



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

MICHIGAN BOARD OF MEDICINE

JANUARY 18, 2017 MEETING

APPROVED MINUTES

In accordance with the Open Meetings Act, 1976 PA 267, the Michigan Board of Medicine met on January 18, 2017, at the Ottawa Building, Conference Room 3, 611 West Ottawa Street, Lansing, Michigan 48933.

CALL TO ORDER

Peter Graham, MD, Chairperson, called the meeting to order at 10:02 a.m.

ROLL CALL

Members Present: Peter Graham, M.D., Chairperson
Mohammed Arsiwala, M.D., Vice Chairperson
Rosalie Tocco-Bradley, M.D., Ph.D.
Michelle Gormas, P.A.
Terri Tahnoose, Public Member
Domenic Policicchio, Public Member
Louis Pries, Ph.D., Public Member
James Rogers, M.D.
Dennis Szymanski, M.D.
Paul Sophiea, Public Member
Richard Bates, M.D.
Renee Johnston, Public Member
Kara Morley-Smolek, M.D.

Members Absent: Lisa Huta, Public Member
James Sondheimer, M.D.
Luis Avila, J.D., Public Member
Michael Chrissos, M.D.
Stacey Frankovich, Public Member
Michael Chafy, M.D.

Staff Present: Brian Hoot, Board Support, Board and Committees Section
Karen Carpenter, Analyst, Boards and Committees Section
Michele Wagner-Gutkowski, Assistant Attorney General
Dawn Gage, Manager, Licensing Division

Graham introduced new Board member Domenic Policicchio, Public Member. Graham also informed the Board that Michael Chafty, M.D. had been appointed to fill the vacancy left by Dr. Howell. Unfortunately, due to short notice and prior commitments, Dr. Chafty was unable to attend today's meeting and sent his apologies.

APPROVAL OF AGENDA

MOTION by Prues, seconded by Johnston, to approve the agenda as presented.

A voice vote was taken.

MOTION PREVAILED

APPROVAL OF MINUTES

MOTION by Tocco-Bradley, seconded by Morley-Smolek, to approve the November 16, 2016 meeting minutes as presented.

A voice vote was taken.

MOTION PREVAILED

REGULATORY CONSIDERATIONS

None

COMMITTEE REPORTS

Investigations and Allegations

Rogers reported that the Investigations and Allegations (I&A) Committee reviewed thirty six (36) files in December 2016. Fourteen (14) files were authorized for investigation and twenty two (22) files were closed. No files were returned for additional records. There were five (5) reviewers.

The Investigations and Allegations Committee reviewed thirty (30) files in January 2017. Fourteen (14) files were authorized for investigation and sixteen (16) files were closed. No files were returned for additional records. There were five (5) reviewers.

MOTION by Johnston, seconded by Prues, to approve the Investigations and Allegations committee report.

A voice vote was taken.

MOTION PREVAILED

Operations Committee

Tocco-Bradley reported the committee is continuing work on building a rubric for Board conferees to utilize during their conferences. Some areas being worked on include physician monitoring, sanctions, and pre-approved continuing education. Tocco-Bradley provided information on additional possible vendors to provide physician monitoring, the expenses associated with monitoring, and the transition into remote monitoring. Tocco-Bradley hoped to make the information regarding different vendors available to conferees to determine which vendor was best suited for a particular situation.

Tocco-Bradley discussed having a rubric for sanctions to provide conferees some basic guidelines and consistency.

Tocco-Bradley would also like to add pre-approved continuing education to the rubric to have available to conferees during compliance conferences. Some areas of interest include documentation, ethics and pain/symptom management.

Carpenter reported the rules were passed December 6, 2016 and are now out of date due to new legislation, she would like to re-open the rules to make necessary changes.

Graham states he appreciates the hard work, specifically including the pre-approval of continuing education. Graham, Johnston, and Arsiwala gave thanks to Tocco-Bradley and Carpenter for their work on the rubric.

MOTION by Rogers, seconded by Sophiea, to approved the Operations Committee report.

A voice vote was taken.

MOTION PREVAILED

Disciplinary Subcommittee

Johnston reported that the Disciplinary Subcommittee (DSC) met today and considered seventeen (17) matters: Eleven (11) Consent Orders and Stipulations, three (3) Administrative Complaints, and three (3) Proposal for Decisions. The DSC thanked Kiran Parag, analyst, for his assistance.

Johnston inquired to the Board if there is education available for the DSC to consider while sanctioning physicians who are performing care for the elderly, specifically Palliative Care and Hospice Care. Arsiwala inquired what culpability physicians have in these prescribing situations. Tocco-Bradley suggested that electronic prescribing could be part of the solution from a physician aspect.

MOTION by Bates, seconded by Tahnoose, to approve the Disciplinary Subcommittee report.

A voice vote was taken.

MOTION PREVAILED

Chairperson's Report

Activity since the November 16, 2016 meeting and January 17, 2017

Summary Suspensions	6
Conferee assignments	5
Advice/discuss sanction recommendations	11
Advice regarding filing/pursuing complaint	2
Approve CME and general supervision requests	11
Compliance conference	3
Review/Approve monitoring plans/reports	10
<u>Miscellaneous matters</u>	<u>3</u>
Totals	51

Graham reported some changes in LARA. Andrew Brisbo, Director of Licensing, has moved on to Michigan Medical Marijuana Program and will be working on Marijuana dispensary regulations. Dawn Gage will be representing the Licensing division for any licensing matters.

The Allegations section has been renamed to the Complaint Intake section, to avoid public confusion and ambiguity. In going forward, the Board will want to refer to the Investigations and Allegations (I&A) committee as the Investigations and Complaints (I&C) committee.

Graham reported that the subpoena process will be streamlined, and not cast as wide of a net as previously done. The complaint and materials directly related to the complaint will be the only material provided to the I & C committee. Wagner-Gutkowski added that it will cut down on Protected Health Information being released and that in some cases, this material could be obtained under a Freedom of Information Act request. Prues states that although he appreciates the decision, his main goal as a public member is to protect to the public and he is not sure this decision serves the public well.

Graham states naloxone is now available most everywhere with a standing order. This includes fireman, police, and paramedics/EMT. It is also available to family members of individuals who are at risk of overdosing without a prescription.

Graham reports that the new commission for opioid prescription issues, the Michigan Prescription Drug and Opioid Abuse Commission (PDOAC) has met and he hopes the Board of Medicine will have some input with the Commission. Sophia inquired if the PDOAC will only deal with opioids or if the Commission will encompass other potentially

abused medications, including benzodiazepines, tramadol, and pregabalin. Graham said it could be a possibility, but is unsure at this time.

Prues, Arsiwala, and Frankovich will be attending the upcoming Federation of State Medical Boards (FSMB) annual meeting in Fort Worth, TX, scheduled for April 20-22, 2017. Prues was nominated for the FSMB Board of Directors, Public Member. Graham nominated former Michigan Board of Medicine Chairperson, Dr. Richard Burney, M.D., for the John H. Clark, M.D. Leadership Award issued by the FSMB. Arsiwala thanked Graham for his time and work put into the nomination letter.

MOTION by Arsiwala, seconded by Johnston, to approve the Chairperson report.

A voice vote was taken.

MOTION PREVAILED

OLD BUSINESS

None

NEW BUSINESS

Elections

Carpenter ran the elections for Chairperson.

MOTION by Tocco-Bradley, seconded by Sophiea, to re-elect Graham as Chairperson.

A voice vote was taken.

MOTION PREVAILED

MOTION by Rogers, seconded by Tocco-Bradley, to re-elect Arsiwala as Vice-Chairperson.

A voice vote was taken.

MOTION PREVAILED

Committee Assignments

Graham requested any Board member that has interest in being assigned to a different subcommittee to email him and he will make appointments at the next scheduled Board meeting.

Continuing Education waiver request for Michael B. Hayes, M.D.

MOTION by Arsiwala, seconded by Rogers, to grant the waiver of continuing education.

Discussion was held.

A voice vote was taken.

MOTION PREVAILED

Petition for USMLE waiver for Crystal A. Morrison

MOTION by Tocco-Bradley, seconded by Szymanski, to deny the petition for USMLE waiver.

Discussion was held.

A roll call vote was held.

Yeas: Bates, Gormas, Johnston, Morley-Smolek,
Policicchio, Prues, Rogers, Sophiea,
Szymanski, Tahnoose, Tocco-Bradley,
Arsiwala, Graham

Nays: None

MOTION PREVAILED

Continuing Education Program Approval

None

Department Update

Carpenter discussed some legislation of interest and presented an update on a recent ban on Powdered Gloves and Absorbable Powder for Lubricating a Surgeon's Glove (Addendum 1).

Discussion Regarding HB 5533 – PA Agreements and Licensing email notification

Gage discussed House Bill (HB) 5533 and how it will affect Physician Assistants (PA's). HB 5533 provides that PA's practice under the terms of a practice agreement with a physician and are now recognized as independent prescribers. This will require PA's to obtain a controlled substance license if prescribing controlled substances. Carpenter asked how PA's and the public can get added to the list for email updates. Tocco-Bradley asked if a PA will need to get a collaborative agreement with multiple physicians if working in a hospital setting. Szymanski questioned what the culpability of a physician is for a PA for writing controlled substance prescriptions if the PA is in a collaborative agreement with that physician. Morley-Smolek questioned if Nurse Practitioner's/Advanced Practice

Registered Nurse would have the same rules apply. Carpenter will follow up at next meeting with more information.

PUBLIC COMMENT

Reverend Lorri Coburn and Don Simons urged the Board to use the best professional judgement when reviewing allegations to authorize for investigation.

Mike DeGrow, Executive Director of the Michigan Academy of Physician Assistants, announced to the Board he will be retiring, and introduced his successor, Thadd Gormas.

Sophiea stated that if anyone is looking to volunteer in the Down River area, he works with a clinic that can always use help.

ANNOUNCEMENTS

The next regularly scheduled meeting will be held on March 15, 2017 at 10:00 a.m., at the Ottawa Building, 611 West Ottawa Street, Upper Level Conference Center, Conference Room 3, Lansing, Michigan.

ADJOURNMENT

MOTION by Prues, seconded by Johnston, to adjourn the meeting at 11:21 a.m.

A voice vote was taken.

MOTION PREVAILED

Minutes approved by the Board on March 15, 2017

Prepared by:
Brian Hoot, Board Support

January 19, 2017

Addendum 1

Economic Impact Analyses of FDA Regulations > Banned Devices; Ban Powdered Surge... Page 1 of 1

Banned Devices; Ban Powdered Surgeon's Gloves, Powdered Patient Examination Gloves, and Absorbable Powder for Lubricating a Surgeon's Glove

The Food and Drug Administration has determined that Powdered Surgeon's Gloves, Powdered Patient Examination Gloves, and Absorbable Powder for Lubricating a Surgeon's Glove present an unreasonable and substantial risk of illness or injury and that the risk cannot be corrected or eliminated by labeling or a change in labeling. This final regulation will ban these devices.

Regulatory Impact Analysis

[Banned Devices; Ban Powdered Surgeon's Gloves, Powdered Patient Examination Gloves, and Absorbable Powder for Lubricating a Surgeon's Glove \(Final Rule\) \(/downloads/AboutFDA/ReportsManualsForms/Reports/EconomicAnalyses/UCM532959.pdf\)](#) (PDF - 88KB)

[Federal Register: 81 FR 91722 \(https://www.federalregister.gov/documents/2016/12/19/2016-30382/banned-devices-powdered-surgeons-gloves-powdered-patient-examination-gloves-and-absorbable-powder\)](https://www.federalregister.gov/documents/2016/12/19/2016-30382/banned-devices-powdered-surgeons-gloves-powdered-patient-examination-gloves-and-absorbable-powder), December 19, 2016

[Docket: FDA-2015-N-5017 \(https://www.regulations.gov/docket?D=FDA-2015-N-5017\)](https://www.regulations.gov/docket?D=FDA-2015-N-5017)

[More in Economic Impact Analyses of FDA Regulations \(/AboutFDA/ReportsManualsForms/Reports/EconomicAnalyses/default.htm\)](#)

[Examples of Previous Regulatory Impact Analyses \(/AboutFDA/ReportsManualsForms/Reports/EconomicAnalyses/ucm305474.htm\)](#)