



Medical Quality Assurance Commission

Blackriver Training & Conference Center
800 Oakesdale Avenue SW
Renton, Washington 98057
(425) 917-7631

Business Meeting Minutes November 6, 2015

Medical Commission Members

James E. Anderson, PA-C
Toni Borlas, Public Member
Richard Brantner, MD
Charlie Browne, MD
William Brueggemann, Jr., MD, Absent
Mike Concannon, JD, Public Member
William Gotthold, MD
Bruce G. Hopkins, MD
Warren Howe, MD, 2nd Vice Chair
Mark Johnson, MD, 1st Vice Chair
Charlotte Lewis, MD

John Maldon, Public Member
Peter Marsh, MD
Kathleen O'Connor, Public Member
Mimi Pattison MD
Alden Roberts, MD
Theresa Schimmels, PA-C
Robert Small, MD
Michelle Terry, MD, Chair
Mimi Winslow, JD, Public Member
Yanling Yu, PhD, Public Member

Medical Commission Staff

Micah Matthews, Deputy Executive Director
Mike Farrell, Policy Development Manager
Julie Kitten, Operations Manager
Daidria Pittman, Program Manager
Melissa McEachron, Director of Operations and Informatics
Jimi Bush, Performance and Outreach Manager
Jim McLaughlin, Supervising Staff Attorney
Larry Berg, Staff Attorney
Karen Caille, Staff Attorney
Suzanne Mager, Staff Attorney
Rick Glein, Staff Attorney
Janell Stewart, Staff Attorney
Phi Ly, Legal Intern

Jen Batey, Paralegal Supervisor
Diana Whitaker, Paralegal
Dawn Thompson, Licensing Manager
Mike Hively, Information Liaison
Morgan Barrett, MD, Clinical Consultant
Mike Kramer, Compliance Officer
Denise Gruchalla, Director of Investigations
Vicki Creighton, Health Services Consultant
Patty Melody, Investigator Supervisor - Spokane
Tami Klewicki-Bodamer, Investigator
Lisa Noonan, Investigator
Michael Yorgensen, Investigator

Others in Attendance

Tierney Edwards, Washington State Medical Association (WSMA)
Denny Maher, WSMA
Heather Carter, Assistant Attorney General (AAG)

Charles Meredith, Washington Physician's Health Program (WPHP)
Kathy Ferris, Physician's Insurance

Call to Order

Michelle Terry, MD, Chair, called the meeting of the Washington State Medical Quality Assurance Commission (MQAC) to order at 8:00 a.m. on November 6, 2015, at Blackriver Training & Conference Center, 800 Oakesdale Avenue SW, Renton, Washington 98057.

1.0 Chair Report

Dr. Terry welcomed everyone to the Business Meeting. On Thursday, October 29, 2015, Dr. Terry was honored to give grand rounds at Seattle Children's Hospital where they talked about the Commission from start to finish. Melanie de Leon, Executive Director, and Micah Matthews, Deputy Executive Director, accompanied Dr. Terry. They answered questions from the doctors and staff at the hospital, and received excellent reviews after the session. Dr. Terry stated this is part of the Commission's Speakers Bureau and encouraged the Commissioners to speak about the Commission at their home institutions and medical societies. There is information regarding the Commission's Speaker's Bureau at

<http://www.doh.wa.gov/LicensesPermitsandCertificates/MedicalCommission/CommissionInformation/SpeakersBureau>.

2.0 Consent Agenda

The Consent Agenda contained the following items for approval:

- 2.1 Minutes from the August 21, 2015 Business Meeting.
- 2.2 Agenda for November 6, 2015.
- 2.3 Ratification of the licenses issued to Physicians, Limited Physicians and Physician Assistants from August 21, 2015 through November 5, 2015.

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

3.0 Old Business

3.1 Maintenance of Licensure (MOL) Rules

Michael Farrell, Policy Development Manager, presented draft rule language. Mr. Farrell explained that the one substantive change to the draft rule was that in lieu of the 200 hours of Continuing Medical Education (CME) an allopathic physician is required to take, if they become certified by a member board of the American Board of Medical Specialties in the four years preceding their renewal date, they do not have to take the 200 hours of CME.

Motion: The Chair entertained a motion to approve the MOL draft rule to move to the CR-102 rulemaking process. The motion was seconded and approved unanimously.

3.2 Reduction of Medical Errors (ROME) Committee

Mark Johnson, MD, Committee Chair, reported there would be a committee conference call on Monday, November 9 which would be open to the public.

Dr. Johnson stated that a large number of Commissioners and Commission staff met with Thomas Gallagher, MD and his focus group recently to discuss the Communication and Resolution Program (CRP). There are still many questions that institutions have regarding the

intent of the Commission. They also have major concerns about releasing information that might ultimately become public. The committee is thinking about processes to ensure that any documents the Commission requires won't become public. Dr. Johnson encouraged feedback regarding ROME.

3.3 Suicide Prevention Training Rules – MDs and PAs

Mr. Farrell presented the draft rule language and pointed out where "brief and limited" was defined. Mr. Farrell asked for other suggestions to define "brief and limited", however no suggestions were provided.

Motion: The Chair entertained a motion to approve the Suicide Prevention Training draft rule language to move to the CR-102 rulemaking process. The motion was seconded and approved unanimously.

3.4 Commission Bylaws

Daidria Pittman, Program Manager, explained the Commission had approved the bylaws at the June 26, 2015 meeting, but some revisions had to be made to bring them more in line with statute. Ms. Pittman explained the changes and presented the updated bylaws for approval.

Motion: The Chair entertained a motion to approve the updated bylaws. The motion was seconded and approved unanimously.

3.5 Lists & Labels Requests

The following lists and labels requests were discussed for possible approval or denial. Approval or denial of these applications is based on whether the requestor meets the requirements of a "professional association" or an "educational organization" as noted on the application (RCW 42.56.070(9)).

- Cambia Health Solutions

Motion: The Chair entertained a motion to deny the request as they do not meet the requirements of a professional association. The motion was seconded and approved unanimously.

- Choctaw Global Staffing

Motion: The Chair entertained a motion to deny the request as they do not meet the requirements of a professional association. The motion was seconded and approved unanimously.

- Clinical Match Me

Motion: The Chair entertained a motion to deny the request as they do not meet the requirements of an educational organization. The motion was seconded and approved unanimously.

- Gulfcoast Ultrasound Institute

Motion: The Chair entertained a motion to approve the request. The motion was seconded and approved unanimously.

- National Center for the Analysis of Healthcare Data

Motion: The Chair entertained a motion to deny the request as they do not meet the requirements of an educational organization. The motion was seconded and approved unanimously.

- RussoCME

Motion: The Chair entertained a motion to approve the request. The motion was seconded and approved unanimously.

4.0 Public Comment

Dr. Cynthia Cole, a physician with a medi-spa, stated the public laws are unclear regarding physicians being offsite from the clinic where they are listed as supervising laser treatments. She asked the Commission to provide more clarity on this issue.

5.0 Committee Reports

5.1 Policy Committee

Mimi Winslow, JD, Public Member, Policy Committee Chair, reported on the items discussed at the Policy Committee meeting held on November 5, 2015:

Shire Rules Petition

Chris Humberson, Executive Director, Pharmacy Quality Assurance Commission (PQAC), presented a rules petition they received from Shire requesting the drug Vyvanse be prescribed to treat patients with Binge Eating Disorder. PQAC is required by statute to consult with this Commission before establishing rules involving Schedule II nonnarcotic stimulants. PQAC is requesting the Commission's support to amend WAC 246-887-040 as petitioned by Shire.

Motion: The Chair entertained a motion to support PQAC in amending WAC 246-887-040. The motion was seconded and approved unanimously.

WAC 246-919-390 Temporary permits—Recognized jurisdictions and WAC 246-919-395 Temporary permits—Issuance and duration

Ms. Winslow reported the current rules are outdated and need modernization. The Policy Committee recommended the Commission open the rules to modernize the language.

Motion: The Chair entertained a motion to approve opening rulemaking on WACs 246-919-390 and 246-919-395. The motion was seconded and approved unanimously.

Retired Active Physicians CME Requirements

Ms. Winslow presented the draft interpretive statement and reported the Policy Committee recommended approval. The Commission suggested some changes to the draft statement and asked that it be rewritten and brought back to a future meeting.

Treating Partners of Patients with Sexually Transmitted Chlamydia and Gonorrhea Guideline

Ms. Winslow presented the revised guideline and asked the Commission to approve the updated document.

Motion: The Chair entertained a motion to approve the guideline. The motion was seconded and approved unanimously.

Guidelines for Reentry into Practice

Ms. Winslow presented two draft guidelines regarding reentry into practice. Ms. Winslow asked the Commission to approve both guidelines with minor grammatical changes.

Motion: The Chair entertained a motion to approve the first guideline “Reentry to Practice” with suggested changes. The motion was seconded and approved unanimously.

Motion: The Chair entertained a motion to approve the second guideline “Reentry to Practice for Suspended Licensees” with suggested changes. The motion was seconded and approved unanimously.

Policy Committee Charter

Ms. Winslow presented the updated Policy Committee Charter as well as the suggested revisions.

Motion: The Chair entertained a motion to approve the charter with the presented revisions. The motion was seconded and approved unanimously.

Procedure for Approving Suicide Prevention Training until July 1, 2017

Ms. Winslow stated the recommendation from the committee is that a four member subcommittee be appointed by the Commission. This subcommittee would review training materials provided by the person or entity providing the training, and vote to approve or deny that the training meets the requirements of Suicide Prevention Training as laid out in Engrossed Substitute House Bill 1424.

Motion: The Chair entertained a motion to approve the procedure and the formation of a subcommittee. The motion was seconded and approved unanimously. Robert Small, MD and Bruce Hopkins, MD volunteered to serve on the subcommittee.

Dr. Hopkins nominated Kathleen O’Connor, Public Member and John Maldon, Public Member to also serve on the subcommittee. Both accepted the nomination.

Motion: The Chair entertained a motion to approve Ms. O’Connor and Mr. Maldon to serve on the subcommittee. The motion was seconded and approved unanimously.

Panel Composition Protocol

Ms. Winslow presented the draft protocol. Several edits and changes were suggested. Mr. Farrell will redraft the protocol and it will be presented again at a future meeting.

Consent Agenda Procedure

Ms. Winslow presented the draft language as well as the suggested revisions.

Motion: The Chair entertained a motion to approve the procedure with the presented revisions. The motion was seconded and approved unanimously.

6.0 MEMBER REPORTS

Yanling Yu, Public Member, reported she is involved in a “train-the-trainer” training program through the University of Washington Macy Foundation Grant which brings in hospital teams and trains them to train the other hospital staff on teamwork. She is also serving on the National Quality Forum Patient Safety Committee. This year they re-endorsed 23 safety measures which address, among

other items, pressure ulcers, nursing staff, and medication consultations.

Dr. Johnson encouraged the Commission to continue to review and improve the Commission's communication processes.

Theresa Schimmels, PA-C, attended the North Carolina Academy of Physician Assistants meeting in August, where she was able to network with the newest state medical board Physician Assistant member. Ms. Schimmels offered her and Jim Anderson's, PA-C, services as PA liaisons if they have questions or concerns.

Ms. O'Connor reported she is a member of the Patient Advisory Council for a new group called the [Patient Voice Institute](#). The group looks at patient safety issues.

7.0 STAFF MEMBER REPORTS

7.1 Executive Director

Micah Matthews, Deputy Executive Director, provided updates on the following:

Hearings and Case Management Team (CMT) – Mr. Matthews asked that Commissioners be sure to sign up for both hearings and CMT meetings.

Richard Brantner, MD – Mr. Matthews reported that the Commission had presented Dr. Brantner with his Commission service award as well as his Council on Licensure, Enforcement & Regulation (CLEAR) [Consumer Protection Award](#).

Budget – Mr. Matthews stated we are still waiting for the allotment numbers from the budget section of the agency. The Commission's total allotment is unchanged. However, the indirect charges received from the agency have been reduced and our net allotment reflects that.

Audit – The auditors have almost completed their review of compliance files. A meeting will be held in two weeks for a possible update and announcement of a draft report. That will kick off our technical review which we will have approximately three weeks to complete. Publication of the report is anticipated for February 2016.

Legislation – The Secretary announced his proposed legislative and budget requests to the Governor this week. The anticipation is that those will be approved in December to go forward to the upcoming legislative session.

- The Commission efforts for academic licensure and the interstate compact are included.
- Other legislative requests of interest include:
 - A request from the Governor and the Attorney General to address vaping for youth and youth access to vaping products.
 - Proposal to increase the age of the legal use of tobacco to 21.
- A request to change the Health Professions (O2G) Account from allotted appropriated, to unappropriated unallotted.

The reception to the Commission's bills has been extremely positive overall.

Compliance announcement from Morgan Barrett, MD – Dr. Barrett asked the Commission to feel free to contact him directly regarding the compliance process. Dr. Barrett also reported that the Compliance Unit is trying to accomplish a better information storage and retrieval

process for respondents and Commissioners.

IT – Mr. Matthews asked Mike Hively, Information Liaison, to present information regarding Commission IT. Mr. Hively asked that if Commissioners have any issues with Outlook Web Access or Citrix to contact him directly. Jimi Bush, Performance and Outreach Manager, is the second point of contact. Otherwise, please call the Help Desk.

Federation of State Medical Boards (FSMB) Marijuana Workgroup – They are in the process of producing a guideline for the authorization of medical marijuana for patients. It will include a prohibition specifically on self-authorization. There will be a separate effort aimed at the physician using medical marijuana and recreational marijuana which will include a strong statement on zero tolerance on impairment, will define impairment, and will caution on the unintended consequences related to employment law and federally funded connections.

Center for Telemedicine Law (CTEL) – Ms. de Leon, Mr. Matthews, and Dr. Terry will attend the CTEL Executive Summit in Washington DC next week. CTEL is an organization that is helpful in educating boards and commissions on what is happening in all 50 states regarding Telemedicine, some of the pitfalls of addressing Telemedicine, and giving the Commission a better understanding of where the vendors and other regulators are with Telemedicine.

CLEAR – In January, Ms. de Leon; Michelle Teed, JD, Director of Legal Services; Ms. Bush; and Mr. Matthews will attend a CLEAR symposium.

7.2 Assistant Attorney General

Heather Carter, AAG, had nothing to report.

7.3 Deputy Executive Director

See section 7.3

7.4 Operations Manager

Julie Kitten, Operations Manager, reported the Congressional District 10 vacancy is still pending. The Governor's office is currently recruiting for this opening.

7.5 Program Manager

Ms. Pittman, Program Manager, reported on the Commission rules that are currently in progress:

- *Maintenance of Licensure*: The CR-102 is still in progress. A hearing is tentatively scheduled for May 11, 2016.
- *Sexual Misconduct*: The hearings for both the MDs and PAs were held on November 4, 2015. Both draft rules have been approved to move on to the CR-103 process. We hope they will be finalized in early 2016.
- *Safe and effective analgesia and anesthesia administration in office-based surgical settings (OBS) WAC 246-919-601*: The CR-102 is in progress. A hearing is tentatively scheduled for May 11, 2016.

Commissioner Vacation Calendar – Ms. Pittman reported that there is now a calendar on the SharePoint site for Commissioners to input the dates they are on vacation or unavailable to

accept cases.

7.6 Director of Operations and Informatics

Melissa McEachron, Director of Operations and Informatics, had nothing to report.

7.7 Medical Consultant

George Heye, MD, Medical Consultant, was absent.

7.8 Director of Legal Services

Ms. Teed reported they have filled all three of their paralegal vacancies. The Paralegal 3 position will be filled by Jennifer Batey who comes to the Commission from the Attorney General's office. She will be supervising the other paralegals. Christine Lawrence, currently a Legal Assistant in the Legal Unit, was promoted to Paralegal 2. Diana Whitaker, previously a Legal Assistant in the Legal Unit, was promoted earlier this year to Paralegal 1. Ms. Teed hopes to have the other three support positions filled by mid-December.

7.9 Director of Investigations

Denise Gruchalla, Director of Investigations, reported we have two new investigators: Tami Klewicki-Bodamer, RN and Michael Yorgensen, PA. Ms. Klewicki-Bodamer has been a RN for 30 years, 25 in surgical services and the last five in care management. Mr. Yorgensen has been in the medical or intelligence field for 40 years. A third investigator will be added in Spokane. Interviews will be held the second week of November.

7.10 Policy Development Manager

Mr. Farrell reported he is working on a communication project with Commissioner Mimi Pattison, MD. He continues to work on the death certificate guideline. The second week of December Mr. Farrell will attend the annual FSMB Board Attorney Workshop. He will be moderating two panel discussions: Working with Physicians in the Veteran's Affairs and military systems, and the second panel asks the question, "What do administrative law judges really want?"

7.11 Performance and Outreach Manager

Ms. Bush reported the Lyme Disease Study has made its way out of the Office of the Secretary, Department of Health and is moving forward with minimal revisions. Next it will be sent to the Office of Financial Management and then on to the Governor's office.

Conference – Ninety six percent of the completed surveys rated the overall conference as excellent or very good. There were 143 attendees over both days and 351 Category I CME credits were issued.

8.0 ADJOURNMENT

The Chair called the meeting adjourned at 10:01 a.m.

Submitted by

Medical Quality Assurance Commission
Business Meeting Minutes
November 6, 2015

Daidria Pittman, Program Manager

Michelle Terry, MD, Chair
Medical Quality Assurance Commission

Approved January 8, 2016