



## 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 January 13, 2017

#### Medical Commission Members

James E. Anderson, PA-C  
Toni Borlas, Public Member  
Charlie Browne, MD  
William Brueggemann, Jr., MD  
Jason Cheung, MD  
Mike Concannon, JD, Public Member – Absent  
Harry Harrison, Jr., MD  
Bruce G. Hopkins, MD  
Warren Howe, MD, 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  
Alden Roberts, MD, 2<sup>nd</sup> Vice Chair – Absent  
Theresa Schimmels, PA-C  
Robert Small, MD  
Michelle Terry, MD  
Claire Trescott, MD  
Mimi Winslow, JD, Public Member  
Yanling Yu, PhD, Public Member

#### Medical Commission Staff

Morgan Barrett, MD, Medical Consultant  
Jennifer Batey, Paralegal Supervisor  
Larry Berg, Staff Attorney  
Jimi Bush, Performance and Outreach Manager  
Karen Caille, Staff Attorney  
Anna Clavel, Staff Attorney  
Melanie de Leon, Executive Director  
Mike Farrell, Policy Development Manager  
Joe Gault, Health Services Consultant  
Rick Glein, Director of Legal Services  
Denise Gruchalla, Director of Investigations  
George Heye, MD, Medical Consultant

Mike Hively, Information Liaison  
Ariele Landstrom, Staff Attorney  
Kayla LaRue, Compliance Officer  
Lisa Malden, Office Assistant  
Patty Melody, Investigator Supervisor  
Debbie Mitchell, Investigator  
Freda Pace, Investigator Supervisor  
Seana Reichold, Supervising Staff Attorney  
Dawn Thompson, Licensing Manager  
Daidria Underwood, Program Manager  
Gordon Wright, Staff Attorney

#### Others in Attendance

Chris Bundy, MD, Washington Physician's Health  
Program (WPHP)  
Tierney Edwards, Washington State Medical  
Association (WSMA)

Heather Carter, AAG  
Thomas Fairchild, MD, Pro Tem Member  
Jim Rooks, Jr., MD, Pro Tem Member

## Call to Order

Warren Howe, MD, Chair, called the meeting of the Washington State Medical Quality Assurance Commission (Commission) to order at 8:00 a.m. on January 13, 2017, at the Capital Event Center, Educational Service District (ESD) 113, 6005 Tyee Drive SW, Tumwater, Washington 98512.

### 1.0 Chair Report

Dr. Howe welcomed everyone to the meeting. He introduced the three new Commissioners: Harry Harrison, MD; Jason Cheung, MD; and Claire Trescott, MD.

He reported that the Federation of State Medical Board's (FSMB) annual meeting will be held April 20-22, 2017 in Fort Worth, Texas. Kathleen O'Connor has been selected to receive a public member scholarship and will be attending that meeting. Dr. Howe and Melanie de Leon, Executive Director, will also attend the meeting. Dr. Howe stated that any Commissioners who have not attended the FSMB annual meeting previously and would like to attend to please contact him or Ms. de Leon. The Executive Committee will then decide who may attend.

Dr. Howe asked that if any Commissioners have connectivity issues please email him with a CC to Mike Hively, Information Liaison, with the date, time, and nature of the problem. He hopes to collate that information so that we can improve the electronic process.

Dr. Howe reminded everyone that the legislature is in session and that Commissioners are prohibited from lobbying or expressing support or non-support for legislation. He stated it is fine if a Commissioner as a private citizen expressed support or non-support for legislation provided the Commissioner is not speaking as a representative of the Commission.

Dr. Howe reported that he; Mark Johnson, MD; Ms. de Leon; and Mike Farrell, Policy Development Manager would be attending a meeting at the University of Washington that afternoon regarding the Communication and Resolution Program (CRP) process.

### 2.0 Consent Agenda

The Consent Agenda contained the following items for approval:

- 2.1 Minutes from the November 4, 2016 Business Meeting.
- 2.2 Agenda for January 13, 2017.
- 2.3 Ratification of the licenses issued to Physicians, Limited Physicians and Physician Assistants from November 4, 2016 through January 12, 2017.

**Motion:** The 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, reported that the subcommittee has not met since the last Commission meeting and therefore there is nothing new to report.

*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 September 14, 2016, 13 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 (DOH).*

### **3.2 Telemedicine Workgroup**

Toni Borlas, Public Member, Workgroup Chair, reported they are in the process of scheduling a teleconference to discuss plans for the workgroup.

### **3.3 Rulemaking Activities**

Daidria Underwood, Program Manager, reported on the following rules:

Chapter 246-919 WAC – the chapter review is on hold for the time-being because there are other rules currently in progress that need to be completed prior to opening the chapter for rulemaking. She stated the rulemaking process will likely not begin until fall or winter.

Office Based Surgery – will likely be on the February agenda.

Technical Assistance Program – will now be known as the Clinical Support Program.

Military Spouse – the MD rule is being considered to be part of the chapter 246-919 WAC review. The PA rulemaking proposal will be on the February agenda where Ms. Underwood will ask the Commission for their approval to begin the CR-102 process.

Temporary Permits – currently in progress. More information to come.

Reminded everyone that the rules progress report is updated each Wednesday and is posted on the SharePoint site.

### **3.4 Health Equity Workgroup**

James Anderson, PA-C, Workgroup Chair, reported the workgroup met via teleconference where they discussed ideas for health equity themed topics for the Educational Conference. The workgroup is also considering proposing a health equity section in the quarterly newsletter.

### **3.5 Citizen Engagement Workgroup**

Yanling Yu, PhD, Workgroup Co-Chair, reminded everyone that the workgroup's purpose is to assess the visibility of the Commission to the public and also the public understanding of medical regulation. Ms. Yu reported that they have finalized survey questions and identified patient and consumer groups in the state to send the survey.

### **3.6 Reduction of Medical Errors Subcommittee**

Dr. Johnson, Subcommittee Chair, reported the Statement of Understanding between the CRP program and the Commission has been redrafted and will be brought to the February meeting for review.

### **3.7 Practitioner Competence Workgroup**

Dr. Johnson, Workgroup Chair, reminded everyone that the concept of the workgroup was how to define aging physicians and competency and has been expanded to competency at all levels. Research continues on this topic. Dr. Howe is scheduled to be on a panel regarding this topic at the FSMB annual meeting in April.

### **3.8 Lists & Labels Requests**

The following lists and labels requests were discussed for possible approval or denial. Approval or denial of these requests 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)).

- Family Massage Education Center

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

- Lake Washington Institute of Technology – Reconsideration

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

- Marquis Companies

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

## **4.0 New Business**

### **4.1 2019 Meeting Dates**

Ms. de Leon presented the proposed meeting dates for 2019 for discussion and requested approval.

**Motion:** The Chair entertained a motion to approve the meeting dates for 2019. The motion was seconded and approved unanimously.

## **5.0 Public Comment**

No member of the public was signed up to speak therefore no public comment was given.

## **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 January 12, 2017:

#### **Team-Based Regulation**

Ms. Winslow asked Mr. Farrell to report on this item. Mr. Farrell presented the draft, which is actually titled Multi-Authority Complaint Response Process, for approval. He noted it has already been approved by DOH. He reminded everyone that prior to this procedure, when the Commission receives a complaint that includes complaints encompassing more than one regulatory authority, each one addresses it independently and there is no communication among them. From the procedure: “The purpose is to coordinate the complaint response process among boards, commissions and programs by sharing information at various points in the process: intake, investigations, case disposition, imposition of discipline, and compliance. This coordination will improve efficiency, provide more information to regulatory authorities when making decisions, and lead to more fair and consistent outcomes.”

**Motion:** The Chair entertained a motion to approve the procedure. The motion was approved unanimously.

### **Bylaws**

Ms. Winslow presented the draft revised Bylaws and stated the Committee recommended approval with a couple of minor revisions. She asked Dr. Howe to speak about the revision who then gave a brief explanation of the revisions.

**Motion:** The Chair entertained a motion to approve the Bylaws as with the stated revisions. The motion was approved unanimously.

### **Sexual Misconduct Cases Procedure**

Ms. Winslow asked Ms. de Leon to give some background on this procedure. Ms. de Leon stated that there was a series of articles in the [Atlanta Journal-Constitution](#) which addressed physician sexual misconduct. The series prompted Ms. de Leon to ask Mr. Farrell to draft a procedure for processing sexual misconduct cases. Mr. Farrell presented the draft procedure and pointed out some minor revisions. Ms. Winslow stated the Committee recommended approval with the minor revisions.

**Motion:** The Chair entertained a motion to approve the procedure with the proposed revisions. The motion was approved unanimously.

### **Suicide Prevention Rule (MDs) WAC 246-919-435**

Ms. Winslow asked Ms. Underwood to report on this item and the one below. Ms. Underwood reported there was a hearing held on December 1, 2016 for both the MD and PA sections. There was not a quorum at the hearing, therefore the rule could not be passed. Ms. Underwood further stated that the panel at the hearing did like the draft language and made no changes. Ms. Winslow stated that the Committee recommended approval to move to the CR-103 process.

**Motion:** The Chair entertained a motion to approve opening a CR-103. The motion was approved unanimously.

### **Suicide Prevention Rule (PAs) WAC 246-918-185**

(See above) Ms. Winslow reported the Committee recommended approval to move to the CR-103 process.

**Motion:** The Chair entertained a motion to approve opening a CR-103. The motion was approved unanimously.

### **FBI Background Checks – Nursing Commission**

Ms. Winslow presented the proposed bill language. She stated the Committee received conflicting information over the course of the meeting and therefore did not make a recommendation. This item may be revisited at a future meeting.

## **7.0 MEMBER REPORTS**

Bruce Hopkins, MD, introduced Pro Tem Commissioner Thomas Fairchild, MD.

Michelle Terry, MD, reported she was asked to run for the nominations board at FSMB. She was also appointed to the FSMB United States Medical Licensing Examination (USMLE) committee.

Harry Harrison, MD, reported he is a new Commissioner who has practiced pediatrics in South King County. He also works for Group Health as a Trustee.

Jason Cheung, MD, (also a new Commissioner) reported he is an Ophthalmologist with a subspecialty interest in pediatric ophthalmology. He's been practicing in Kitsap County for almost 20 years.

Claire Trescott, MD, (also a new Commissioner) reported she is a family physician who has worked at Group Health for more than 35 years. She currently works in Silverdale.

Mr. Anderson reported on the FSMB Workgroup regarding the guidelines for the use of opiates for chronic pain. He stated the workgroup was created over a year ago as a result of the Commission's resolution at an FSMB meeting asking them to revise the chronic pain guidelines. Mr. Anderson serves on the workgroup which has met in person twice and has had a couple of conference calls. The draft of revisions is now available which was sent out by Jimi Bush, Performance and Outreach Manager, for review and comment. He urged everyone to please review and comment on the draft.

## **8.0 STAFF MEMBER REPORTS**

### **8.1 Executive Director**

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

- *Budget:* Ms. de Leon reported the budget continues to do well for this biennium.
- *Legislation:* Ms. de Leon stated the legislative session has begun. Peter Marsh and Ms. Winslow are the Commission representatives who meet weekly via teleconference with others within DOH. Ms. de Leon reminded everyone there are two bills that we are proposing this session: Academic Licensure and Interstate Medical Licensure Compact.
- *Audit:* The audit is complete.
- *IT:* Ms. de Leon asked Mr. Hively to report on this topic. Mr. Hively reported on IT issues related to the Commissioners' work.

### **8.2 Assistant Attorney General**

Heather Carter, AAG, reported she attended the National Association of Attorneys General (NAAG) *Bridging the Gaps: Reducing Prescription Drug and Opioid Abuse and Misuse Summit*. She also reported she is serving on an internal taskforce regarding the opioid crisis.

### **8.3 Deputy Executive Director**

Micah Matthews, Deputy Executive Director, was absent.

### **8.4 Program Manager**

Ms. Underwood reported she is working on a survey regarding Commission meeting logistics and asked that everyone participate when they receive it.

### **8.5 Director of Operations and Informatics**

Melissa McEachron, Director of Operations and Informatics, was absent.

### **8.6 Medical Consultant, Dr. Heye**

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

### **8.7 Medical Consultant, Dr. Barrett**

Morgan Barrett, MD, Medical Consultant, reported that afternoon will be the first time we have Panel C for personal appearances. He stated this will be ongoing for the foreseeable future.

**8.8 Director of Legal Services**

Rick Glein, Director of Legal Services, announced the Legal Unit is now fully staffed. He also introduced the new Staff Attorneys, Anna Clavel and Ariele Landstrom.

**8.9 Director of Investigations**

Denise Gruchalla, Director of Investigations, introduced the new investigator, Debbie Mitchell, and the new case manager for Investigations, Joe Gault.

**8.10 Policy Development Manager**

Mr. Farrell reported he will begin working on a policy development process. He will also begin working with the American Board of Medical Specialties (ABMS) on the language put in orders that may result in loss of board certification.

**8.11 Performance and Outreach Manager**

Ms. Bush reported the online orientation for new Commissioners is nearly complete and is now available on the SharePoint site. She also reported that over the last year every process the Commission does have been mapped. Inefficiencies that have been discovered are being addressed. For more information on Commission processes, please contact Ms. Bush.

**9.0 ADJOURNMENT**

The Chair called the meeting adjourned at 10:03 a.m.

Submitted by

(Signature on file)

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Daidria Underwood, Program Manager

(Signature on file)

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Warren Howe, MD, Chair  
Medical Quality Assurance Commission

Approved February 24, 2017