



# Medical Quality Assurance Commission

**Skamania Lodge**  
1131 SW Skamania Lodge Way  
Stevenson, Washington 98648  
(509) 427-7700

## Business Meeting Minutes April 1, 2016

### Medical Commission Members

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

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

### Medical Commission Staff

Morgan Barrett, MD, Clinical Consultant  
Larry Berg, Staff Attorney  
Karen Caille, Staff Attorney  
Melanie de Leon, Executive Director  
Mike Farrell, Policy Development Manager  
Rick Glein, Supervising Staff Attorney  
Denise Gruchalla, Director of Investigations  
George Heye, MD, Medical Consultant

Mike Hively, Information Liaison  
Julie Kitten, Operations Manager  
Mike Kramer, Compliance Officer  
Kayla LaRue, Office Assistant  
Phi Ly, Legal Intern  
Micah Matthews, Deputy Executive Director  
Daidria Pittman, Program Manager  
Michelle Teed, Director of Legal Services

### Others in Attendance

Kristin Brewer, Assistant Attorney General (AAG)      Heather Carter, AAG

### Call to Order

Michelle Terry, MD, Chair, called the meeting of the Washington State Medical Quality Assurance Commission (MQAC) to order at 8:01 a.m. on April 1, 2016, at Skamania Lodge, 1131 SW Skamania Lodge Way, Stevenson, Washington 98647.

### 1.0 Chair Report

Dr. Terry reported she will be attending the Federation of State Medical Boards (FSMB) annual conference in April where she will participate in a workshop with Dr. Tom Gallagher on the future of medical regulation.

## 2.0 Consent Agenda

The Consent Agenda contained the following items for approval:

- 2.1 Minutes from the February 12, 2016 Business Meeting.
- 2.2 Agenda for April 1, 2016.
- 2.3 Ratification of the licenses issued to Physicians, Limited Physicians and Physician Assistants from February 12, 2016 through March 31, 2016.

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

## 3.0 Old Business

### 3.1 Health Equity Workgroup

James Anderson, PA-C, Chair, reminded everyone that the health equity resources are now out on the website. He asked that Commissioners review the resources and provide him feedback. Mr. Anderson also reported that the group is working on a more specific charter. The goal of this workgroup is to increase awareness of health equity topics. He reported the workgroup plans to align their work with the Department of Health group of the same name.

### 3.2 Suicide Prevention Training Approval Subcommittee

Robert Small, MD, Subcommittee Chair, reminded everyone that the subcommittee receives applications from trainers who would like to present suicide assessment, treatment, and management training that meet the requirements laid out in RCW 43.70.442. The subcommittee reviews the applications and included training materials, and either approve or deny that the training meets the RCW requirements. Mike Farrell, Policy Development Manager is the point of contact for applications.

As of March 31, 2016 five trainings have been approved. This subcommittee will continue to approve or deny trainings until June 30, 2017. Beginning July 1, 2017 a model list of trainings will be available.

### 3.3 2016 Educational Conference Planning Committee

Toni Borlas, Public Member, Chair, reported the Educational Conference is scheduled for October 5-7, 2016 and will be held at the SeaTac Marriott. The focus this year will be on patient safety and the Communication and Resolution Program (CRP).

Ms. Borlas asked for volunteers to serve on the committee.

### 3.4 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)).

- CardioSolution

***Motion:*** The Chair entertained a motion to deny the request due to insufficient information. The motion was seconded and approved unanimously.

- Crisis Clinic

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

- Northwest Alliance for Psychoanalytic Study

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

#### **4.0 Public Comment**

No public comment was given.

#### **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 March 31, 2016:

##### **Safe and Effective Analgesia and Anesthesia Administration in Office-Based Surgical Settings, WAC 246-919-601**

Ms. Winslow reported the CR-101 that was previously filed proposed changing the list of entities within the rule. In the actual drafting of the rule language, two additional provisions were added:

- Permissible surgery is allowed if the facility is in the process of being accredited, and
- If a facility loses their accreditation, they must stop doing office-based surgery immediately.

The addition of these two provisions was outside the scope of the original CR-101. The Committee suggests re-filing the CR-101 with the additional new provisions.

**Motion:** The Chair entertained a motion to re-file the CR-101 adding the new provisions. The motion was seconded and approved unanimously.

##### **Proposal for Rulemaking – Technical Assistance Physician Assistants**

Ms. Winslow requested the Commission approve going forward with a CR-101, the first step in the rulemaking process, to propose a rule for technical assistance for physician assistants. The proposed rule would allow the Commission to provide technical assistance in those cases where the practitioner's deficiencies could be corrected with education and/or practice monitoring and not formal discipline. Ms. Winslow reported the Committee recommended the Commission approve this rulemaking proposal.

**Motion:** The Chair entertained a motion to move forward with a CR-101 for this proposed rulemaking. The motion was seconded and approved unanimously.

##### **Mandatory Investigations, MD2013-05**

Ms. Winslow reported this policy is inconsistent with two of the governing Supreme Court rulings. The Committee recommends the policy be rescinded. There will be an article in the *Update!* newsletter explaining the rationale behind rescinding the policy.

**Motion:** The Chair entertained a motion to rescind the policy. The motion was seconded and approved unanimously.

**Retired Active Physicians CME Requirements**

Ms. Winslow reported the interpretive statement has completed the Department of Health's review process and has been approved by the Secretary. The Committee recommends adopting the interpretive statement as approved by the Secretary.

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

**Communication Guideline**

Ms. Winslow presented the draft guideline and asked that any suggestions or input be sent to Mr. Farrell.

**Credentialing Of Physicians For Reentry After Not Practicing After An Extended Amount Of Time, MD2008-01**

Ms. Winslow reported the Committee recommends reaffirming the interpretive statement as written but to change the name to "Licensing of Physician Applicants Who Have Not Practiced for an Extended Amount of Time."

**Motion:** The Chair entertained a motion to reaffirm the interpretive statement with the name change. The motion was seconded and approved unanimously.

**Sexual Misconduct Rules Clarification, MD2006-02**

Ms. Winslow reported the Committee recommends reaffirming the policy as written but to change the name to "Sexual Misconduct Rules Clarification: Gloves."

**Motion:** The Chair entertained a motion to reaffirm the interpretive statement with the name change. The motion was seconded and approved unanimously.

**Clinical Guidelines for Office-Based Surgery, MD2005-01**

Ms. Winslow reported the Committee recommends rescinding the guidelines as they have been superseded by rule.

**Motion:** The Chair entertained a motion to rescind the guidelines. The motion was seconded and approved unanimously.

**6.0 MEMBER REPORTS**

Mimi Pattison, MD, reported the presentation of the Alzheimer's State Plan on February 12, 2016 went very well. Dr. Pattison has been invited to participate in the advisory group for next year. She also reported she is now a member of the Washington State Medical Association (WSMA) Judicial Council.

Mark Johnson, MD, reported that he and Mr. Farrell will soon be in Stevenson, Washington to speak to the Peace Health Longview Medical Society about the work of the Commission and the Communication and Resolution Program.

Dr. Small reported he was invited by the FSMB to serve a one year term on the Ethics in Professionalism Committee.

Peter Marsh, MD, reported he is currently working on a document that will become part of the Resource Manual to provide user-friendly guidance on discipline.

## **7.0 STAFF MEMBER REPORTS**

### **7.1 Executive Director**

Melanie de Leon, Executive Director, provided updates on the following:

*Budget* – Doing fine for this biennium. Licensing activity continues to be on the rise.

*Communication* – Ms. de Leon plans to send out a monthly email to Commissioners to report on staff changes, IT, business processes, performance measures, and other work the staff is doing.

*Strategic Plan Update* –

- Currently process mapping the expert witness process.
- Data is being gathered on recidivism rate to ascertain the effectiveness of the current disciplinary process.
- To improve the compliance oversight process new scripts have been provided.
- The CRP is being used to assist the healthcare system in reducing medical errors. We are sharing lessons learned with the CRP in the *Update!* newsletter.
- We are working with the Department of Health to simplify access to our information.
- The closure letters have been updated and are now more user-friendly.
- Ms. de Leon has mandated all of the managers to start process mapping their business processes. The Licensing Unit has completed mapping their business processes.

### **7.2 Assistant Attorney General**

Heather Carter, AAG, had nothing to report.

### **7.3 Deputy Executive Director**

Micah Matthews, Deputy Executive Director, reported on the following:

*Audit* – Waiting on a copy of the draft report.

*FSMB* – Mr. Matthews will attend the FSMB Annual Conference and present at a workshop on Social Media. He has been asked to serve on the FSMB Audit Committee.

*Legislation* – The special session has ended and the budget was passed. The Interstate Compact and the Academic Licensure bills did not pass the Senate. Mr. Matthews asked the Commissioners to send him any legislative initiatives which he will present at the May Policy Committee meeting.

### **7.4 Operations Manager**

Julie Kitten, Operations Manager, reported that recruitment for the upcoming vacancies continues. The deadline for applications is April 29, 2016.

**7.5 Program Manager**

Daidria Pittman, Program Manager, reported there are two tentative rules hearings scheduled for May 11, 2016. Ms. Pittman reminded the Commissioners she needs panel members for those hearings, and if Commissioners are available to participate, to please let her know as soon as possible.

**7.6 Director of Operations and Informatics**

Melissa McEachron, Director of Operations and Informatics, was not in attendance.

**7.7 Medical Consultant**

George Heye, MD, Medical Consultant, gave the annual statistics report.

**7.8 Director of Legal Services**

Michelle Teed, Director of Legal Services, reported she has been working with Dr. Gotthold on a multi-disciplinary workgroup which will look at how to meet the statutory mandate to provide and approve training on the use or administration of marijuana as required by [Senate Bill 5052](#). Ms. Teed also participates with the interagency workgroup that is monitoring medical marijuana issues. She and Rick Glein, Staff Attorney Supervisor, will also attend the FSMB Annual Conference. Ms. Teed reported that Kayla LaRue, currently an office assistant for the Legal Unit, is being promoted to a compliance officer within the Compliance Unit.

**7.9 Director of Investigations**

Denise Gruchalla, Director of Investigations, reported there will soon be a new investigator in Spokane, and two new Investigator Supervisors in the Tumwater office.

**7.10 Policy Development Manager**

Mr. Farrell reported he is still working on a procedure for team-based regulation, which is the idea that if medicine is being delivered by teams then regulators should be taking a team-based approach to resolving complaints involving more than one regulator. He is also working to provide the Foundation for Health Care Quality, cases that would be appropriate to include in a periodic report which will be disseminated to the profession.

**7.11 Performance and Outreach Manager**

Jimi Bush, Performance and Outreach Manager, was not in attendance.

**8.0 ADJOURNMENT**

The Chair called the meeting adjourned at 10:06 a.m.

Submitted by

(signature on file)

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Daidria Pittman, Program Manager

(signature on file)

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Mark Johnson, MD, 1<sup>st</sup> Vice-Chair  
Medical Quality Assurance Commission

Approved May 13, 2016