

Business Meeting Minutes

November 18, 2022



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

Hybrid Meeting via GoToWebinar – Link to recording: [https://youtu.be/ 8VVcSI5V8](https://youtu.be/8VVcSI5V8)

Commission Members

Mabel Bongmba, MD – Absent
Michael Bailey, Public Member
Christine Blake, Public Member
Toni Borlas, Public Member
Po-Shen Chang, MD
Jimmy Chung, MD, Chair – Absent
Diana Currie, MD – Absent
Karen Domino, MD, Chair Elect
Arlene Dorrough, PA-C
Anjali D'Souza, MD
Harlan Gallinger, MD – Absent

April Jaeger, MD – Absent
Ed Lopez, PA-C
Sarah Lyle, MD
Terry Murphy, MD, Vice Chair
Elisha Mvundura, MD
Robert Pullen, Public Member
Scott Rodgers, JD, Public Member
Claire Trescott, MD – Absent
Richard Wohns, MD
Yanling Yu, PhD, Public Member

WMC Staff

Taylor Bacharach-Nixon, Administrative Assistant
Colleen Balatbat, Staff Attorney
Amelia Boyd, Program Manager
Kayla Bryson, Executive Assistant
Jimi Bush, Director of Quality & Engagement
Adam Calica, Chief Investigator
Marisa Courtney, Licensing Supervisor
Melanie de Leon, Executive Director
Kelly Elder, Staff Attorney

Mike Farrell, Policy Development Manager
Mike Hively, Director of Operations & Informatics
Ken Imes, Information Liaison
Kyle Karinen, Staff Attorney
Pam Kohlmeier, MD, JD, Attorney
Fatima Mirza, Program Case Manager
Micah Matthews, Deputy Executive Director
Trisha Wolf, Staff Attorney

Others in Attendance

Heather Carter, Assistant Attorney General

1.0 Call to Order

In the absence of Jimmy Chung, MD, Chair, Karen Domino, MD, Chair Elect, called the meeting of the Washington Medical Commission (WMC) to order at 8:00 a.m. on November 18, 2022.

2.0 Public Comment

Cyndi Hoenhous, Co-Chair, Washington Patients in Intractable Pain, provided comments regarding NarxCare and the Prescription Monitoring Program.

Rose Bigham, Co-Chair, Washington Patients in Intractable Pain, provided comments regarding NarxCare and the Prescription Monitoring Program.

3.0 Chair Report

No Chair report was given.

4.0 Consent Agenda

The Consent Agenda contained the following items for approval:

4.1 Minutes from the August 26, 2022, Business Meeting

4.2 Agenda for November 18, 2022.

Motion: The Chair Elect 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. There were no additional reports.

5.2 Rulemaking Activities

The rulemaking progress report was provided in the meeting packet. In addition to the written report, Amelia Boyd, Program Manager, presented the following:

- Rules petitions from Thomas M. Bertsch regarding opioid prescribing. Ms. Boyd explained the rules petitions process and stated the Commissioners have 60 days from the date the petition was received to respond to the petitioner. Then, Micah Matthews, Deputy Executive Director, provided background on the WMC's opioid prescribing rules. Heather Carter, Assistant Attorney General, added that the Legislature required in statute that the WMC create rules regarding opioid prescribing.
 - Petition 1, received October 19, 2022 – request to repeal “all Washington state laws regarding chronic pain patients opioid prescribing, pill counts, drug screens, including the repeal of the requirements of entering chronic pain patients medical and any other data into any prescriptiuon (sic) drug monitoring program.” Additionally, the petition requests the repeal of chapter 70.225 RCW (Prescription Monitoring Program), chapter 246-470 WAC (Prescription Monitoring Program), and WAC 246-919-851 (Exclusions).

Motion: The Chair entertained a motion to deny the petition. The motion was seconded and approved unanimously.
 - Petition 2, received October 25, 2022 – request to repeal WAC 246-919-850 through WAC 246-919-985 (Opioid Prescribing—General Provisions).

Motion: The Chair entertained a motion to deny the petition. The motion was seconded and approved unanimously.
 - Petition 3, received October 31, 2022 – request to amend WAC 246-919-801 (Exclusions) to add “(6) The treatment of chronic pain patients who are 65 years of age, or older, who have been previously prescribed opioid medications at any time in their medical history.”

Motion: The Chair entertained a motion to deny the petition. The motion was seconded and approved unanimously.
- Request to rescind approval to initiate rulemaking regarding medical records. Ms. Boyd explained that since the Commissioners approved rulemaking regarding medical records, the subject has been analyzed by staff and, at this time, there is

no need for rulemaking on this subject.

Motion: The Chair entertained a motion to rescind the approval to initiate rulemaking regarding medical records. The motion was seconded and approved unanimously.

- Request to rescind the following interpretive statements:
 - Establishing Approval Criteria for Defining Appropriate Medical Practices for International Medical Graduate (IMG) Nomination, INS2022-02.
 - Requiring the Filing of a Practice Agreement Before Beginning to Practice Under an IMG Limited License, INS2021-01.

Ms. Boyd explained that the WMC recently completed rulemaking regarding IMGs, which will become effective on November 25, 2022. As part of that rulemaking, both interpretive statements were incorporated into rule. Therefore, both interpretive statements are no longer needed.

- Exempting Patients in Nursing Homes and Long-Term Acute Care Hospitals from the Opioid Prescribing Rules, INS2019-03.

Ms. Boyd explained that the WMC recently completed rulemaking regarding patient exclusions to the opioid prescribing rules, which will become effective on November 25, 2022. As part of that rulemaking, this interpretive statement was incorporated into rule and, therefore, this interpretive statement is no longer needed.

Motion: The Chair entertained a motion to rescind these three interpretive statements. The motion was seconded and approved unanimously.

- Request to initiate rulemaking regarding [SB 5229](#) – Concerning health equity continuing education for health care professionals.

Ms. Boyd explained that this bill directed the Department of Health (DOH) to create model rule language for all health professions by January 1, 2023. The bill also directs the rulemaking authority for each health profession to adopt rules based on the DOH’s model rule language by January 1, 2024. Ms. Boyd asked that the Commissioners approve initiating rulemaking on this subject for both allopathic physicians and physician assistants.

Motion: The Chair entertained a motion to initiate rulemaking on this subject. The motion was seconded and approved unanimously.

5.3 Open Public Meetings Act

Heather Carter, Assistant Attorney General, provided training and information regarding the Open Public Meetings Act, [chapter 42.30 RCW](#).

6.0 Policy Committee Report

Christine Blake, Public Member, Policy Committee Chair, reported on the items discussed at the Policy Committee meeting held on November 17, 2022:

DOH Document: Medical Marijuana Authorization Guidelines

Ms. Blake stated the Committee suggested some minor changes, which have been provided to Mike Farrell, Policy Development Manager, to pass on to the DOH. The Committee

recommended approving the document with the minor edits to be sent on to the DOH.

Guidance Document: Reentry to Practice for Suspended Licenses

Ms. Blake stated that this document is being presented as part of the WMC's established four-year review schedule. She presented some edits that were suggested by the Committee. She stated the Committee recommended approving the document with the edits as presented.

Guidance Document: Reentry to Practice

This document was presented as part of the WMC's established four-year review schedule. Ms. Blake asked Mr. Farrell to present this document. Mr. Farrell explained the background of the document and noted some edits which were suggested by the Committee. Ms. Blake stated the Committee recommended approving the document with the edits as presented.

Proposed Policy: Clinical Experience Assessment (IMG)

Ms. Blake asked Micah Matthews, Deputy Executive Director, to report on this document. Mr. Matthews stated the Committee did make some edits to the proposed policy document. He went on to say that this proposed policy establishes a Clinical Experience Assessment. He provided some background on the document. He stated that he is requesting the Commissioners approve this document to go through DOH Secretary review. The Committee did recommend approval of the revised document to go through DOH Secretary review.

Motion: The Chair entertained a motion to approve the Committee report as presented. The motion was approved unanimously.

7.0 Member Reports

Yanling Yu, PhD, Public Member, presented information on the newly created [National Action Plan to Advance Patient Safety](#).

8.0 Staff Reports

The reports below are in addition to the written reports that were included in the meeting packet.

Mr. Matthews spoke about the public comment regarding NarxCare stating the WMC has addressed Artificial Intelligence machine learning use in their [Telemedicine Policy](#). He also reported that based off of the new [Centers for Disease Control and Prevention's Clinical Practice Guideline for Prescribing Opioids for Pain](#), the WMC is having an expert compare them to WMC's opioid prescribing rules to see if there are any gaps or conflicts. If there are any actions the expert recommends, a subcommittee will be convened on this issue. Finally, Mr. Matthews introduced a new member of his team, Taylor Bacharach-Nixon, Administrative Assistant.

9.0 AAG Report

Heather Carter, AAG, reported that she recently attended the Federation of State Medical Board's Board Attorney Workshop. She gave a shoutout to Mr. Farrell, who is on the planning committee for the workshop, as it had excellent presentations.

10.0 Adjournment

The Chair Elect called the meeting adjourned at 9:10 am.

Submitted by

(signature on file)

Amelia Boyd, Program Manager

(signature on file)

Karen Domino, MD, Chair Elect
Washington Medical Commission

Approved January 13, 2023

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