

GOVERNMENT OF THE DISTRICT OF COLUMBIA



899 North Capitol St. NE – 2nd Floor
Washington, DC 20002
April 26, 2017
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:	
Janis Orlowski, MD (JO)	
Anitra Denson, MD (AD)	
Lawrence Manning, MD (LM)	
Andrea Anderson, MD (AA)	
Thomas Dawson, Esq. (TD)	
Jeffrey Smith, MD (JS)	
Kelly Ann Colden, MD (KC)	
Terrence Straub (TS)	ABSENT
Treazure Johnson, Esq. (TJ)	
Vikisha Fripp, MD (VF)	ABSENT
David Wessel, MD (DW)	
Thomas Smith (TS2)	
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	
Shivangi Bhatt – Temp/Contractor	
Emilia Moran – Investigator	
Diane Moorer – IT Support	
LEGAL STAFF:	
Suzanne Fenzel, Esq. – Board Attorney Advisor	
Ajay Gohil, Esq. – Board Attorney Advisor	
Christopher Boone, Esq. – Law Clerk	

CASE ASSIGNMENTS:

BOARD MEMBERS:	
Janis Orłowski (JO)	OS-17-04-001 to 007.
Anitra Denson (AD)	OS-17-04-001 to 007.
Lawrence Manning (LM)	OS-17-04-001 to 007.
Andrea Anderson (AA)	OS-17-04-001 to 007.
Thomas Dawson, Esq. (TD)	OS-17-04-001 to 007.
Jeffrey Smith (JS)	OS-17-04-001 to 007.
Kelly Ann Colden (KC)	OS-17-04-001 to 007.
Terrance Straub (TS)	ABSENT
Treasure Johnson, Esq. (TJ)	OS-17-04-001 to 007.
Vikisha Fripp (VF)	ABSENT
David Wessel (DW)	OS-17-04-001 to 007.
Thomas Smith (TS2)	OS-17-04-001 to 007.

The agenda begins on the next page with the Open Session items.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

8:30 am to 10:30 am

APPROVAL OF MINUTES, CONSENT AGENDA AND STAFF REPORTS	
OS-17-04-001 ALL	<u>INTRODUCTIONS</u> A. BOARD MEMBERS B. BOARD STAFF
APPROVAL OF MINUTES, CONSENT AGENDA AND STAFF REPORTS	
OS-17-04-002 ALL	<u>BOARD/DEPARTMENT REPORT</u> A. BOARD CHAIR'S REPORT B. EXECUTIVE DIRECTOR'S REPORT a. Licensure Census b. FSMB Annual Meeting C. BOARD ATTORNEY'S REPORT
OS-17-04-003 ALL	<u>OPEN SESSION MINUTES</u> Board Action: Consideration of the Open Session minutes from the March 29, 2017 meeting. 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.
OS-17-04-004 ALL	<u>OPEN CONSENT AGENDA</u> Board Action: Consideration of the current April 26, 2017 Open Consent Agenda items for purposes of review and/or ratification of Board actions taken since the last Board meeting. 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.

MISC. ITEMS FOR DISCUSSION

OS-17-04-005 ALL	<p><u>APPROVAL OF NON-ACGME FELLOWSHIP PROGRAM</u></p> <p>Board Action: To review the request for approval, and supplemental documents, submitted by Children’s National Health System regarding their non-ACGME accredited Pediatric Ophthalmology and Strabismus Fellowship 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. Staff recently received an application for an MTL II license from an individual participating in Children’s National Health System non-ACGME accredited Pediatric Ophthalmology and Strabismus Fellowship Program. This fellowship program is not currently approved by the Board, and therefore additional records were requested from Children’s National Health System for the Board’s review.</p> <p>Of note, the relevant MTL II application is on the Board’s Closed Session agenda for review.</p>	FM
OS-17-04-006 ALL	<p><u>MEDICAL MARIJUANA PROGRAM UPDATE</u></p> <p>The Department of Health recently published in the DC Register proposed regulations that would amend the existing medical marijuana regulations regarding physician referrals. The proposed regulations are in the DC Register for a thirty (30) day comment period, so they may not be the final regulations which go into effect.</p> <p>The two (2) main changes the proposed regulations make are:</p> <ol style="list-style-type: none">1. to allow evaluating patients for the sole or primary purposes of recommending medical marijuana if the patient was referred by the primary care physician or a physician specialist responsible for the current treatment; and2. to clarify that distribution and cultivation center offices cannot be near, and their employees cannot be in, the doctor’s office and vice versa. <p>Staff will continue to monitor these regulations and update the Board as they progress.</p>	SF
OS-17-04-007 ALL	<p><u>DEFINITION OF REVOCATION</u></p> <p>Recently staff came across an application for reinstatement of a revoked license. As part of the review, legal staff looked at the existing DC Code and relevant regulations on the reactivation process, with specific focus on revocations. During this analysis, it was determined that pursuant to DC Code § 3-1201.01(12A), a</p>	SF

	<p>revocation of a license is for a period of no less than five (5) years, meaning the Board cannot terminate a revocation prior to the passage of five (5) years. The end result of this is that if the Board desires to prohibit an individual from the practice of medicine for a period of time less than five (5) years, they will need to pursue alternative methods.</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?