



Washington State
Department of Health
Board of Osteopathic Medicine and Surgery
Meeting Minutes
November 7, 2014

The meeting of the Washington State Board of Osteopathic Medicine and Surgery (board) was called to order by Catherine Hunter, DO, Chair, at 9:01 a.m. The meeting was held at: Red Lion Hotel & Conference Center 1 South Grady Way Renton WA 98057-2500, Spruce Room

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
Peter Kilburn, DO

Staff Present: Blake Maresh, Executive Director
Brett Cain, Program Manager
Cece Zenker, Program Support
Kitty Slater, Disciplinary Case Manager, by phone
Judy Young, Staff Attorney
Heather Carter, Assistant Attorney General
Jack Bucknell, Assistant Attorney General
Kristin Brewer, Assistant Attorney General
Chris Baumgartner, Prescription Monitoring Program (PMP)
Director
Gary Garrety, PMP Operations Manager
Andrea Wagner, Credentialing Supervisor
Erica Brown, Credentialing Supervisor

Guests Present: Kathie Itter, Washington Osteopathic Medical Association
David Wood, Washington Academy of Physician Assistants
Gary Franklin, MD, MPH, Medical Director, Labor and Industries

Open Session

1. Call to Order and Introduction of Board, Staff, Guests and Audience
 - 1.1. Approval of Agenda – The board approved the November 7, 2014 business meeting agenda with the following amendment:
 - 3.5 Gary Franklin, MD, MPH, Medical Director, Labor and Industries
2. Approval of Minutes

All of the following minutes were approved as presented:

- 2.1. September 24, 2014 Conference Call
- 2.2. September 26, 2014 Meeting
- 2.3. September 26, 2014 Disciplinary Meeting
- 2.4. October 8, 2014 Conference Call
- 2.5. October 22, 2014 Conference Call

3. Performance Audit

Mr. Maresh updated the board on the current status of the State Auditor's Office performance audit of the board.

3.5. Revised Model Policy on the Appropriate Use of Opioid Analgesics in the Treatment of Pain: Presentation by Gary Franklin, MD, MPH, Medical Director, Labor and Industries

Dr. Franklin shared a slide presentation and two handouts regarding proposed amendments to the current Federation of State Medical Boards Model Policy. Dr. Franklin argued that the Model Policy requires significant amendments.

- Dr. Hunter requested that Mr. Cain obtain a copy of the book, written by Scott M. Fishman, MD, entitled, "Responsible Opioid Prescribing – A Physicians Guide" for distribution to the board.
- Mr. Cain will send Dr. Franklin's PowerPoint presentation to the board and Ms. Itter.

4. Policy OP04-29 Retention of Medical Records and Patient Notification Upon Closure of a Practice

The board discussed whether to keep this policy as written, amend the policy, or rescind the policy. The board motioned to keep this as a policy with amendments.

The board discussed the section of Policy OP04-29 under the heading: How long should patient records be retained? Currently, the policy states that records should be kept for 10 years. The board questioned whether a 10 year retention requirement was excessive. Several board members stated that most malpractice insurance carriers operate under a 7 year retention schedule.

The board asked Mr. Cain to research whether 7 or 10 years was more appropriate and to report back with that information. The board moved to keep the requirement at 10 years until more information was gathered.

The board will make following amendments to this policy:

- Under "How should notification be given?"
 - Add bullet for, "Electronic Notification"
- Under "Board of Osteopathic contact information"
 - Update contact number to reflect Mr. Cain's direct extension
- Under "What information should be provided to patient about retrieval of records?"

- Add “It is unethical to withhold the address of a doctor if requested by patient”

MOTION: Dr. Acosta motioned that the board keep Policy OP04-29 with the amendment described above.

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

5. Prescription Monitoring Program – Chris Baumgartner and Gary Garrety

Mr. Baumgartner introduced Gary Garrety as the new Operations Manager for the PMP. Mr. Baumgartner gave a PowerPoint presentation regarding the latest updates for the PMP Program. The presentation included information on the Health Information Exchange, Stage 2 Meaningful Use Requirements, and Interstate Data Sharing. The board is interested in knowing more information on e-scripts and how they can relate the PMP.

6. Medical Quality Assurance Commission’s 2015 Request Legislation

Mr. Cain provided the board with a synopsis of the legislation that Medical Quality Assurance Commission (MQAC) intends to introduce during the 2015 session. Potential bills will relate to: the Interstate Compact for Physician Licensure, MD license requirements reform, MQAC term parity, and mandating that MDs provide demographic information at renewal. This was informational and no action was required by the board.

7. Medical Quality Assurance Commission Guideline: Appropriate Use of Telemedicine

The board was presented with the telemedicine guidelines recently adopted by MQAC.

MOTION: Dr. Acosta motioned that he and Mr. Cain begin drafting telemedicine guidelines used MQAC’s documents as a template.

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

8. Osteopathic Physicians Assistant December 5, 2014 Rules Hearing

Dr.’s, Hunter, Finch, Kilburn and, Markegard will attend and preside over the physician assistant rules hearing scheduled for December 5, 2014 at 9 a.m.

9. Correspondence

- Mr. Maresh shared a letter drafted by The National Transportation Safety Board with the board. No formal action was required.
- The board was presented with a list and label request from Health Market Science, Inc. and Professional Research Services.

MOTION: Dr. Sobel motioned to deny both requests because neither meets the required definition of “Professional Association” as the term is defined on the application.

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

10. Program Manager Report

- 10.1. Budget update – The board reviewed the current budget. There were no concerns or specific questions regarding the budget.
- 10.2. Mr. Cain shared credential counts for Osteopathic Physicians, Osteopathic Physician Assistants, and Osteopathic Physicians – Limited Licenses.

11. Executive Director Report

- 11.1. Interstate licensure compact update – Mr. Maresh updated the board on the status of the compact. He explained that the draft legislation was at the Governor’s Office for review.
- 11.2. October 16-17, 2014 Administrators in Medicine Regional Meeting – Mr. Maresh briefed the board on his trip to the Administrators in Medicine he attended in New Orleans, LA.
- 11.3. North Carolina Dental Board Supreme Court Case – Mr. Maresh reported that the US Supreme Court will make a decision in early summer 2015 regarding the North Carolina board of appeal of a Federal Trade Commission ruling that the board violated antitrust laws in attempting to preclude non-dentist providers from engaging in the sale of teeth whitening services.

12. Open Session – Settlement Presentations and/or Orders may be presented. Presentations are contingent upon agreements being reached between the parties prior to a board meeting. Deliberations are held in Executive Session

There were no settlements.

Closed Session

13. 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.

14. Statement of Allegations/Stipulations to Informal Disposition Presentations.

There were no presentations.

15. Disciplinary Case Reviews – Reviewing Board Member Reports

Board members met to determine whether the cases presented should be further investigated, closed, or moved on to the informal or formal resolution process.

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.

Dr. Hunter, Chair adjourned the meeting at 2:25p.m.

Respectfully Submitted

Brett Cain, Program Manager

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