



Medical Quality Assurance Commission

November 15, 2013

Business Meeting Minutes

Medical Commission Members

Richard Brantner, MD, Chair
Les Burger, MD
Mike Concannon, Public Member
Jack Cvitanovic, Public Member
Athalia Clower, PA-C
Bruce Cullen, MD
Theresa Elders, Public Member
William Gotthold, MD, 1st Vice Chair-absent
Thomas Green, MD
Frank Hensley, Public Member
Bruce G. Hopkins, MD

Warren B. Howe, MD
Mark L. Johnson, MD
Peter Marsh, MD
Mimi Pattison MD
Linda Ruiz, JD, Public Member
Theresa Schimmels, PA-C
Michelle Terry, MD, 2nd Vice Chair
Mimi Winslow, JD, Public Member
Vacant Position
Vacant Position

Medical Commission Staff

Maryella Jansen, Executive Director
Julie Kitten, Operations Manager
Dani Newman, Program Manager
Melissa McEachron, Projects Manager
George Heye, MD, Medical Consultant-absent
Jim Smith, Chief Investigator
Micah Matthews, Performance & Outreach Mgr.
Vicki Creighton, Health Service Consultant
Bill Crowell, Physician Assistant (PA) Consultant
Denise Gruchalla, Investigator

Mike Farrell, Legal Unit Manager
Larry Berg, Staff Attorney
Karen Caille, Staff Attorney
Suzanne Mager, Staff Attorney
Teresa Landreau, Staff Attorney
Mike Kramer, Compliance Officer
Robert Horner, Compliance Officer
Betty Elliott, Credentialing Manager
Dawn Thompson, Credentialing Lead Staff

Others in Attendance

Heather Carter, Assistant Attorney General (AAG)
Colin Caywood, AAG
Robert Small, MD, Consultant
Tierney Edwards, Washington State Medical Association (WSMA)
Kathy Ferris, Physicians Insurance
Randall Dickson, PA-C, Group Health
Wendy Hamai, PA-C,
David Chang, MD, Madigan Hospital

Kim O'Neal, AAG
Charles Meredith, MD, Washington Physician Health Program (WPHP)
Scott Alberti, Clinical Director WPHP
Michael Urakawa, PA-C, Washington Academy of Physician Assistants (WAPA)
Yanling Yu, Washington Advocates for Patient Safety (WAFPS)
Rex Johnson, WAFPS

BUSINESS MEETING

CALL TO ORDER

Richard Brantner, MD, Chair, called the meeting of the Washington State Medical Quality Assurance Commission (MQAC) to order at 8:01 a.m. on November 15, 2013, at the Blackriver Training and Conference Center, 800 Oakesdale Avenue SW, Renton, Washington 98057.

1.0 CHAIR REPORT

Dr. Brantner welcomed everyone to the Commission's last Business Meeting of 2013. Dr. Brantner called for a closed Executive Session.

- Dr. Brantner reported briefly on the Governor's most recent appointment to the Commission, Theresa Schimmels, PA-C. Ms. Schimmels graduated from the University of Washington MEDEX Northwest Physician Assistant Training Program in 1999, and received her Washington State PA license in August of 1999. Dr. Brantner reported that other Commission appointments should be announced in the near future.
- Dr. Brantner reported on upcoming meetings with Senator Randi Becker on November 20, 2013 and Senator Bruce Dammeier on December 12, 2013, both members of the Senate Health Care Committee.
- Dr. Brantner reported that Jim Smith, Chief Investigator and Betty Elliott, Credentialing Manager were both retiring at the end of the year. Denise Gruchalla, Investigator has accepted the Chief Investigator position, and Julie Kitten, Operations Manager will extend her role into managing and overseeing the Credentialing Unit. Dr. Brantner welcomed both Ms. Gruchalla and Ms. Kitten into their new roles.
- Dr. Brantner thanked the Electronic Media and Professional Boundaries Subcommittee and the Electronic Practice (Telehealth) Subcommittee for their hard work, and also thanked Linda Ruiz, JD, Public Member, Policy Committee Chair, for a job well done.

Dr. Brantner deferred to Mimi Pattison, MD who reported that the Food and Drug Administration has required the development of the risk evaluation and mitigation strategies (REMS), a free continuing medical education conference co-sponsored by the WSMA. On January 18, 2014, WSMA and Physicians Insurance, targeting all physicians and PAs in Washington State who prescribe long-acting and extended release opioids, would take place at the Double Tree by Hilton Hotel Seattle Airport. Dr. Pattison will be speaking on the Washington State pain rules at this conference.

2.0 CONSENT AGENDA

The Consent Agenda contained the following items for approval:

- 2.1 Minutes from the October 4, 2013 Business Meeting.
- 2.2 Agenda for November 15, 2013.
- 2.3 Ratification of the licenses issued to Physicians, Limited Physicians and Physician Assistants from October 4, 2013 through November 14, 2013.

MOTION: The Chair entertained a motion to approve the Consent Agenda as written. The motion was seconded and approved unanimously.

3.0 OLD BUSINESS

3.1 Maintenance of Licensure Task Group
Deferred to January 2014 meeting.

3.2 Budget Report

Maryella Jansen, Executive Director, reported that the Commission continues to have a healthy budget. Ms. Jansen stated that the Commission may want to consider for the next budget package, to include patient safety efforts, educational efforts, additional staff for the Legal and Investigation units, due to increasing workloads, and addressing expenditures for expert witness contracts.

3.3 Disclosure and Resolution Program (DRP)

Bruce Cullen, MD, reported he spoke with Thomas Gallagher, MD, who stated the stakeholders are thrilled with the approval of the *Foundation For Health Care Quality - Medical Quality Assurance Commission "Patient Safety Collaboration" Statement of Understanding*. Dr. Gallagher has seen a positive outcome and an increase in reporting of events. He thanked the Commission for their effort and support.

- Dr. Cullen also reported that he and Dr. Gallagher would continue to modify and improve the certification process of the DRP prior to Commission receipt. He also reported that Teresa Landreau, Staff Attorney, Mike Farrell, Legal Unit Manager and Dr. Gallagher recently met with representatives from the Federation State Medical Boards (FSMB) to discuss the DRP and medical errors. This meeting may be a discussion at the next FSMB annual meeting.

3.4 Physician Assistant (PA) Rules

Thomas Green, MD, reported that the first meeting of the Joint PA Rules Committee would take place following the Business Meeting. The meeting will take place at the Holiday Inn Seattle Renton.

3.5 Joint Operating Agreement (JOA) Committee

Les Burger, MD, reported that the committee finalized and submitted its report to the Executive Committee for consideration, and presentation to the Department of Health (DOH) Secretary, if approved. Dr. Burger asked Micah Mathews, Performance and Outreach Manager, to provide a brief outline of the draft document entitled *Joint Operating Agreement 2014*.

MOTION: The Chair entertained a motion to approve the 2014 JOA and forward to Secretary Weisman for review. The motion was seconded and approved unanimously.

3.6 Strategic Plan Task Group

Mimi Pattison, MD reported the group is currently working with Diana Ehri, DOH, and the Office of the Secretary. The group plans to meet on Thursday, November 21 to do a comprehensive review of the Strategic Plan.

4.0 NEW BUSINESS

- 4.1 Dr. Brantner reported that the Commission proposed a letter of response to Congressional Bill House Resolution 3077, the Telemedicine for Medicare Act of 2013.

If enacted, the bill would allow for a Medicare provider, licensed in one state, to treat any Medicare beneficiary in another state via telemedicine, without requiring additional state licensure where the patient is located.

MOTION: The Chair entertained a motion to approve the letter of response. The motion was seconded and approved unanimously.

5.0 PUBLIC COMMENT

The following individuals provided public comment.

- Michael Urakawa, PA-C President Elect, WAPA.
- Wendy Hamai, PA-C.
- Charles Meredith, MD, Executive Director, WPHP

6.0 COMMITTEE REPORTS

6.1 Policy Committee

Ms. Ruiz, Policy Committee Chair, reported on the items discussed at the Policy Committee meeting held on November 14, 2013.

Panel Composition Protocol

Ms. Ruiz reported on proposed changes to the protocol, and that the Policy Committee voted to bring them forward to the full Commission for consideration and possible approval.

MOTION: The Chair entertained a motion to approve the revised Panel Composition Protocol. The motion was seconded and approved unanimously

Electronic Practice (Telehealth) Subcommittee

Ms. Ruiz reported that the subcommittee provided a status update and plan to have some proposed actions for review after January 1, 2014.

Language in Orders and Stipulation to Informal Disposition (STID)

Ms. Ruiz reported that the Committee recommends the Panels to use the Protocol when deciding to offers an Agreed Order or STID. The Commission will continue to exercise discretion whether to place the license on probation. New members solicited for this committee were Les Burger, MD and Mimi Winslow, Public Member.

Electronic Media and Professional Boundaries Subcommittee

Ms. Ruiz reported that the subcommittee provided a status update and plan to have some proposed actions for review after January 1, 2014.

Meaningful Medical Records While Using Electronic Medical Records (EMRs)

Ms. Ruiz reported on future work for the Policy Committee. The Committee's discussion included how meaningful are medical records in electronic form; the role of the Commission in monitoring quality; and, when developing rules and policies to consider the situation of the complaints received.

Referrals of Sexual Misconduct Cases, MD2013-04

Ms. Ruiz reported that a subcommittee had been formed to review the current policy, and provide clarification on sexual misconduct and boundary cases to determine which cases would be retained by the Commission and those referred to the Secretary of DOH. Ms. Ruiz also reported that the subcommittee would collaborate with the DOH Health System Quality Assurance Division, on any proposed changes to the policy. The subcommittee members are Bruce Hopkins, MD; Terri Elders, Public Member; Mimi Winslow, Public Member, and Jim McLaughlin, Staff Attorney.

6.2 Electronic Media and Professional Boundaries Subcommittee

Ms. Elders, Chair reported that the subcommittee convened via telephone conference sharing information received from a variety of stakeholders. Ms. Elders, William Gotthold, MD and Suzanne Mager, Staff Attorney participated on a telephone conference with physicians from WSMA regarding electronic guidelines, and they sound hopeful and enthusiastic about working with the subcommittee on the guidelines.

7.0 MEMBER REPORTS

Mark Johnson, MD, reported that the WSMA is very excited about the DRP process and willing to support us in some of our Legislative initiative in measuring quality.

Ms. Elders reported on the October 2013 Citizen Advocacy Center (CAC) annual meeting in Seattle, attended by Dr. Green, Dr. Pattison, Ms. Winslow, Ms. Jansen, Ms. Ruiz, and Ms. Kitten. Ms. Elders was impressed by the excellent questions asked by our physicians. Ms. Elders offered to share the materials and notes from this meeting.

Ms. Ruiz commented at the CAC annual meeting, during the question and answer portion of the key note speaker, Secretary Wiesman, Dr. Green was able to assist and respond to the question on the proposed HB 1409 regarding

physician licensure that failed last year. Ms. Ruiz was pleased that physician members as well as the Public Members, attended the CAC.

Frank Hensley, Public Member reported that the FSMB have concerns on a national bill that would tend to diminish state control of medical practices. Mr. Hensley wrote and received a response from Congressman Denny Heck. Congressman Heck wrote that he received a presentation from the FSMB on this subject and has agreed to propose a bill on House Resolution 3077.

Dr. Howe reported that in October he accompanied Renee Bruess, Investigator and Mr. Matthews to the annual Boise Broadband Conference in Idaho where broadband technologies were considered. The keynote speaker, Dr. Carl Taylor, JD, Executive Director of the Fraser Institute for Health & Risk Analytics, was introduced and shared the advancements and opportunities of telehealth. Dr. Howe and the group met with the Idaho representative of their telehealth subcommittee. They are anxious to collaborate with the Medical Commission on this issue.

Ms. Winslow, also reported on attending the CAC annual meeting in October. She found the discussion on the standard of care that is emerging on *end of life* complaints against physicians most interesting and well presented.

8.0 STAFF MEMBER REPORTS

8.1 Executive Director –

Ms. Jansen reported on the following Commission calendar events.

- The October 29-30, 2013, CAC annual meeting held in Seattle had 23 states represented and one Canadian province. Most in attendance were board/commission members and very few physicians. She expressed her appreciation to Dr. Green and Dr. Pattison for their participation.
- Ms. Jansen complimented Mr. Farrell for organizing the attendance of the Commission's staff attorneys for the annual FSMB Board Attorneys Workshop held in November in Portland, Oregon.
- Ms. Jansen expressed extreme honor that Ms. Landreau would be participating in the 2014 FSMB annual meeting in Denver, Colorado, regarding the DRP.
- Ms. Jansen provided an update on the Executive Director recruitment, and will meet with Human Resources on Monday.
- Ms. Jansen congratulated Ms. Gruchalla, for acceptance of her new role as Chief Investigator effective December 1, 2013.
- Ms. Jansen and Dr. Brantner honored Mr. Smith with a plaque selected by his staff and a service award certificate for 30 years, signed by Secretary Wiesman. Ms. Elliott received a plaque selected by her staff and a service award certificate for 34 years also signed by Secretary Wiesman. Both Mr. Smith and Ms. Elliott shared some of their experiences and expressed words of appreciation.

8.2 Assistant Attorney General –

Heather Carter, AAG reported on the Open Public Meetings Act (OPMA), reminding the Commissioners they are subject to this act. All meeting discussions, deliberations and evaluations that lead to final decisions have to be open to the public. Ms. Carter cautioned Commission members that when attending any forum or social event they are not to discuss Commission business. She also cautioned the use of email communication.

8.3 Operations Manager –

Ms. Kitten left the meeting early to travel to the Joint PA Rules Committee meeting, therefore had nothing to report.

8.4 Program Manager –

Dani Newman, Program Manager, requested Commissioners to sign up for future hearings, and reminded them to update the Commission vacation calendar.

8.5 Project Manager –

Melissa McEachron, Project Manager, reminded the Commissioners to submit their travel requests by November 25 to meet the DOH payroll deadline.

8.6 Medical Consultant –

George Heye, MD, Medical Consultant, was absent from this meeting.

8.7 Performance and Outreach Manager –

Mr. Matthews reported on House Bill (HB) 1409, allopathic physician licensure. This bill has been referred to the House pending action in the upcoming legislative session.

- Agency request legislation Demographic was approved to move forward by DOH and we are waiting to hear from the Governor's office if that legislation will move forward.

Performance Measures quarter one fiscal year fourteen shows a slight dip from 95.4 to 94.3 percent. During this quarter 619 licenses were issued and processed 355 complaints with an increase of aged case since August from 4percent to 17 and half percent to complete a case.

- Mr. Matthews read a letter from Governor Jay Inslee. Mr. Matthews thanked the Commission for their work and being transparent and trying to gain as many efficiency as possible by starting with the JOA.
- Mr. Matthews visited three states in the last three weeks; the Idaho Medical Annual Broadband Summit, Indiana and Oregon. The purpose of the visits was to consider the paperless process, streamline the way we do our business and to consider the effectiveness of the other states 'systems and data bases.
- In October Mr. Matthews attended the Administrators In Medicine (AIM) regional meeting held in Indianapolis, Indiana with Mr. Farrell. The Hearings, case reviews and deliberations are open to the public, including the

media.

- Mr. Matthews reported on his visit to the Oregon Medical Board with Ms. Kitten. He reported the Oregon data system is efficient, automated and highly advanced.

8.8 Legal Manager –

Mr. Farrell reported on his attendance at the AIM regional meeting in October with Mr. Matthews. Mr. Farrell spoke before a group of 20-25 who found the DRP interesting, and now the FSMB has asked the DRP Committee to speak at their 2014 annual meeting. Mr. Farrell reported on the FSMB Board Attorneys Workshop in Portland, Oregon. It was wonderful to have a strong Washington presence at this meeting, and he hopes to attend next year's workshop.

8.9 Chief Investigator -

Jim Smith reported that the announcement to fill the clinical Investigator position vacated when Bill Crowell, PA-C Investigator became the PA consultant working with Dr. Heye would be open for one more week.

9.0 Compliance –

Mike Kramer, Compliance Officer, reported on the number of compliance appearances scheduled to take place after the Business Meeting.

10.0 ADJOURNMENT

The Chair called the meeting adjourned at 9:56 a.m.

Submitted by

Dani Newman, Program Manager

Richard Brantner, MD, Chair
Medical Quality Assurance Commission

Approved January 10, 2014