



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 24, 2017

Medical Commission Members

James E. Anderson, PA-C
Toni Borlas, Public Member – Absent
Charlie Browne, MD
William Brueggemann, Jr., MD
Jason Cheung, MD – Absent
Mike Concannon, JD, Public Member
Harry Harrison, Jr., MD
Bruce G. Hopkins, MD
Warren Howe, MD, Chair
Mark Johnson, MD, 1st Vice Chair
Charlotte Lewis, MD

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

Medical Commission Staff

Morgan Barrett, MD, Medical Consultant
Jennifer Batey, Paralegal Supervisor
Larry Berg, Staff Attorney
Carolynn Bradley, Contracts & Reconsiderations Specialist
Karen Caille, Staff Attorney
Sarah Chenvert, Administrative Assistant
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
Ariele Landstrom, Staff Attorney

Kayla LaRue, Compliance Officer
Christine Lawrence, Paralegal
Lisa Malden, Office Assistant
Micah Matthews, Deputy Executive Director
Melissa McEachron, Director of Operations
and Informatics
Patty Melody, Investigator Supervisor
Freda Pace, Investigator Supervisor
Seana Reichold, Supervising Staff Attorney
Marisa Smith, Licensing Representative
Dawn Thompson, Licensing Manager
Daidria Underwood, Program Manager
Gordon Wright, Staff Attorney

Others in Attendance

Tracy Bahm, Assistant Attorney General (AAG)
Lilia Lopez, AAG
Denny Maher, Washington State Medical Association (WSMA)

Mimi Pattison, 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 8:01 a.m. on February 24, 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 reported that the Federation of State Medical Boards has chosen a former Commissioner, now a Pro Tem member of the Commission, William Gotthold, MD to receive their Award of Merit.

2.0 Consent Agenda

The Consent Agenda contained the following items for approval:

- 2.1 Minutes from the January 13, 2017 Business Meeting.
- 2.2 Agenda for February 24, 2017.
- 2.3 Ratification of the licenses issued to Physicians, Limited Physicians and Physician Assistants From January 13, 2017 through February 23, 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 met recently and approved one training course.

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 February 9, 2017, 14 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

Micah Matthews, Deputy Executive Director, reported in the absence of Toni Borlas, Public Member, Workgroup Chair. Mr. Matthews stated the workgroup has had two conference calls. The workgroup will review the charter and will then submit it to Dr. Howe and Mimi Winslow for approval to move forward to appoint other members of the committee and begin their work.

3.3 2017 Educational Conference Planning Committee

Toni Borlas, Public Member, Committee Chair, was absent. Mr. Matthews again reported in her absence. Mr. Matthews stated that the committee is working to identify a theme.

3.4 Rulemaking Activities

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

Suicide Prevention – Both the MD and PA sections are in the final stages of the review process with Health Services Quality Assurance (HSQA). She stated we should have a rule in place by May provided both rules are approved.

Clinical Support Program – Reminded Commissioners that the panel Chairs will notify the note takers of cases which may fit the program.

3.5 Health Equity Workgroup

James Anderson, PA-C, Workgroup Chair, reported they are working with the Educational Conference Planning Committee to have health equity topics on the agenda. They continue to add to and promote the health equity resources available on our website.

3.6 Citizen Engagement Workgroup

Yanling Yu, PhD, Workgroup Co-Chair, was absent.

3.7 Reduction of Medical Errors Subcommittee

Dr. Johnson, Subcommittee Chair, reported the subcommittee continues their research. He also stated the Communication and Resolution Program is looking for cases.

3.8 Practitioner Competence Workgroup

Dr. Johnson, Workgroup Chair, mentioned a recent article in the FSMB journal titled [Standardized Assessment of Pharmacists' Patient Care Competencies: A Model for Maintenance of Licensure \(MOL\) in the Health Professions](#). He also stated the workgroup needs help across professions to define competency.

3.9 Lists & Labels Requests

The following lists and labels request was discussed for possible approval or denial. Approval or denial of this request 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\(9\)](#)).

- Correct Care Solutions

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

4.0 New Business

4.1 Nominating Committee

Dr. Howe announced the members of the 2017 Nominating Committee are:

1. Bruce Hopkins, MD, Chair
2. Mimi Winslow, JD
3. Robert Small, MD

Announcement of candidates will occur at the May 19, 2017 Commission Business meeting. The election for leadership will take place at the June 30, 2017 Commission Business Meeting.

4.2 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 third year for these awards.

For 2016 the winners are:

- Legal Unit Staff – Larry Berg, Staff Attorney
- General Commission Staff – Sarah Chenvert, Administrative Assistant
- Investigative Staff – Lisa Noonan, Investigator

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 February 23, 2017:

Strategic Plan

Ms. Winslow reported the committee recommended adoption of the Strategic Plan. She noted that Mr. Farrell had a couple of changes. Ms. Winslow asked Ms. de Leon to report further on this item. Ms. de Leon reported on the changes. Ms. de Leon also explained the Strategic Plan provides direction for the Commission. Ms. Winslow moved that the Commission adopt the Strategic Plan with the noted revisions.

Motion: The Chair entertained a motion to approve the Strategic Plan with the noted revisions. The motion was approved unanimously.

Military Spouse Rules - PAs

Ms. Winslow asked Ms. Underwood to report on this item. Ms. Underwood explained that the proposal for this rulemaking is to use language that is already in WAC with a couple of minor changes and as such, we can move directly to the CR-102 process. Ms. Underwood further explained that the MD rulemaking on this subject will be part of the Chapter 246-919 WAC rulemaking which should begin sometime late in 2017. Ms. Winslow moved that the Commission approve opening a CR-102 for this rule.

Motion: The Chair entertained a motion to open a CR-102. The motion was approved unanimously.

Temporary Permits Rule

Ms. Winslow asked Ms. Underwood to report on this item. Ms. Underwood presented the draft language and reported that a workshop was held last fall. Ms. Winslow moved that the Commission approve opening a CR-102 for this rule.

Motion: The Chair entertained a motion to open a CR-102. The motion was approved unanimously.

Office-Based Surgery Rules, WAC 246-919-601(5)

Ms. Winslow asked Ms. Underwood to report on this item. Ms. Underwood presented the draft

language and reported that this particular rule has been before the Commission several times. Ms. Winslow moved that the Commission approve opening a CR-102 for this rule.

Motion: The Chair entertained a motion to open a CR-102. The motion was approved unanimously.

Settlement Conference for STID Procedure

Ms. Winslow reported the Committee had a robust discussion about the draft procedure. The Committee decided more work needs to be done and it will be reviewed again at a future meeting. She did ask that any input on the current draft be sent to Mr. Farrell.

Statement of Understanding (SOU) with the Foundation for Healthcare Quality

Ms. Winslow presented the draft document and stated the Committee made two changes in language which she then explained. The Committee recommends approval of the SOU with the noted revisions.

Motion: The Chair entertained a motion to approve the SOU with the noted revisions. The motion was approved unanimously.

Death Certificate Guideline, MD2016-01

Ms. Winslow reported the Department of Health (DOH) now has their own guideline for filing out death certificates, which is nearly identical to MD2016-01. DOH has asked that we rescind our guideline and support theirs. A new guideline which simply references DOH's guideline and notes the Commission's support of their guideline was presented. The Committee recommends approval of the new guideline.

Motion: The Chair entertained a motion to rescind MD2016-01 and approve the new guideline. The motion was approved unanimously.

Policy Development Procedure

Ms. Winslow reported the Committee felt the draft needed some additional work. A new draft will be presented at a future meeting. Ms. Winslow asked Mr. Farrell to give more information about this draft procedure. Mr. Farrell reported the draft procedure largely follows our process already with a couple of additions. One is to create a webpage where the public can comment on draft policies and those comments would then be presented to the Policy Committee. The draft procedure also provides a workgroup be appointed for each policy as well as provides that the Commission Chair can appoint a non-Commission member to be on the workgroup. Lastly, the draft procedure requires that we respond to each comment. Ms. Winslow asked that if anyone has suggestions for this procedure to send them to Mr. Farrell.

7.0 MEMBER REPORTS

Mike Concannon, JD, Public Member, spoke about the composition of the Personal Appearance panels.

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.

- *Travel:* Ms. de Leon stated when staff books travel they use email as their primary mode of communication. If a Commissioner needs a hotel, please make sure to email Sarah Chenvert, Administrative Assistant, several weeks before the event.

8.2 Assistant Attorney General

Lilia Lopez, AAG, reminded everyone to not discuss business outside of an open public meeting.

8.3 Deputy Executive Director

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

- *Housekeeping:*
 - Please be sure to submit all travel reimbursement requests by the 5th of the following month to Dani Newman, Secretary Senior.
 - Please also submit all of your payroll to Ms. Newman by the 5th of the following month.
 - Reminder that the end of the fiscal year (FY) is June 30, 2017 so all payroll and travel reimbursement requests for FY 2017 need to be submitted to Ms. Newman by July 10, 2017.
 - Please contact Ms. Chenvert for hotel, car, and flight reservations by the deadlines she provides via email.
- *Budget:* New office space request was not approved to move forward by the Office of Financial Manager at this time. The staff funding request was not initially included in the Governor's budget but has since been included.
- *Legislation:*
 - Medical Licensure Compact had a companion bill (HB 1337 and SB 5221).
 - 1337 passed the House 90-4 and is headed to the Senate Health committee UNLESS
 - 5221 gets pulled from rules to the Senate floor and passed.
- *General Legislation of Interest:*
 - Proposed telemedicine bill which will define a home site which will allow it to be the patient's home or a place designated by the patient as home. There's a parity bill that will make telemedicine reimbursement on par with in person visits.
 - Proposed mental health bill which includes an expanded duty to warn. SB 5800 and HB 1810
 - Proposed bill that would expire all rulemaking for executive agencies and move the process for approval to the legislature.
 - Proposed bill that could potentially subject all workgroups to the Open Public Meetings Act regardless if the workgroup is empowered to make decisions or recommendations.
 - Proposed bill that would move behavioral health from Department of Social

and Health Services (DSHS) to DOH. A related proposed bill that would make both mental health hospitals subject to the licensing and inspection requirements of DOH.

- Proposed Doctors of Medical Science bill which would allow autonomous PA practice in primary care only if they get a doctor of medical science degree from an osteopathic school in Tennessee with a significant online training component.
- HB 1339 regarding prescribing opioids.
- *Legislative Outreach:* Mr. Matthews asked that Commissioners be responsive to emails from Jimi concerning legislation.
- *Meeting with Washington Academy of Physician Assistants (WAPA):* Dr. Howe; Jim Anderson, PA-C; and Mr. Matthews will meet with WAPA representatives to hear feedback from the profession regarding the state of PA practice in Washington.

8.4 Program Manager

Ms. Underwood reported DOH is in the rulemaking process regarding epinephrine auto injectors and Commissioners may be contacted for their input on their rulemaking.

Ms. Underwood also reported the Commission will have the following vacancies as of June 30, 2017:

1. Congressional District 1
2. Congressional District 7
3. Physician Assistant
4. Public Member

Recruitment for these vacancies began in the winter edition of the *Update!* Newsletter and will continue until April 28, 2017.

8.5 Director of Operations and Informatics

Melissa McEachron, Director of Operations and Informatics, had nothing to report.

8.6 Medical Consultant, Dr. Heye

George Heye, MD, Medical Consultant, reported he may contact Commissioners and Pro Tem members for assistance with some scope of practice questions he receives.

8.7 Medical Consultant, Dr. Barrett

Morgan Barrett, MD, Medical Consultant, encourages all Commissioners to submit their recommendations to him regarding compliance or personal appearances.

8.8 Director of Legal Services

Rick Glein, Director of Legal Services, had nothing to report.

8.9 Director of Investigations

Denise Gruchalla, Director of Investigations, had nothing to report.

8.10 Policy Development Manager

Mr. Farrell reported he is assisting with the implementation of DOH's Multi-Authority Complaint Response Process. He is working on a new procedure for obtaining a second

expert on a case.

8.11 Performance and Outreach Manager

Jimi Bush, Performance and Outreach Manager, was absent.

9.0 ADJOURNMENT

The Chair called the meeting adjourned at 9:29 a.m.

Submitted by

(Signature on file)

Daidria Underwood, Program Manager

(Signature on file)

Warren Howe, MD, Chair
Medical Quality Assurance Commission

Approved April 7, 2017