The Oregon Medical Board (OMB or “Board”) held a special meeting on Wednesday, May 2, 2018, at the OMB offices, 1500 SW 1st Ave. Ste. 620, Portland. Chair K. Dean Gubler, DO, called the meeting to order at 6:00pm. A quorum was present, consisting of the following members:

| K. Dean Gubler, DO, Chair, Beaverton | Charlotte Lin, MD, Bend |
| Robert M. Cahn, MD, Portland | Jennifer L. Lyons, MD, Portland |
| Paul Chavin, MD, Vice Chair, Eugene | Chere Pereira, Public Member, Corvallis |
| Kathleen Harder, MD, Salem | Andrew Schink, DPM, Eugene |
| James K. Lace, MD, Salem | |

Staff, consultants and legal counsel present:

| Kathleen Haley, JD, Executive Director | Warren Foote, JD, Senior Assistant Attorney General |
| Joseph Thaler, MD, Medical Director | Gretchen Kingham, Executive Assistant |

**Wednesday, May 2, 2018**

6:00pm – CALL TO ORDER
K. Dean Gubler, DO; Chair of the Board

**DR. GUBLER TOOK ROLL**
Katherine Fisher, DO, Saurabh Gupta, MD, and Melissa D.C. Peng, PA-C were absent by previous notice.

**ANNOUNCEMENT OF EXECUTIVE SESSION** – K. Dean Gubler, DO, Board Chair, announced that pursuant to ORS 192.660(2)(f) and (l), the Oregon Medical Board would convene in Executive Session to consider records that are exempt by law from public disclosure, including information received in confidence by the Board, information of a personal nature the disclosure of which would constitute an invasion of privacy, and records which are otherwise confidential under Oregon law.

**EXECUTIVE AND CLOSED SESSIONS** – Executive Sessions were conducted pursuant to ORS 192.660(1)(2)(a)(f)(k). Deliberations and Probationer Interviews took place in closed sessions, pursuant to ORS 441.055(9).

**PUBLIC SESSIONS AND BOARD ACTIONS** – The Board reconvened in Public Session prior to taking any formal, final action (shown in these minutes as BOARD ACTION). Unless otherwise indicated, all matters involving licensee or applicant cases include votes. Vote tallies are shown as follows: Ayes – Nays – Abstentions – Recusals – Absentees.

**RECUSALS AND ABSTENTIONS** – Where noted, Board members have recused themselves from discussion of any particular case or abstained from the final vote. To recuse means the Board member has actually left the room and not discussed or voted on the disposition of the case. To abstain means the Board member may have taken part in the discussion of the case, but chose to not cast a vote on its disposition.
EXECUTIVE SESSION

Written Legal Advice from Department of Justice (DOJ)

The Board heard legal advice from Warren Foote, Senior AAG.

PUBLIC SESSION

Business Continuity Planning

The Board discussed executive management transition.

Dr. Gubler stated there were three main decisions to be made at this meeting:
1) Does the Board want an Interim Director
2) Does the Board want to hire Ms. Haley as a temporary employee for the transition period
3) The Board must create a vetting committee to assist with the candidate selection process

Ms. Haley noted that they are trying to do due diligence working with critical staff in Salem to ensure everyone is in the loop on the OMB transition. The Governor’s office, specifically Tina Edlund, Health Care Policy Advisor and Nik Blosser, Chief of Staff, would like to interview any internal appointment for Executive Director on May 7, 2018.

Dr. Gubler noted that things are moving quickly with the transition. He would like this completed by the end of the year, as the Governor’s office has been supportive. Having Ms. Haley work as a temporary employee, while supporting the Interim Executive Director, will be beneficial.

Dr. Gubler asked if the Board wanted to appoint an Interim Director? Dr. Chavin and Ms. Pereira noted their support for hiring an Interim Director, with Ms. Haley staying on as a temporary employee.

Ms. Pereira noted her support for an open competitive process, as there could be great people all over the country who might want this opportunity in Oregon. Dr. Lace noted the importance of having an open competitive process. Warren expressed his support for Ms. Pereira’s statement, noting that the Board may get unexpected applicants with very impressive resumes. Dr. Gubler stated that it seems the Board does want an open competitive process. Dr. Lace asked Warren to go over the Board’s options again. Warren noted the options are a direct appointment or open competitive process. The applicable statute is ORS 676.306, “each health professional regulatory board shall appoint an executive director and prescribe the duties and fix the compensation of the executive director. The executive director shall serve at the pleasure of the Governor under the direct supervision of the appointing board.” Dr. Lace asked about a third option mix between the two options. Dr. Gubler noted that option would be limiting how open the Board wants it to be. Ms. Pereira noted that she would not support limiting the open competitive process.

Dr. Gubler noted that the more input they have from the Board, as a whole, during this process, the better it will be for the future of the Board. The Board should take ownership of this process.

Dr. Lace asked about the OMB’s relationship with associations. Ms. Haley answered that we may not always agree with other associations, but we have good relationships.

Dr. Gubler moved the dialogue to discussing the possibility of appointing Nicole Krishnaswami, JD, Legislative & Policy Analyst, as the Interim Director. He asked Ms. Haley about Ms. Krishnaswami’s duties and experience. Ms. Haley noted that Ms. Krishnaswami has been employed with the OMB for about eight years, she manages all administrative rules, takes on projects as her own, like the Cultural Competency, which just won a national award at the annual FSMB meeting, is well liked, is a strategic thinker, and is a very active member of the management team. Ms. Haley has every confidence in her as the Interim Director. During this opportunity, Ms. Krishnaswami can decide if it is a good fit for her and the Board can decide if it is a good fit for them. Dr. Chavin noted that he thinks very highly of Ms. Krishnaswami, but is concerned about the amount of time this position takes away from one’s family and her long
term commitment. Ms. Haley noted that Ms. Krishnaswami would not have considered the position if she thought it would only be for a few years. She is very committed to the OMB, as Ms. Haley noted that Ms. Krishnaswami had other opportunities and chose to stay with the OMB. As for family management, Ms. Haley noted that people have lots of different ways of doing it now. It is up to her to manage and Ms. Haley believes she would. Dr. Gubler brought up how Ms. Krishnaswami likely has better knowledge of the administrative rules than anyone else in the state, but there are pieces of the job she has not had a lot of exposure to. Ms. Haley supporting her through the interim would help Ms. Krishnaswami in these areas. Dr. Cahn asked if anyone had any concerns about Ms. Krishnaswami as the Interim Director. Dr. Chavin asked if there were alternatives. Ms. Haley answered that no one has approached her about the position. Dr. Schink asked about Ms. Krishnaswami’s experience with investigations and Ms. Haley replied that she does not have a ton of experience with investigations, but she has Eric Brown and Dr. Thaler, who have the program nailed down. Ms. Haley also noted that with a legal background, Ms. Krishnaswami will be able to pick up on investigations very quickly. Dr. Lace asked if she is tough enough for all the difficulties that will be thrown her way, to which Warren noted that she has testified in front of the legislature. Dr. Gubler noted Ms. Krishnaswami’s youth is one of her greatest advantages, because it gives her the opportunity for longevity with the Board. Very similar to Ms. Haley’s longevity, which has given the Board tremendous advantages over the years.

BOARD ACTION: Dr. Cahn moved to appoint Nicole Krishnaswami, Legislative & Policy Analyst, as the Oregon Medical Board Interim Executive Director, pending approval by the Governor. Dr. Lace seconded the motion. The motion passed 9-0-0-0-3. Katherine Fisher, DO, Saurabh Gupta, MD, and Melissa D.C. Peng, PA-C were absent by previous notice.

The discussion moved to hiring Ms. Haley as a temporary employee after her retirement. Ms. Haley left the room for the duration of the discussion. Dr. Gubler asked for questions or comments from the Board. Dr. Lin asked how this would impact the budget and Dr. Gubler assured her the OMB could incur the cost.

BOARD ACTION: Dr. Cahn moved to hire Kathleen Haley, JD, as an Oregon Medical Board temporary employee, not to exceed 1,080 hours per year. Dr. Harder seconded the motion. The motion passed 9-0-0-0-3. Katherine Fisher, DO, Saurabh Gupta, MD, and Melissa D.C. Peng, PA-C were absent by previous notice.

Dr. Gubler moved the discussion to selecting a vetting committee. He noted that the Chair has the ability to appoint someone, but he did not want that. He also noted that the subcommittee should be five or less members and that he did not feel strongly about serving on the committee. Dr. Gubler asked that the committee not come to the Board with one candidate, but with a few candidates for the full Board to discuss. Dr. Gubler noted that the committee would be a big time commitment, hopefully ending before the end of the year. Dr. Lace asked if there is a timeframe, to which Dr. Gubler responded no, but he would like to see it completed before the end of the year. Dr. Lace noted that he would like to see the process completed before the November elections. Ms. Haley noted that it would be nice to have the final candidates by the October Board meeting so a full Board decision could be made at the meeting. Dr. Cahn asked how the position would be advertised. Ms. Haley answered that there are a lot of options, including the FSMB weekly bulletins, the Bar Association, and the State of Oregon’s online system. Ms. Pereira asked if the posting has to be advertised for a certain amount of time, to which Ms. Haley responded no, but the Department of Administrative Services (DAS) will take care of those things. Dr. Chavin asked what the vetting committee would look like. Ms. Haley noted that it could be Board members, senior staff, Warren, Emeritus members, anything we want. Dr. Gubler said he would like the committee to be made up of Board members and have ad hoc members as needed. Dr. Schink asked if there would be monthly meetings or a stream of resumes via email or what the mechanics of the committee would be. Dr. Gubler answered that he thinks it will be more than monthly and it will rely highly on the guidance of DAS. Dr. Lace asked when we can expect to have some guidance from the DAS? Ms. Haley noted that she will share the outcome of the meeting with Ms. Edlund after the meeting, but the rules, regulations, and guidance from DAS will probably not come for a couple of weeks. Mr. Foote gave a very brief overview of DAS involvement. Dr. Lace asked who selects the hiring criteria? Ms. Haley noted that the Director of DAS is going to assign us a DAS representative. Ms. Pereira asked who sets the salary? Ms. Haley answered DAS. The Acting Director receives a 5% increase, but she is not sure about what she would be paid as a temporary employee; likely what her current salary
The new Director would enter at a certain DAS regulated level and then negotiate. Dr. Lace asked if the criteria will be presented to the Board. Ms. Haley responded that they will be able to see it all; the salary, the job description, the minimum qualifications, etc. Dr. Lace noted that before the vetting committee convenes, they will need all the criteria completed from DAS. Our HR Manager, Jessica Bates, is helping move this along. Ms. Pereira asked if the full Board would look at the criteria before the vetting committee, to which Ms. Haley answered that they certainly could if they wanted. Dr. Schink asked Ms. Haley if she would make a list of questions she believes are good for candidates. Ms. Haley responded that she can. Dr. Schink also asked about where the committee has to meet? The issue of Public Meeting requirements was brought up from Mr. Foote and Dr. Gubler. Dr. Lyons asked about the possibility of teleconferencing. Ms. Haley noted that would be possible. Both Dr. Schink and Ms. Pereira noted that teleconferencing will be necessary.

Dr. Gubler asked for volunteers for the vetting committee. Dr. Gubler also asked for a diverse committee, if possible. Warren noted that the committee is geographically diverse. Dr. Harder noted that she believes that Dr. Gubler should be on the vetting committee. Dr. Schink asked if our Emeritus members are female and Dr. Gubler noted that they are all males. Robert M. Cahn, MD, Ms. Chere Pereira, and James K. Lace, MD volunteered to serve on the vetting committee and Saurabh Gupta, MD was nominated in his absence. Dr. Gubler asked for a voice vote that this be the vetting committee. All present Board members verbally agreed.

Dr. Gubler then moved the discussion to reducing licensee fees. Ms. Haley noted that the renewal fees will be temporarily reduced, by $50, in 2020. The reduction will have to go through the Governor’s office and legislature for approval.

Dr. Gubler brought the recommendation of having him stay on as Chair for another year in order to help facilitate the Executive Director transition up for discussion. Dr. Lyons thanked Dr. Gubler for volunteering, as did Dr. Chavin. Ms. Haley noted this has been done in past times of transition and she is grateful that Dr. Gubler has been willing to donate his time.

Finally, Dr. Gubler noted that discussion about Oregon’s participation in the Federation of State Medical Boards (FSMB) will be a topic for discussion at a later Board meeting.

The meeting adjourned at 7:20pm