



899 North Capitol St. NE – 2nd Floor
Washington, DC 20002
November 30, 2016
8:48 am – 9:20 am

BOARD OF MEDICINE MEETING MINUTES

BoMed 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: | |
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| Janis Orłowski, MD (JO) | |
| Marc Rankin, MD (MR) | |
| Anitra Denson, MD (AD) | |
| Lawrence Manning, MD (LM) | ARRIVED AT 9:35 AM. |
| Andrea Anderson, MD (AA) | ARRIVED AT 9:18 AM. LEFT AT 12:30 PM. |
| Thomas Dawson, Esq. (TD) | ABSENT. |
| Jeffrey Smith, MD (JS) | ABSENT. |
| Kelly Ann Colden, MD (KC) | |
| Terrence Straub (TS) | |
| Treasure Johnson, Esq. (TJ) | ABSENT. |
| Vikisha Fripp, MD (VF) | |
| 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 | ABSENT. |
| Shivangi Bhatt – Temp/Contractor | |
| Emilia Moran – Investigator | |
| Diane Moorer – IT Support | |
| LEGAL STAFF: | |
| Ajay Gohil, Esq. – Interim Board Attorney Advisor | |
| Christopher Boone, Esq. – Law Clerk | |

The minutes begin 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 were discussed during the meeting.

OPEN SESSION

8:48 am to 9:20 am

1. Call to Order
2. Introduction of Board Members
3. Introduction of Board Staff

APPROVAL OF MINUTES, CONSENT AGENDA AND STAFF REPORTS

OS-16-067
ALL

BOARD/DEPARTMENT REPORT

A. BOARD CHAIR'S REPORT

1. The Board Chair had no report at this time.

B. EXECUTIVE DIRECTOR'S REPORT

1. Renewal Update

The Executive Director provided an update to the Board on the status of the current renewal cycle, as follows:

- i. Acupuncturist – 112 (59%)
- ii. Anesthesiologist Assistant – 48 (81%)
- iii. Medicine and Surgery – 6,172 (73%)
- iv. Naturopath Physician – 24 (48%)
- v. Osteopathy and Surgery – 163 (55%)
- vi. Physician Assistant – 439 (59%)
- vii. Polysom. Technologist – 43 (59%)
- viii. Polysom. Trainee – 3 (13%)
- ix. Surgical Assistant – 78 (59%)
- x. Trauma Technologist – 2 (40%)

2. Licensure Census Update

The Executive Director provided an update on the number of current active licenses issued by the Board of Medicine, as follows:

- i. Acupuncturist – 195
- ii. Anesthesiologist Assistant – 63
- iii. Medical Training License I(A) – 1,124
- iv. Medical Training License I(B) – 376
- v. Medical Training License II – 22
- vi. MTR – 239
- vii. Medicine and Surgery – 10,844
- viii. Naturopath Physician – 51
- ix. Osteopathy and Surgery – 308
- x. Physician Assistant – 772
- xi. Polysom. Technician – 2
- xii. Polysom. Technologist – 77
- xiii. Polysom. Trainee – 16
- xiv. Surgical Assistant – 138
- xv. Trauma Technologist – 5

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| | <p>3. Atlanta Journal-Constitution Report Card The Executive Director informed the Board of the recent report published by the Atlanta Journal-Constitution (AJC) which ranked the various medical boards throughout the United States based on their review of each board's laws, with an emphasis on sexual misconduct issues. The AJC report ranked the DC Board of Medicine thirteenth (13th) in the nation, tied with Ohio.</p> <p>The report, including the rankings, can be found online at http://doctors.ajc.com/states/.</p> <p>C. BOARD ATTORNEY'S REPORT</p> <p>1. The Board Attorney had no report at this time.</p> | |
| <p>OS-16-068 ALL</p> | <p><u>OPEN SESSION MINUTES</u></p> <p>Board Action: The Board considered the Open Session minutes from the October 26, 2016 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 by Dr. Rankin to approve the minutes. Seconded by Dr. Denson.</p> <p>Dr. Orłowski, Dr. Rankin, Dr. Fripp, Dr. Colden, Dr. Denson and Mr. Straub voted in favor of the motion. The motion passed unanimously.</p> | |
| <p>OS-16-069</p> | <p><u>OPEN SESSION MINUTES</u></p> <p>Board Action: The Board considered the Open Session minutes from the November 15, 2016 Conference Call.</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 by Dr. Denson to approve the minutes. Seconded by Rankin.</p> <p>Dr. Orłowski, Dr. Rankin, Dr. Fripp, Dr. Colden, Dr. Denson and Mr. Straub voted in favor of the motion. The motion passed unanimously.</p> | |

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| <p>OS-16-070 ALL</p> | <p><u>OPEN CONSENT AGENDA</u></p> <p>Board Action: The Board considered the current Open Consent Agenda items for purposes of review and 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 by Dr. Colden to approve the minutes. Seconded by Dr. Fripp.</p> <p>Dr. Orłowski, Dr. Rankin, Dr. Fripp, Dr. Colden, Dr. Denson and Mr. Straub voted in favor of the motion. The motion passed unanimously.</p> | |
| MISC. ITEMS FOR DISCUSSION | | |
| <p>OS-16-071 ALL</p> | <p><u>PROPOSED BOARD DELEGATED AUTHORITIES</u></p> <p>Board Action: The Board reviewed the proposed Board Delegated Authorities to determine whether to grant the authorities to staff.</p> <p>Background: As the Board itself is limited in how often it can meet, to help accomplish the goal of public safety the Board can delegate various authorities to Board staff.</p> <p>The proposed delegated authorities are limited in nature and are intended to facilitate the business of the Board in an efficient and expedient manner, while at the same time ensuring patient safety is always maintained.</p> <p>The authorities, if granted, are limited in scope to only those circumstances specified. Any ambiguities, either in the authorities themselves or the facts being presented, would be resolved by bringing said matter to the attention of the Board Chair, or the entire Board itself. The Board may withdraw the delegated authorities at any time.</p> <p>This information was previously provided to the Board for review and comments before approving at the 10/26/16 meeting and is now being brought back again for review following said comments.</p> <p>Of note, during the Board's discussion and deliberation on this issue, Pia Duryea with the Medical Society of the District of Columbia (MSDC) raised a concern that the Board may be allowing non-physicians to make decisions on potential discipline against licensees of the Board. The Board Chair clarified that the Board still reviews all disciplinary matters, and would be provided status updates on these authorities</p> | <p>FM</p> |

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| | <p>throughout the process. In fact, many of these practices already exist and these authorities simply place them in writing.</p> <p>Motion: Motion made by Mr. Straub to approve the Board Delegated Authorities subject to the following changes:</p> <ol style="list-style-type: none"> 1. Remove section 1.f.i.2 regarding full investigations; and 2. Add to the section regarding requests for sponsorship to retake the USMLE the requirement to provide a study plan before approval is given. Seconded by Dr. Rankin. <p>Dr. Orłowski, Dr. Rankin, Dr. Fripp, Dr. Colden, Dr. Denson and Mr. Straub voted in favor of the motion. The motion passed unanimously.</p> | |
| <p>OS-16-072 ALL</p> | <p><u>FSMB NOMINATING COMMITTEES</u></p> <p>Board Action: The Board reviewed the recent request from the FSMB for nominations of potential candidates to serve as an elected member of the FSMB Board of Directors or Nominating Committee, or as an appointed committee or workgroup member.</p> <p>Background: Recently staff received an email from the FSMB, asking for nominations of potential candidates to run as an elected member of the FSMB Board of Directors or Nominating Committee, or to be appointed as a member of one of FSMBs various committees or workgroups. Current committees consist of audit, bylaws, editorial, education, ethics & professionalism, finance, as well as ad hoc work groups and advisory committees.</p> <p>Motion: This item was provided for information purposes only, and therefore no action was taken by the Board.</p> | |
| <p>OS-16-073 ALL</p> | <p><u>FSMB 2017 ANNUAL AWARD NOMINATIONS</u></p> <p>Board Action: The Board reviewed the announcement from the FSMB and determine whether the Board wishes to nominate anyone for the identified awards.</p> <p>Background: FSMB will present various awards at its 2017 Annual Meeting. To assist, the FSMB has sent out a request to its various member boards seeking nominations for potential award recipients. Nominations should be submitted no later than December 30, 2016.</p> <p>Motion: This item was provided for information purposes only, and therefore no action was taken by the Board.</p> | <p>FM</p> |

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| OS-16-074 | <u>LGBTQ CME RULEMAKING</u> | CB |
| <p>Board Action: The Board reviewed the draft rules regarding the LGBTQ Cultural Competency continuing education requirement established this year by the DC City Council.</p> <p>Background: In 2016 the DC City Council passed the LGBTQ Cultural Competency Continuing Education Amendment Action of 2016 (DC Act 21-316), requiring all health occupations licensed, registered or certified in the District to obtain two (2) hours of continuing education (CE) credits on cultural competency or specialized clinical training focusing on patients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression.</p> <p>The Board previously directed that these hours be included in the existing CE requirements, as opposed to requiring them in addition to existing requirements. Legal staff has been drafting regulations to implement this requirement and to clarify what type of courses will be acceptable. Draft rules are now complete and are being submitted to the Board for its review and guidance on how to proceed.</p> <p>Motion: Motion made by Mr. Straub to approve the proposed language subject to removal of language regarding “equivalent to AMA” and instead adding language accepting American Academy of Family Physicians (AAFP) approved courses. Seconded by Dr. Colden.</p> <p>Dr. Orlowski, Dr. Rankin, Dr. Fripp, Dr. Colden, Dr. Denson and Mr. Straub voted in favor of the motion. The motion passed unanimously.</p> | | |
| MOTION TO CLOSE | | |
| <p>Motion made by Dr. Anderson to go into closed session pursuant to DC Official Code 2-575(b) for discussion of 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). | | |

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| | <p>Seconded by Dr. Rankin.</p> <p>Dr. Orłowski, Dr. Rankin, Dr. Fripp, Dr. Colden, Dr. Denson and Mr. Straub voted in favor of the motion. The motion passed unanimously.</p> | |
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This ends the Open Session Minutes.

Approved:

Janis M. Orłowski, MD, MACP

Date

[Reviewed/Edited by Frank B. Meyers]

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