

BOARD OF MEDICINE

Open Session Minutes

December 14, 2022

8:30 am – 9:54 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=md198b1326fd8e572ca38cc124d5df279>

Join by Phone:

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

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

Access Code:

231 291 07688

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)	Absent
Jeffrey Smith, MD (JS)	Participated Virtually
Archie Rich (AR)	Participated Virtually
Christopher Raczynski, MD (CR)	
Konrad Dawson, MD (KD)	Joined @ 9:51 am, Participated Virtually
Aeva Gaymon-Doomes, MD (AGD)	Absent
Asad Bandealy, MD (AB)	
VACANT (Physician Member)	
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	Absent
Angela Braxton – Health Licensing Specialist	
Charles Annor – Health Licensing Specialist	
Kimberly Quickley – Health Licensing Specialist	
Chiquita Badgett – Health Licensing Specialist	
Ashley Callahan – Health Licensing Specialist	
Sabrina Gillison – Health Licensing Specialist	
Rona Rawls – Health Licensing Specialist	Absent
Gregory Scurlock – Compliance Officer	Absent
Emilia Moran – Investigator	
LEGAL STAFF:	
Suzanne Fenzel, Esq. – Board Attorney Advisor	
Ajay Gohil, Esq. – Board Attorney Advisor	
DC HEALTH STAFF	
Matteo Lieb, Office of Government Affairs	
VISITORS:	
Pia Duryea - MSDC	
Asha Payne – Licensee	
Kelly Schultz	
Rayna Jordan – Sibley 's Office of Government Relations	
Dana Scarton - Applicant	

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-22-12-01

INTRODUCTIONS

ALL

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

OS-22-12-02

BOARD/DEPARTMENT REPORT

AN

ALL

A. BOARD CHAIR'S REPORT

- i. The Chair reported that FSMB is encouraging members to apply for subcommittees and various taskforces.
- ii. The Chair reported that USMLE is encouraging members to apply for Item Writer positions.
- iii. The Chair reported that she met with the New York State licensing Board, to learn how their Board operates.

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

The Executive Director reported that hospitalizations in the District are up, due to the flu and Covid.

ii. Upcoming Renewals

The Executive Director reported that the renewals are approximately 50% completed, and will continue through the grace period, ending on February 28th. She also reminded the Board that the CME audits are mandatory for the physician Board members.

iii. Board Vacancies/MOTA Update

The Executive Director updated the Board on the current member vacancies. There are 4 physician member vacancies, and 3 consumer vacancies. MOTA is currently vetting several members, who may join the Board in January.

iv. Interstate Medical Licensure Compact

	<p>The Executive Director reported that the staff will be trained on the Compact Licensure process in January, and it is expected to go live early in the second quarter of FY23.</p> <p>v. DMV Reciprocity Pathway The Executive Director reported that the process for the DMV Reciprocity pathway is currently being worked out and is also expected to go live in the second quarter of FY23.</p> <p>vi. Licensure Census The Executive Director provided the following licensure census:</p> <p>ACUPUNCTURIST-170 ANESTHESIOLOGIST ASSISTANT - 124 MEDICAL TRAINING LICENSE I(A) - 1174 MEDICAL TRAINING LICENSE I(B) - 323 MEDICAL TRAINING LICENSE - 1128 MEDICAL TRAINING REGISTRANT - 82 MEDICINE AND SURGERY - 12535 NATUROPATH PHYSICIAN - 66 OSTEOPATHY AND SURGERY - 663 PHYSICIAN ASSISTANT - 1242 POLYSOMNOGRAPHIC TECHNICIAN - 1 POLYSOMNOGRAPHIC TECHNOLOGIST - 69 POLYSOMNOGRAPHIC TRAINEE - 3 SURGICAL ASSISTANT - 122 CHINESE HERBOLOGY - 25</p> <p>C. BOARD ATTORNEY'S REPORT</p> <p>I. The Board attorney reported that the Jemsek hearing is underway and is expected to continue the last week of January.</p> <p>II. The Board attorney reported that the District's vaccination mandate for licensees has been lifted, except for health professionals employed by DC healthcare facilities.</p> <p>III. The Board attorney reported that she and Attorney Gohil attended the FSMB Attorney Workshop in San Diego.</p>	
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D. OFFICE OF GOVERNMENT RELATION'S REPORT

Matteo Lieb of OGR provided the following updates:

Reproductive Healthcare Provider Legislation:

- Councilmember R. White introduced the *Protecting Health Professionals Providing Reproductive Health Care Amendment Act of 2022* ([B24-0830](#)).
 - *This proposed legislation would prevent DC Health licensing boards from taking certain actions, including the revocation or suspension of a license, against a licensed healthcare professional for providing or facilitating abortion services when that that service falls within the professional's scope of practice, and the disciplinary action is based exclusively on the patient residing in a jurisdiction where abortion services are prohibited.*
- The Committee on Health held a hearing for this legislation on September 28, 2022, and was marked up on November 21st. It was passed on first reading by the entire Council on December 6, 2022.

Healthcare Career Scholarship & Health Professional Loan Repayment Program (HPLRP) Expansion Legislation:

- Following emergency and temporary versions, Councilmember Gray introduced the *High Need Healthcare Career Scholarship and Health Professional Loan Repayment Program Amendment Act of 2022* ([B24-0943](#)).
 - *This legislation establishes a scholarship program for education, training, transportation, and examination fees for eligible medical professionals. The bill would also expand the HPLRP to include loan repayments for medical sub-specialty professionals, part-time practitioners, and private providers in medically underserved areas.*
 - *The emergency and temporary versions have both passed.*
- The permanent version of this legislation received a hearing in the Committee on Health on September 28, 2022, and was marked up on November 21st. It was passed on first reading by the entire Council on December 6, 2022.

Minor Consent Vaccination Legislation:

- Following the passage by Council of the *Consent for Vaccinations of Minors Emergency Amendment Act of 2022* ([B24-0890](#)), Councilmembers Gray and Cheh introduced the *Consent for*

	<p><i>Vaccinations of Minors Amendment Act of 2022 (B24-0942) on July 13.</i></p> <ul style="list-style-type: none"> ○ <i>This legislation would allow certain eligible minors, including emancipated minors or unaccompanied homeless minors to access vaccinations recommended by the Advisory Committee on Immunization Practices (ACIP) without the need for parent consent. The legislation would also allow providers to administer vaccinations recommended by the ACIP to any minor without parental consent given the provider “reasonably attempts” to obtain consent from a legal guardian and the legal guardian does not object.</i> ○ <i>The emergency and temporary versions of this legislation have passed.</i> <ul style="list-style-type: none"> ▪ The permanent version of this legislation received a hearing on September 28, 2022 and was marked up on November 21. It was passed on first reading by the entire Council on December 6, 2022. <p>Clinical Laboratory Professionals:</p> <ul style="list-style-type: none"> ▪ The <i>Clinical Laboratory Practitioners Amendment Act of 2022 (B24-0764)</i> seeks to move the licensing and oversight of laboratory professionals from the Board of Pharmacy to the Board of Medicine. Additionally, it changes the requirements to become either a Clinical Laboratory Director or Practitioner. ▪ This legislation received a hearing in the Committee on Health on September 28th. <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-22-12-03	<u>OPEN SESSION MINUTES</u>	AN/LR
ALL	<p>Board Action: The Board considered the Open Session minutes from the October 26, 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>	

	<p>Motion: Motion made by Dr. Raczyński to approve the minutes. Seconded by Mr. Rich.</p> <p>Vote: Dr. Raczyński, Dr. Anderson, Dr. Smith, Dr. Bandealy, Mr. Rich voted in favor of the motion. The motion passed unanimously.</p>	
OS-22-12-04 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. Raczyński to approve the minutes. Seconded by Mr. Rich.</p> <p>Vote: Dr. Raczyński, Dr. Anderson, Dr. Smith, Dr. Bandealy, Mr. Rich voted in favor of the motion. The motion passed unanimously.</p>	LR
OS-22-12-05 ALL	<p><u>APPLICATION SUBCOMMITTEE</u></p> <p>Board Action: The Board discussed the development of an application subcommittee to review and make determination on applications in between meetings.</p> <p>Background: The Board authorized the staff through delegated authorities the ability to approve “clean applications”. To utilize the board meeting times more efficiently, legal recommended the development of an application subcommittee that would have the Board’s authorization to approve applications with issues.</p> <p>Motion: Motion made by Dr. Raczyński to approve creation of a licensing subcommittee. Members to be chosen at next meeting. Seconded by Dr. Smith.</p>	

	<p>Vote: Dr. Raczynski, Dr. Anderson, Dr. Smith, Dr. Bandealy, Mr. Rich voted in favor of the motion. The motion passed unanimously.</p>	
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OS-22-12-06	<u>BOARD POLICIES & REGULATORY REVISIONS</u>	SF
ALL	<p><u>Medical Training License (MTL) Regulations</u></p> <p>Board Action: The Board reviewed the final draft proposed revisions to the MTL regulations and determine whether to accept.</p> <p>Background: A subcommittee of the Board consisting of Dr. Anderson and Dr. Raczynski along with board staff meet with external stakeholders to revise/update the current post-graduate physician regulations. Redline version has been submitted for the full board to review.</p> <p>Motion: Motion made by Dr. Raczynski to approve the regulations. Seconded Mr. Rich.</p> <p>Vote: Dr. Raczynski, Dr. Anderson, Dr. Smith, Dr. Bandealy, Mr. Rich voted in favor of the motion. The motion passed unanimously.</p>	

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-22-12-07 ALL	<p><u>REQUEST FOR NON-ACGME APPROVAL</u></p> <p>Board Action: The Board reviewed the request from Children’s National Hospital for approval of their non-ACGME accredited Pediatric Ophthalmology 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. Bandealy to approve the program. Seconded by Dr. Smith.</p> <p>Vote: Dr. Raczynski, Dr. Anderson, Dr. Smith, Dr. Bandealy, Mr. Rich voted in favor of the motion. The motion passed unanimously.</p>	LR
OS-22-12-08 ALL	<p><u>REQUEST FOR NON-ACGME APPROVAL</u></p> <p>Board Action: The Board reviewed the request from Children’s National Hospital to approve a modification to their non-ACGME accredited Cardiac Critical Care 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. Bandealy to approve the modification. Seconded by Dr. Smith.</p> <p>Vote: Dr. Raczynski, Dr. Anderson, Dr. Smith, Dr. Bandealy, Mr. Rich voted in favor of the motion. The motion passed unanimously.</p>	LR

OS-22-12-09	<u>2022 FSMB STATE BOARD SURVEY SUMMARY FINDINGS</u>	
ALL	<p><u>Board Action:</u> FYI</p> <p><u>Background:</u> FSMB released the summary of finds based on completed surveys received from 52 of the 70 state boards between July and September of 2022.</p> <p>FYI only – no vote.</p>	
OS-22-12-10	<u>DC PRESCRIPTION DRUG MONITORING PROGRAM (PDMP) ANNUAL REPORT</u>	AN
ALL	<p><u>Board Action:</u> FYI</p> <p><u>Background:</u> The annual report of the DC PDMP presents an overview of the purpose and implementation of the program.</p> <p>FYI only – no vote.</p>	

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

MOTION TO CLOSE

OS-22-12-11	<u>MOTION TO CLOSE</u>	AN
ALL	<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. Bandealy to move into closed session. Seconded by Dr. Raczynski.</p> <p>Vote: Dr. Raczynski, Dr. Anderson, Dr. Smith, Dr. Bandealy, Mr. Rich, and Dr. Dawson voted in favor of the motion. The motion passed unanimously.</p>	

The Open Session Minutes continue on the next page with 'Motion to Adjourn'. The next meeting is scheduled on **January 25, 2023. (Virtual)**

MOTION TO ADJOURN

	<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>No vote – lost quorum at 2:45 PM</p>	AN
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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.