



Washington State
Department of Health
Board of Osteopathic Medicine and Surgery
Meeting Minutes
September 26, 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: Department of Health, Kent Offices, 20245 72nd Ave S, Building B, Suite 310.

Board Members Present: Catherine Hunter, DO, Chair
John Finch, Jr., DO, Vice Chair
Sharon Gundersen, PhD, Public Member
Shannon Markegard, DO
Alex Sobel, DO
Juan Acosta, DO

Staff Present: Blake Maresh, Executive Director
Brett Cain, Program Manager
Mike Ellsworth, Supervising Staff Attorney
Judy Young, Staff Attorney
Maura Craig, Policy Analyst
Linda Karseboom, Internal Auditor
Heather Carter, Assistant Attorney General

Guests Present: Kathie Itter, Washington Osteopathic Medical Association
David Wood, Washington Academy of Physician Assistants
James Geluso, State Auditor's Office

Open Session

1. Call to Order and Introduction of Board, Staff, Guests and Audience

Board members, staff and guests gave brief introductions.

1.1. Approval of Agenda

Mr. Cain requested that the agenda be amended to include a brief training provided by Ms. Carter regarding the Open Public Meetings Act under new agenda item 13.1.

The board unanimously agreed to add the proposed agenda items and the agenda was approved as amended.

2. Approval of Minutes

All of the following minutes were approved as presented:

- 2.1. July 25, 2014 business meeting minutes
- 2.2. July 25, 2014 disciplinary meeting minutes
- 2.3. July 30, 2014 conference call minutes
- 2.4. August 13, 2014 conference call minutes
- 2.5. August 27, 2014 conference call minutes

3. Tom Fergeson, State Auditor's Office

Tom Fergeson was unavailable so in his stead, James Geluso from the State Auditor's Office (SAO) explained that the board would be undergoing a performance audit. Mr. Geluso explained that the audit would focus on the board's disciplinary process and how the board reaches its decisions regarding whether or not to investigate and discipline osteopathic physicians and osteopathic physician assistants licensed in Washington State. Mr. Geluso further explained that the SAO would contract with a subject matter expert to aid in the audit.

4. 2013 – 2015 Business Plan Review

The board reviewed their current business plan. Mr. Cain asked if the board would like to send notices of disciplinary action taken by the board to the board's listserv; similar to the Medical Quality Assurance Commission's procedure. The board indicated that the press releases issued by the department served as sufficient notice and that they would not like to add this new procedure to their business plan.

Mr. Cain asked if the board would like to add a complete review of their current administrative code to the 2013 – 15 business plan or if they would like to wait and add it to the 2015 – 17 business plan. This review is required per Substitute Senate Bill 5679 (2013). The board indicated they would like to add it to the current business plan and begin the review in March 2015.

MOTION: Dr. Sobel motioned to approve the 2013-2015 business plan as amended.

ACTION: Dr. Acosta seconded the motion and it was unanimously passed.

5. Review of Current Policies and Procedures

The board reviewed all of their current policies, procedures, and interpretive statements and either rescinded, amended, kept as written, or opted to revisit later.

Rescind:

- Policy/Procedure OP95-05 Osteopathic Principles and Practices Examination Administration
- Policy/Procedure OP95-19 Reciprocity Examinations
- Policy/Procedure OP95-16 Unlicensed Physicians Functioning as Physician Assistants

Amend:

- Policy Statement OP02-28 Best Practice Guidelines for Verbal Prescriptions

- Remove “Phone number” from Patient Information section
- Interpretive Statement OP07-31 Physician/Patient Relationship; Evaluation of Patient
 - Under 1), change to read “Reasonable attempt to verify the identity of the person requesting care;”
 - Under 2), change the “and” after “laboratory testing” to “and/or”
 - Remove the Procedure, Program manager, Reviewing board member, and Program manager subsections from the Action section and add sentence “Follow approved HSQA policies and procedures for processing complaints and disciplinary action.”
- Interpretive Statement OP99-27 Prescribing Medication without Physician/Patient Relationship
 - Mirror amendments to Interpretive Statement OP07-31

Keep as written:

- Policy/Procedure OP95-11 Osteopathic Physician and Surgeon Designation

Other:

- Policy/Procedure OP04-29 Retention of Medical records and Patient Notification Upon Closure of a Practice; the board will revisit this policy at the next business meeting and consult with the Washington Osteopathic Medical Association (WOMA) to gather more information

MOTION: Dr. Acosta motioned that the board keep as written, amend, or repeal their policies as indicated above.

ACTION: Dr. Gundersen seconded the motion and it was unanimously passed.

6. 2015 Legislative Meet Me Calls

The board was asked to nominate a member to participate in a weekly call during the 2015 legislative session where board and commission representatives discuss bills of interest with department staff.

Dr. Acosta volunteered to be the representative with Dr. Markegard named as a backup representative when Dr. Acosta is not available.

During this discussion, Kathie Itter from WOMA notified the board that leadership from the House Healthcare and Wellness Committee and Senate Healthcare Committee agreed to put forth a bill during the 2015 legislative session that would add two osteopathic physicians, one public member, and one osteopathic physician assistant to the board.

7. Rules Revision Concerning the Definition of Sexual Misconduct

The department is considering updating the sexual misconduct rule to establish clearer standards of conduct for health care providers. The department's experience with investigating and enforcing the current rule has raised the need to clarify what acts constitute sexual misconduct by

providers in health care professions under the Secretary of Health's authority.

The department is encouraging boards, commissions, and committees to consider revisions to the definition of sexual misconduct in their respective chapters of WAC as well. Mr. Cain asked the board to consider a motion to allow him to file a CR-101 to notify the public of their intent to open rules to possibly amend this definition.

MOTION: Dr. Acosta motioned to authorize the department to file a CR-101 to alert the public that the board is considering amending the definition of sexual misconduct in chapters 246-853 and 246-854 WAC.

ACTION: Dr. Sobel seconded the motion and it was unanimously passed.

8. Hospital Investigative Letters

Hospital investigative letters are included in the osteopathic and osteopathic physician assistant application packets. These forms must be completed and turned in by applicants who have held admitting or specialty privileges at a hospital. The form asks whether the applicant's privileges have been suspended, revoked or subject to disciplinary action. Amendments were presented to the board that add clarity to the form, and remove duplicative and unnecessary language.

MOTION: Dr. Sobel motioned to approve the amendments to the hospital investigative letters form as presented.

ACTION: Dr. Acosta seconded the motion and it was unanimously passed.

9. Medical Marijuana Authorization Guidelines Workgroup Update

The board reviewed and discussed the medical marijuana authorization practice guidelines. The guidelines are a product of a workgroup with representation from the board (Dr. Finch), the Medical Quality Assurance Commission, the Naturopathy Board, the Nursing Care Quality Assurance Commission, and department staff. The workgroup met and developed guidelines that describe the professional practice standards for healthcare professionals when authorizing the medical use of marijuana under chapter 69.51 RCW.

MOTION: Dr. Finch motioned to adopt the medical marijuana authorization practice guidelines as presented.

ACTION: Dr. Acosta seconded the motion and it was unanimously passed.

10. Correspondence

- 10.1. Professional Research Services and J. Knipper – The board reviewed a request for list and labels submitted by Professional Research Services and J. Knipper.

MOTION: Dr. Sobel motioned to deny both requests citing that the organizations did not meet the definition of a professional or educational association required to receive lists and labels.

ACTION: Dr. Markegard seconded the motion and it was unanimously passed.

10.2. Federation of State Medical Boards (FSMB) participation report – The board was given the FSMB participation report for 2013. This report detailed the FSMB activities that individuals associated with the board took part in during 2013. This report was distributed for informational purposes and no board action was necessary.

10.3. International Society of Hair Restoration Surgery (ISHRS) Consumer Alert – The board was given an alert by ISHRS. The alert stated that a growing number of unlicensed technicians were performing hair restoration surgery and that these procedures should only be performed by properly licensed and trained professionals. The alert was distributed for informational purposes and no board action was necessary.

11. Program Manager Report

11.1. Budget update – The board reviewed their current budget. There were concerns that the board's budget balance is too large, but no action was taken at this time.

11.2. Rules update – Mr. Cain updated the board on the progress of their discretionary rules and osteopathic PA rules projects.

11.3. Discussion regarding the hearing for the PA rules – Mr. Cain notified the board that the department was arranging a proposed rules hearing to be held on December 5 at the Red Lion Hotel and Conference Center. He explained that four board members would need to participate in the hearing so that the rules could be adopted by the legislatively mandated date of December 31, 2014. Mr. Cain asked the board to look at their schedules and indicated that he would follow up with an email to solicit their participation.

12. Executive Director Report

12.1. Update on the Interstate Compact – Mr. Maresh informed the board that he would be giving a presentation regarding the interstate compact at the Medical Quality Assurance Commission's Educational Conference to be held on October 1 - 2, 2014. He invited board and audience members to attend the conference and his talk if they were available.

12.2. Administrators in Medicine (AIM) interstate compact resolution – Mr. Maresh explained that he would be attending the AIM regional meeting in New Orleans, LA October 16 - 17, 2014. He will be presenting a resolution to AIM leadership asking for their formal support of the interstate compact.

MOTION: Dr. Acosta motioned that the board formally support the resolution to be presented to AIM by Mr. Maresh.

ACTION: Dr. Sobel seconded the motion and it was unanimously passed.

12.3. Online Licensing and Information Gathering Project – Mr. Maresh shared a handout with the board that details the timeline and goals of the department’s Online Licensing and Information Collection Project. Ultimately, the project will result in online applications for all health care profession credential and facility types and online collection of demographic information for health care providers.

12.4. Mr. Maresh shared that he may solicit advice or an opinion from the board in the future regarding interest in police officers potentially carrying and administering naloxone to prevent opioid overdose deaths. The conversation was informational and no board action was required.

13. Settlement Presentations

There were no settlement presentations

13.1 Open Public Meetings Act Board Member Training

Heather Carter, AAG, provided a handout and brief training regarding board responsibilities to comply with chapter 42.30 RCW, the Open Public Meetings Act (OPMA). The training included a discussion of how all board meetings must be open to the public, the requirements for special and regular meetings, executive session, board voting, and which meetings are not subject to OPMA requirements.

CLOSED SESSION:

15. Osteopathic Physician Assistant Delegation Agreement Review

The board reviewed a delegation agreement for an osteopathic physician assistant. The board directed Mr. Cain to contact the applicant and ask her to fill out the remote site portion of the application so that the board could have more detailed information regarding the plan for supervision, chart review, and arrangements made for communication in emergent situations.

16. 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.

17. 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.

18. 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.

19. 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.

Dr. Hunter, Chair adjourned the meeting at 2:15 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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