

Business Meeting Minutes

July 9, 2021



WASHINGTON
**Medical
Commission**
Licensing. Accountability. Leadership.

Virtual Meeting via GoToWebinar

Commission Members

James E. Anderson, PA-C
Christine Blake, Public Member
Toni Borlas, Public Member
Charlie Browne, MD – Absent
Jimmy Chung, MD, 2nd Vice Chair
Diana Currie, MD
Karen Domino, MD – Absent
Harlan Gallinger, MD
April Jaeger, MD
Charlotte Lewis, MD

Sarah Lyle, MD
John Maldon, Public Member, Chair
Terry Murphy, MD
Alden Roberts, MD
Scott Rodgers, JD, Public Member
Theresa Schimmels, PA-C
Robert Small, MD
Claire Trescott, MD, 1st Vice Chair
Richard Wohns, MD
Yanling Yu, PhD, Public Member

Commission Staff

Christine Babb, Investigator
Colleen Balatbat, Staff Attorney
Morgan Barrett, MD, Director of Compliance
Jennifer Batey, Legal Support Staff Manager
Larry Berg, Staff Attorney
Amelia Boyd, Program Manager
Reneé Bruess, Investigator
Adam Calica, Chief Investigator
Sarah Chenvert, Performance Manager
Melanie de Leon, Executive Director
Anthony Elders, Compliance Officer
Michael Farrell, Policy Development Manager
Kristi Ferguson, Investigator
Gina Fino, MD, Investigator
Ryan Furbush, Paralegal

George Heye, MD, Medical Consultant
Mike Hively, Information Liaison & Acting Director
of Operations & Informatics
Jenelle Houser, Legal Assistant
Kyle Karinen, Staff Attorney
Becca King, Administrative Assistant
Stephanie Mason, Legislative Liaison & PIO
Micah Matthews, Deputy Executive Director
Lynne Miller, Paralegal
Natalie Oakes, Investigator
Freda Pace, Director of Investigations
Ariele Page Landstrom, Staff Attorney
Trisha Wolf, Staff Attorney
Gordon Wright, Staff Attorney
Mahlet Zeru, Equity & Social Justice Manager

Others in Attendance

Chris Bundy, MD, Executive Medical Director,
Washington Physician's Health Program (WPHP)
Heather Cantrell, Policy Analyst, Department of
Health

Heather Carter, Assistant Attorney General
Katerina LaMarche, Washington State Medical
Association
Gregory Terman, MD, Pro Tem Commissioner

1.0 Call to Order

John Maldon, Public Member, Chair, called the meeting of the Washington Medical Commission (Commission) to order at 8:00 a.m. on July 9, 2021.

2.0 Housekeeping

Amelia Boyd, Program Manager, gave an overview of how the meeting would proceed.

3.0 Chair Report

Mr. Maldon congratulated Dr. Karen Domino and Dr. Claire Trescott on being reappointed for a second term as Commissioners. He also congratulated Melissa McEachron on her recent retirement after 31 years as a state employee.

Mr. Maldon asked new Commissioner, Dr. Harlan Gallinger to introduce himself. Dr. Gallinger stated that he is grateful to serve in this capacity. He went on to say he is eager to learn how he can be most effective. He also stated that he is an emergency room physician in Tacoma.

Mr. Maldon reported that the year-long process of switching panels is now complete. This process consisted of two Commissioners from each panel sitting in on their opposite panel for case reviews at one meeting.

Mr. Maldon reported that a draft agenda has been completed for the Commissioner retreat and as soon as it is complete it will be sent out to all Commissioners. He went on to say that the plan for the retreat is to meet in person sometime in December.

Mr. Maldon stated that the August meeting will be virtual and the November meeting may be a hybrid. He then asked Melanie de Leon, Executive Director, to report further on meeting structure for 2022. Ms. de Leon stated that our usual meeting space does not have availability for the January or May meetings in 2022. She stated that as such, we will hold both of those meetings virtually and the remainder of the regular meetings for 2022 will be held at our usual meeting space.

4.0 Consent Agenda

The Consent Agenda contained the following items for approval:

- 4.1 Minutes from the May 14, 2021 Business Meeting.
- 4.2 Agenda for July 9, 2021.

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

5.0 Old Business

5.1 Committee/Workgroup Reports

These reports were provided in writing and included in the meeting packet.

5.2 Rulemaking Activities

The rulemaking progress report was provided in the meeting packet. Ms. Boyd stated there was nothing further to report.

5.3 The Effects of State Medical Board Disciplinary Orders on ABMS Specialty Board Certification

Mike Farrell, Policy Development Manager, provided an update on his paper.

5.4 Lists & Labels Request

The following lists and labels request 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\(9\)](#)).

- R. Cassidy Seminars

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

6.0 Public Comment

Chris Bundy, MD, Executive Medical Director, Washington Physician’s Health Program (WPHP) provided comments on Mr. Farrell’s paper Effects of State Medical Board Disciplinary Orders on ABMS Specialty Board Certification.

7.0 Policy Committee Report

Mr. Maldon, in the absence of Dr. Karen Domino, Policy Committee Chair, reported on the items discussed at the Policy Committee meeting held on July 8, 2021:

Telemedicine Rulemaking, [WSR #19-19-072](#)

Mr. Maldon explained that there may be new legislation that would impact the Commission’s rulemaking on this subject. Mr. Maldon asked Micah Matthews, Deputy Executive Director to speak more on this rulemaking. Mr. Matthews explained that future legislation would likely require the Commission to put this rulemaking on hold for 18-24 months. As such, it was requested the CR-101 be rescinded instead of putting it on hold. The committee recommended approval to rescind the CR-101 for this rulemaking.

Motion: The Chair entertained a motion to approve rescinding the CR-101 for this rulemaking. The motion was approved unanimously.

Stem Cell Rulemaking, [WSR #20-09-132](#)

Mr. Maldon explained that at the first workshop for this rulemaking the panel and interested parties discussed the draft language and RCW 18.130.420 which regulates the use of stem cell therapy. The panel felt the RCW negated the need for a rule by the Commission. As such, it was requested the CR-101 be rescinded. The committee recommended approval to rescind the CR-101 for this rulemaking and create a policy or guideline instead.

Motion: The Chair entertained a motion to approve rescinding the CR-101 for this rulemaking and create a policy or guideline. The motion was approved unanimously.

Opioid Prescribing Patient Exclusions Rulemaking

Mr. Maldon asked Ms. Boyd to report on this item. Ms. Boyd explained that in the Commission’s previous rulemaking related to opioid prescribing, there were several comments received that requested patients in certain healthcare facilities be exempt or excluded from the rules. A workshop was held on June 2, 2021 where the draft language was discussed by both Commissioners and interested parties. The draft language excludes patients in the following healthcare facilities from the MD and PA chapter’s rules:

- Nursing Homes

- Long Term Acute Care Facilities
- Residential Treatment Facilities
- Residential Habilitation Centers

Ms. Boyd that the draft language was approved by the panel at the workshop to initiate the next step in the rulemaking process, the CR-102. The committee recommended approving initiating the CR-102 process.

Motion: The Chair entertained a motion to approve initiating the CR-102 process for this rulemaking. The motion was approved unanimously.

Procedure – Processing Complaints of Sexual Misconduct Through the Sexual Misconduct Analysis Review Team (SMART)

Mr. Maldon explained that the committee noted that there should be more work done on the language. The committee recommended this procedure be revised and brought back to a future meeting.

Procedure – Interactive and Transparent Development of Evidence-based Policies and Guidelines

Mr. Maldon explained that this is the procedure for developing policies for the Policy Committee. The committee decided to rescind the document and create a new document through a workgroup.

Cures Act requirement to give patient access to all health information in EMR

Mr. Maldon explained that the Cures Act states that the EMR/EHR belongs to the patient and that the information in the EMR/EHR should be available to the patient right away. The committee recommended collaborating with the Washington State Medical Association to create education about this topic for providers.

8.0 Member Reports

There were no member reports.

9.0 Staff Reports

Ms. de Leon reported that the current process for disciplinary matters is that the Respondent must have at least one Personal Appearance before the Commission. She stated that there have been questions as to the necessity of a Personal Appearance in certain disciplinary matters. She stated that the Commission may change this process but that to do so it would have to be brought before the Commission for a vote.

Mr. Matthews thanked the Commissioners for heeding the requests for payroll information. He reported that as of July 1, 2021 the 90 day timeframe for reporting payroll is in effect again.

10.0 AAG Report

Heather Carter, AAG, had nothing to report.

11.0 Adjournment

The Chair called the meeting adjourned at 9:09 am.

Submitted by

(signature on file)

Amelia Boyd, Program Manager

(signature on file)

John Maldon, Public Member, Chair
Washington Medical Commission

Approved August 20, 2021

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