



Washington State
Department of Health
Board of Osteopathic Medicine and Surgery
Meeting Minutes
March 28, 2014

The meeting of the Washington State Board of Osteopathic Medicine and Surgery (board) was called to order by Catherine Hunter, DO, Chair, at 9:05 a.m. The meeting was held at: Blackriver Training and Conference Center, 800 Oakesdale Ave. SW, Puyallup Room, Kent, WA 98057.

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

Staff Present: Blake Maresh, Executive Director
Brett Cain, Program Manager
Judy Young, Staff Attorney
Janelle Cognasso, Case Manager
Heather Carter, Assistant Attorney General

Guests Present: Kathie Itter, Washington Osteopathic Medical Association
Charles Meredith, MD, Washington Physicians Health Program

Open Session

1. Call to Order and introduction of board, staff, guests and audience
 - 1.1. Approval of Agenda – The board approved the March 28, 2014 business meeting agenda following two amendments
 - Dr. Kilburn brought an article from the American Osteopathic Association (AOA) regarding the Accreditation Council for Graduate Medical Education (ACGME) to be added to agenda item 10
 - Mr. Maresh asked that a discussion regarding potential agency request legislation for the 2015 session be added to agenda item 13

2. Approval of Minutes

All of the following minutes were approved as presented:

- 2.1. January 24, 2014 business meeting minutes
- 2.2. January 22, 2014 conference call minutes
- 2.3. February 5, 2014 conference call minutes
- 2.4. February 19, 2014 conference call minutes
- 2.5. March 5, 2014 conference call minutes

3. Introduction of New Board Member Alex Sobel, DO

The board's newly appointed board member, Dr. Alex Sobel, was welcomed to the board.

4. Legislative Wrap up – Bills of Interest that Passed

4.1. ESHB 2160 – Spinal manipulation by physical therapists

Dr. Finch stated that some of the information given to the board by the Physical Therapist Association or Washington at the January 24, 2014 board meeting may have been incorrect and that Washington is not just one of two states who do not allow physical therapists to perform spinal manipulation.

4.2. ESHB 2315 – Mandatory CMEs on suicide prevention

The board agreed that the lack of funding for services is the biggest issue regarding suicide prevention. The board will reach out to experts in suicide prevention while rules are developed regarding suicide prevention CMEs.

4.3. EHB 2351 – Allowing temporary practice permits for out of state health care professionals

The board had a general discussion regarding the bill and no board action is necessary.

4.4. SSB 6283 – MA-phlebotomist scope of practice

The board had a general discussion regarding the bill and no board action is necessary.

5. Federation of State Medical Boards (FSMB) Annual Meeting – Denver, CO April 24 -26

5.1. Candidates for FSMB leadership, 2014 -2015

The board reviewed the list of candidates and made the following voting recommendations:

- Board of Directions
 - Arthur Hengerer, MD – New York
 - Valerie Hoffman, DC – Virginia
 - Patricia King, MD, PhD – Vermont
- Nominating Committee
 - Greg Collins – Wisconsin
 - Barbara Walker, DO – North Carolina

The board acknowledged that these were just recommendations and ultimately left the voting decision up to Dr. Finch.

5.2. Review draft agenda for annual meeting

The agenda was provided to the board for informational purposes and no action was required

5.3. Discuss FSMB board reports

The reports were provided to the board for informational purposes and no action was required

5.4. Discuss House of Delegates resolutions

5.4.1. Resolution 14-1: Establish Study Group Regarding Collateral Consequences of Board Actions. This study will aim to address potential ripple effects of disciplinary action taken by state boards. For example, a minor action taken by a state disciplinary board may affect a practitioner's specialty board certification unintentionally. The board advised Dr. Finch to vote 'Yes' on this resolution.

5.4.2. Resolution 14-2.: Key State Decision Maker's Education: Legislators Governors, Health Agency Administration. This resolution encourages state boards to provide

the Journal of Medical Regulation to key state decision makers at a reduced cost. The board advised Dr. Finch to vote 'Yes' on this resolution.

6. COMVEX – National Board of Osteopathic Medical Examiners

The board discussed whether applicants who have taken and passed the COMVEX should be required to pass the board administered Washington State Osteopathic Principles and Practices Exam. The board reviewed some literature related to the COMVEX and decided that this exam would be sufficient. The board directed Mr. Cain to add language in WAC 246-853-020 to allow for the COMVEX exam and report progress at the May 16, 2014 meeting.

7. Rules Update

- 7.1. Chapter 246-853 WAC – Sections being amended, repealed and added. Mr. Cain updated the board regarding the sections of rule under review and amendment. No board action was required.
- 7.2. ESHB 1737 (2013) – Osteopathic physician assistant rules being modernized. Mr. Cain updated the board regarding the work being done on chapter 246-854 WAC – Osteopathic physician assistants. ESHB 1737 requires the board to work in conjunction with the Medical Quality Assurance Commission and a statewide organization that represents the interests of physician assistants working in Washington State to modernize the current physician assistant rules. The board was provided with an update and no action was required.

8. Osteopathic Physician Assistant Delegation Agreements

Mr. Cain presented some potential changes to the current delegation agreements for physician assistants. The review and amendments are being done as part of the 1737 project. The intent is to align the allopathic and osteopathic forms and make them reader-friendly and easy to fill out. The board was provided with an update and no action was required.

9. Public Record Retention

Ms. Carter, AAG, discussed some recent issues regarding public records and the use of private computers by members of state boards. Ms. Carter advised the board to be sure to copy a Department of Health or Attorney General's Office employee when sending messages from personal computers to avoid potentially having to surrender personal electronic devices to be searched pursuant to a public disclosure request.

10. Correspondence

- 10.1. Dr. Kilburn shared an article from the AOA regarding the Memorandum of Understanding between the AOA and ACGME regarding the pursuit of a single GME accreditation system.
- 10.2. The board was presented with a lists and labels request from MDX Medical. The request was denied as it was determined that the organization did not fit either the 'professional association' or 'educational organization' requirement.

11. Case Tracking Table Discussion

The board reviewed and discussed the open disciplinary cases to ensure that the cases were moving through the disciplinary stages in accordance with approved timelines. During the discussion, the board agreed that this discussion should take place in 'closed session' for future meetings. Mr. Cain agreed to place this agenda item under 'closed session' for future meetings.

12. Program Manager Update

- 12.1. Budget update. Mr. Cain presented the board with the budget report. There were no questions from the board regarding the budget.
- 12.2. Board recruitment. Mr. Cain provided the board with an update on board recruitment activities. He explained that three member positions were set to expire in July 2014 and that he plans to recruit for these positions. He encouraged the board members to seek reappointment and indicated that he would provide them with the proper materials to do so.
- 12.3. CMEs for activities related to work as board members. DOH staff and the board briefly discussed which activities may qualify to meet CME requirements for license renewal. This was a general discussion and no board action was taken.
- 12.4. Jurisprudence exam update. Mr. Cain explained that he had not worked on the jurisprudence exam for some time and assured the board that he will finish it up and get it posted to the web in the following months.

13. Executive Director Report

- 13.1. Collaborative drug therapy agreement (CDTA) information. Mr. Maresh informed the board of concerns uncovered by the Pharmacy Commission regarding CDAs. CDAs are agreements between a physician and a pharmacist to give the pharmacist expanded authority. He explained that some physician signatures are showing up on hundreds of agreements in large health plans, systems, and practices. In some cases, it is unclear whether the physician is unaware that his or her name is being used, and there is risk to the physician in having one's name associated with so many agreements. As a result, the Commission is seeking to educate boards and commissions about the issue.
- 13.2. 2015 agency request legislation. The board discussed whether there were any issues that the board would like to address through agency request legislation for the 2015 session. The board indicated that they would not present any agency request legislation for the 2015 session.
- 13.3. DOH Health Systems Quality Assurance (HSQA) workgroup on guidelines for authorizing medical marijuana (MMJ). Mr. Maresh explained that HSQA is considering convening a workgroup to study and develop practice guidelines for providers who authorize MMJ. Mr. Maresh asked if anyone from the board would like to participate on the workgroup. Board members indicated that they would consider participating, but no one board member was nominated or named to serve on the workgroup.
- 13.4. FSMB/Administrators in Medicine (AIM) activities. Mr. Maresh informed the board that he had attended his last meeting as member of the FSMB Board of Directors in Dallas in February. He also informed the board that he will be receiving the 2014

Doug Cerf Executive Director's Award from AIM and will receive the award at the annual meeting on April 23.

CLOSED SESSION:

14. Statement of Allegations/Stipulation to Informal Disposition presentations

Reviewing board members presented their findings from disciplinary case investigations and recommend to the full board whether action should be taken.

15. 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.

16. 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 2:30 p.m.

Respectfully Submitted

Brett Cain, Program Manager

NOTE: PLEASE VISIT THE WEB SITE FOR FUTURE AGENDAS AND MINUTES - WWW.DOH.WA.GOV . GO TO LICENSING AND CERTIFICATION AND YOU WILL FIND A LIST OF THE HEALTH CARE PROFESSIONS, GO TO OSTEOPATHIC PHYSICIANS FOR AGENDAS AND MINUTES.
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