



GOVERNMENT OF THE DISTRICT OF COLUMBIA



899 North Capitol St. NE – 2nd Floor
Washington, DC 20002
January 31, 2018
8:30 am – 10:30 am

BOARD OF MEDICINE
OPEN SESSION AGENDA

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.”

BOARD MEETING PARTICIPANTS:

BOARD MEMBERS:	
Andrea Anderson, MD (AA)	
Preetha Iyengar, MD (PI)	
Lawrence Manning, MD (LM)	
Thomas Dawson, Esq. (TD)	ABSENT
Jeffrey Smith, MD (JS)	
Terrence Straub (TS)	
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	
Mary Harris – Health Licensing Specialist	
Aisha Nixon – Health Licensing Specialist	
Angela Braxton – Health Licensing Specialist	
Emilia Moran – Investigator	
Diane Moorer – IT Support	
LEGAL STAFF:	
Suzanne Fenzel, Esq. – Board Attorney Advisor	
Ajay Gohil, Esq. – Board Attorney Advisor	

The agenda begins 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 will be discussed during the meeting.

OPEN SESSION

CALL TO ORDER	
OS-18-01-001 ALL	<p><u>INTRODUCTIONS</u></p> <p style="margin-left: 40px;">A. BOARD MEMBERS</p> <p style="margin-left: 40px;">B. BOARD STAFF</p>
APPROVAL OF MINUTES, CONSENT AGENDA AND STAFF REPORTS	
OS-18-01-002 ALL	<p><u>BOARD/DEPARTMENT REPORT</u></p> <p style="margin-left: 40px;">A. BOARD CHAIR’S REPORT</p> <p style="margin-left: 40px;">B. EXECUTIVE DIRECTOR’S REPORT</p> <p style="margin-left: 80px;">i. Interstate Medical Licensure Compact Update The Executive Director will provide an update on the status of the Interstate Medical Licensure Compact (Compact) legislations being considered by the DC City Council.</p> <p style="margin-left: 80px;">ii. Licensure Census The Executive Director will provide an update on the current licensure census in the District.</p> <p style="margin-left: 40px;">C. BOARD ATTORNEY’S REPORT</p>
OS-18-01-003 ALL	<p><u>OPEN SESSION MINUTES</u></p> <p>Board Action: Consideration of the Open Session minutes from the November 29, 2017 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>
OS-18-01-004 ALL	<p><u>OPEN SESSION MINUTES</u></p> <p>Board Action: Consideration of the Open Session minutes from the January 9, 2018 Conference Call 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>

OS-18-01-005 ALL	<p><u>OPEN CONSENT AGENDA</u></p> <p>Board Action: Consideration of the current January 31, 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>	
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MISC. ITEMS FOR DISCUSSION

<p>OS-18-01-006 ALL</p>	<p><u>HEPRA PRESENTATION</u></p> <p>Board Action: To listen to the presentation from the Health Emergency Preparedness and Response Administration (HEPRA) regarding the DC Medical Reserve Corp (MRC).</p> <p>Background: HEPRA is the agency within the DC Department of Health that is tasked with operating the MRC. The purpose of the MRC is to establish a network of local volunteers who are willing to donate their time and expertise to supplement existing public health and medical resources during emergencies and other times of community need. HEPRA has requested to meet with the Board to discuss the role of the MRC and seek assistance in obtaining volunteers.</p>	
<p>OS-18-01-007 ALL</p>	<p><u>HEALTHIER FOODS IN HOSPITALS</u></p> <p>Board Action: To listen to the presentation from Dr. Neal Barnard, MD, President of the Physicians Committee for Responsible Medicine, regarding the removal of carcinogenic foods from area hospitals.</p> <p>Background: Recently the American Medical Association (AMA) updates its policy on healthy food options in hospitals to focus on providing and promoting healthy beverages and eliminate processed meat from menus. In response, Dr. Neal Barnard has been in communication with both the Medical Society of the District of Columbia (MSDC), the DC Hospital Association and the Department of Health to try and implement these changes. Dr. Barnard has now reached out to the Board of assistance.</p>	
<p>OS-18-01-008 ALL</p>	<p><u>BOARD RE-ENTRY POLICY</u></p> <p>Board Action: To review the existing re-entry policy and determine what, if any, changes need to be made.</p> <p>Background: Pursuant to existing Board Delegated Authorities, any applicants who has not been engaged in the clinical practice of medicine for two (2) or more years prior to the date of application must submit a re-entry plan. Over the past several months questions have been raised as to what is required in the re-entry plan, and if certain changes are needed.</p>	

<p>OS-18-01-009 ALL</p>	<p><u>FSMB REQUEST FOR COMMENTS</u></p> <p>Board Action: To review the various reports from FSMB to determine whether any comments are necessary.</p> <p>Background: On December 19, 2017, FSMB sent out an email to its various member boards requesting comments on the following draft documents:</p> <ol style="list-style-type: none"> 1. Draft Report of the Workgroup on Prescription Drug Monitoring Program (PDMP); 2. Draft Report of the FSMB Workgroup on Physician Wellness and Burnout; 3. Draft Position Statement on Physician Compounding; and 4. Draft Report of the FSMB Workgroup to Study Regenerative and Stem Cell Therapy Practices. 	
<p>OS-18-01-010 ALL</p>	<p><u>DERMATOLOGY TECHNICIANS</u></p> <p>Board Action: To review the request from a DC physician regarding whether she can employ a dermatology technician.</p> <p>Background: Staff has received a request from a physiciain licensed in the District asking the Board to review information and determine whether she can employ a dermatology technician at her office in the District. 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.”</p>	
<p>OS-18-01-011 ALL</p>	<p><u>OPIOID ABUSE PREVENTION AMENDMENT ACT OF 2017</u></p> <p>Board Action: To review the recommendation from the Board’s sub-committee following their meeting to review and discuss the Opioid Abuse Prevention Amendment Act of 2017, which is currently set for hearing before the City Council on February 12, 2018.</p> <p>Background: The Opioid Abuse Prevention Amendment Act of 2017 was introduced by Chairman Mendelson on November 7, 2017, and seeks to make various changes to existing laws in the District regarding the prescribing of controlled substances. Most notably, this legislation would limit the amount of opiates that can be prescribed for acute pain to a seven-day supply with no refill.</p> <p>The Board reviewed this legislation at their November 2017 meeting, and determined that a sub-committee of the Board should meet to review and discuss this bill, with the ultimate goal of providing feedback and/or a recommendation to the Board on how best to proceed.</p>	

	<p>On January 18, 2018, the sub-committee discussed the proposed legislation in its entirety, including identifying various areas of concern. Ultimately the sub-committee determined that additional research was needed re: existing legislation or policies on the issue of a seven (7) day limitation for the prescribing of controlled substances. This includes a review of any policies or guidelines issued by the American Medical Association (AMA), the Centers for Disease Control and Prevention (CDC), the Federation of State Medical Boards (FSMB) and the District of Columbia Office of Attorney General (OAG).</p> <p>With the requested research in hand, the sub-committee recommended this matter be sent to the full Board to focus on the following areas of concern:</p> <ol style="list-style-type: none"> 1. Vagueness of various definitions; 2. New reporting requirements for physician prescribing; 3. Potential communication issues between physicians and pharmacists regarding whether a prescription is for acute or chronic pain; and 4. Need for a physical examination prior to issuance of a second prescription. <p>Currently this bill has been set for hearing before the Committee on Health on February 12, 2018, and so the Board will need to determine if any action should be taken.</p>	
<p>OS-18-01-012 ALL</p>	<p><u>REQUEST FOR LGBTQ COURSE APPROVAL</u></p> <p>Board Action: To review the request for continuing education (CE) course approval, and supplemental documents, submitted by Institute Health Consulting.</p> <p>Background: Ms. Bianca Palmisano with Institute Health Consulting has submitted a request for approval of two (2) courses they've developed in the area of LGBTQ Cultural Competency. Those courses are:</p> <ol style="list-style-type: none"> 1. Introduction to LGBTQ Competency in Medicine (4.25 hours); and 2. Transgender 101: Why Sex and Gender Matter for Better Healthcare. <p>The Board initially reviewed this matter at their October 25, 2017 meeting, and presented questions as to their authority to approve such CME courses, as well as whether they should be approving such courses in general. The Board requested the Executive Director and legal research this issue, and provide clarification at the next meeting, which has now been completed.</p>	

OS-18-01-013 ALL	<p><u>LAKNER, GEORGE, MD</u></p> <p>Board Action: To review the most recent order regarding the Board's case against Dr. George Lakner.</p> <p>Background: The Board, on February 1, 2010, issued an Amended Notice of Intent to take reciprocal disciplinary action against the license of Dr. Lakner based on disciplinary actions in California, Maryland, Illinois and Nevada. California and Maryland had both determined that Dr. Lanker had not been honest in his licensure applications to their respective states.</p> <p>A panel of the Board, made up of Dr. Smith, Dr. Arons and Mr. Liebers, found the actions in California and Maryland supported disciplinary action against Dr. Lakner's license and voted to issue a reprimand. The Board accepted the Panel's findings and imposed a reprimand on Dr. Lakner's license. Dr. Lakner appealed the Board's order essentially arguing that his procedural due process rights were violated in California and Maryland, and so reciprocal discipline was unwarranted. Oral arguments were held on May 10, 2017, and on January 5, 2017 the Court of Appeals issued its Order upholding the Board's decision.</p>
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End of Open Session.

TO BE READ BY BOARD CHAIR:

This concludes the Public Open Session of the meeting and pursuant to DC Official Code § 2-575(b), the Board will now 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).**

Based on the forgoing, is there a motion to go into Closed Executive Session?