

**MARYLAND BOARD OF PHYSICIANS
FULL BOARD
OPEN MEETING MINUTES
Wednesday, April 26, 2017**

PRESENT

Arun Bhandari, M.D., Chair - Panel A	Ira Kornbluth, M.D.
Brenda G. Baker, Consumer Member	Jacek L. Mostwin, M.D.
Marie-Alberte Boursiquot, M.D.	Mark D. Olszyk, M.D.
Edward J. Brody, Consumer Member	Kevin Pereira, M.D.
Lisa Burgess, M.D.	Robert P. Roca, M.D.
Gary Della'Zanna, D.O.	Beryl J. Rosenstein, M.D.
Jon S. Frank, Consumer Member	Martha Schaerr, Consumer Member
Charles Gast, Consumer Member	Ann Marie Stephenson, D.O./M.B.A.
Jacqueline Golden, Consumer Member	Thomas M. Walsh, M.D.

ABSENT: Alexis J. Carras, M.D.; Damean W.E. Freas, D.O., Board Chair; Dalila Harvey-Granger, M.D.; Jonathan Lerner, P.A., Panel B Secretary

STAFF PRESENT: Christine Farrelly, Executive Director; Ellen Douglas Smith, Deputy Director; Noreen Rubin, Assistant Attorney General; Stacey Darin, Assistant Attorney General; David Finkler, Assistant Attorney General; Shelley Taylor-Barnes, Allied Health Analyst-Lead; Rhonda Deanes, Allied Health Analyst Associate; Angela Gaither, Management Associate; Cheryl Green, Allied Health Analyst Associate; Michelle Harrison, Allied Health Analyst; Sandi Van Horn, Health Policy Analyst; Thomas Keech, Consultant; Yemisi Koya, M.D., Director; Cecilia Laurent, Allied Health Analyst; Linda Monroe, Allied Health Analyst; Dierdra Rufus, Licensure Analyst-Lead; Colette Satterfield, DCCR Administrative Support; Nicholas Smith, IT Support; Mark Woodard, Health Policy Analyst

GUESTS: Anthony Raneri, M.D., Chair, MBP Physician Assistant Advisory Committee (PAAC); Brandon Wright, DHMH; Gene M. Ransom, III, Chief Executive Officer, The Maryland State Medical Society (MedChi); Danna Kauffman, MedChi and Patient First; Rachel Burch, Maryland Naturopathic Doctors Association (MNDA); Gerry Evans, (MNDA); Aliyah Horton, Executive Director, Maryland Pharmacy Association (MPhA); Carrie Runde, N.D., Naturopathic Medicine Advisory Committee (NMAC); Kevin Passero, N.D., Chair, NMAC; Beth Pimentel, N.D., Maryland University of Integrative Health; Keith Amberman, CCP, LP, Maryland State Perfusion Society; Linda Bethmen, Director, Maryland State Board of Pharmacy (MBPh) and James Polek, Deputy Director of Administration, MBPh

CALL TO ORDER

Dr. Bhandari called the meeting to order at 9:15 a.m.

ACTION AGENDA

January 25, 2017 Minutes

*On a motion made by Dr. Della'Zanna, and seconded by Dr. Kornbluth, the Board voted unanimously to **APPROVE** the January 25, 2017 Minutes.*

Policy/Legislation

Amended Dispensing Regulations: Revisions for Approval

Sandi Van Horn and Thomas Keech presented the amended dispensing regulations the Board preliminarily approved at the November 30, 2016 Board meeting. The regulations govern the dispensing of prescription drugs by physicians and conform to the Board's previous vote to allow delegation of some dispensing duties. Gene Ransom, MedChi and Danna Kauffman, Esq., representing MedChi and Patient First, recommended additional amendments. Linda Bethman, Esq., representing the Board of Pharmacy, opposed the amendments MedChi and Patient First recommended.

James Polek, Office of Controlled Substances Administration, felt that certain dispensing forms should be kept for two years. Board staff recommended keeping certain dispensing forms for up to 180 days.

*On a motion made by Dr. Rosenstein, and seconded by Dr. Boursiquot, the Board voted to **APPROVE** the amended dispensing regulations as recommended, including keeping the dispensing forms up to 180 days. Mr. Gast opposed.*

Conceded Eminence Regulations – For Discussion/Approval

Mark Woodard stated that Joe Hendery, National Institute of Health (NIH) commented on the regulations that were posted on the Board's website during the informal comment period. He requested adding "Last Author" to the definitions. Mr. Hendery also recommended permitting a licensee to renew their license every two years, as long as they hold an approved appointment at the sponsoring institution. The Board directed the Policy Unit to add that the licensee seeking renewal, after two renewals, is required to provide documentation to the Board three months prior to the expiration of their license indicating the continued significance of the licensee's work at the sponsoring institution that requires the license to be renewed for another term.

*On a motion made by Dr. Rosenstein, and seconded by Dr. Pereira, the Board voted unanimously to **APPROVE** the revised Conceded Eminence regulations with the additional language.*

Unlicensed Medical Practitioners (UMPs) Regulations

The 2017 Board Sunset legislation, HB 1265/SB 549, removed unlicensed medical practitioners (UMPs) from the Board's authority and jurisdiction. Because of this legislation, the regulations

related to UMPs, should be repealed to be consistent with the new law.

*On a motion made by Mr. Gast, and seconded by Dr. Rosenstein, the Board voted unanimously to **APPROVE** the repeal of Unlicensed Medical Practitioner regulations.*

Amending COMAR 10.32.22

Sandy Van Horn presented amendments to COMAR 10.32.22, “Mandated Reporting to the Board.” The Sunset legislation removed the six-month reporting requirements and removed unlicensed medical practitioners from the Board’s jurisdiction. The regulations should be amended to reflect the changes in the statute.

On a motion made by Dr. Olszyk, and seconded by Ms. Schaerr, the Board voted unanimously to allow staff to prepare a draft of proposed changes to COMAR 10.32.22 and post them on the Board’s website for an informal comment period.

Opioids – CDC Guidelines

Board staff requested Board approval to draft and promulgate regulations that will permit the Board to consider the opioid prescribing guidelines of the Centers for Disease Control and Prevention, but these guidelines are not binding on the Board or the disciplinary panels.

*On a motion made by Dr. Walsh, and seconded by Ms. Golden, the Board voted unanimously to **APPROVE** the promulgation of regulations regarding Opioid Guidelines.*

Legislative Wrap-Up – Oral Presentation

Yemisi Koya reported on the activities of the Board during the 2017 Session of the Maryland General Assembly and certain bills that passed. Board members, Board counsel and Board staff reviewed several bills and developed many position papers during the Session. In addition, the CEP unit reviewed over 2,800 bill synopses.

Naturopathic Medicine Advisory Committee – Presentation

Kevin Passero, N.D., Chair, Naturopathic Medicine Advisory Committee (NMAC), Beth Pimentel, N.D. Dean, School of Naturopathic Medicine, Maryland University of Integrative Health (NUIH), and Carrie Runde, N.D., Member, NMAC collectively gave a presentation on naturopathic medicine.

Board Counsel Report

Board counsel reported on a win in Prince George's County Circuit Court in the case of Harold Alexander vs. Board of Physicians, case number CAL16-42220. Panel B issued its final decision and order on October 25, 2016, which revoked Dr. Alexander's license based on his violations of the Medical Practice Act, unprofessional conduct in the practice of medicine and failure to meet appropriate standards for the delivery of quality medical care, as well as his prior disciplinary

history with the Board. The Circuit Court Judge issued an opinion affirming Panel B's final decision and order. Board Counsel will provide an update once they receive a written decision from the Court.

UNFINISHED BUSINESS

Physician Assistants Delegation Agreement Addendum/Advanced Duties

First Time Requested Procedures RECOMMENDED for APPROVAL:

Physician Assistants	Supervising Physician	Requested Procedure(s)	Practice Setting	Date of Approval of Core Duties DA
Amy M. Fleming, PA-C	George O. Gavrilu, M.D.	1) Kybella Injections	Private Practice/Other	10/29/14
Katherine Lee Gaitan, PA-C	Howard N. Robinson, M.D.	1) Intense Pulse Light Laser 2) Hair Removal Laser 3) Skin Tightening Laser 4) Pixal Laser (Erbium-Yag Laser) 5) ED&C Malignant Neoplasm 6)Excision/ Subcutaneous Repair 7) Narrow-Band UVB Light Treatment	Private Practice/Other	1/25/17

At its March 22, 2017 meeting, the Board tabled approving Amy Fleming, PA-C to perform Kybella injections under the supervision of Dr. George Gavrilu due to unfamiliarity with the procedure. Board staff presented more information about the procedure after contacting Dr. Devinder Singh, a plastic surgeon and former Board Chair.

*On a motion made by Dr. Della'Zanna, and seconded by Ms. Baker, the Board voted unanimously to **APPROVE** Ms. Fleming to perform Kybella injections under the supervision of Dr. Gavrilu.*

At its March 22, 2017 meeting, the Board tabled approving Katherine Lee Gaitan, PA-C to perform ED&C malignant neoplasm procedures pending a statement from Dr. Howard Robinson specifying the type, location and size of the lesions Ms. Gaitan would be removing during the procedure. Dr. Robinson provided a statement indicating the various locations and sizes of the lesions.

*On a motion made by Dr. Della'Zanna, and seconded by Ms. Baker, the Board voted unanimously to **APPROVE** Ms. Gaitan and Dr. Robinson's request for Ms. Gaitan to perform ED&C malignant neoplasm with the specification that any ED&C malignant neoplasms performed above the neck are limited in size to no greater than 2 cm.*

Physician Assistant's Delegated Psychiatric Duties (Core/Advanced)

At its meeting on January 25, 2017, the Board reviewed proposed psychiatric core and advanced duties from Dr. Robert Roca, psychiatrist member of the Board, and the Physician Assistant Advisory Committee (PAAC). Because there was no agreement, the Board requested that Dr. Roca work with the PAAC to compile one consolidated list of categorized physician assistant psychiatric duties to be presented to the Board for review and approval.

The compiled list is as follows:

Core Duties	Advanced Duties in a Specialty Psychiatric Setting
<ul style="list-style-type: none"> • Monitor patient medications for side effects and efficacy • Serve as liaison with addiction treatment programs, other medical entities • Evaluate medical comorbidities and make recommendations to physician • Order consultations/referrals for psychotherapy/counseling as needed • Review medications for interactions and proper dosing • History and Physicals • Order, monitor and document tests and labs • Medication management • Collaborate care with PCP and therapist • Provide medical education to patients and staff 	<ul style="list-style-type: none"> • Psychotherapy (i.e. Perform supportive psychotherapy) • Specialty psychiatric care in a psychiatric setting • Advanced psychopharmacology of psychiatric medications • Conduct diagnostic assessments, psychopharmacological interventions and behavioral interventions

After meeting with PAAC, Dr. Roca recommended the following changes to both the core and advanced duty lists.

Core Duties List:

- Revise the ninth bullet point to read: "coordinate care between PCP and therapist"
- Add another bullet point to read: "Evaluation and basic pharmacologic treatment of patients with psychiatric disorders in general medical setting (i.e., NOT in specialty psychiatric settings")

Advanced Duties List: Remove “in a specialty psychiatric setting” after Advanced Duties.

- Revise the Advanced Duties List to read:
 - Psychotherapy (do not need to specify supportive psychotherapy)
 - Behavioral therapy of psychiatric disorders
 - Advanced psychopharmacologic treatment
 - Psychiatric evaluation and treatment in a specialty psychiatric setting (e.g., psychiatric inpatient unit, psychiatric day hospital, psychiatric outpatient clinic)

*On a motion made by Dr. Olszyk, and seconded by Ms. Golden, the Board voted unanimously to **APPROVE** the Physician Assistants Delegated Psychiatric Duties of (Core/Advanced) procedures with Dr. Roca’s recommended changes.*

Allied Health Committee Appointment and Re-appointments

Polysomnography Professional Standards Committee (PPSC)

Appointments:

- LTC Jacob F. Collen, M.D. FACP, FCCP
- Adil T. Degani, M.D.
- Ashura Williams Buckley, M.D.

The PPSC recommended appointing Drs. Collen and Williams to the PPSC.

Re-appointments:

- Angela Dawson, RPSGT
- Katherine Buki, M.D. - The Board did not reappoint Dr. Buki to the PPSC. They appointed Dr. Adil Degani in her place.

*On a motion made by Dr. Pereira, and seconded by Dr. Olszyk, the Board voted unanimously to **APPROVE** the appointments and reappointments to the Polysomnography Professional Standards Committee.*

NEW BUSINESS

Physician Assistants Delegation Agreement Addendum for Advanced Duties

The Physician Assistant Advisory Committee (PAAC) determined that the following physician assistants meet the criteria for advanced duties established in statute and regulations, and voted to recommend approval of the delegation agreement addendum to the Board for approval.

First Time Requested Procedures RECOMMENDED for APPROVAL:

Physician Assistants	Supervising Physician	Requested Procedure(s)	Practice Setting	Date of Approval of Core Duties DA
Margaret J. Fox, PA-C	Bernard W. Chang, M.D.	1) Kybella Injections	Hospital	7/27/05

Previously Board Approved Procedures RECOMMENDED for APPROVAL:

Physician Assistants	Supervising Physician	Requested Procedure(s)	Practice Setting	Date of Approval of Core Duties DA
Claudia Barrett, PA-C	Robert Klug, M.D.	1) Nonfluoroscopic X-Ray procedures of the extremities, anterior, posterior & lateral, not including the head utilizing the Mini C-Arm	Private Practice/Other	11/30/16
Christine Brown, PA-C	Mark Chilton, M.D.	1) Reduction of Fractures from the elbow distally with and without Hematoma Block	Private Practice/Other	11/30/16
James P. Ennis, II, PA-C	Troy Brijbasi, M.D.	1) Bone Marrow Biopsy 2) Thyroid Biopsy	Hospital	10/23/13
Shiau rung Li, PA-C	Jeanette T. M. Nazarian, M.D.	1) Central Line Placement 2) Lumbar Puncture	Hospital	1/25/17
Erika Nigam, PA-C	Redmond Finney, Jr., M.D.	1) Pulmonary Artery Catherization 2) Thoracentesis 3) Saphenous Vein Harvesting – Endoscopic and Open 4) Arterial Cannulation – Femoral & Radial Approach 5) Chest Tube Insertion/Thoracostomy 6) Intra-Aortic Balloon Pump Insertion and Removal	Hospital	1/25/17
Ashley Rodrigue, PA-C	Robert Klug, M.D.	1) Nonfluoroscopic X-Ray procedures of the extremities, anterior, posterior & lateral, not including the head utilizing the Mini C-Arm	Private Practice/Other	1/25/17

Physician Assistants	Supervising Physician	Requested Procedure(s)	Practice Setting	Date of Approval of Core Duties DA
Joseph Silberfarb, PA-C	Jason Birnbaum, M.D.	1) Arthrocentesis (Knee Only) 2) Placement of Subclavian Central Venous Lines	Hospital	5/6/11
Thao Phung Soper, PA-C	Zuzana Chamrova, M.D.	1) Shoulder Arthrocentesis	Hospital	2/10/16
Jeanne K. Sparks, PA-C	Deborah A. Englert, M.D.	1) Dermal Fillers	Private Practice/Other	12/14/11
Sarah Anna Stakem, PA-C	Sean McCagh, M.D.	1) UVB Light Treatment (Full Body, Hand and Foot, Spot Treatment/ Lumera	Private Practice	1/25/17

*On a motion made by Dr. Rosenstein, and seconded by Mr. Gast, the Board voted to unanimously **APPROVE** all the above addendum requests to perform the aforementioned advanced duties.*

Athletic Trainers Evaluation and Treatment Protocols

The Athletic Trainers Advisory Committee reviewed the Evaluation and Treatment Protocols, determined that the athletic trainers meet the criteria established in statute, and voted to recommend approval to the Board.

Athletic Trainer	License Number	Supervising Physician	License Number
Allison Abell, ATC	A0000851	John-Paul Rue, MD	D0058956
Kasey Acito, ATC	A0000577	John-Paul Rue, MD	D0058956
Catrice Ballard, ATC	A0000614	John-Paul Rue, MD	D0058956
Anthony Benyarko, ATC	A0000938	Valerie Cothran, MD	D0064869
Kaitlyn Dannibale, ATC	A0000321	Daniel Redziniak, MD	D0067591
Jesse Geffon, ATC	A0000940	Leonie Prao, MD	D0074994
Meghan Gray, ATC	A0000659	Carter Mitchell, MD	D0067371
Erin Holle, ATC	A0000935	Frederick Lohr, MD	D0028784
Lacie Johnson, ATC	A0000698	Gary Sherman, MD	D0058252
Richard Kneebone, ATC	A0000936	Ellen Smith, MD	D0043536
DeAmber Miller, ATC	A0000764	Marilyn McPherson-Corder, MD	D0031302

Athletic Trainer	License Number	Supervising Physician	License Number
Jeremiah Musser, ATC	A0000725	Louis Kovacs, MD	D0074315
Erica Pearson, ATC	A0000568	John-Paul Rue, MD	D0058956
Madison Presto, ATC	A0000937	Samuel Matz, MD	D0026827
Stacie Rector, ATC	A0000135	Harry Kerasidis, MD	D0042985
Bisi Robinson, ATC	A0000823	John-Paul Rue, MD	D0058956
Christine Safrit, ATC	A0000585	John-Paul Rue, MD	D0058956
Brittany Wagner, ATC	A0000831	John-Paul Rue, MD	D0058956
Jordan Wagner, ATC	A0000934	Todd Tredinnick, MD	D0057576
Beverly Young, ATC	A0000925	John-Paul Rue, MD	D0058956

*On a motion made by Dr. Rosenstein, and seconded by Ms. Baker, the Board voted to unanimously **APPROVE** the aforementioned Athletic Trainers Evaluation and Treatment Protocols.*

Allied Health Committees Appointments and Reappointments

Appointments:

Athletic Trainers Advisory Committee

- Brian Perez, MS, LAT, ATC
- Martin B. Sataloff, ATC

*On a motion made by Dr. Rosenstein, and seconded by Dr. Bhandari, the Board voted to unanimously **APPROVE** the appointments to the Athletic Trainers Advisory Committee.*

Reappointments:

- Kevin Passero, N.D., Naturopathic Medicine Advisory Committee
- Chad Wierschke, B.S.,C.C.P., Perfusion Advisory Committee
- Lynn Harris-McCorkle, M.D., Radiation Therapy, Radiography, Nuclear Medicine and Radiologist Assistant Advisory Committee

*On a motion made by Dr. Rosenstein, and seconded by Dr. Bhandari, the Board voted to unanimously **APPROVE** the reappointments to the Naturopathic Medicine Advisory Committee, Perfusion Advisory Committee and Radiation Therapy, Radiography, Nuclear Medicine and Radiologist Assistant Advisory Committee.*

CLOSED SESSION: “Pursuant to Maryland General Provisions Article §3-305(b)(13)., on a motion made by Mr. Gast, and seconded by Dr. Pereira, the Board unanimously voted to close its meeting on April 26, 2017 at 1:20 p.m., in room 100 for the purpose of complying with the Maryland Medical Practice Act that prevents public disclosures about particular proceedings or matters. Pursuant to Md. Hth. Occ. Ann. 14-411 (a) and (b), the Board is prohibited from disclosing any information contained in a proceeding record or file of the Board”

SUMMARY OF CLOSED SESSION:

The Board approved the January 25, 2017 closed minutes.

Submitted by,

Arun Bhandari, M.D.
Chair - Panel A

Date