



**Medical Quality Assurance Commission  
Friday January 12, 2007  
Business Meeting Minutes**

**Medical Commission Members**

Kenneth Cogen, MD, 2<sup>nd</sup> Vice Chair  
Fredrick Dore, MD  
Ellen Harder, PA-C  
Clifford Herman, MD  
Chelle Moat, MD  
Rogelio Ruvalcaba, MD  
Samuel Selinger, MD, 1<sup>st</sup> Vice Chair  
William Gotthold, MD  
Venkataraman Sambasivan, MD- Absent  
Athalia Clower, PA-C  
Cabell Tennis, Public Member, Chair

Les Burger, MD  
Susan Harvey, MD  
Hampton Irwin, MD  
Judith Page, Public Member  
Theresa Elders, Public Member  
Judy Tobin, Public Member  
Thomas Green, MD  
Bruce Cullen, MD  
Linda Ruiz, Public Member  
Frank Hensley, Public Member

**Department of Health Staff:**

Blake Maresh, Executive Director  
George Heye, MD Medical Consultant  
Dani Newman, Acting Disciplinary Manager  
Michael Farrell, Staff Attorney  
Jim McLaughlin, Staff Attorney

Maryella Jansen, Deputy Exec Director  
Beverly Thomas, Program Manager  
Cindy Hamilton, Intake Coordinator  
Joe Mihelich, Office Assistant  
Mike Bahn, Staff Attorney

**Others in Attendance**

Pamela Anderson, AAG  
John Arveson, Director, Washington State Medical Association

**BUSINESS MEETING**

**CALL TO ORDER**

Commission 1<sup>st</sup> Vice Chair Samuel Selinger, MD, called the meeting of Washington State Medical Quality assurance Commission (MQAC) to order at 08:02 a.m. on January 12, 2007 at the Holiday Inn Select, One South Grady Way, Renton, WA 98033.

**1.0 CONSENT AGENDA**

The consent agenda contained the following items for approval:

- 1.1 Agenda for January 12, 2007 meeting as published.
- 1.2 Minutes from the December 1, 2006 meeting
- 1.3 Ratifications of Licenses

**MOTION:** Dr. Selinger entertained a motion to approve the consent agenda as published. The motion was seconded and approved.

## **2.0 COMMITTEE BUSINESS**

### **2.1 Proposed revisions to Policy MD2003-04 Treating Partners of Patients with Sexually Transmitted Chlamydia and Gonorrhea.**

Ms. Thomas reported that in 2006 the Commission approved the request by Matthew Golden, MD, Director of the Public Health South King County (PHSKC) STD Control Program to incorporate the PHSKC protocols into the existing policy "Treating Partners of patients with Sexually Transmitted Chlamydia and Gonorrhea MD2003-04. The Commission agreed to add the protocols, but they were not incorporated into the existing policy.

Ms. Thomas, Dr. Golden and Dr. Heye worked on the proposed changes and forwarded them to the other professions. The Board of Pharmacy's AAG made some recommended changes. The Policy Committee recommended approval of the incorporation of the protocol language to their existing policy. Ms. Thomas informed the Commission that the policy will need to be approved by the Department of Health and brought back for their adoption at the next meeting.

**MOTION:** Dr. Selinger entertained a motion to approve the incorporation of the protocols and the recommended changes in language to the proposed policy statement. The motion was seconded and approved.

### **2.2 Proposed Policy and Procedures in Implementation of the Delegation of Authority to Initiate an Investigation.**

Agenda Item was deferred. No Action Taken.

### **2.3 Physician Assistant Standardized Procedures Reference and Guidelines**

Agenda Item was deferred. No Action Taken.

### **2.4 Release from a Stipulation to Information Disposition – MD99-01 and MD2003-02**

Ms. Thomas reported policies MD99-01 and MD2003-02 do not reflect the current process for releasing a respondent from a Stipulation to Informal Disposition. The Policy Committee recommended approval of the proposed changes with the addition that Commission members are notified of the release. Ms. Thomas informed the Commission that the policy revisions will need to be approved by the Department and will be brought back for adoption at the next meeting.

**MOTION:** Dr. Selinger entertained a motion on to approve the proposed changes in language to the policy MD99-01 and MD2003-02. The motion was seconded and approved.

## **2.5 MD2000-01 Disposition of Medical Malpractice Cases**

Ms. Thomas reported the policy on Medical Malpractice Cases MD2000-01 does not reflect the current process in the disposition of the medical malpractice cases. The Public Policy Committee recommended that the policy be rescinded.

## **2.6 Report on Rules Progress**

Ms. Thomas reported on the progress of the following rules:

- The Use of Laser, Light, Radiofrequency and Plasma Devices as Applied to the Skin. The CR103 rules documentation needs some clarification and should be filed by January 29, 2007 for the effective date of March 1, 2007.
- Safe and Effective Analgesia and Anesthetic Administration in Office-Based Surgical Settings. The CR101 documentation has been signed off by the Secretary. The public rules workshops will begin soon.
- The Delegation to Authorize the Initiation of Investigation is currently at the Secretary's Office for signature.
- The Delegation of Non-Surgical Cosmetic Procedures. The CR101 documentation is at the Division level for approval.

Ms. Thomas reported that the Department of Licensing (DOL) will be holding its rules hearing to adopt the "Medical Device" rule that will require any esthetician using a medical device defined by the FDA as prescriptive device must be under the appropriate supervision and delegation of a physician, physician assistant or advanced registered nurse practitioner. The Commission requested Dr. Selinger to work with Ms. Thomas to write a letter in support of the DOL rules regarding the medical devices. The proposed rules by DOL will be in concert with the Commission adopted rules on the Use of laser, light, radiofrequency and plasma devices as applied to skin.

**MOTION:** The motion was made and seconded for Dr. Selinger to assist Ms. Thomas in creating a letter of support for the DOL rules on Medical Devices. The motion approved.

## **3.0 OTHER BUSINESS**

### **3.1 2008 Meeting Schedules**

Ms. Thomas proposed the 2008 meeting schedule for consideration.

**MOTION:** Dr. Selinger entertained a motion on approving the 2008 Meeting Schedule. The motion was seconded and approved.

Ms. Thomas reported meetings she has attended with other program managers regarding meeting schedule conflicts. She reported that although the business meeting schedules do not generally conflict, it appears that the disciplinary hearing are often causing concern for the adjudicative judges, prosecuting attorneys and conflicts with the business meeting schedules. She asked if the Commission would consider changes to the hearing dates. A task force was formed to review what is best for the commission. Dr. Irwin, Dr. Cullen and Judy Tobin, Public Member will represent the commission. Dani Newman, Acting Disciplinary Manager, Beverly

Thomas, Program Manager and Maryella Jansen, Deputy Executive Director will represent the department. The commission directed staff to do research on how many hearings have taken place and the length of the hearings. The task group will report to the Commission its recommendation at the next meeting.

#### **4.0 MEMBER REPORTS**

##### **4.1 Chair Report**

Dr. Selinger, Acting Chair reported that he and Ms. Thomas will be doing a presentation on the “Non-surgical Cosmetic Procedures” and Medi Spas to the Cosmetology Board on January 22, 2007 .

##### **4.2 Other Member Report**

Theresa Elders, Public Member spoke about her experience at CPEP in Denver, Colorado in December. She participated in cognitive learning exam that doctors would take as a part of assessment program to determine if they have any deficiency. She stated 20% of patients that go through the program at CPEP have no deficiencies.

Frank Hensley gave a report on his visit to the Washington Health Legislative Conference at the SeaTac Hilton on December 12, 2006. Mr. Hensley mentioned Christina Hulet, Health Policy advisor to the Governor spoke at the conference and mentioned the Governor’s 5-point program as his highlights to the conference.

#### **5.0 STAFF MEMBER REPORTS**

##### **5.1 Executive Director Report**

Mr. Maresh reported that he is in the process of developing a request for proposals (RFP) that would create a broad convenience contract for expert witnesses, expert testimony and other types of clinical expertise. The intended effects of the contract would be to enhance the speed at which we identify potential experts and to better manage timely return of work products. There may also be some cost efficiencies gained by use of the broad contract. In addition, it will provide another potential way, in addition to the current use of pro-tem members, to create summaries for use in the IRP process.

Mr. Maresh reported the progress of the SAO performance audit. The auditors are a little behind schedule, but have completed their audit plan and are now doing their research. They have already interviewed the credentialing staff, and they will interview the disciplinary staff in the near future.

Mr. Maresh introduced Cindy Hamilton; current Intake Coordinator, and shared that she will become a Compliance Officer, effective February 1. She has been with the Department and Section 5 for some time and is knowledgeable of our process; she will be a great asset in the position. Hiring paperwork is in process for the new intake coordinator position. Mr. Maresh stated that Cindy will help train the new person so there will be no delay in processing new complaints.

### **5.2 Deputy Executive Director Report**

Ms. Jansen reported on the process of hiring the Credentialing and Disciplinary Managers. She stated the recruitment process for both positions was closed at the end of December and there will be interviews soon. Ms. Jansen stated the new person selected for the Case Manager in the disciplinary unit should be on board by the next MQAC meeting.

Ms. Jansen reported on the Legislative Session. She provided information on HB1103 and HB1104. In addition, Ms. Jansen reported on the "Meet Me Calls" organized by Bonnie King, HPQA Director to provide board and commission members an opportunity to call in every Tuesday at 8:30 a.m. during the Legislative Session and discuss bills related to the health professions. Cabby Tennis and Ellen Harder volunteered to participate on the Meet Me Calls with Dr. Burger as the backup.

### **5.3 Program Manager Report**

Ms. Thomas reported on Dr. Selinger and her upcoming meeting with the Cosmetology Board on January 22, 2007. In addition she will do the same presentation to the Board of Osteopathic Medicine and Surgery on January 26, 2007. On February 8, 2007 the presentation will be given to the Dental Quality Assurance Commission and again on March 9, 2007 to the Nursing Quality Assurance Commission. Ms. Thomas was happy to report that the preliminary presentations with the other professions will help in the rules process.

### **5.4 Disciplinary Manager Report**

No Action Taken

### **5.5 Medical Consultant Report**

Dr. Heye reported that Opioids Guidelines were approved by the multi state agencies. They will reevaluate the guidelines yearly to see if it is working for health professions and other.

## **6.0 ADJOURNMENT**

The meeting adjourned at 9:35 a.m.

Respectfully submitted by

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Joe Mihelich, Office Assistant III

Approved February 22, 2007

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Cabell Tennis, JD, Chair  
Medical Quality Assurance Commission