



Medical Quality Assurance Commission

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

Business Meeting Minutes February 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 - Absent
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

Morgan Barrett, MD, Clinical Consultant
Jennifer Batey, Paralegal Supervisor
Larry Berg, Staff Attorney
Tina Braggs, Administrative Assistant
Renee Bruess, Investigator
Jimi Bush, Performance and Outreach Manager
Karen Caille, Staff Attorney
Sarah Chenvert, Administrative Assistant
Marlinda Crawford, Legal Assistant
Steve Correa, Investigator
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
Shelley Kilmer-Ready, Legal Assistant

Julie Kitten, Operations Manager
Tami Klewicki-Bodamer, Investigator
Mike Kramer, Compliance Officer
Kayla LaRue, Office Assistant
Christine Lawrence, Paralegal
Phi Ly, Legal Intern
Melissa McEachron, Director of Ops and Informatics
Jim McLaughlin, Staff Attorney
Nick Morris, Health Services Consultant
Dani Newman, Secretary Senior
Daidria Pittman, Program Manager
Seana Reichold, Staff Attorney
Sophie Wall, Data Compiler
Diana Whitaker, Paralegal
Gordon Wright, Staff Attorney
Michael Yorgensen, Investigator

Others in Attendance

Tracy Bahm, Assistant Attorney General (AAG)
Richard Brantner, MD, Pro Tem

Chris Bundy, Washington Physician's Health Program (WPHP)

Others in Attendance (continued)

Heather Carter, AAG

Debra Defreyn, AAG

Tierney Edwards, Washington State Medical Association (WSMA)

Denny Maher, WSMA

Tracy West, Policy Analyst, Department of Health (DOH)

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 February 12, 2016, at Capital Event Center, ESD 113, 6005 Tye Drive SW, Tumwater, Washington 98512.

1.0 Chair Report

Dr. Terry welcomed everyone to the Business Meeting.

2.0 Consent Agenda

The Consent Agenda contained the following items for approval:

- 2.1 Minutes from the January 8, 2016 Business Meeting.
- 2.2 Agenda for February 12, 2016.
- 2.3 Ratification of the licenses issued to Physicians, Limited Physicians and Physician Assistants from January 8, 2016 through February 11, 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 Maintenance of Licensure (MOL) Rulemaking

Daidria Pittman, Program Manager, reported the CR-102 is currently in progress. A rules hearing is tentatively scheduled for May 11, 2016.

3.2 Suicide Prevention Training Approval Subcommittee

Robert Small, MD, Subcommittee Chair, reported the subcommittee was recently formed in response to the new requirements in [RCW 43.70.442](#). Dr. Small explained that the subcommittee receives applications from trainers who plan to present suicide assessment, treatment, and management training that meets the requirements laid out in [RCW 43.70.442](#). The subcommittee then reviews the applications and included training materials. Finally they either approve or deny that the training meets the requirements.

This subcommittee will continue to approve or deny trainings until June 30, 2017.

3.3 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)).

- J. Knipper and Company

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.

3.4 Additional item

Alzheimer's Advocacy Day

Mimi Pattison, MD, reported that February 12, 2016 was Alzheimer's Advocacy Day at the legislature. The state work group presented the Alzheimer's State Plan to the legislature. Dr. Pattison encouraged everyone to read at least the first 50 pages of the plan which is titled "Alzheimer's State Plan – Full Report" and can be found on the right under "Useful Links" here: <https://www.dshs.wa.gov/altsa/stakeholders/alzheimers-state-plan>

4.0 New Business

4.1 Outstanding Performance Awards

Melanie de Leon, Executive Director, explained that Richard Brantner, MD, former Chair, designed awards for Commission staff. The awards include three categories: Legal Unit Staff, Investigative Staff, and General Commission Staff and are awarded for the previous calendar year. This is the second year for these awards.

For 2015 the winners are:

- Investigative Staff – Renee Bruess, Health Care Investigator
- Legal Unit Staff – Christine Lawrence, Paralegal
- General Commission Staff – Mike Kramer, Compliance Officer

5.0 Public Comment

Charles Meredith, MD, Medical Director, WPHP, announced he is stepping down in April. Chris Bundy, MD will succeed Dr. Meredith as the new Medical Director of WPHP.

6.0 Committee Reports

6.1 Policy Committee

Mimi Winslow, JD, Public Member, Policy Committee Chair, reported on the items discussed at the Policy Committee meeting held on February 11, 2016:

Practice of Medicine and Body Art Interpretive Statement, MD2009-01

Ms. Winslow reported this interpretive statement was reviewed and the Committee recommended it be re-endorsed as written with minor housekeeping changes.

Motion: The Chair entertained a motion to re-endorse the interpretive statement as written with minor housekeeping changes. The motion was seconded and approved unanimously.

Use of Notice of Correction, MD2009-02

Ms. Winslow reported this policy was reviewed and the Committee recommended it be re-endorsed as written with minor housekeeping changes.

Motion: The Chair entertained a motion to re-endorse the policy as written with minor housekeeping changes. The motion was seconded and approved unanimously.

Proposal for Rulemaking - Technical Assistance

Ms. Winslow asked Melanie de Leon, Executive Director, to report on this item. Ms. de Leon requested the Commission approve going forward with a CR-101, the first step in the rulemaking process, to propose a rule for technical assistance. 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.

Physician and Physician Assistant Demographic Censuses

Ms. Winslow reported on the amendments the Committee recommended to the draft documents in the packet. The Committee recommended approval of both censuses with the amendments.

Motion: The Chair entertained a motion to approve both amended censuses. The motion was seconded and approved unanimously.

Investigation of Physician Assistants and Sponsoring or Supervising Physicians, MD2011-01

Ms. Winslow reported this procedure was reviewed and the Committee recommended it be re-endorsed as written with minor housekeeping changes.

Motion: The Chair entertained a motion re-endorse the procedure as written with minor housekeeping changes. The motion was seconded and approved unanimously.

Washington Physicians Health Program Guideline

Ms. Winslow presented the guideline and detailed the grammatical changes that the Committee suggested.

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

7.0 MEMBER REPORTS

Yanling Yu, JD, Public Member, reported that she recently attended a patient safety summit in Washington, D.C.

Toni Borlas, Public Member, reported that this year's Educational Conference will be held at the Seattle Airport Marriott. She stated the Conference Planning Committee is looking for topics for the conference. They are also looking for additional members to be on the Planning Committee. If any Commissioners are interested, please see her or Jimi Bush, Outreach and Performance Manager.

Mike Concannon, JD, Public Member, stated he would like the Commission to have a public meeting where they can discuss how each panel chooses and enforces discipline.

Mark Johnson, MD, asked if anyone had any ideas for the Physician Competence Committee to please let him or Warren Howe, MD know.

Theresa Schimmels, PA-C, asked the Commissioners to remember when they are speaking on behalf of the Commission, to include physician assistants as well as physicians.

8.0 STAFF MEMBER REPORTS

8.1 Executive Director

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

Budget – Doing fine for this biennium. Licensing activity is on the rise.

Emails – Reminded the Commissioners that the DOH email addresses must be used as opposed to personal email addresses, for confidential information.

Compliance Program – Reminded the Commissioners that during personal appearances, they are not making a finding of compliance or non-compliance, which is a legal conclusion. Instead, the panel has a conversation with the licensee about their compliance journey and whether they are on track with the requirements of their compliance order. If the licensee is not up-to-date with their compliance requirements, then the panel can vote to issue a Statement of Charges (SOC) or give the licensee until the next meeting to complete the compliance order requirements.

8.2 Assistant Attorney General

Heather Carter, AAG, had nothing to report.

8.3 Deputy Executive Director

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

Audit – A tentative meeting is set for February 22, 2016 where a draft report should be provided. The Commission should be given two to three weeks to comment on the report.

8.4 Operations Manager

Julie Kitten, Operations Manager, had nothing to report.

8.5 Program Manager

Ms. Pittman reported that both the physician and physician assistants sexual misconduct rules were recently approved by the DOH Secretary. The office-based surgery rule and both the physician and Physician assistants suicide prevention rules are in the CR-102 process, and are now with the Health Systems Quality Assurance (HSQA) Division for review. All of the above rules have a tentative hearing date of May 11, 2016. Ms. Pittman reminded the Commissioners she needs panel members for those hearings and if any Commissioners would be able to participate to please let her know as soon as possible.

8.6 Director of Operations and Informatics

Melissa McEachron, Director of Operations and Informatics, introduced the new data compiler, Sophie Wall. Ms. McEachron also recognized Nick Morris, Health Services Consultant, as the staff member who puts the demographic reports together and makes sure the online survey tool is functional.

8.7 Medical Consultant

George Heye, MD, Medical Consultant, reminded the Commissioners that when they get a case file to review, it includes the American Medical Association (AMA) report. This report will state whether the physician is following a maintenance of certification program.

8.8 Director of Legal Services

Michelle Teed, Director of Legal Services, was absent. Rick Glein, Supervising Staff Attorney, reported the Legal Unit is now fully staffed with the recent addition of Marlinda Crawford, Legal Assistant and Seana Reichold, Staff Attorney.

8.9 Director of Investigations

Denise Gruchalla, Director of Investigations, reported Investigations is still recruiting for a Health Care Investigator 3 with a clinical background, for the Spokane office. They are also recruiting for two Health Care Investigator 4s, which are supervisory positions, for the Tumwater office.

8.10 Policy Development Manager

Mike Farrell, Policy Development Manager, reported he continues to work on the communication policy with Dr. Pattison.

Mr. Farrell also reported he is working on team based regulation which is the idea that if medicine is being delivered by teams then regulators should be looking at it at a systems level by teams. He recently visited with the Federation of Medical Boards (FSMB) and discussed their two year plan to study this issue.

Mr. Farrell suggested a book that may be interesting for the Commissioners to read, entitled *Black Box Thinking: Why Most People Never Learn from Their Mistakes—But Some Do.* [ISBN-10: 1591848229](#)

8.11 Performance and Outreach Manager

Ms. Bush had nothing to report.

9.0 ADJOURNMENT

The Chair called the meeting adjourned at 9:38 a.m.

Submitted by

Signature on file

Daidria Pittman, Program Manager

Signature on file

Michelle Terry, MD, Chair
Medical Quality Assurance Commission

Approved April 1, 2016