



Medical Quality Assurance Commission

Blackriver Training & Conference Center

800 Oakesdale Avenue SW

Renton, Washington 98057

(425) 917-7631

Business Meeting Minutes

January 8, 2016

Medical Commission Members

James E. Anderson, PA-C

Toni Borlas, Public Member

Richard Brantner, MD

Charlie Browne, MD, Absent

William Brueggemann, Jr., MD

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

Morgan Barrett, MD, Clinical Consultant

Larry Berg, Staff Attorney

Renee Bruess, Investigator

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

Shelley Kilmer-Ready, Legal Assistant

Julie Kitten, Operations Manager

Tami Klewicki-Bodamer, Investigator

Mike Kramer, Compliance Officer

Kayla LaRue, Office Assistant

Phi Ly, Legal Intern

Suzanne Mager, Staff Attorney

Melissa McEachron, Director of Operations and Informatics

Jim McLaughlin, Staff Attorney

Patty Melody, Investigator Supervisor - Spokane

Stephanie Miller, Legal Assistant

Daidria Pittman, Program Manager

Michelle Teed, Director of Legal Services

Gordon Wright, Staff Attorney

Others in Attendance

Tierney Edwards, Washington State Medical Association (WSMA)

Heather Carter, Assistant Attorney General (AAG)

Tracy West, Policy Analyst, Department of Health

Denny Maher, WSMA

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

Chris Bundy, WPHP

Tracy Bahm, AAG

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 January 8, 2016, at Blackriver Training & Conference Center, 800 Oakesdale Avenue SW, Renton, Washington 98057.

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 November 6, 2015 Business Meeting.
- 2.2 Agenda for January 8, 2016.
- 2.3 Ratification of the licenses issued to Physicians, Limited Physicians and Physician Assistants from November 6, 2015 through January 7, 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) Rules

William Gotthold, MD, reported the CR-101 has been filed and that the next step in the rulemaking process, the CR-102, is currently in progress.

3.2 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)).

- Humana Inc.

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.

4.0 Public Comment

Suzanne Mager, Staff Attorney, announced she is resigning from the Commission.

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 January 7, 2016:

Panel Composition Protocol

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

Motion: Add #4 to subsection A which states at least two of the panel members must be clinical members. The motion was seconded and approved unanimously.

Motion: The Chair entertained a motion to approve the document with the noted changes. The motion was seconded and approved unanimously.

Death Certificate Guideline

Ms. Winslow reported that the Committee recommends the Commission adopt the guideline as presented.

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

WPHP Guideline

Ms. Winslow reported the guideline was presented to the Committee to open the door to discussion. She invited the Commissioners to review the guideline and send any suggestions to Mike Farrell, Policy Development Manager.

Code of Ethics

Ms. Winslow reported that the Code of Ethics, which was adopted in 1999, is now included in the Code of Conduct which was adopted in February 2015. The Committee suggested the Code of Ethics be rescinded.

Motion: The Chair entertained a motion to rescind the 1999 Code of Ethics. The motion was seconded and approved unanimously.

Compensation for Commission Duties Protocol

Ms. Winslow asked Mr. Farrell to report on the changes made to the protocol. Mr. Farrell reported the only change he made was to reformat the protocol to adhere to the current formatting standards.

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

Retired Active Physicians CME Requirements Interpretive Statement

Ms. Winslow presented the interpretive statement and stated the Committee suggested the Commission submit it to the Secretary's review.

Motion: The Chair entertained a motion to submit the interpretive statement to the Secretary of Department of Health for review per RCW 18.130.065. The motion was seconded and approved unanimously.

6.0 MEMBER REPORTS

James Anderson, PA-C, reported that at last year's FSMB meeting there was a resolution from the Commission to have the FSMB revise the 2013 model policy on the use of opiates for chronic pain. This resolution was passed and an FSMB workgroup was formed, which Mr. Anderson is a member of. The first workgroup meeting was held in December. The items in the Commission's resolution were discussed at that meeting and were welcomed as worthwhile by the other members of the workgroup.

Robert Small, MD, reminded the Commission that there is a third category of physicians in WPHP,

which are those that the investigator, during the course of an investigation, suggest be referred to WPHP.

Mark Johnson, MD, asked for input regarding defining competency. Dr. Johnson reported that he and John Maldon, Public Member, met with the Communication and Resolution Program (CRP) LEAN team to discuss the development of a policy/guideline/protocol on managing cases that are also going through the CRP. Dr. Johnson reported that he, Mr. Maldon, or Melanie de Leon, Executive Director, would keep everyone up to date as needed.

Dr. Johnson also reported he is working with Jimi Bush, Performance and Outreach Manager, to determine if the policies, guidelines, and interpretive statements the Commission creates are read and reviewed by physicians and physician assistants.

Charlotte Lewis, MD, reported she has looked into how the Commission can more broadly disseminate their policies, guidelines, and interpretive statements. She asked for ideas from the Commission on how to get this accomplished.

Yanling Yu, PhD, Public Member, reported she attended the Citizen Advocacy Council meeting in Washington DC in November 2015. In December Dr. Yu attended the FDA Pulmonary-Allergy Drugs Advisory Committee meeting where they discussed whether medicines containing codeine should be available for children.

Ms. Winslow reminded everyone that there is a section in the *Update!* newsletter called Policy Corner. This section lists all of the policies that have been adopted since the previous newsletter which includes a link to the policy on the Commission's website. She also reported there will be a series of articles regarding the Uniform Disciplinary Act that will walk practitioners through the requirements.

7.0 STAFF MEMBER REPORTS

7.1 Executive Director

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

Legislation – Meet Me Calls have begun and will continue every Tuesday morning. The participants from the Commission are Ms. Winslow and Dr. Gotthold.

The Compact Licensure Bill and the Academic Licensure Bill will be dropped next week. Ms. de Leon will let the Commission know when the hearings are scheduled for those bills.

Audit – Ms. de Leon stated that as soon as the final report is received she will send it out to everyone.

Budget – A budget is in place. There is a decision package going forward in the supplemental budget which is a request for additional funding for AAG costs.

Compliance/Personal Appearance Process – This process is still under review and work is being done to improve it. Ms. de Leon, along with some Commission staff, visited the Oregon Medical Board to observe how they do investigative interviews and discussed their compliance program. Some of those processes will be kept in mind as we continue to improve ours.

Lean Teams – Work continues on several of these teams including the complaint intake

process and the expert witness process. We are finalizing the Closure Letter Lean Team. An online process for new Commissioner orientation is also in the works.

Council for Licensure Enforcement and Regulation (CLEAR) Conference “Taming the Media Madness” – Ms. de Leon recently attended this conference, and as a result, will discuss with staff and determine how we deal with the media and who should be talking with them.

Investigative Interview – Ms. de Leon is working with staff to create a process which would allow Reviewing Commission Members to meet with a Respondent to discuss the details of a complaint filed against the Respondent.

Non-Disciplinary Technical Assistance – Ms. de Leon is also working on creating a non-disciplinary technical assistance letter for Commissioners to provide to Respondents.

7.2 Assistant Attorney General

Heather Carter, AAG, went with Ms. de Leon to the Oregon Medical Board, and is providing some technical assistance on the Investigative Interview process.

7.3 Deputy Executive Director

Micah Matthews, Deputy Executive Director, was absent.

7.4 Operations Manager

Julie Kitten, Operations Manager, had nothing to report.

7.5 Program Manager

Ms. Pittman, Program Manager, had nothing to report.

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, commended those Commissioners who receive and review the large case files.

Morgan Barrett, MD, Clinical Consultant, recognized Mike Kramer, Compliance Officer, for his expertise, excellent work, and support in the Compliance Unit.

7.8 Director of Legal Services

Michelle Teed, Director of Legal Services, reported that Rick Glein is the new Supervising Staff Attorney. Gordon Wright is a new Staff Attorney who came to us from Grays Harbor County where he was the Chief Prosecutor there. Also, the Legal Unit has two new Legal Assistants: Stephanie Miller and Shelley Kilmer-Ready, as well as a new Office Assistant, Kayla LaRue.

7.9 Director of Investigations

Denise Gruchalla, Director of Investigations, reported that the Investigations Unit has been providing administrative support for Commission meetings, however, now that the Legal Unit has more support staff, some administrative duties will be transitioning to them.

7.10 Policy Development Manager

Mr. Farrell reported he continues to work on a communication project with Commissioner Mimi Pattison, MD. He hopes to have a draft for the Policy Committee at the February meeting. He will soon begin work on “team based regulation” - an idea that different

disciplinary authorities can come together and coordinate discipline.

7.11 Performance and Outreach Manager

Jimi Bush, Performance and Outreach Manager, was absent.

8.0 ADJOURNMENT

The Chair called the meeting adjourned at 9:51 a.m.

Submitted by

Signature on file

Daidria Pittman, Program Manager

Signature on file

Michelle Terry, MD, Chair
Medical Quality Assurance Commission

Approved February 12, 2016