



Medical Quality Assurance Commission

Red Lion Hotel Columbia Center
1101 N Columbia Center Blvd
Kennewick, WA 99336
(509) 783-0611

Business Meeting Minutes June 30, 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
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
Robert Small, MD
Michelle Terry, MD – Absent
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
Anna Clavel, Staff Attorney
Melanie de Leon, Executive Director
Mike Farrell, Policy Development Manager
Rick Glein, Director of Legal Services
George Heye, MD, Medical Consultant

Ariele Page Landstrom, Staff Attorney
Kayla LaRue, Compliance Officer
Micah Matthews, Deputy Executive Director
Patty Melody, Investigator Supervisor
Freda Pace, Director of Investigations
Deborah Taellious, Supervising Staff Attorney
Daidria Underwood, Program Manager
Gordon Wright, Staff Attorney

Others in Attendance

Heather Carter, Assistant Attorney General (AAG)
Thomas Fairchild, MD, Pro Tem Commissioner

Anjar Sen, MD

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 June 30, 2017, at the Red Lion Hotel Columbia Center, 1101 N Columbia Center Blvd, Kennewick, WA 99336.

1.0 Chair Report

Dr. Howe reported that two items will be added to the agenda as new business:

1. Temporary Permits Rules
2. Military Spouse Temporary Permits Rules

2.0 Consent Agenda

The Consent Agenda contained the following items for approval:

- 2.1 Minutes from the May 19, 2017 Business Meeting.
- 2.2 Agenda for June 30, 2017 with the two additional items mentioned in the Chair Report.
- 2.3 Ratification of the licenses issued to Physicians, Limited Physicians and Physician Assistants From May 19, 2017 through June 29, 2017.

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

3.0 New Business

3.1 Temporary Permits—WAC 246-919-390 & WAC 246-919-395

Mimi Winslow, Public Member, reported that a hearing was held on June 28, 2017. There was not a quorum at the hearing, therefore the rule could not be passed. Ms. Winslow further stated that the panel at the hearing did approve the draft language and recommend the Commission adopt the rule.

Dr. Howe asked Daidria Underwood, Program Manager, to give a brief overview of the changes to the current rule. Ms. Underwood reported the rule contains a list of states who have licensing standards that are substantially equivalent to Washington and that there are some states that are missing. The draft language removes the list of states from rule and the Commission will instead maintain an internal list of states with substantially equivalent licensing standards, which will be available as part of the license application packet as well as on the Commission's website.

Ms. Winslow stated at the hearing no stakeholders or members of the public came to testify and the Commission received no written comments for this rulemaking.

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

3.2 Military Spouse Temporary Practice Permit for Physician Assistants—WAC 246-918-076

Ms. Winslow reported that a hearing was held on June 28, 2017. There was not a quorum at the hearing, therefore the rule could not be passed. Ms. Winslow further stated that the panel at the hearing did approve the draft language and recommend the Commission adopt the rule.

Ms. Winslow stated this rule is for physician assistants who come into the state and are married to military personnel to receive a temporary practice permit.

Ms. Winslow stated at the hearing no stakeholders or members of the public came to testify and the Commission received no written comments for this rulemaking.

Dr. Howe asked Ms. Underwood to give a brief overview of the rule. Ms. Underwood reported that this rule was mandated by the legislature and the language is almost identical to two other WACs. Ms. Underwood also stated the Commission already follows the process laid out in rule.

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

4.0 Old Business

4.1 Nominating Committee

Bruce Hopkins, MD, Chair, announced the candidates for leadership as follows:
Warren Howe, MD, Chair
Alden Roberts, MD, 1st Vice Chair
John Maldon, Public Member, 2nd Vice Chair

Dr. Howe called for nominations from the floor. None were given.

Motion: The Chair entertained a motion to accept the above nominees. The motion was seconded and approved unanimously.

4.2 Suicide Prevention Training Approval Subcommittee

Robert Small, MD, Subcommittee Chair, reported that the subcommittee met since the last meeting 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 June 1, 2017, 16 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).

4.3 Telemedicine Workgroup

Toni Borlas, Public Member, Co-Chair, reported the workgroup is planning meetings for the coming months.

4.4 2017 Educational Conference Planning Committee

Toni Borlas, Public Member, Committee Chair, reported the agenda will be finalized by August. The conference has been approved for 10 Category I Continuing Medical Education units.

4.5 Rulemaking Activities

Ms. Underwood, reported a hearing was held on June 28, 2017 regarding the Office-Based Surgery rules, WAC 246-919-601. There was a quorum at that hearing. There were several stakeholders present at the hearing and that had called into the meeting to testify. The panel voted to pass the draft language as written and the CR-103 will be completed soon. Ms. Underwood also reported that since the rule has passed in the future if the Commission receives a petition from an entity that would like to be added to the list of accrediting entities, the Commission can review their information and approve or deny them without having to go through the rulemaking process.

Heather Carter, AAG, reported that also at the hearing the panel approved adding the entities who were listed in rule as well as the Institute for Medical Quality to the internal list.

4.6 Health Equity Workgroup

James Anderson, PA-C, Workgroup Chair, stated there was nothing to report.

4.7 Citizen Engagement Workgroup

Yanling Yu, PhD, Workgroup Co-Chair, reported they have received the survey results and the workgroup will soon begin the data analysis.

4.8 Reduction of Medical Errors Subcommittee

Dr. Johnson, Subcommittee Chair, stated there was nothing to report.

4.9 Practitioner Competence Workgroup

Dr. Johnson, Workgroup Chair, stated there was nothing to report.

4.10 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\(9\)](#)).

- Washington Chapter of the American College of Cardiology

Motion: The Chair entertained a motion to approve the request. 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 Policy Committee Report

Mimi Winslow, JD, Public Member, Chair, reported on the items discussed at the Policy Committee meeting held on June 29, 2017:

Possession and Administration of Naloxone Policy, MD2015-04

Ms. Winslow reported the Commission adopted this policy in 2015 and shortly thereafter the legislature passed a bill that made this policy redundant. The committee recommends we rescind this policy.

Motion: The Chair entertained a motion to approve the rescission of the policy. The motion was approved unanimously.

Engrossed Substitute House Bill (ESHB) 1427: Opioid prescribing, monitoring, and treatment

Ms. Winslow asked Ms. Underwood to report on this item. Ms. Underwood explained that the legislature has mandated we initiate rulemaking for Opioid treatment, management, and prescribing for both MDs and PAs. As part of the rulemaking Ms. Underwood asked that the Commission also approve including the established pain rules for both professions.

Ms. Winslow reported that the committee recommended authorizing a CR-101 for both the MD and PA chapters.

Motion: The Chair entertained a motion to approve rulemaking. The motion was approved unanimously.

Potential Legislation for 2018

Ms. Winslow asked Micah Matthews, Deputy Executive Director, to report on this item. Mr. Matthews stated he would elaborate on this item during his regular report.

Review Update! Procedure

Ms. Winslow presented the draft revision of the procedure for the Commission's newsletter: *Update!*. Ms. Winslow reported the committee voted to approve the draft procedure with a minor revision.

Motion: The Chair entertained a motion to approve the draft language with the mentioned revision. The motion was approved unanimously.

Opioid Use: Commission Response and Models of Treatment

Ms. Winslow reported the policy sets out the background of the opioid epidemic and then details five findings that do the following:

- Set out the treatment standards for opioid use disorder
- Support evidence based practice
- Encourage team-based approaches

Ms. Winslow further reported that the committee made one change to the draft language and recommends the Commission approve sending this policy through the Secretary's review with the noted change.

Motion: The Chair entertained a motion to approve forwarding the draft language to the Secretary's review process with the mentioned revision. The motion was approved unanimously.

Complainant Opportunity to be Heard Through an Impact Statement, MD2013-07

Ms. Winslow asked Mike Farrell, Policy Development Manager, to report on procedure. Mr. Farrell presented the draft procedure and explained some suggested changes to the draft language. Ms. Winslow stated the committee recommended approval of the procedure with the noted changes.

Motion: The Chair entertained a motion to approve the procedure with the noted changes. The motion was approved by majority.

Guidelines on Retention of Medical Records when Closing a Practice, MD2013-08

Ms. Winslow reported that there are two draft guidelines in the packet:

1. Retention of Medical Records when Closing a Practice – addresses only the retention of medical records when closing a practice
2. Retention of Medical Records – addresses the overall retention of medical records including when closing a practice.

Ms. Winslow stated the committee recommended the Commission adopt Retention of Medical Records.

Motion: The Chair entertained a motion adopt the guideline titled Retention of Medical Records. The motion was approved unanimously.

Sexual Misconduct Statement and Policy, MD2002-05

Ms. Winslow asked Mr. Farrell to report on this policy. Mr. Farrell reported the policy has not been changed since 2002. The draft document is now a guideline as opposed to a policy. Mr. Farrell presented the draft procedure. Ms. Winslow reported the committee recommended approval of the draft as written.

Motion: The Chair entertained a motion adopt the draft guideline as written. The motion was approved unanimously.

Referral of Sexual Misconduct Cases Procedure, MD2013-04

Ms. Winslow asked Mr. Farrell to report on this procedure. Mr. Farrell presented the draft procedure. Ms. Winslow stated the committee recommended approval of the draft procedure as written.

Motion: The Chair entertained a motion adopt the draft procedure as written. The motion was approved unanimously.

7.0 MEMBER REPORTS

Jim Anderson, PA-C, reported he attended an FDA workshop on the opioid epidemic where the topic was what should be required for providers as far as education.

William Brueggemann, MD reported he attended a wellness symposium on provider wellness where he learned that over half of the physicians in the United States exhibit some symptoms of burnout and the suicide rate among physicians is over twice that of the general population. He suggested the Commission discuss their role on the topic of physician burnout.

Kathleen O'Connor, Public Member, discussed what she learned about other commissions when she attended the Federation of State Medical Boards annual meeting.

8.0 STAFF MEMBER REPORTS

8.1 Executive Director

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

- *Budget:* Ms. de Leon reminded Commissioners that if a budget is not passed they must stop all work for the Commission at midnight.
- *Training:* Ms. de Leon stated the Sexual Assault Victims training will be held on August 9th in Tumwater.
- *Website & Logo:* Ms. de Leon reported a company has been selected which will provide us with a new logo and website.
- *Opioid Summit:* Ms. de Leon reported that she, Dr. Roberts, and Mr. Matthews attended an opioid summit recently which was presented by the Attorney General's office as well as the Washington State Patrol.

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:

- *Legislative Budget:* The Commission's decision package is included in the budget so far.
- *House Bill 1427—Opioid Prescribing Rules:* The legislature has allotted \$250,000 for this bill that is to be shared among the five boards and commissions who have been mandated by the bill to engage in rulemaking. The committee for this bill will include Alden Roberts, MD; Pro Tem Commissioner Mimi Pattison, MD; and other members will be solicited at a future meeting.

In this bill is a mandate that the Prescription Monitoring Program (PMP) provide alerts to prescribers. Mr. Matthews stated he would like a PMP advisory group to be formed.

8.4 Program Manager

Ms. Underwood reported she spoke with Jim Anderson, PA-C and asked him to serve on the House Bill 1427 rules committee along with those mentioned by Mr. Matthews.

Ms. Underwood also reported on the four upcoming Commission vacancies:

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

The top five candidates for Congressional District 1 as well as the Public Member candidates will be interviewed by Commission members and staff in the coming months.

8.5 Medical Consultant, Dr. Heye

George Heye, MD, Medical Consultant, had nothing to report.

8.6 Medical Consultant, Dr. Barrett

Morgan Barrett, MD, Medical Consultant, had nothing to report.

8.7 Director of Legal Services

Rick Glein, Director of Legal Services, reported that staff attorney Karen Caille has retired and Kyle Karinen has been hired to fill the vacancy and will begin on July 10.

8.8 Director of Investigations

Freda Pace, Director of Investigations, stated Tim Barnes is now the non-clinical Investigator Supervisor and he will attend the August meeting. Ms. Pace also stated that investigator Betsy Johnson's last day will be July 3.

8.9 Policy Development Manager

Mr. Farrell had nothing to report.

8.10 Performance and Outreach Manager

Jimi Bush, Performance and Outreach Manager, asked that the Commissioners please register for the Educational Conference which will take place in October. She will send a link in the near future.

9.0 ADJOURNMENT

The Chair called the meeting adjourned at 9:53 a.m.

Submitted by

(signature on file)

Daidria Underwood, Program Manager

(signature on file)

Warren Howe, MD, Chair
Medical Quality Assurance Commission

Approved August 11, 2017