



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

BOARD OF MEDICINE

OPEN SESSION MINUTES

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)	ARRIVED @ 11:30 AM
Lawrence Manning, MD (LM)	
Thomas Dawson, Esq. (TD)	ABSENT
Jeffrey Smith, MD (JS)	ABSENT
Terrence Straub (TS)	ABSENT
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

INTRODUCTIONS

A. BOARD MEMBERS

B. BOARD STAFF

APPROVAL OF MINUTES, CONSENT AGENDA AND STAFF REPORTS

OS-18-01-002
ALL

BOARD/DEPARTMENT REPORT

A. BOARD CHAIR'S REPORT

i. Board Newsletter Update

The Board Chair updated the Board on work being done on the next Board of Medicine Newsletter, including the need for articles from Board members. The Executive Director will send an email to everyone regarding the type of information needed for the newsletter

ii. Board Oversight Hearing

The Board Chair informed Board members of the upcoming City Council Oversight Hearing, which is scheduled to take place on February 12, 2018. Unlike previous years, this hearing will be a joint hearing of the budget oversight as well as the regulatory boards, meaning the day will be a long one. Staff will be working to prepare draft testimony for the Board to submit.

B. EXECUTIVE DIRECTOR'S REPORT

i. Interstate Medical Licensure Compact Update

The Executive Director provided an update on the status of the Interstate Medical Licensure Compact (Compact) legislations being considered by the DC City Council. Sepcfcally, the bill has gone through markup and is being reviewed by DOH for changes. The Executive Director will update the Board if any further progress occurs.

ii. Licensure Census

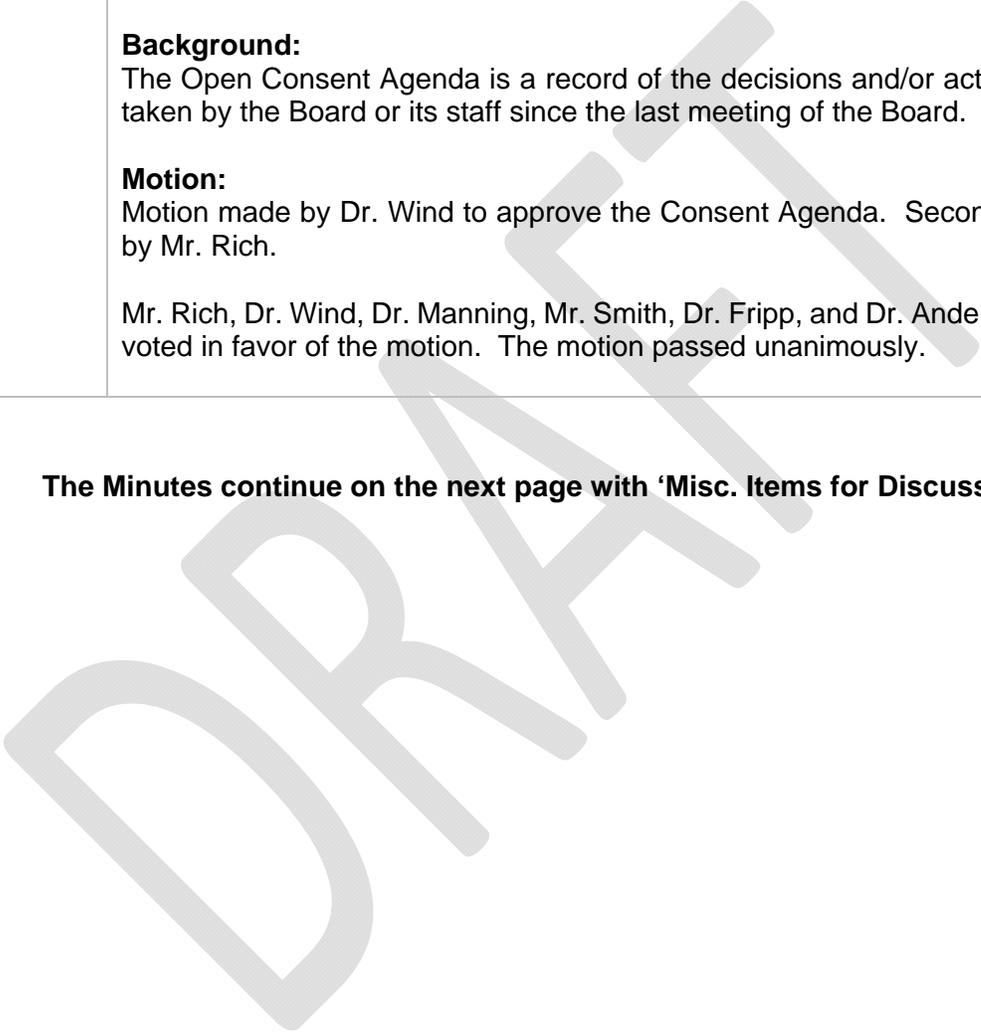
The Executive Director provided an update on the current licensure census in the District, as follows:

- a. Acupuncturist – 185
- b. Anesthesiologist Assistant – 78
- c. Medical Training License I(A) – 1,061
- d. Medical Training License I(B) – 386
- e. Medical Training License II – 17
- f. MTR – 115

	<ul style="list-style-type: none"> g. Medicine and Surgery – 10,525 h. Naturopath Physician – 55 i. Osteopathy and Surgery – 341 j. Physician Assistant – 755 k. Polysom. Technician – 2 l. Polysom. Technologist – 73 m. Polysom. Trainee – 8 n. Surgical Assistant – 131 o. Trauma Technologist – 5 <p>iii. City Council Hearings The Executive Director reiterated the information from the Board Chair regarding the upcoming City Council Oversight Hearing, including confirming that the hearing will be a long one so if any members wish to attend they should make arrangements with the Executive Director</p> <p>C. BOARD ATTORNEY’S REPORT The Board Attorney had nothing to 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> <p>Motion: Motion made by Dr. Wind to approve the minutes. Seconded by Mr. Rich.</p> <p>Mr. Rich, Dr. Wind, Dr. Manning, Mr. Smith, Dr. Fripp, and Dr. Anderson voted in favor of the motion. The motion passed unanimously.</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> <p>Motion:</p>	

	<p>Motion made by Mr. Smith to approve the minutes. Seconded by Dr. Manning.</p> <p>Mr. Rich, Dr. Wind, Dr. Manning, Mr. Smith, Dr. Fripp, and Dr. Anderson voted in favor of the motion. The motion passed unanimously.</p>	
<p>OS-18-01-005 ALL</p>	<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> <p>Motion: Motion made by Dr. Wind to approve the Consent Agenda. Seconded by Mr. Rich.</p> <p>Mr. Rich, Dr. Wind, Dr. Manning, Mr. Smith, Dr. Fripp, and Dr. Anderson voted in favor of the motion. The motion passed unanimously.</p>	

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



MISC. ITEMS FOR DISCUSSION

OS-18-01-006 ALL	<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>Motion: While this matter was for informational purposes only, and so no formal action was taken at this time, the Board did offer to send out an email blast to it's licensees informing them about the MRC and how to sign up.</p>	
OS-18-01-007 ALL	<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 pocssed 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>Motion: This matter was for informational purposes only, and so no formal action was taken at this time.</p>	
OS-18-01-008 ALL	<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.</p>	

	<p>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>Motion: The Board requested staff modify the policy regarding the need for more specifics when it comes to the role of the supervisor, and to then distribute those changes to the Board members for individual comments. Once the comments are received, the matter should be brought back to the Board for review and a determination on whether changes need to be made. As no formal action was taken at this time, no vote took place.</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>Motion: Board members were instructed to direct any comments they may have to the Executive Director, who will then forward that information on to FSMB.</p> <p>As this item was for informational purposes, no formal action was taken at this time.</p>	
<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 physciain licensed in the District asking the Board to review information and determine whether she can employee 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>Motion:</p>	

	<p>This matter was tabled for discussion when Dr. Fripp is present to provide input.</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>Motion: The Board directed staff to draft comments on this matter and to send to Dr. Nesbitt. No formal action was 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> <p>Motion: Board staff is continuing to research this matter, including obtaining additional handouts from the presenter and potentially taking the course, and so this matter was for informational purposes only. No formal action was taken at this time.</p>	
<p>OS-18-01-013 ALL</p>	<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>	

	Motion: This matter was for information purposes only, and so no formal action was taken at this time.	
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The Minutes continue on the next page with 'Motion to Close'.

DRAFT

MOTION TO CLOSE

MOTION TO CLOSE

Motion:

Motion made by Mr. Smith to go into closed session pursuant to DC Official Code 2-575(b) for discussion of 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).

Seconded by Dr. Wind.

Mr. Rich, Dr. Wind, Dr. Manning, Mr. Smith, Dr. Fripp, and Dr. Anderson voted in favor of the motion. The motion passed unanimously.

This ends the Open Session Meeting Minutes.

Approved:

Andrea Anderson, MD, FAAFP

DATE

[Drafted by Frank B. Meyers, JD]