 2020. A copy of the notice from FSMB as well as existing Bylaws are being provided to the Board for review.</p> <p><b>Motion:</b> The Board Chair informed the members that if anyone had any recommendations for by-laws, they should be forwarded to both Dr. Anderson and the Executive Director.</p> <p>This item was for informational purposes only, so no formal action was taken at this time.</p>	<p>FM</p>



<p>OS-20-09-07 ALL</p>	<p><b><u>REPORT – PUBLIC CITIZEN</u></b></p> <p><b>Board Action:</b> To review the email from FSMB as well as the report from Public Citizen on the topic of physician sexual misconduct.</p> <p><b>Background:</b> Recently staff received an email from FSMB notifying us of a recent report being issued by Public Citizen addressing the topic of physician sexual misconduct. Following this email, staff received an email from Public Citizen containing the actual report in questions, titled “15-Year Summary of Sexual Misconduct by U.S. Physicians Reported to the National Practitioner Data Bank, 2003 – 2017: In-Depth, Updated Evidence on White Coat Betrayal.” A copy of the email from FSMB, as well as the report from Public Citizen is being provided to the Board for review.</p> <p><b>Motion:</b> The Board took up discussion of this item along with the FSMB policy on sexual misconduct. The Board Chair expressed her desire for the Board to establish a sub-committee to address this issue as it relates to the District.</p> <p>Dr. Fripp, Dr. Smith and Mr. Smith (prior to the meeting) volunteered to sit on a sub-committee to review the FSMB report as well as the Public Citizen report and make a recommendation on how the Board should address the issue of sexual misconduct, with a focus on updating Board processes and policies.</p>	<p>FM</p>
<p>OS-20-09-08 ALL</p>	<p><b><u>ATHLETIC TRAINERS</u></b></p> <p><b>Board Action:</b> To review the draft policy regarding athletic trainers' ability to provide clinical assessments in order to provide immediate and emergency treatment of athletic injuries.</p> <p><b>Background:</b> At the May 2020 Board meeting, the Board approved the final regulations to implement licensure of athletic trainers. In accordance with the statute, the regulations included a prohibition on athletic trainers providing medical diagnoses. However athletic trainers are concerned that the prohibition may lead to unfounded complaints when an athletic trainer provides immediate and emergency care in that, to do so, he or she has to make some assessments to determine what care is needed. The Board agreed to consider a policy</p>	<p>SF</p>

	<p>that would clarify that point in case such a complaint came before the Board.</p> <p><b>Motion:</b> Motion made by Dr. Smith to approve the policy as written. Seconded by Dr. Raczynski.</p> <p>Dr. Wessel, Dr. Wind, Dr. Simpson, Dr. Strudwick, Dr. Dawson, Dr. Raczynski, Dr. Iyengar and Dr. Anderson voted in favor of the motion. Mr. Rich abstained. Dr. Fripp was absent. The motion passed.</p>	
<p>OS-20-09-09 ALL</p>	<p><b><u>PRESENTATION - DERMATOLOGY TECHNICIANS</u></b></p> <p><b>Board Action:</b> To review the presentation from Ms. Cheryl Burgess on the topic of Dermatology Technicians.</p> <p><b>Background:</b> Dr. Cheryl Burgess presented to the Board approximately six (6) years ago on the topic of dermatology technicians. Ms. Burgess would like to present to the new Board on this same topic. A copy of the request from Ms. Burgess, as well as a Demartology Technician training manual are being provided to the Board for review.</p> <p><b>Motion:</b> Dr. Cheryl Burgess presented on the issue of dermatology technicians and their scope of practice. Dr. Burgess stated her request is not to have Dermatology Technicians licensed, but to have them somehow recognized in the District. Dr. Burgess referenced language in Virginia, which she agreed to forward to the Board.</p> <p>Staff was directed to obtain further information from Dr. Burgess and bring this matter back to the board at the next meeting for further discussion and possibly establishing a sub-committee.</p> <p>No formal action was taken at this time.</p>	<p>FM</p>

<p>OS-20-09-10 ALL</p>	<p><b><u>DISCUSSION – MSDC</u></b></p> <p><b>Board Action:</b> To meet representatives from the Medical Society of the District of Columbia Physicians Health Program (MSDC PHP) for a discussion of their program.</p> <p><b>Board Action:</b> The MSDC PHP program provides monitoring services to various licensed physicians in the District who are diagnosed with substance abuse issues. These individuals are some times self-referred to MSDC, or referred by the Board. MSDC has been invited by the Board to discuss operations and how the program is continuing to provide services during the ongoing public health emergency.;</p> <p><b>Motion:</b> This item was for informational purposes only, so no formal action was taken at this time.</p> <p>Dr. Charles Samenow and Steve Carreras with MSDC PHP presented on the current operations and status of the MSDC PHP.</p> <p>Specifically, Dr. Samenow provided an overview of the MSDC PHP program, including the services provided, how participants join and are monitored, referrals to the Board of Medicine, and other general matters.</p> <p>Currently there are ten (10) participants in the MSDC PHP program.</p> <p>There was also discussion as to the MSDC PHP programs funding sources, which are primarily malpractice insurance carriers. However, ProAssurance, the prior financial sponsor is no longer funding the MSDC PHP and so efforts are being made by MSDC to obtain alternative funding sources.</p>	
<p>OS-20-09-11 ALL</p>	<p><b><u>FEDERATION OF STATE MEDICAL BOARDS – REPORT ON SEXUAL MISCONDUCT</u></b></p> <p><b>Board Action:</b> To review the FSMB Report on Sexual Misconduct.</p> <p><b>Background:</b> The Federation of State Medical Boards’s Workgroup on Physician Sexual Misconduct published it’s Report and Recommendations on Physician Sexual Misconduct, which was adopted as policy by FSMB in May of 2020.</p>	

	<p>This report is the product of several years of work, and provides several recommendations to state medical boards on how to address complaints of sexual misconduct and recommended best practices re: terminology, investigations, handling of witnesses, and much more. A copy of the report is being provided to the Board for review.</p> <p><b>Motion:</b> See OS-20-09-07, as both items were taken together for discussion.</p>	
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**The Open Session Minutes continue on the next page with 'Motion to Close'.**

**MOTION TO CLOSE**

OS-20-09-12  
ALL

**MOTION TO CLOSE**

FM

**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. Wind to go into closed session. Seconded by Dr. Fripp.

Dr. Wessel, Dr. Wind, Dr. Simpson, Dr. Strudwick, Dr. Dawson, Dr. Fripp, Dr. Raczynski, Dr. Iyengar, Dr. Smith, Mr. Rich and Dr. Anderson voted in favor of the motion. Dr. Iyengar was absent. The motion passed.

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

**MOTION TO ADJOURN**

OS-20-09-13  
ALL

**MOTION TO ADJOURN**

FM

**Board Action:**

To adjourn the meeting.

**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.

**Motion:**

Motion made by Dr. Smith to adjourn the meeting. Seconded by Dr. Simpson.

Dr. Wind, Dr. Simpson, Dr. Strudwick, Dr. Fripp, Dr. Iyengar, Dr. Smith, Mr. Rich and Dr. Anderson voted in favor of the motion. Dr. Dawson and Dr. Raczynski were absent. The motion passed.

**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](mailto:opengovoffice@dc.gov).*