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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

MICHIGAN BOARD OF MEDICINE

MAY 17, 2017 MEETING

APPROVED MINUTES

In accordance with the Open Meetings Act, 1976 PA 267, the Michigan Board of Medicine met on May 17, 2017, at the Ottawa Building, Conference Room 3, 611 West Ottawa Street, Lansing, Michigan 48933.

CALL TO ORDER

Peter Graham, M.D., 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.
Louis Prues, Ph.D., Public Member
James Sondheimer, M.D.
Lisa Huta, Public Member
James Rogers, M.D.
Dennis Szymanski, M.D.
Paul Sophiea, Public Member
Renee Johnston, Public Member
Kara Morley-Smolek, M.D.
Michael Chrissos, M.D.
Stacey Frankovich, Public Member
Michael Chafy, M.D.

Members Absent: Terri Tahnoose, Public Member
Domenic Policicchio, Public Member
Luis Avila, J.D., Public Member
Michelle Gormas, P.A.
Richard Bates, M.D.

Staff Present: Brian Hoot, Board Support, Board and Committees Section
Karen Carpenter, Analyst, Boards and Committees Section
Kiran Parag, Analyst, Compliance Section
Bridget Smith, Assistant Attorney General

Graham introduced Kerry Przybylo, J.D., Manager of the Boards and Committees Section.

APPROVAL OF AGENDA

MOTION by Arsiwala, seconded by Chrissos, to approve the agenda with a correction. Item 6A, Investigations and Allegations, should read “Investigations and Complaints”.

A voice vote was taken.

MOTION PREVAILED

APPROVAL OF MINUTES

MOTION by Chrissos, seconded by Johnston, to approve the March 15, 2017 meeting minutes as presented.

A voice vote was taken.

MOTION PREVAILED

REGULATORY CONSIDERATIONS

Wadah H. Ghebe, M.D. – Proposal for Decision/Reinstatement

MOTION by Tocco-Bradley, seconded by Prues, to accept the Proposal for Decision and deny reinstatement.

Discussion was held.

A roll call vote was held: Yeas – Chaffy, Chrissos, Frankovich, Huta, Johnston, Morley-Smolek, Prues, Rogers, Sondheimer, Sophiea, Szymanski, Tocco-Bradley, Arsiwala, Graham
Nays - None

MOTION PREVAILED

Kartik H. Shah, M.D. – Proposal for Decision/Reinstatement

MOTION by Chrissos, seconded by Sondheimer, to accept the Proposal for Decision and grant reinstatement. Petitioner will be placed on probation for one year. During the probationary period, Petitioner shall meet quarterly with a Board-approved physician reviewer to review Petitioner’s professional practice and records. The physician review shall file quarterly reports advising on the review of five percent of Petitioner’s patient charts for appropriate prescribing, documentation, and billing practices.

Discussion was held.

A roll call vote was held: Yeas – Chafty, Chrissos, Huta, Johnston,
 Morley-Smolek, Prues, Rogers, Sondheimer,
 Sophiea, Szymanski, Tocco-Bradley, Arsiwala,
 Graham
 Nays – None
 Abstain – Frankovich

MOTION PREVAILED

COMMITTEE REPORTS

Investigations and Complaints

Rogers reported that the Investigations and Complaints (I&C) Committee reviewed fifty-four (54) files in April 2017. Thirty-two (32) files were authorized for investigation and twenty-two (22) files were closed. No files were returned for additional records. There were four (4) reviewers.

The Investigation & Complaints Committee reviewed fifty-one (51) files in May 2017. Thirty (30) files were authorized for investigation and twenty-one (21) files were closed. No files were returned for additional records. There were six (5) reviewers.

Operations Committee

Tocco-Bradley stated that the Operations Committee met via teleconference. They discussed the rules and how new legislation affected the current rules. Tocco-Bradley informed the Board that opioid prescribing and tobacco cessation are being considered as future mandatory CE.

Carpenter stated she is still working on building the sanction guide for use by conferees. Tocco-Bradley is also reviewing CE for pre-approval by Graham to be included in the sanction guide. Carpenter is hopeful to have the sanction guide available at the next meeting in July.

Disciplinary Subcommittee

Johnston reported that the Disciplinary Subcommittee (DSC) met today and considered twenty-six (26) matters: twenty-two (22) Consent Orders and Stipulations, two (2) Proposal for Decisions, one (1) Request for Dismissals, and one (1) Petition for Reclassification.

Chairperson's Report

Activity since the March 14, 2017 meeting and May 17, 2017

Summary Suspensions	2
Conferee assignments	8
Advice/discuss sanction recommendations	6
Advice regarding filing/pursuing complaint	2
Approve CME and general supervision requests	7
Compliance conference	0
Review/Approve monitoring plans/reports	4
Miscellaneous matters	3
<hr/> Totals	<hr/> 32

Graham stated that the new MAPS program has been launched and is working well. Graham encouraged Board members to contact Department staff with any issues or suggestions for enhancements. Graham would like to see MAPS integrated with EMR systems.

Graham discussed the Criminal Justice Opioid Response Policy Academy for the Regional Judicial Opioid Initiative (RJOI). The RJOI is tasked with reviewing opioid prescribing nationally.

Graham reminded the Board that the Investigations and Complaints Committee (I&C) has changed in both name and the ability to subpoena records. Graham apologized to the DSC for any potential increase in work load the new process may cause. Graham stated the I&C Committee is working diligently to streamline the process and work out any kinks. Arsiwala questioned if the threshold to authorize an investigation has been affected. Rogers stated the committee is still making informed decisions. Smith explained the shift in the process and highlighted the changes that have been made to the subpoena process.

Graham thanked all the delegates that represented the Michigan Board of Medicine and the State of Michigan at the Federated States Medical Boards (FSMB). Graham gave congratulations to Dr. Richard Burney on being a recipient of the John H. Clark, M.D. Leadership Award.

OLD BUSINESS

Midwife Report

The Board of Midwifery has been appointed by the Governor and is scheduled to meet June 27, 2017.

NEW BUSINESS

Lolaen Merideth Thomas, M.D. – USMLE Petition

MOTION by Prues, seconded by Szymanski, to deny Petitioner's request to take the USMLE.

Discussion was held.

A roll call vote was held:

Yeas – Chafty, Chrissos, Frankovich, Huta, Johnston,
Morley-Smolek, Prues, Rogers, Sondheimer,
Sophiea, Szymanski, Tocco-Bradley, Arsiwala,
Graham

Nays – None

MOTION PREVAILED

Paul Fenje, Jr., – Petition for Recognition of Standards

MOTION by Tocco-Bradley, seconded by Chrissos, to approve the Petition for Recognition of Standards.

Discussion was held.

MOTION by Sondheimer, seconded by Chrissos, to table the matter to obtain further information from the record.

A voice vote was held.

MOTION PREVAILED

FSMB Meeting Recap

Arsiwala stated he served on the Physician Wellness Nomination Committee while at FSMB. Arsiwala expressed his thanks to Graham for letting Arsiwala be an FSMB delegate. Arsiwala stated he got an overview of how Analysts and Assistant Attorney Generals (AAGs) that represent other states work and approach cases.

Frankovich expressed her appreciation to Graham for allowing Frankovich to be a public member delegate at FSMB. Frankovich encouraged all public members to travel to FSMB. Frankovich stated that while most of the material is geared to M.D.'s and D.O.'s, she appreciated the viewpoint and gained a new perspective on the profession. Frankovich recognized Prues for his hard work at FSMB.

Prues stated he was proud to represent the Michigan Board of Medicine and the State of Michigan at FSMB. Prues stated he is disappointed he didn't win his nomination, but is happy to be appointed to Prescription Drug Monitoring Program (PDMP) Committee. Prues stated he enjoys the public/professional make up on the Michigan Board of Medicine and appreciates how the public is represented and their voice is heard.

Graham expressed his thanks to the entire delegation that traveled to FSMB.

Department Update

Carpenter stated that Kerry Przybylo has been promoted from Analyst to Manager in Boards and Committees Section. Carpenter reported that a new licensing and regulatory platform is being rolled out for the State of Michigan and the first two professions to go live will be Real Estate Brokers and Nursing. Carpenter stated the platform should be live this summer. Carpenter referenced a "Bills of Interest" handout (Addendum 1) and explained the Bills pertain to various aspects of healthcare.

PUBLIC COMMENT

Johnston asked the Board for their input on teen and pre-teen suicide. A school district near Johnston's home has twice been affected in a week and she wanted to hear from the Board their thoughts and opinions on the matter. Tocco-Bradley stated that it is a very complicated issue. Providers are limited as to what they can do, and school districts also face similar limitations. Graham stated that pediatric psychiatry is a national crisis. Arsiwala stated that the Affordable Care Act (ACA) made money available at the county level for mental health, however the funding was redistributed away from community mental health programs.

Morley-Smolek wanted to confirm that the November meeting date is the only meeting not on the third Wednesday of the meeting month. Hoot stated he would follow up at the next meeting.

Rogers stated that Arsiwala's son is graduating as a commissioned officer from the Naval Academy soon.

ANNOUNCEMENTS

The next regularly scheduled meeting will be held on July 12, 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 Arsiwala, seconded by Johnston, to adjourn the meeting at 11:36 a.m.

A voice vote was taken.

MOTION PREVAILED

Minutes approved by the Board on September 13, 2017.

Prepared by:
Brian Hoot, Board Support
Bureau of Professional Licensing

May 18, 2017

Addendum 1

Board of Medicine – Bills of Interest May 16, 2017

SB 166 and 167 - Requires Licensed Prescribers to check MAPS reports before prescribing or dispensing a controlled substance to a patient. Authorizes sanctions on physicians that fail to check MAPS before prescribing or dispensing a controlled substance to a patient.

Status: Both bills were referred to the Senate Committee on Health Policy on February 15, 2017.

SB 236 and 237 - Requires public schools to include instruction on prescription opioid abuse in required health classes. Requires the state opioid abuse commission to develop a curriculum for the required instruction.

Status: Both bills were referred to the Senate Committee on Health Policy on March 14, 2017.

SB 270 - Requires a doctor have a "bona fide prescriber-patient relationship" before prescribing opioid and other painkillers that are subject to abuse.

Status: Referred to the Senate's Committee on Health Policy on March 23, 2017.

SB 272 - Requires prescribers to provide information to patients on dangers, proper disposal and penalties for dispensing prior to prescribing a controlled substance

Status: Referred to the Senate Committee on Health Policy on March 23, 2017.

SB 273 - Requires physicians to provide patients being treated for an opioid overdose with information on substance use disorder services

Status: Referred to the Senate Committee on Health Policy on March 23, 2017.

SB 274 - Restricts the amount of opioid pain pills a doctor may prescribe to a 7 day supply for acute conditions and 30 days for chronic ones. Furthermore, a prescriber shall not prescribe a patient a combination of opioids in an amount that exceeds 100 morphine milligram equivalents per day in the aggregate. The bill also requires opioid antagonists to be prescribed to at-risk patients.

Status: Referred to the Senate Committee on Health Policy on March 23, 2017.

SB 368 and 369 - Would amend the Michigan Penal Code to prohibit a person from knowingly performing FGM. Would amend sentencing guidelines in the Code of Criminal Procedure to include FGM related felonies as Class B crimes against a person with a statutory maximum of 15 years incarceration.

Status: On May 16, 2017, both bills were placed on order of 3rd reading in the Senate.

HB 4134 and HB 4135 - Prohibits state licensure authorities from requiring a physician to hold one of the various professional association "board certifications." Prohibits insurance companies from requiring a physician to hold one of the various professional association "board certifications" as a condition for paying or reimbursing a patient treatment claim, unless this is specifically required for licensure. Some national organizations that make money from these certifications have been advocating that states mandate them.

Status: Both bills were referred to the House Committee on Health Policy on January 31, 2017.

HB 4066 and 4067 - To enter an agreement with other states to facilitate doctors getting licensed in more than one state. This would not eliminate the need to get a separate license to practice in each state, and would not change current restrictions on the practice of telemedicine. To revise the licensing process for Michigan physicians so that it conforms to provisions in the interstate medical licensure compact.

Status: Both bills were referred to the House Committee on Health Policy on January 24, 2017.

HB 4170, 4171, 4173 and 4174 - Authorizes a process for creating a standardized form for individuals to express their wishes regarding medical treatment and end of life care, which is called Physician Orders for Scope of Treatment (POST). This would be like the current Do Not Resuscitate (DNR) form but with more details. This bill establishes an ad hoc committee to draft a form, procedures and more. Revises law appointing guardians/conservators regarding POST. Requires adult foster care facilities to comply with POST. Updates state law for complying with DNR to include POST.

Status: All bills have been referred to the House Committee on Health Policy on February 7, 2017.

HB 4284 - Allows medical professionals licensed in other states to practice at "Remote Area Medical" type health care clinic events if held in Michigan.

Status: Referred to House Committee on Health Policy on February 28, 2017.

HB 4403 - Includes acute treatment services and clinical stabilization services for opioid addiction among the medical services the state has assumed a duty to provide through its social welfare system.

Status: Referred to the House Committee on Health Policy.

HB 4406 and 4407- Requires a state opioid abuse commission to develop a curriculum for instruction on opioid abuse in health class and requires public schools to include that instruction.

Status: Both bills have been referred to the House Committee on Health Policy on March 23, 2017.

HB 4408 - Requires a physician prescribing an opioid pain killer for a minor to fully inform the parents or guardian and the minor of the various risks, and require the parents or guardian to sign a form detailing these and acknowledging they had the discussion.

Status: Referred to the House Committee on Health Policy on March 23, 2017.

HB 4584 - Requires providing of Spina Bifida information to expectant or new parents upon discovery of the disease.

Status: Referred to the House Committee on Health Policy on May 4, 2017.

HB 4601 - Restricts the amount of opioid pain pills a doctor may prescribe to a 10 day supply for acute conditions and 30 days for chronic ones. Furthermore, a prescriber shall not prescribe a patient a combination of opioids in an amount that exceeds 100 morphine milligram equivalents per day in the aggregate. The legislation provides various exceptions to the 100 MME provision.

Status: Referred to the House Committee on Health Policy on May 11, 2017.

HB 4603 - Mandates that a health care provider shall not refuse to provide health care services or supplies to a patient based solely on the patient's refusal to allow the provider to photocopy or scan his or her Driver License or Michigan ID.

Status: Referred to the House Committee on Health Policy on May 11, 2017.

REMINDER: This information is provided solely for your information. The Board is not authorized to engage in the legislative process.

Current bill status, text, and analyses can be found at www.mileg.org