

BOARD OF MEDICINE

Open Session Minutes

October 26, 2022
8:30 am to 9:42 am

HYBRID MEETING NOTICE

Due to the COVID-19 pandemic, the Board will have a hybrid schedule of in-person and virtual meetings. In-person meetings will resume in FY 2023, meeting dates can be found on the Board's webpage.

In-person meetings will be at 899 North Capitol Street, NE, 2nd Floor, Washington, DC 20002.

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

Join by Web:

<https://dcnet.webex.com/dcnet/j.php?MTID=macd144e39f675752bd687d7aa1047c8a>

Join by Phone:

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

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

Access Code:

2302 856 3248

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)	
Vikisha Fripp, MD (VF)	
Christopher Raczynski, MD (CR)	Absent
Konrad Dawson, MD (KD)	
Aeva Gaymon-Doomes, MD (AGD)	Absent
Asad Bandealy, MD (AB)	Absent
VACANT (Physician Member)	
VACANT (Physician Member)	
VACANT (Physician Member)	
VACANT (Consumer Member)	
VACANT (Consumer Member)	
VACANT (Consumer Member)	
BOARD STAFF:	
Aisha Nixon – Associate Director/Executive Director	
Lisa Robinson – Health Licensing Specialist	
Mary Harris – Health Licensing Specialist	
Angela Braxton – Health Licensing Specialist	Absent
Charles Annor – Health Licensing Specialist	
Kimberly Quickley – Health Licensing Specialist	
Gregory Scurlock – Compliance Officer	Absent
Emilia Moran – Investigator	Absent
LEGAL STAFF:	
Suzanne Fenzel, Esq. – Board Attorney Advisor	
Ajay Gohil, Esq. – Board Attorney Advisor	Present at 9:00 am
DC HEALTH STAFF	
Matteo Lieb, Office of Government Affairs	
Teresa Walsh, Executive Director of the Board of Nursing	
Gracia Leon, DC Health Intern	
VISITORS:	
Nicholas Well, DC Office of Open Government	
Hazem Garada	
Robert Hay, MSDC	

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-22-10-01

INTRODUCTIONS

ALL

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

OS-22-10-02

BOARD/DEPARTMENT REPORT

AN

ALL

A. BOARD CHAIR'S REPORT

- I. The Chair notified the Board that FSMB has invited members to join various FSMB committees. Applications are due by December 31, 2022.
- II. The Chair notified the Board that the Journal of Medical Regulation is seeking a new Editor in Chief.

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

- The Executive Director notified the Board that HRLA's Board of Pharmacy was participating in 'Drug Take Back Day', in collaboration with the DEA and other state and local agencies.
- The Executive Director notified the Board of the current outbreak of Ebola in Uganda and informed them that in response to the multiple health issues affecting the area, DC has merged the various Covid and Monkeypox clinics to facilitate individuals getting vaccinated for all-in-one location.
- The Executive Director updated the Board on the recent DOH 'All Hands' staff meeting held on October 18th, which focused on operational

goals for the new year, and the planned move to a new location in 2024.

ii. Upcoming Renewals

- The Executive Director informed the Board that the online renewals launched on October 3rd, and to date _____ licensees have renewed.

iii. Board Vacancies/MOTA Update

- The Executive Director informed the Board that there are 6 vacancies on the Board, and that MOTA is currently vetting several applicants, who could possibly join the Board in early 2023.

iv. Licensure Census

- The Executive Director provided the following licensure census:
- Acupuncturist – 166
- Anesthesiology Assistant – 123
- Medical Training License IA – 1,193
- Medical Training License IB - 326
- Medical Training License II - 29
- Medical Training Registrant – 208
- Medicine and Surgery – 12,403
- Naturopathic Physician – 65
- Osteopath and Surgery – 649
- Physician Assistant – 1,217
- Polysomnographic Technician - 1
- Polysomnographic Technologist - 69
- Polysomnographic Trainee – 3
- Surgical Assistant – 122
- Chinese Herbologist – 12
- Trauma Technologist - 5

C. BOARD ATTORNEY'S REPORT

- The Board Attorney provided an update on the Hazem Garada case, scheduled for hearing later in this meeting.

D. OFFICE OF GOVERNMENT RELATION'S REPORT

	<p>Matteo Lieb of the Office of Governmental Affairs provided the following update to the Board:</p> <p>Committee on Health Hearing:</p> <ul style="list-style-type: none"> The Committee on Health hosted a hearing on four bills relating to DC Health on September 28th. Those bills are the <i>Protecting Health Professionals Providing Reproductive Health Care Amendment Act of 2022</i> (B24-0830), the <i>High Need Healthcare Career Scholarship and Health Professional Loan Repayment Program Amendment Act of 2022</i> (B24-0943), the <i>Consent for Vaccinations of Minors Emergency Amendment Act of 2022</i> (B24-0890), and the <i>Clinical Laboratory Practitioners Amendment Act of 2022</i> (B24-0764). Executive Director Nixon provided testimony on three out of those four pieces of legislation. <p>Committee on Health Markup:</p> <ul style="list-style-type: none"> The Committee on Health is expected to hold its final markup for Council Period 24 in mid-November. Therefore, no legislation that hasn't received a hearing is expected to move this year. OGR expects that several pieces of legislation relating to DC Health will be considered including the <i>Protecting Health Professionals Providing Reproductive Health Care Amendment Act of 2022</i> (B24-0830), <i>Consent for Vaccinations of Minors Amendment Act of 2022</i> (B24-0942), and the <i>High Need Healthcare Career Scholarship and Health Professional Loan Repayment Program Amendment Act of 2022</i> (B24-0943). <p>End of Council Period 24:</p> <ul style="list-style-type: none"> Council Period 24 will conclude at the end of this calendar year. Any legislation that has not been passed by then will need to be reconsidered during Council Period 25. The Committee on Health will have new membership in the upcoming Council Period. OGR will be sure to provide updates on Committee makeup in January of 2023. 	
OS-22-10-03	<p><u>OPEN SESSION MINUTES</u></p> <p>Board Action: The Board considered the Open Session minutes from the September 28, 2022, 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>	AN/AB

	<p>Motion: Motion made by Dr. Fripp to approve the Open Session minutes. Seconded by Dr. Strudwick.</p> <p>Vote: Dr. Fripp, Dr. Strudwick, Dr. Dawson, Mr. Rich, and Dr. Anderson voted in favor of the motion. The motion passed unanimously.</p>	
OS-22-10--04 ALL	<p><u>OPEN CONSENT AGENDA</u></p> <p>Board Action: The Board considered 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> <p>Motion: Motion made by Dr. Fripp to approve the Open Session minutes. Seconded by Dr. Strudwick.</p> <p>Vote: Dr. Fripp, Dr. Strudwick, Dr. Dawson, Mr. Rich, and Dr. Anderson voted in favor of the motion. The motion passed unanimously.</p>	LR
OS-22-10-05 ALL	<p><u>BOARD POLICIES & REGULATORY REVISIONS</u></p> <p><u>FSMB: Position Statement: Treatment of Self, Family Members and Close Relations</u></p> <p>Board Action: Update on the subcommittee meeting.</p> <p>Background: In May 2022, FSMB issued a position statement that sets expectations related to the provision of treatment of oneself, one's family members, and close personal relations. A subcommittee of the Board consisting of Dr. Anderson, Dr. Gaymon-Doomes, and Dr. Strudwick, met on October 4, 2022, to</p>	AA

	<p>review the FSMB policy. The Board Attorney provided recommendations to modify the language.</p> <p>FYI only.</p>	
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The Open Session Minutes continue on the next page with 'Presentations, Misc. Items for Discussion, and FYI'.

PRESENTATIONS, MISC. ITEMS FOR DISCUSSION AND FYI

OS-22-10--06 ALL	<u>REQUEST FOR NON-ACGME APPROVAL</u> Board Action: The Board reviewed the request from Children’s National Hospital to renew their non-ACGME accredited Pediatric Cardiac Electrophysiology Fellowship training program. 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. Motion: Motion made by Dr. Strudwick to approve the program. Seconded by Dr. Fripp. Vote: Dr. Fripp, Dr. Strudwick, Dr. Dawson, Mr. Rich, and Dr. Anderson voted in favor of the motion. The motion passed unanimously.	LR
OS-22-10--07 ALL	<u>REQUEST FOR NON-ACGME APPROVAL</u> Board Action: The Board reviewed the request from Children’s National Hospital to renew their non-ACGME accredited Pediatric Colorectal and Pelvic Reconstruction Fellowship training program. 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. Motion: Motion made by Dr. Strudwick to approve the program. Seconded by Dr. Fripp. Vote: Dr. Fripp, Dr. Strudwick, Dr. Dawson, Mr. Rich, and Dr. Anderson voted in favor of the motion. The motion passed unanimously.	LR

OS-22-10--08	<p><u>REQUEST FOR NON-ACGME APPROVAL</u></p> <p>ALL</p> <p>Board Action: The Board reviewed the request from Children’s National Hospital to renew their non-ACGME accredited Cardiac Critical Care Telemedicine 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 to approve the program. Seconded by Dr. Fripp.</p> <p>Vote: Dr. Fripp, Dr. Strudwick, Dr. Dawson, Mr. Rich, and Dr. Anderson voted in favor of the motion. The motion passed unanimously.</p>	LR
OS-22-10--09	<p><u>REQUEST FOR NON-ACGME APPROVAL</u></p> <p>ALL</p> <p>Board Action: The Board reviewed the request from Georgetown University Hospital to renew their non-ACGME accredited Movement Disorders 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 the program. Seconded by Dr. Strudwick.</p> <p>Vote: Dr. Fripp, Dr. Strudwick, Mr. Rich, and Dr. Anderson voted in favor of the motion. Dr. Dawson was not present. The motion passed unanimously.</p>	CA

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

MOTION TO CLOSE

OS-22-10-10

ALL

MOTION TO RECESS (The Open Meeting will reconvene for a hearing scheduled for 1 p.m.):

AN

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. Mr. Rich to close Open Session at 9:42 am and move to the Executive Session. Seconded by Dr. Strudwick.

Vote:

Dr. Fripp, Dr. Strudwick, Mr. Rich, and Dr. Anderson voted in favor of the motion. Dr. Dawson was not present. The motion passed unanimously.

The Open Session Minutes continue on the next page with 'Hearing'.

HEARING

OS-22-10-11

ALL

HEARING

Open Session reconvened at 1:18 pm for the Hazem Garada hearing.

Board Action:

The Board conducted the hearing for Dr. Garada regarding his criminal convictions.

Background:

Dr. Hazem Garada filed an application for a medical license in March 2017. The Board issued a Notice of Intent to Deny, and a hearing was held before an Administrative Law Judge in November 2017. A Recommended Order supporting the intent to deny was issued on June 5, 2019. The Board accepted in the Recommended Decision and voted to accept it in full. After consideration of exceptions filed by Dr. Garada, a Final Decision and Order denying his license was issued. Dr. Garada timely appealed the Order to the D.C. Court of Appeals and, upon request by the District, the Final Decision and Order was remanded to have the Board review its decision in accordance with the "Removing Barriers to Occupational Licensing for Returning Citizens Amendment Act of 2020." In accordance with the new law, the Board determined at the meeting on July 27, 2022, that, without considering his criminal convictions, Dr. Garada was not "otherwise qualified" to receive a medical license. A Proposed Final Order was sent to Dr. Garada to which he timely responded with exceptions. On September 21, 2022, D.C. Act 24-489, which amended the "Removing Barriers to Occupational Licensing for Returning Citizens Amendment Act of 2020" became law. Under the new law, the Board must consider certain factors in considering any related criminal convictions. This hearing is to allow Dr. Garada to present evidence for the Board to consider in accordance with the required factors.

The Open Session Minutes continue on the next page with 'Motion to Adjourn'. The next meeting is scheduled on **December 14, 2022. (In-Person)**

MOTION TO ADJOURN		
OS-22-10-12	<u>MOTION TO ADJOURN</u>	AN
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.