

**ADMINISTRATIVE AFFAIRS COMMITTEE
MARCH 9, 2016, 5PM
BOARD OFFICE/WORKING DINNER**

MINUTES - AAC

MEMBERS PRESENT:

Angelo Turner, Public Member, Chair
Paul Chavin, MD
Katherine Fisher, DO
Melissa Peng, PA
Shirin Sukumar, MD

CONSULTANT:

Jeffery Young, MD (4:58pm – 6pm)

STAFF PRESENT:

Kathleen Haley, JD, Executive Director
Joseph Thaler, MD, Medical Director
Nicole Krishnaswami, JD, Operations and Policy Analyst
Netia N. Miles, Licensing Manager
Jenette Ramsey, Physician Licensing Specialist
Carol Brandt, Business Manager (4:58pm – 5:04pm)

GUESTS:

Mark Bonnano, JD, MPH, Oregon Medical Association (6pm – 6:45pm)

Meeting opened: 4:58pm

Meeting adjourned: 6:45pm

Mr. Turner announced that pursuant to ORS 192.660(2)(f) and ORS 192.660(2)(L), the Administrative Affairs Committee of the Oregon Medical Board (OMB) may convene in Executive Session to consider information or records that are exempt by law from public inspection. Or, information obtained as part of an investigation, including information received in confidence by the Board and Administrative Affairs, information of a personal nature the disclosure of which would constitute an invasion of privacy, and records which are otherwise confidential under Oregon law. The Administrative Affairs Committee will reconvene in Public Session prior to taking any final action. Members of the news media may remain in the room during the Executive Session, but are directed not to report on the specific information discussed during the Executive Session.

PUBLIC SESSION

TIME CERTAIN: 5 P.M.

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| 1 | Oregon Medical Board 2015 Board Best Practices Survey Results Carol Brandt, Business Manager | 5 | AT |
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The Business Manager reported to the Committee that the agency is meeting the Board Best practices measures as outlined in the Key Performance Measures. The results of the survey indicate 100% approval. Forward to the full Board for review.

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| 2 | Oregon Medical Board Licensure Count | 8 | AT |
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The Committee reviewed the 2015 last quarter licensure count, and the 2016 first quarter licensure count. Applicants being reviewed by the Committee do not represent the typical number of applicants who apply for licensure in Oregon. The majority of applicants, in fact, are typically approved, however the ones on the agenda are a result of unanswered questions and some concern. Forward to the full Board for review.

EXECUTIVE SESSION - LICENSEE REVIEW

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| 3 | Exec Session ORS 192.502(2) | Entity ID 1031674 | 11 | MP |
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RECOMMENDATION: The Committee recommends offering the applicant the opportunity to withdraw the license request with report to the Federation of State Medical Boards. However, if the applicant wishes to continue with the licensure process, the file will be forwarded to the Investigative Committee for additional review, with intent to deny. Forward to the full Board for review.

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| 4 | Exec Session ORS 192.502(2) | Entity ID 1031381 | 108 | KF |
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RECOMMENDATION: The Committee recommends offering the applicant the opportunity to withdraw the license request with report to the Federation of State Medical Boards. However, if the applicant wishes to continue with the licensure process, the file will be forwarded to the Investigative Committee for additional review. Dr. Fisher expressed concern regarding competency and length of time out of practice. Forward to the full Board for review.

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| 5 | Exec Session ORS 192.502(2) | Entity ID 1032449 | 176 | SS |
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RECOMMENDATION: The Committee recommends offering the applicant the opportunity to withdraw the license request with report to the Federation of State Medical Boards. However, if the applicant wishes to continue with the licensure process, the file will be forwarded to the Investigative Committee for additional review. The Committee has requested clarification from the applicant regarding the disclosed use of a DEA number during residency. Forward to the full Board for review.

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| 6 | Exec Session ORS 192.502(2) | Entity ID 37938 | 220 | SS |
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RECOMMENDATION: The Committee recommends offering the applicant the opportunity to withdraw the license request with report to the Federation of State Medical Boards. However, if the applicant wishes to continue with the licensure process, the file will be forwarded to the Investigative Committee. Forward to the full Board for review.

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| 7 | Exec Session ORS 192.502(2) | Entity ID 1026487 | 298 | MP |
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RECOMMENDATION: The Committee recommends offering the applicant the opportunity to withdraw the license request with report to the Federation of State Medical Boards. However, if the applicant wishes to continue with the licensure process, the file will be forwarded to the Investigative Committee for additional review. Forward to the full Board for review.

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| 8 | Exec Session ORS 192.502(2) | Entity ID 1031547 | 324 | PC |
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RECOMMENDATION: The Committee recommends offering the applicant the opportunity to withdraw the license request with report to the Federation of State Medical Boards. However, if the applicant wishes to continue with the licensure process, he will be issued a Civil Penalty fine of \$195.00 for omission of information on the application for licensure. The Committee further recommends that the applicant be required to pass the Special Purpose Examination (SPEX) prior to being granted an unlimited license. Forward to the full Board for approval.

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| 9 | Exec Session ORS 192.502(2) | Entity ID 1029526 | 387 | KF |
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RECOMMENDATION: The Committee recommends offering the applicant the opportunity to withdraw the license request with report to the Federation of State Medical Boards. However, if the applicant wishes to continue with the licensure process, he will be required to submit all outstanding items for licensure, including an employment verification from Iowa Radiology. Upon submission of outstanding documents, the applicant will be given an opportunity for an interview with the Executive and Medical Directors to determine whether an unlimited license should be granted. Forward to the full Board for review.

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| 10 | Exec Session ORS 192.502(2) | Entity ID 1031719 | 425 | SS |
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RECOMMENDATION: The Committee recommends offering the applicant the opportunity to withdraw the license request with report to the Federation of State Medical Boards. However, if the applicant wishes to continue with the licensure process, the file will be forwarded to the Investigative Committee. Forward to the full Board for review.

OREGON ADMINISTRATIVE RULES (OAR)

Please review the Fiscal Impact memo prior to conducting a First Review of rules.

PUBLIC SESSION

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| 11 | OAR 847-015-0005; 847-015-0010; 847-015-0030: Controlled Substances | FIRST REVIEW | 459 | MP |
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RECOMMENDATION: The Committee recommends approving the rule as amended. Additionally, the Committee acknowledged that there was no Fiscal Impact Statement prior to the review of this rule. Forward to the full Board for review.

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| 12 | OAR 847-050-0010; 847-050-0027; 847-050-0036; 847-050-0037; 847-050-0040: Supervising Physician Organizations | FIRST REVIEW | 464 | MP |
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RECOMMENDATION: The Committee recommends forwarding the rule as written. Additionally, the Committee acknowledged the public input provided by Jon Tardiff, PA-C and has instructed Board staff to draft a letter in response. Forward to the full Board for review.

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| 13 | OAR 847-008-0070; 847-017-0003; 847-017-0015; 847-017-0020; 847-080-0010; 847-080-0018; 847-080-0021; 847-080-0022; 847-080-0035: Podiatric Surgery Certifying Board | FINAL REVIEW | 472 | PC |
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RECOMMENDATION: The Committee recommends approving the rule as written. Forward to the full Board for approval

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| 14 | OAR 847-023-0005: Qualifications for Volunteer Emeritus Licensure | FINAL REVIEW | 483 | AT |
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RECOMMENDATION: The Committee recommends approving the rule as written. Forward to the full Board for approval

DISCUSSION ITEMS

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| 15 | Statement of Philosophy on Pain Management Memo from Nicole Krishnaswami, Operations & Policy Analyst | | 487 | KF |
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The Committee recommends forwarding the amended version to the full Board for further discussion. The Committee discussed the proposed amendment to the Statement of Philosophy on Pain Management. Nicole Krishnaswami, JD, explained that this amendment was prompted by the National Transportation and Safety Board requesting that guidelines be updated to include a recommendation that physicians counsel their patients on the side effects of pain medications and the subject of safely operating a vehicle while using controlled substances. She indicated that there will be an article addressing this amendment in the upcoming newsletter as well as an update to the Oregon Medical Board Website in April 2016.

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| 16 | Medical Practice Act Open Book Exam Revision | 492 | SS |
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The Committee recommends forwarding the revised materials to the full Board for further discussion. Dr. Sukumar commended Dr. Thaler and Ms. Krishnaswami for the revisions which now provide relevant and updated information to physician applicants. These revisions include clarification for physicians who hold administrative roles, questions regarding HPSP, defining the requirements for Supervising Physicians and information regarding maintenance of clinical competency and chronic pain education. Staff will similarly revise the materials for the Acupuncturist and Physician Assistant manuals and examinations pending Board approval.

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| 17 | Consent Agreements for Re-Entry into Clinical Practice | 563 | AT |
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The Committee recommends forwarding the procedure and materials to the full Board for further discussion. The Committee reviewed the proposed procedure and informational materials to be provided to applicants and licensees for re-entry into clinical practice. Dr. Sukumar questioned whether there should be a set amount of years out of practice indicated in the procedure that will determine whether an applicant or licensee would require Committee review.

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| 18 | Federation of State Medical Boards (FSMB) Position Statements | 583 | KF |
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The Committee recommends forwarding a statement to the Federation of State Medical Boards (FSMB) which would indicate that the Oregon Medical Board does not support the idea of anonymous reporting. The Committee discussed the FSMB's position statements on Practice Drift, the Sale of Goods by Physicians, Physician Advertising, the Compounding of Medications by Physicians and the Duty to Report. Dr. Chavin expressed his concern that FDA approved medical devices are frequently used inappropriately by individuals without proper qualification and training. Dr. Fisher noted that anonymous reporting, done routinely, may open the doorway for unsubstantiated complaints. Forward to the full Board for further discussion.

10 MINUTES

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| 19 | Public Comment | 594 | AT |
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Mark Bonnano, JD, MPH of the Oregon Medical Association, thanked the Committee for holding meetings that the public may attend.

INFORMATIONAL ITEMS

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| 20 | Oregon Medical Board: Updates on Pending Legal Cases Kathleen Haley, JD, Executive Director | 595 | AT |
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The Committee reviewed updates on pending legal cases. No action taken by the Committee. Forward to the full Board for review.

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| 21 | Oregon Medical Board 2016: Fingerprinting Board Members | 598 | SS |
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The Committee discussed the upcoming fingerprinting of Board Members at the April 2016 full Board meeting. No action taken by the Committee. Forward to the full Board for review.

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| 22 | Oregon Medical Board 2015 Public Outreach | 600 | PC |
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The Committee reviewed the public outreach done by OMB staff during 2015. Dr. Sukumar acknowledged the tireless efforts of the Executive and Medical Directors and indicates her appreciation of the collaboration with the Oregon Medical Association in regards to public outreach. Dr. Fisher discusses her approach to encouraging awareness of the Oregon Medical Board among licensees and students. No action taken by the Committee. Forward to the full Board for review.

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| 23 | Oregon Medical Board 2016: Public Records Policy | 605 | SS |
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The Committee reviewed the Board's Public Records Policy. Dr. Sukumar explained the importance of ensuring accessibility and maintaining backups for information and exemptions to disclosure of public records. Additionally she reminded the Committee that certain electronic communications are considered to be public records. Mr. Turner questions if there is a difference in defining public records as electronic communication to an individual Board member as opposed to electronic communications between the full Board. Ms. Haley clarified that electronic communication amongst all Board members, such as emailing "Reply All", would be considered a public meeting, and electronic communication between individual Board members may be accessible as a public record. No action taken by the Committee. Forward to the full Board for review.

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| 24 | Oregon Medical Board 2015 Agency Accomplishments | 611 | KF |
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The Committee reviewed the agency accomplishments from 2015. Dr. Chavin commented that the amount of work done by Board staff seems as if it were accomplished by two hundred people instead of thirty-five. No action taken by the Committee. Forward to the full Board for review.