



# Medical Quality Assurance Commission

**Davenport Hotel**  
10 S Post Street  
Spokane, WA 99201  
(509) 455-8888

## Business Meeting Minutes June 26, 2015

### Medical Commission Members

James E. Anderson, PA-C

Toni Borlas, Public Member, Absent

Richard Brantner, MD, Chair, Absent

Charlie Browne, MD, Absent

William Brueggemann, Jr., MD

Mike Concannon, JD, Public Member

Jack Cvitanovic, Public Member, Absent

William Gotthold, MD, 1<sup>st</sup> Vice Chair

Bruce G. Hopkins, MD

Warren Howe, MD

Mark Johnson, MD

Charlotte Lewis, MD

John Maldon, Public Member

Peter Marsh, MD

Mimi Pattison MD

Alden Roberts, MD

Theresa Schimmels, PA-C

Robert Small, MD

Michelle Terry, MD, 2<sup>nd</sup> Vice Chair, Absent

Mimi Winslow, JD, Public Member

Yanling Yu, PhD, Public Member, Absent

### Medical Commission Staff

Melanie de Leon, Executive Director

Micah Matthews, Deputy Executive Director

Mike Farrell, Policy Development Manager

Jimi Bush, Performance/Outreach Manager

Melissa McEachron, Projects Manager

George Heye, MD, Medical Consultant

Daidria Pittman, Program Manager

Teresa Landreau, Legal Manager

Larry Berg, Staff Attorney

Karen Caille, Staff Attorney

Suzanne Mager, Staff Attorney

Jim McLaughlin, Staff Attorney

Rick Glein, Staff Attorney

Janell Stewart, Staff Attorney

Mike Kramer, Compliance Officer

Diana Whitaker, Paralegal

Denise Gruchalla, Chief Investigator

Vicki Creighton, Health Services Consultant

Lisa Noonan, Investigator

April Scharer, Investigator

Patty Melody, Investigator

Renee Bruess, Investigator

### Others in Attendance

Tierney Edwards, Washington State Medical Association (WSMA)

David Wood, PA-C, Washington Academy of Physician Assistants (WAPA)

### Call to Order

William Gotthold, MD, 1<sup>st</sup> Vice Chair, called the meeting of the Washington State Medical Quality Assurance Commission (MQAC) to order at 8:00 a.m. on June 26, 2015, at the Davenport Hotel, 10 S Post Street, Spokane, Washington 99201.

## 1.0 Chair Report

Dr. Gotthold had nothing to report.

## 2.0 Consent Agenda

The Consent Agenda contained the following items for approval:

- 2.1 Minutes from the May 15, 2015 Business Meeting.
- 2.2 Agenda for June 26, 2015.
- 2.3 Ratification of the licenses issued to Physicians, Limited Physicians and Physician Assistants from May 15, 2015 through June 25, 2015.

**Motion:** The 1<sup>st</sup> Vice Chair entertained a motion to approve the Consent Agenda. The motion was seconded and approved unanimously.

## 3.0 Old Business

### 3.1 Maintenance of Licensure (MOL) Rules

William Gotthold, MD, reported the draft rules were submitted to the Commissioners on June 25, 2015 for review. The basic requirement for Continuing Medical Education is still 200 hours. The language has been updated to make it clear that a licensee will get credit for being in a training program such as a residency or a fellowship.

**Motion:** The 1<sup>st</sup> Vice Chair entertained a motion that the draft is the direction the Commission would like to go regarding the MOL rules. The motion was seconded and approved unanimously.

### 3.2 Suicide Prevention Rules

Daidria Pittman, Program Manager, reported the CR-101 for the physician portion of the suicide prevention training rules is already in place and a stakeholder workshop is tentatively scheduled for August 19.

### 3.3 Reduction of Medical Errors (ROME) Committee

Mark Johnson, MD, deferred this issue to the Policy Committee report.

### 3.4 Electronic Health Records (EHR) Committee

Dr. Johnson reported the draft document is ready for review and will be discussed at the next committee meeting. He hopes it will be ready for adoption at the next Commission meeting.

### 3.5 Safe and Effective Analgesia and Anesthesia Administration in Office-Based Surgical Settings (WAC 246-919-601) Committee

Bruce Hopkins, MD, reported a workshop was held Wednesday, June 24, 2015 and the committee is in the process of drafting rule language based on the comments received at that workshop.

### 3.6 Health Equity Committee

James Anderson, PA-C, reported the committee has gathered resources regarding disparities in health care. Currently the committee is working on adding those resources to a webpage and making that page accessible and practical for MDs and PAs.

### 3.6 Lists & Labels Requests

The following lists and labels request was discussed for possible approval or denial. Approval or denial of this application is based on whether the requestor meets the requirements of a professional association or an educational organization as noted on the application (RCW 42.56.070(9)).

- National Center for the Analysis of Healthcare Data

**Motion:** The 1<sup>st</sup> Vice Chair entertained a motion to deny this request because this entity does not meet the definition of an education organization. The motion was seconded and approved unanimously.

## 4.0 New Business

### 4.1 Delegation of Signature of Authority for Credentialing, Disciplinary, and Rulemaking, MD 2014-04

George Heye, MD, Medical Consultant, reported the current policy states the Commission will approve applications that state the applicant has no DUI in the ten years prior to the application date. Dr. Heye asked the Commission to approve changing the language to five years prior to the application date.

**Motion:** The 1<sup>st</sup> Vice Chair entertained a motion to approve this change in language. The motion was seconded and approved unanimously.

### 4.2 Commission Bylaws

Micah Matthews, Deputy Executive Director, presented the draft update of the bylaws and asked for comments/suggested revisions.

Mimi Winslow, JD, Public Member, asked that “member at large” be stricken from the bylaws as it is not used. Ms. Winslow also pointed out an inconsistency in Article III between item one and item four, and suggested the added draft language referencing the expiration of the term of an officer not be included.

Warren Howe, MD, suggested some grammatical corrections.

**Motion:** The 1<sup>st</sup> Vice Chair entertained a motion to approve the bylaws as amended. The motion was seconded and approved unanimously.

## 5.0 Public Comment

No public comment was given.

## 6.0 Committee Reports

### 6.1 Policy Committee

Mimi Winslow, JD, Policy Committee Chair, reported on the items discussed at the Policy Committee meeting held on June 25, 2015.

#### **Reduction of Medical Errors (ROME) Policy**

Ms. Winslow reported the draft language for this policy was presented to the committee and to the full Commission. The Policy Committee recommends adoption of the policy as drafted with a few minor grammatical changes.

**Motion:** The 1<sup>st</sup> Vice Chair entertained a motion to approve the policy as amended. The motion was

seconded and approved unanimously. Per RCW 18.130.065 the policy will be forwarded to the Secretary of the Department of Health (DOH) for review.

**Physician Assistants Ordering Patient Restraint and Seclusion Interpretive Statement**

Ms. Winslow presented the draft language for this interpretive statement. Ms. Winslow asked Mike Farrell, Policy Development Manager, to report on the recommended additional draft language. Mr. Farrell detailed the recommendations. The Policy Committee recommended adoption of the interpretive statement with the recommended additional draft language.

**Motion:** The 1<sup>st</sup> Vice Chair entertained a motion to approve the interpretive statement with the recommended additional language. The motion was seconded and approved unanimously. Per RCW 18.130.065 the interpretive statement will be forwarded to the Secretary of DOH for review.

**Use of Marijuana by Physicians and Physician Assistants Newsletter Article**

Ms. Winslow reported the committee discussed the draft article at length and asked Mr. Farrell to redraft the article to include the suggestions of the committee.

**Death Certificate Guideline**

Ms. Winslow reported that collaboration is needed with the DOH before this guideline can be approved by the Policy Committee. The guideline will be redrafted and presented at a future meeting for possible approval.

**Physician Assistant (PA) Suicide Prevention Training**

Ms. Winslow asked Ms. Pittman to report on this item. Ms. Pittman reported that Engrossed Substitute House Bill (ESHB) 1424 mandates that the Commission require physicians and PAs complete suicide prevention training. Ms. Pittman stated the CR-101 for physicians is already open and asked that the Commission approve opening the PA rules (WAC 246-918) for rulemaking as well. Ms. Winslow stated the committee recommends that the Commission approve going forward with this rulemaking.

**Motion:** The 1<sup>st</sup> Vice Chair entertained a motion to approve suicide prevention rulemaking for PAs (WAC 249-918). The motion was seconded and approved unanimously.

**Sexual Misconduct PAs Rules (WAC 246-918-410) (amended agenda item)**

Ms. Winslow reported the Sexual Misconduct PA Committee held a stakeholder workshop on Wednesday, June 24, 2015. The input received was that the language should be identical to all other health professions. The Policy Committee recommended that the Commission approve moving forward with the next step (CR-102) in the rulemaking process.

**Motion:** The 1<sup>st</sup> Vice Chair entertained a motion to approve going forward with the CR-102 process for this rule. The motion was seconded and approved unanimously.

**WAC 246-919-605 Use of laser, light, radiofrequency, and plasma devices as applied to the skin Rule Petition**

Ms. Winslow provided the committee, an email the Commission received regarding WAC 246-919-605, asking the Commission to consider rulemaking to include ultrasound utilizing devices. The committee requested the Commission deny the petition for two main reasons:

1. So the Commission can conduct more research into the devices and this issue; and
2. The Commission is currently engaged in rulemaking for several other rules and will

need to complete them before opening any new rules for amendment.

**Motion:** The 1<sup>st</sup> Vice Chair entertained a motion to deny the petition. The motion was seconded and approved unanimously.

**Substitute Senate Bill 5448 – Lyme Disease – Study**

Ms. Winslow reported that Jimi Bush, Performance and Outreach Manager, had given the draft of the study to the Lyme Disease Workgroup who are currently in the process of reviewing the document.

**Physician Assistant Clinic Ownership Guideline**

Ms. Winslow reported that Mr. Farrell had presented the guideline to the committee, and the committee suggested adoption of the guideline with a few minor edits.

**Motion:** The 1<sup>st</sup> Vice Chair entertained a motion to approve the guideline as amended. The motion was seconded and approved unanimously.

**7.0 MEMBER REPORTS**

Dr. Johnson reported he attended the Surgical Care and Outcomes Assessment Program (SCOAP) annual meeting. SCOAP is a statewide organization based out of participating hospitals. This organization compares notes on outcome events. At their annual meeting they provide updates, discuss successes, and make future plans. Their focus at this time is transparency in education.

Theresa Schimmels, PA-C, reported she is participating in the Mindfulness Based Stress Reduction course through Washington Physicians Health Program (WPHP).

John Maldon, Public Member, reported the Communication and Resolution Program (CRP) Workgroup will have their third and final meeting soon.

Robert Small, MD, reported that he, along with several Legal Unit staff members, attended an all-day conference facilitated by the Department of Labor regarding opioid management. The summary of that meeting was sent out to all Commissioners and Dr. Small encouraged everyone to read the guidelines.

**8.0 STAFF MEMBER REPORTS**

**8.1 Executive Director**

Melanie de Leon, JD, Executive Director, provided updates on the following:

**Budget** – If no budget agreement is reached by the legislature by midnight, June 30, 2015 the department will shut down and therefore all Commission work will cease. The Commission budget, however, is on track.

**Staff** – The Clinical Consultant has been chosen and will start on July 16, 2015. The Director of Legal Services vacancy has been reposted.

**Space** – Julie Kitten, Operations Manager, is working on filling out the application forms for new space for the staff and meeting rooms. Ms. de Leon stated it will likely take six to eight months before we know anything about new space.

**Complaint Correspondence** –Commission staff is working to make the letters more

understandable, customer oriented, and user friendly. The new correspondence is currently being drafted and will be completed by the end of August.

**Teeth Whitening Case** – Ms. de Leon participated in a webinar presented by the Citizens Advocacy Center on Thursday, June 25. Several Commission staff as well as Commissioner Yanling Yu participated. Ms. de Leon will send out a summary to the Commissioners.

**Per Diem** – Ms. de Leon reviewed the state per diem regulations.

**8.2 Assistant Attorney General**

Heather Carter, AAG, had nothing to report.

**8.3 Deputy Executive Director**

Mr. Matthews provided updates on the following:

**Hearings** – Requested that Commissioners please sign up for hearings as there has been a sudden increase in summary actions.

**Medical Discipline Audit** –The audit process is continuing, The next step is for the auditor to review case files.

**Legislation** – Mr. Matthews and Ms. de Leon met with the DOH Secretary and his team and received their go-ahead to move forward with the interstate medical licensure compact bill and the academic licensure bill. Immediately following that meeting Mr. Matthews and Ms. de Leon attended a meeting with the Governor’s office in which the legislation was approved to move forward.

**8.4 Operations Manager**

Julie Kitten, Operations Manager, was absent therefore Ms. Pittman reported the application packet for Commission appointments was submitted electronically to the Governor’s office on June 12, 2015.

**8.5 Program Manager**

Daidria Pittman, Program Manager, reported on the Commission rules that are currently in the works:

*Sexual Misconduct:* The CR-102 for physicians is in process, the PA CR-102 will be started soon.

*Suicide Prevention:* A workshop for both the physician and the PA rules is tentatively scheduled for August 19, 2015.

*PA Rules:* The hearing for the retired active license fees is scheduled for July 29, 2015.

**8.6 Projects Manager**

Melissa McEachron, Projects Manager, reported the Demographics staff is working on implementing Engrossed Second Substitute House Bill 1485. There is a Demographics Workgroup within Health Systems Quality Assurance (HSQA) and within the Commission which can assist with any questions.

**8.7 Medical Consultant**

George Heye, MD, Medical Consultant, had nothing to report.

**8.8 Director of Legal Services**

Teresa Landreau, Director of Legal Services, reported Diana Whitaker, former Commission legal secretary, has filled the vacant paralegal position. The legal secretary position is now open for recruitment. The Supervising staff attorney position is also open for recruitment.

**8.9 Chief Investigator**

Denise Gruchalla, Chief Investigator, reported the Investigation staff is very busy as they are still down two investigators. The investigators have been stepping in to do practice reviews until the clinical consultant starts on July 16.

**8.10 Policy Development Manager**

Mr. Farrell reported he provided ProPublica with the disciplinary data they requested.

**8.11 Performance and Outreach Manager**

Ms. Bush reported her priority is education and asked that if anyone had any comments or ideas as far as outreach, to please contact her.

**9.0 ADJOURNMENT**

The Chair called the meeting adjourned at 9:28 a.m.

Submitted by

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Daidria Pittman, Program Manager

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Michelle Terry, MD Chair  
Medical Quality Assurance Commission

Approved August 21, 2015