



Washington State
Department of Health
Board of Osteopathic Medicine and Surgery
Meeting Minutes
January 24, 2014

The meeting of the Washington State Board of Osteopathic Medicine and Surgery (board) was called to order by Catherine Hunter, DO, Chair, at 9:25 a.m. The meeting was held at: Washington State Department of Health, Kent Regional Office, 20425 72nd Ave. S, Building 2, Suite 310, Kent, WA 98032.

Board Members Present: Catherine Hunger, DO, Chair
John Finch, Jr., DO, Vice-Chair
Sharon Gundersen, PhD, Public Member
Peter Kilburn, DO
Shannon Markegard, DO

Staff Present: Blake Maresh, Executive Director
Brett Cain, Program Manager
Cece Zenker, Program Representative
Judy Young, Staff Attorney
Janelle Cognasso, Case Manager
Megan Brown, Program Manager
Michael Ellsworth, Supervising Staff Attorney
Heather Carter, Assistant Attorney General

Guests Present: Elaine Armantrout, PT, Physical Therapy Association of Washington
Dan Anton, PT, PhD, Eastern Washington University
Charles Meredith, MD, Washington Physicians Health Program
Students from A.T. Still University:
Annie Le
Dan Krause
Julia Nguyen
Eric Lee
Patrick Xu
Angela Park
Inyoung Ne
Aleksandra Kardasheva
Wes Jones
Janet Blasko

Open Session

1. Call to Order and introduction of board, staff, guests and audience

- 1.1. Approval of Agenda – The board approved the January 24, 2014 business meeting agenda as presented

2. Approval of Minutes

All of the following minutes were approved as presented:

- 2.1. November 15, 2013 business meeting minutes
- 2.2. November 20, 2013 conference call minutes
- 2.3. December 11, 2013 conference call minutes
- 2.4. December 18, 2013 conference call minutes
- 2.5. January 8, 2014 conference call minutes

3. Washington Physicians Health Program (WPHP) – Charles Meredith, MD

Dr. Meredith presented his annual report to the board. The presentation discussed WPHP's purpose, provided some mock scenarios where a practitioner may benefit from WPHP's services, cited relevant laws and rules related to WPHP, detailed the process that a practitioner undertakes while participating in a WPHP program, and provided some relevant statistics. The board thanked Dr. Meredith for his presentation.

4. Interstate Medical Licensure Compact – Blake Maresh, Executive Director

Mr. Maresh gave a presentation on work being done by the Federation of State Medical Boards regarding a potential interstate medical licensure compact. During the presentation, Mr. Maresh explained some history and background relevant to the compact, shared how a compact is different and preferential to national licensure, explained the process for creating an interstate compact, and presented how the compact would function.

5. Legislative Update and Discussion – The board discussed the following bills introduced during the 2014 legislative session

- 5.1. House Bill (HB) 2160 & Senate Bill (SB) 6167 – Spinal manipulation by physical therapists

Elaine Armantrout, PT and Dan Anton, PT, PhD gave a short presentation to the board advocating for the bills. Ms. Armantrout explained that Washington was one of two states that did not allow physical therapists to perform spinal manipulation and there have been no cases of harm as a result of physical therapists performing spinal manipulation in other states.

The board agreed that allowing properly trained physical therapists to perform spinal manipulation would increase access to care. Dr. Markegard presented a motion to submit a letter

of support for the bill. The motion was seconded by Dr. Kilburn and was unanimously approved. Mr. Cain agreed to draft a letter of support to be submitted to the House Health Care and Wellness Committee for board review and signature.

5.2. HB 2149 – Medical marijuana

This bill would amend statute related to the medical use of marijuana. Mr. Maresh gave the board an overview of the status of the bill. There were no follow up questions.

5.3. HB 2233 – Medical use of cannabis

This bill would revise the medical use of cannabis act. Mr. Maresh gave the board an overview of the status of the bill. There were no follow up questions.

5.4. SB 6178 – Aligning medical and recreational marijuana

This bill attempts to align the medical marijuana system with the recreations marijuana system. Mr. Maresh gave the board an overview of the status of the bill. There were no follow up questions.

5.5. HB 2315 – Mandatory continuing medical education (CME) on suicide prevention

This bill requires certain professions, including osteopathic physicians, to complete one-time training in suicide assessment, treatment, and management. The bill also requires the development of a plan to create a pilot program for psychiatric consultation and requires the development of the Washington Plan for Suicide Prevention.

The board had concerns that mandated training in suicide training would not address the problem at its source. Board members were concerned that there is no empirical evidence to suggest that mandating CMEs in suicidal ideation for the providers listed in the bill will lower suicide rates. The board agreed that money and resources need to be allocated to provide for more outpatient and inpatient psychiatric services for patients who are experiencing suicidal ideation.

Dr. Kilburn presented a motion to submit a letter detailing the board's concerns. The motion was seconded by Dr. Markegard and was unanimously approved. Mr. Cain agreed to draft a letter of concern to be submitted to the House Health Care and Wellness Committee for board review and signature.

5.6. HB 2326 & SB 6091 – Biological product prescriptions

This bill authorizes biosimilar products to be substituted in the place of a biological product if the USFDA has determined that the biosimilar product is interchangeable with the biological product. The board briefly discussed the bill and agreed that the impact is minimal.

5.7. HB 2338 – Mandatory rulemaking when expanding, modifying or interpreting scope of practice

This bill requires a disciplining authority to undergo the formal rulemaking process before offering an interpretation of the scope of practice of a health care profession. The board is not in support of this bill and Dr. Markegard indicated that she would communicate the board's position at the next legislative discussion call moderated by the Department of Health.

5.8. HB 2389 & SB 6196 – Requiring Medical Quality Assurance Commission licensees to provide demographic information at renewal

This bill requires physicians and physician assistants licensed by MQAC to provide requested demographic information at the time of license renewal. The board briefly discussed the bill and agreed that the impact is minimal.

6. Review Draft Rule Language

Mr. Cain presented the board with potential draft rule language for sections of the osteopathic physicians and surgeons chapter of Washington Administrative Code (WAC). The board approved the presented language with minor edits. Mr. Cain explained that he will proceed with the next stage required for rule adoption and will report on his progress at the next board meeting.

7. Communication and Resolution Program

Mr. Maresh presented the board with some information regarding the Communication and Resolution Program (CRP), a collaborative patient safety effort of the Medical Quality Assurance Commission (MQAC) and the Foundation for Health Care Quality. The goal of this program is to shift culture to immediate and universal reporting, analysis and correction of medical errors. Mr. Maresh explained that he was asked by MQAC staff to see if the board would like to elect a representative to participate with MQAC on the CRP.

The board agreed that the program could be a good resource for disciplinary matters. Documentation of completion of a CRP program could be used as a mitigating factor when deliberating possible disciplinary action. The board decided not to move forward with a formal policy or action regarding CRP.

8. Continuing Medical Education Audit for Board Review

The board was presented with a request to waive a portion of an osteopathic physician's continuing medical education requirement. The board granted the request.

9. Case Tracking Table Discussion

Mr. Cain presented an updated case tracking table for the board to review. The board looked at each case and the staff attorney and reviewing board member gave an update regarding the timeline and stage that the case was in. The board asked Mr. Cain to add a column that will indicate the date that the case was forwarded to the Reviewing Board Member assigned to the case.

10. Program Manager Report

- 10.1. Mr. Cain presented the board with the budget report. There were no questions from the board regarding the budget.
- 10.2. Mr. Cain provided the board with an update of the progress of the modernization of the osteopathic physician assistant rules. ESHB 1737 (2013) directed the board to work in conjunction with MQAC and a statewide organization representing the interests of physician assistants to modernize the current physician assistant rules. Mr. Cain reported that a workgroup had been formed and three stakeholder meetings had been held. Mr. Cain will report further rules progress at future meetings.
- 10.3. Dr. Finch will be the board's voting delegate at the 2014 Federation of State Medical Boards Annual Meeting in Denver April 24-26. Dr. Gundersen will also attend the meeting and represent the board. At the March meeting, the board will be presented with the House of Delegates resolutions that Dr. Finch will vote on.
- 10.4. Mr. Cain informed the board that Dr. Jeremy Graham had been appointed to the board by the Governor.

11. Executive Director Report

- 11.1. Mr. Maresh informed the board that two new executive directors were hired for the Office of Health Professions and Facilities. As a result, some of the programs that he oversees have been reassigned. He explained that he will continue to serve as executive director for the board.
- 11.2. Mr. Maresh discussed a workgroup that has been formed in response to the state budget bill from 2013. The bill requires the department to convene a workgroup to study the feasibility of creating standardized clinical affiliation agreements in Washington State. Mr. Maresh indicated that more updates regarding the workgroup's progress would be provided at future board meetings.

CLOSED SESSION:

12. Statement of Allegations/Stipulation to Informal Disposition presentations

There were no presentations.

13. Panel Member Case Reviews and Compliance Presentations

Board members met to determine whether the cases presented should be further investigated, closed, or moved on to the informal or formal resolution process. Three cases were presented; two were closed and one was held for future discussion.

14. New Reports for Authorization or Closure

Board members met to determine whether the new reports should be authorized for investigation or closed prior to investigation. Two new complaints were reviewed and both were closed prior to investigation.

Dr. Hunter, Chair adjourned the meeting at 3:05 p.m.

Respectfully Submitted

Brett Cain, Program Manager

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