



Medical Quality Assurance Commission

Capital Event Center
Educational Service District (ESD) 113
6005 Tye Drive SW
Tumwater, Washington 98512
(360) 464-6700

Business Meeting Minutes August 12, 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, Chair – Absent
Mark Johnson, MD, 1st Vice Chair
Charlotte Lewis, MD

John Maldon, Public Member
Peter Marsh, MD
Kathleen O'Connor, Public Member – Absent
Mimi Pattison, MD
Alden Roberts, MD, 2nd Vice Chair
Theresa Schimmels, PA-C
Robert Small, MD
Michelle Terry, MD
Mimi Winslow, JD, Public Member – Absent
Yanling Yu, PhD, Public Member

Medical Commission Staff

Morgan Barrett, MD, Clinical Consultant
Jennifer Batey, Paralegal Supervisor
Larry Berg, Staff Attorney
Renee Bruess, Investigator
Jimi Bush, Performance and Outreach Manager
Karen Caille, Staff Attorney
Melanie de Leon, Executive Director
Eric Dore, Legal Intern
Mike Farrell, Policy Development Manager
Rick Glein, Director of Legal Services
Denise Gruchalla, Director of Investigations
George Heye, MD, Medical Consultant
Mike Hively, Information Liaison

Shelley Kilmer-Ready, Legal Assistant
Julie Kitten, Operations Manager
Mike Kramer, Compliance Officer
Kayla LaRue, Compliance Officer
Christine Lawrence, Paralegal
Lisa Malden, Legal Office Assistant
Micah Matthews, Deputy Executive Director
Melissa McEachron, Dir. of Operations and Informatics
Freda Pace, Investigator Supervisor
Seana Reichold, Staff Attorney
Dawn Thompson, Licensing Manager
Daidria Underwood, Program Manager
Gordon Wright, Staff Attorney

Others in Attendance

Tracy Bahm, Assistant Attorney General (AAG)
Kristin Brewer, AAG
Chris Bundy, MD, Washington Physician's Health
Program (WPHP)
Heather Carter, AAG

Christine Cofer, MD
Tierney Edwards, Washington State Medical
Association (WSMA)
Laura Moss, MD, WPHP

Call to Order

In the absence of Warren Howe, MD, Chair, Mark Johnson, MD, 1st Vice Chair, called the meeting of the Washington State Medical Quality Assurance Commission (MQAC) to order at 8:00 a.m. on August 12, 2016, at the Capital Event Center, Educational Service District (ESD) 113, 6005 Tye Drive SW, Tumwater, Washington 98512.

1.0 Chair Report

Dr. Johnson welcomed everyone to the meeting.

2.0 Consent Agenda

The Consent Agenda contained the following items for approval:

- 2.1 Minutes from the June 24, 2016 Business Meeting.
- 2.2 Agenda for August 12, 2016.
- 2.3 Ratification of the licenses issued to Physicians, Limited Physicians and Physician Assistants from June 24, 2016 through August 11, 2016.

Motion: The 1st Vice Chair entertained a motion to approve the Consent Agenda. The motion was seconded and approved unanimously.

3.0 Old Business

3.1 Suicide Prevention Training Approval Subcommittee

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

As of August 11, 2016, 11 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 from the Department of Health.

3.2 2016 Educational Conference Planning Workgroup

Toni Borlas, Public Member, Workgroup Chair, reported the conference will be held on Thursday, October 6, 2016. There will be five Category I Continuing Medical Education credits available. The theme is *Reducing Medical Error Through Understanding Communication and Accountability*. There are five speakers scheduled to present.

3.3 Suicide Prevention Rulemaking

Daidria Underwood, Program Manager, reported the hearing for the MD suicide prevention rules was held on May 11, 2016. The panel did not approve the draft language at that hearing. A supplemental CR-102 has been submitted and is currently in the Health Services Quality Assurance's (HSQA) review process. A second hearing is tentatively scheduled for November 2, 2016.

3.4 Maintenance of Licensure Rulemaking

Ms. Underwood reported the rulemaking process is now complete and the rules will be

effective August 23, 2016.

3.5 Health Equity Workgroup

James Anderson, PA-C, Workgroup Chair, reported the group is currently working on their charter. They are also looking at ways to get their message out to Commission members as well as MDs and PAs.

Mr. Anderson stated an interesting article relating to health equity was in the latest Federation of State Medical Boards (FSMB) Journal of Medical Regulation titled [“The Growing Regulation of Conversion Therapy”](#).

3.6 Citizen Engagement Workgroup

Yanling Yu, Workgroup Co-Chair, reported the group has created 12 survey questions to assess the public’s perception about medical regulation and what the Commission does. The group will look at the data they gather from the survey and then present the results to the Commission.

3.7 Reduction of Medical Errors Subcommittee

Mark Johnson, MD, Subcommittee Chair, reported this group was reconstituted, and is currently drafting a new statement of understanding between the Commission and the Foundation for Healthcare Quality.

3.8 Practitioner Competence Workgroup

Dr. Johnson, Workgroup Chair, reported the group plans to reach out to institutions and ask how they look at physician competence.

3.9 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 entity meets the requirements of a “professional association” or an “educational organization” as noted on the application (RCW 42.56.070(9)).

- AdMan Census

Motion: The 1st Vice Chair entertained a motion to deny the request. The motion was seconded and approved unanimously.

- The Association for Prenatal and Perinatal Psychology and Health (APPPAH)

Motion: The 1st Vice Chair entertained a motion to deny the request. The motion was seconded and approved.

- InforMed

Motion: The 1st Vice Chair entertained a motion to approve the request. The motion was seconded and approved unanimously.

- IPC Healthcare

Motion: The 1st Vice Chair entertained a motion to deny the request. The motion was seconded and approved unanimously.

4.0 New Business

4.1 Personal Appearance Program

Morgan Barrett, MD, Medical Consultant, reported there is a backlog of respondents requiring a personal appearance. Dr. Barrett proposed creating a "Panel C" that would take care of the backlog over the course of the first few meetings to be held in 2017.

4.2 Telemedicine Workgroup

Toni Borlas, Public Member, Workgroup Chair, reported the group has not yet met and therefore there is nothing to report.

5.0 Public Comment

No public comment was given.

6.0 Committee Reports

6.1 Policy Committee

In the absence of Mimi Winslow, JD, Public Member, Policy Committee Chair, Bruce Hopkins, MD reported on the items discussed at the Policy Committee meeting held on August 11, 2016:

Guideline on Informed Consent and Simultaneous Surgery

Dr. Hopkins reported the Committee had a robust discussion about the draft guideline and made suggestions for changes and improvements to Mr. Farrell. Dr. Hopkins stated if anyone has any other suggestions regarding this guideline to send them to Mr. Farrell.

Guideline for Informing Patients of Test Results

Dr. Hopkins reported the Committee discussed the draft guideline and made suggestions for changes and improvements to Mr. Farrell. Dr. Hopkins stated if anyone has any other suggestions regarding this guideline to send them to Mr. Farrell.

Pro Tem Appointment for Medical Specialties Purposes, MD2013-06

Dr. Hopkins reported that Julie Kitten, Operations Manager, added some clarifying language regarding full Commission members completing their terms and becoming pro tem members. The Committee recommended approving the procedure with this change.

Motion: The 1st Vice Chair entertained a motion to approve the procedure with the stated change. The motion was seconded and approved unanimously.

Military Spouses Rule Committee

Dr. Hopkins asked Ms. Underwood to report on this item. Ms. Underwood stated she needs some volunteers to serve on the committee. Alden Roberts, MD volunteered. Dr. Hopkins stated that if anyone else would like to serve on the committee to let Ms. Underwood know.

7.0 MEMBER REPORTS

Mimi Pattison, MD, reported she will participate in the Department of Health workgroup on completion of death certificates which will meet soon.

Dr. Yu reported she just returned from a National Quality Forum meeting and participated in a patient safety committee where they passed ten patient safety measures.

Theresa Schimmels, PA-C, reported she has two speaking opportunities coming up. She will be the

keynote speaker for the Spokane Medics Northwest PA Program graduation. She will also be speaking on cutaneous manifestations of internal disease at the Washington Academy of Physician Assistants (WAPA) Fall Conference in September.

James Anderson, PA-C, reported he is on FSMB's Use of Opiates in Chronic Pain Workgroup whose main task is to rewrite their guidelines on the subject. Mr. Anderson also reported that at the WAPA Fall Conference he and Ms. Schimmels will be exhibiting there as representatives of the Commission.

8.0 STAFF MEMBER REPORTS

8.1 Executive Director

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

- *Budget:* The budget was doing fine as of the end of May 2016. Licensing activity continues to be on the rise.
- *Awards:* Ms. de Leon presented an award to Mr. Farrell for his 25 years with the Commission. She also presented awards to both the Legal Unit and the Investigations Unit for setting new records in fiscal year 2016. She reported that Renee Bruess, RN, Investigator won the Council on Licensure, Enforcement and Regulation's (CLEAR) 2016 Investigative Excellence award, which is an international award. Ms. Bruess will be presented with the award at CLEAR's annual education conference in September.
- *Process Mapping:* Jimi Bush, Performance and Outreach Manager, is mapping every process the Commission has and at some point she may call upon Commissioners to participate in this process.
- *Constant Contact:* Ms. de Leon reminded everyone that this newsletter to the Commission and staff will report on budget, staff changes, IT, business processes, performance measures, and other work the staff is doing and will be emailed to Commission and Commission staff once or twice a month. She asked if anyone had something they wanted sent out to all Commissioners, email it to her and she will include it in the Constant Contact.

8.2 Assistant Attorney General

Heather Carter, AAG, went over the Open Public Meetings Act as it applies to committees.

- If a committee has 11 Commissioners or more those meetings must be open to the public.
- If a committee has delegated decision making authority or is making decisions on behalf of the Commission, those meetings must be open to the public.
- If a committee is taking public comments or testimony, those meetings must be open to the public.
- If a committee or workgroup is just doing research and will bring their findings to the full Commission, those meetings can be closed to the public.
- Ms. Carter reminded everyone to not "reply to all" when responding to emails.

8.3 Deputy Executive Director

Mr. Matthews reported on the following:

- *Legislative:* The Academic Licensure bill and the Interstate Compact bill have been submitted to Department of Health for their review. Two decision packages regarding staffing, one that is ongoing for the next biennium and one that is the same but is for the end of the current biennium, have also been submitted to the Secretary's office for review as well.
- Mr. Matthews and Ms. de Leon have been asked to be on DOH's taskforce on opioid issues. The Washington State Hospital Association and Washington State Medical Association are also participating.
- *Audit:* The Joint Legislative Audit and Review Committee (JLARC) hearing is now scheduled to be held on October 19, 2016 for the audit report.
- *IT System Update:* We are looking for a new database system to replace our current one. Ms. Bush is heading up this project.
- *CLEAR Educational Conference:* CLEAR is an international body of regulators whose goal is to bring best practices forward. Investigator training is part of this conference and several of the investigators will attend.

8.4 Operations Manager

Julie Kitten, Operations Manager, reported the application packet for Commission appointments has gone to the Governor's office. She will send out updates on the status of the applications as needed.

8.5 Program Manager

Ms. Underwood asked for suggestions for speakers for lunch presentations for 2017. May 18, June 29, August 10, and November 2 are all available at this time.

She informed the Commission that she posts a rules progress report every Wednesday under the Operations tab on the Commission's SharePoint site.

8.6 Director of Operations and Informatics

Melissa McEachron, Director of Operations and Informatics, reported that a year ago the Commission had asked how we could get firms to help us with getting expert witnesses. She reported we are currently in the process of finalizing contracts with five different firms.

8.7 Medical Consultant

George Heye, MD, Medical Consultant, reported he is still looking for pro tems. He asked the Commissioners to contact him with suggestions.

8.8 Director of Legal Services

Rick Glein, Director of Legal Services, recognized Eric Dore, Legal Intern, for the work he did with the Commission this summer.

Mr. Glein reported that Seana Reichold, Staff Attorney, has been promoted to Supervising Staff Attorney.

8.9 Director of Investigations

Denise Gruchalla, Director of Investigations, reported Betsy Johnson, ARNP, was recently hired as an investigator.

Ms. Gruchalla reported that the Investigations Unit is working on an electronic complaint intake process.

8.10 Policy Development Manager

Mr. Farrell reported he continues to work on 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. The draft HSQA procedure was reviewed at the June Commission meeting.

8.11 Performance and Outreach Manager

Ms. Bush reported the next newsletter will include a question and answer section which will address frequent questions that the Commission staff have received. She asked if any Commissioners receive questions from colleagues or in their practice, to please send those to her.

9.0 ADJOURNMENT

The 1st Vice Chair called the meeting adjourned at 10:01 a.m.

Submitted by

(Signature on file)

Daidria Underwood, Program Manager

(Signature on file)

Mark Johnson, MD, 1st Vice Chair
Medical Quality Assurance Commission

Approved November 4, 2016