



Washington State
Department of Health
Board of Osteopathic Medicine and Surgery
Meeting Minutes
January 23, 2015

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
Peter Kilburn, DO

Staff Present: Blake Maresh, Executive Director
Brett Cain, Program Manager
Cece Zenker, Program Support
Judy Young, Staff Attorney
Heather Carter, Assistant Attorney General
Jennifer Herbrand, Credentialing Supervisor
Andrea Wagner, Credentialing Supervisor

Guests Present: Kathie Itter, Washington Osteopathic Medical Association
AT Still University Students:
Roger Millhouse
Tony Thai
Jeffery Wang
Natalie Strokes
Aaron Busch
Redgy Fuller
Alexander Dau
Tiffany Sham
Aline Sengchannavong

Open Session

1. Call to Order and Introduction of Board, Staff, Guests and Audience
 - 1.1. Approval of Agenda – The board approved the January 23, 2015 business meeting agenda with the following amendment: add discussion of HB 1424 as agenda item 4.8.
2. Approval of Minutes

All of the following minutes were approved as presented:

- 2.1 November 5, 2014 conference call
- 2.2 November 7, 2014 business meeting
- 2.3 November 7, 2014 disciplinary meeting (closed session)
- 2.4 November 19, 2014 conference call
- 2.5 December 3, 2014 conference call
- 2.6 December 17, 2014 conference call

3. Spinal Manipulation Rules for Physical Therapists

The board reviewed the draft rules under development by the Board of Physical Therapy. These rules are being developed in response to a law that was passed that allow physical therapists with specific training to perform spinal manipulation.

The board asked staff to provide comment that they would like the rules to mention osteopathic manipulative therapy where chiropractic manipulative therapy is mentioned throughout the rule. Staff explained that they believed most of the rule restates what is already in statute, but would provide the comment to the Board of Physical Therapy and follow up with more information.

4. Legislative Update

The board discussed several bills under consideration by the 2015 legislature. Mr. Maresh and Mr. Cain provided updates:

- 4.1 HB 1020 – Medical marijuana. This bill would amend several sections of statute related to the medical use of marijuana. Mr. Maresh provided the board with several specifics regarding the bill and the board took no formal position.
- 4.2 HB 1135 – Remediation plans. This bill allows a credentialed health professional and disciplining authority to agree to a remediation plan to resolve allegations of unprofessional conduct when certain conditions are met. The board supports this bill and agreed that it could potentially create a tool for them to use when adjudicating disciplinary cases.
- 4.3 HB 1173 – Restricting physician non-compete agreements. This bill would prohibit noncompete agreements that restrict the right of physicians to practice in a geographic area for a period of time after termination of an employment contract. The board supports the concept of this bill and agreed that adding physician assistants and advanced registered nurse practitioners would further the bills goal to increase access to primary care.
- 4.4 HB 1275 – Adding members to the Board of Osteopathic Medicine and Surgery. This bill adds four members to the board; two osteopathic physicians, one osteopathic physician assistant, and a public member. The board supports this bill and will send a letter to the House Health Care and Wellness Committee indicating its support.
- 4.5 SB 5052 – Establishing the cannabis patient protection act. This bill would amend several and add several sections to the current statute regulating the use of medical

marijuana. Mr. Maresh provided the board with several specifics regarding the bill and the board took no formal position.

- 4.6 SB 5151 – Mandatory cultural competency continuing education. This bill would mandate that professionals licensed by the Department of Health take continuing medical education related to cultural competency. The board has concerns with this bill.
- 4.7 SB 5175 – Telemedicine. This bill mandates reimbursement for telemedicine services if specific conditions are met. The board supports the concept of this bill.
- 4.8 HB 1424 – Mandatory continuing medical education in suicide assessment. This bill amends the current mandatory suicide continuing medical education requirements to provide more time for practitioners to satisfy the requirement. Mr. Cain provided the board with several specifics regarding the bill and the board took no formal position.

5. Prescription Fraud Alert Form

This form is provided by the Pharmacy Quality Assurance Commission (PQAC) as a resource for providers/prescribers to use if they suspect that someone is fraudulently writing or filling prescriptions. It was provided for informational purposes and no board action was required.

6. 2015 Federation of State Medical Boards (FSMB) Annual Meeting in Fort Worth Texas

- 6.1 Board representative – The board discussed who would attend the FSMB annual meeting on behalf of the board.

MOTION: Dr. Hunter motioned that Mr. Maresh and an undetermined board member will represent the board at the annual meeting. If no other board member is available, Mr. Maresh is to be named the board's voting delegate.

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

- 6.2 2015 scholarship program – The board discussed who would use the board's scholarship funds.

MOTION: Dr. Finch motioned that, if no board member is available to attend the meeting, Mr. Maresh will use the voting delegate scholarship and Mr. Cain will use the executive director scholarship.

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

7. May 15, 2015 Presentation to Students at Pacific Northwest University of Health Sciences (PNWU) in Yakima, WA

The board discussed logistics for their annual presentation. The board asked Mr. Cain to bring the last presentation that was used along with some possible new cases to the March meeting.

8. Medical Assistants Selecting and Retrieving Medications from Storage

The department will set up a workgroup to discuss whether medical assistants have the requisite training to select and retrieve medications from storage. The workgroup will include clinicians who supervise medical assistants, assistant attorney generals who represent the Medical Assistant Program and PQAC, and medical assistant educators.

Staff encouraged board members to attend the meeting and explained that further information and logistical details about the meeting would be provided in the near future. Dr. Hunter indicated that she would possibly be available to attend or call in if a conference call option was made available.

9. Correspondence – The board discussed correspondence received since the last meeting.

Items of discussion included a letter from the American Association of Osteopathic Examiners and a set of rules adopted by the Health Care Authority that allow Naturopaths to use osteopathic codes for billing purposes. Staff will further research both issues and report back to the board at future meetings.

10. Program Manager Report

- 10.1. Osteopathic PA CME audits – Mr. Cain explained that a Notice of Correction was issued in error and asked the board to authorize that the order be rescinded. The board authorized that the order to be rescinded.
- 10.2. Rules update – Mr. Cain provided the board with a brief update of the progress of their discretionary rules package. This update was informational and no board action was required.
- 10.3. Budget update – The board reviewed the current budget. There were no concerns or specific questions regarding the budget.
- 10.4. Credential counts – Mr. Cain shared credential counts for Osteopathic Physicians, Osteopathic Physician Assistants, and Osteopathic Physicians – Limited Licenses.

11. Executive Director Report

- 11.1. Performance audit update – Mr. Maresh explained that the scope of the impending performance audit may be changing to concentrate on performance based issues. He will provide further information at future meetings.
- 11.2. Interstate licensure compact update – Mr. Maresh updated the board on the status of the compact. He explained that the draft legislation is at the Governor's Office for review.

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 was one presentation.

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 2:50 p.m.

Respectfully Submitted

Brett Cain, Program Manager

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