



Medical Quality Assurance Commission

Capital Event Center
Educational Service District (ESD) 113
6005 Tye Drive SW
Tumwater, Washington 98512
(360) 464-6700

Business Meeting Minutes November 4, 2016

Medical Commission Members

James E. Anderson, PA-C – Absent
Toni Borlas, Public Member
Charlie Browne, MD
William Brueggemann, Jr., MD – Absent
Mike Concannon, JD, Public Member
William Gotthold, MD – Absent
Bruce G. Hopkins, MD
Warren Howe, MD, Chair
Mark Johnson, MD, 1st Vice Chair
Charlotte Lewis, MD – Absent

John Maldon, Public Member
Peter Marsh, MD
Kathleen O'Connor, Public Member
Mimi Pattison, MD – Absent
Alden Roberts, MD, 2nd Vice Chair
Theresa Schimmels, PA-C
Robert Small, MD
Michelle Terry, MD
Mimi Winslow, JD, Public Member
Yanling Yu, PhD, Public Member

Medical Commission Staff

Morgan Barrett, MD, Clinical Consultant
Larry Berg, Staff Attorney
Jimi Bush, Performance and Outreach Manager
Karen Caille, Staff Attorney
Melanie de Leon, Executive Director
Mike Farrell, Policy Development Manager
Rick Glein, Director of Legal Services
George Heye, MD, Medical Consultant
Mike Hively, Information Liaison
Mike Kramer, Compliance Officer

Kayla LaRue, Compliance Officer
Micah Matthews, Deputy Executive Director
Melissa McEachron, Dir. of Operations and Informatics
Joe Mihelich, Licensing Specialist
Lisa Noonan, Investigator
Freda Pace, Investigator Supervisor
Seana Reichold, Staff Attorney
Dawn Thompson, Licensing Manager
Daidria Underwood, Program Manager
Gordon Wright, Staff Attorney

Others in Attendance

Tracy Bahm, Assistant Attorney General (AAG)
Chris Bundy, MD, Washington Physician's Health
Program (WPHP)

Kristin Brewer, AAG
Heather Carter, AAG

Call to Order

Warren Howe, MD, Chair called the meeting of the Washington State Medical Quality Assurance Commission (MQAC) to order at 8:00 a.m. on November 4, 2016, at the Capital Event Center, Educational Service District (ESD) 113, 6005 Tye Drive SW, Tumwater, Washington 98512.

1.0 Chair Report

Dr. Howe welcomed everyone to the meeting. He reminded the Commission that they are not allowed to provide any confidential information to those who are not authorized to receive it. Once a Commissioner has completed their term, whether a full Commissioner or a Pro Tem, they should not contact Commissioners or Commission staff for information regarding ongoing cases.

Dr. Howe asked that if any Commissioners have connectivity issue please email him with a CC to Mike Hively with the date, time, and nature of the problem. He hopes to collate that information so that we can improve the electronic process.

2.0 Consent Agenda

The Consent Agenda contained the following items for approval:

- 2.1** Minutes from the August 12, 2016 Business Meeting.
- 2.2** Agenda for November 4, 2016.
- 2.3** Ratification of the licenses issued to Physicians, Limited Physicians and Physician Assistants from August 12, 2016 through November 3, 2016.

Motion: The Chair entertained a motion to approve the Consent Agenda. The motion was seconded and approved unanimously.

3.0 Old Business

3.1 Suicide Prevention Training Approval Subcommittee

Robert Small, MD, Subcommittee Chair, reminded everyone that the subcommittee receives applications from trainers who would like to provide suicide assessment, treatment, and management training that meets the requirements laid out in RCW 43.70.442. The subcommittee reviews the applications and included training materials, and either approves or denies that the training meets the RCW requirements. Mike Farrell, Policy Development Manager is the point of contact for applications.

As of September 14, 2016, 13 trainings have been approved. This subcommittee will continue to approve or deny trainings until June 30, 2017. Beginning July 1, 2017 a model list of trainings will be available from the Department of Health.

3.2 Telemedicine Workgroup

Toni Borlas, Public Member, Workgroup Chair, reported the Workgroup has not yet met.

3.3 Rulemaking Activities

Daidria Underwood, Program Manager, reported on the following rules:

Suicide Prevention – A hearing is scheduled for December 1, 2016.

Office Based Surgery – a workshop was held on November 2 where there was a robust discussion of the possible changes to the rule. Mike Farrell, Policy Development Manager, will work on draft language to be presented at the January 2017 meeting.

Technical Assistance Program – a workshop was held on November 2, 2016. More research is required for this rule, which will happen over the next several months. Ms. Underwood asked that the chair of each panel keep track cases at the January, February, and April meetings which would make good candidates for this proposed program. We will reach out to the Nursing Care Quality Assurance Commission as they have a similar program already in place.

Military Spouse – If our proposed rule will be substantially similar to rules already in the Washington Administrative Code (WAC) then we may be able to skip the CR-101 process and move to the CR-102 process. Our proposed rule language will be presented at the January 2017 meeting for review and consideration to begin the CR-102 process.

Temporary Permits – Draft language for this rule is on the agenda today for consideration.

3.4 Health Equity Workgroup

James Anderson, PA-C, Workgroup Chair, was absent.

3.5 Citizen Engagement Workgroup

Yanling Yu, PhD, Workgroup Co-Chair, stated a meeting would be held that afternoon to discuss finalizing the survey questions they hope to send out to the public and the pertinent groups.

3.6 Reduction of Medical Errors Subcommittee

Mark Johnson, MD, Subcommittee Chair, reported the group will meet on November 4, 2016 to refine draft language for the Statement of Understanding.

3.7 Practitioner Competence Workgroup

Dr. Johnson, Workgroup Chair, reported research continues on this topic.

3.8 Lists & Labels Requests

The following lists and labels requests were discussed for possible approval or denial. Approval or denial of these applications is based on whether the entity meets the requirements of a “professional association” or an “educational organization” as noted on the application (RCW 42.56.070(9)).

- Foundation for Care Management
Motion: The Chair entertained a motion to approve the request. The motion was seconded and approved unanimously.
- Lake Washington Institute of Technology
Motion: The Chair entertained a motion to deny the request. The motion was seconded and approved.
- Seattle Central College
Motion: The Chair entertained a motion to deny the request. The motion was seconded and approved.
- Washington Academy of Family Physicians
Motion: The Chair entertained a motion to approve the request. The motion was seconded and approved unanimously.

4.0 New Business

4.1 New Numbering System

Ms. Underwood reported the Commission will begin using a new number system as follows:

- GUI2017-XX for Guidelines
- INS2017-XX for Interpretive Statements
- POL2017-XX for Policies
- PRO2017-XX for Procedures

Ms. Underwood also reported that Mr. Farrell did some research on the definitions for procedures and protocols and found they are very similar. As such, we will no longer use protocol and will use procedure for those documents instead.

4.2 Navigating the Policy Book in SharePoint

Mr. Farrell presented the steps to navigate to the policy book on the Commission's SharePoint site.

4.3 2018 Meeting Dates

Ms. Underwood presented both the previously approved 2018 meeting dates and the proposed new dates.

Motion: The Chair entertained a motion to approve the proposed new dates. The motion was seconded and approved unanimously.

5.0 Public Comment

No member of the public was signed up to speak therefore no public comment was given.

6.0 Committee Reports

6.1 Policy Committee

Mimi Winslow, JD, Public Member, Policy Committee Chair reported on the items discussed at the Policy Committee meeting held on November 3, 2016:

Guideline on Informed Consent and Simultaneous Surgery

Ms. Winslow presented the draft language for the guideline and stated that the Committee recommends approval of the guideline as drafted.

Motion: The Chair entertained a motion to approve the guideline. The motion was seconded and approved unanimously.

Guideline for Informing Patients of Test Results

Ms. Winslow presented the draft language for the guideline and stated that the Committee recommends approval of the guideline as drafted.

Motion: The Chair entertained a motion to approve the guideline. The motion was seconded and approved unanimously.

Complainant Request for Reconsideration, MD2012-02

Ms. Winslow reported on the proposed revisions to this policy. The Committee recommends approval of the policy with the proposed revisions.

Motion: The Chair entertained a motion to approve the policy with the proposed

revisions. The motion was seconded and approved unanimously.

Temporary Permits Rule, WACs 246-919-390 & -395

Ms. Winslow presented the draft language and stated the Committee recommends approval of the rule as drafted.

Motion: The Chair entertained a motion to approve the draft rule language. The motion was seconded and approved unanimously.

Review of Chapter 246-919 WAC

Ms. Winslow reported that we are required by statute to review our WAC chapters every five years. She asked Ms. Underwood to report further on this topic. Ms. Underwood stated she sent Chapter 246-919 WAC to the Commissioners the previous week so they would have time to review it. She stated that staff have reviewed the chapter and feel the Commission should open the chapter for rulemaking.

Motion: The Chair entertained a motion to approve opening a CR-101 for Chapter 246-919 WAC for rulemaking. The motion was seconded and approved unanimously.

Opioid Response Policy

Ms. Winslow reported this policy may be presented to stakeholders for their input and will then be brought back for review again at a future meeting.

New Space Decision Budget Package

Ms. Winslow asked Micah Matthews, Deputy Executive Director, to report on this item. Mr. Matthews explained that the decision package asks for funding to be appropriated to expand the square footage for Commission office staff. Ms. Winslow stated that the Committee recommended approval of this budget package.

Motion: The Chair entertained a motion to approve the budget package. The motion was seconded and approved unanimously.

Policy Committee Meeting Schedule

Ms. Winslow reported it has been brought up several times that the Policy Committee should start at a different time. The Committee voted on a few options:

1. Continue to begin at 4 pm on Thursdays
2. Begin at 3:30 pm on Thursdays
3. Begin at 6 pm on Wednesdays

Ms. Winslow reported the Committee voted to continue to begin at 4 pm on Thursdays.

Motion: The Chair entertained a motion for the Policy Committee to continue to meet at 4 pm on Thursdays for each scheduled Commission meeting. The motion was seconded and approved.

7.0 MEMBER REPORTS

Kathleen O'Connor reported until November 11, 2016 the Patients' View Institute is accepting patient stories that go toward improving the healthcare system.

Alden Roberts, MD reported he is officially retired as of November 1, 2016.

Peter Marsh, MD, reported he is working with WSMA to create a program that can assist the

“difficult physician.”

Dr. Small reported he is doing a one year term on the Federation of State Medical Board’s Ethics and Professionalism Committee. The topics under discussion currently are physician compounding of medications in their offices as well as a review of the newly revised code of ethics of both the American Medical Association and the American Osteopathic Association.

Ms. Borlas asked that Commissioners review the data on the Educational Conference which Jimi Bush, Performance and Outreach Manager, had sent to everyone. She stated she is already receiving suggestions from the Commissioners for the 2017 Educational Conference.

Dr. Yu reported that she was recently invited to Harborview Medical Center to give a speech. As part of that speech she shared her story, she talked about why team based care and communication is so important, and why including patients on the care team is so critical to patient safety.

8.0 STAFF MEMBER REPORTS

8.1 Executive Director

Melanie de Leon, Executive Director, provided updates on the following:

- *Budget:* Ms. de Leon reported a budget update is included in the Constant Contact emails which are sent to both the Commissioners and staff periodically. The budget continues to do well. The next Constant Contact will include updated budget information.
- *Staff Updates:* Ms. de Leon reported that Julie Kitten, former Operations Manager, has accepted a new position in the Department of Health’s Disease Control and Health Statistics Division. Ms. Underwood will take over all of the duties related to Commission and Pro Tem appointments.
- *Strategic Planning:* The second part of the Commissioner retreat concerns strategic planning is scheduled for December 1 beginning at 10 am.
- *Retreat:* Some of the ideas that came out of the first part of the Commissioner retreat, which was held in October, were:
 1. Appoint the Reviewing Commission Member to a case at an earlier time. A team is working on a proposed process.
 2. A folio of all correspondence that is sent on behalf of the Commission be compiled so the Commissioners can review the documents. A team has been working on Commission correspondence for approximately 18 months and is close to a final product.
 3. Reduce the physical size of investigation files, eliminate redundant documents. A team is working on this currently.
 4. Require at least one personal appearance for every disciplinary action. Currently putting one personal appearance in every STID. Changes can be done on a case by case basis.
 5. Licensees under disciplinary action who are required to complete a paper should come to their personal appearance prepared to discuss their paper.

The Commissioners should feel free to ask probing questions about the paper. Also that the paper should be included in the Respondent's compliance packet so the Commissioners could review them. The Respondent will be notified of these requirements.

6. There was a concern about the time that it takes between the case review panel assigning a STID and the time the STID is presented. Currently gathering information on this process.

- *Awards:* Ms. de Leon presented the following awards:
 - Mike Farrell – Recognition for 25 years of service with the state, all of which have been with the Commission.
 - Lisa Noonan – Recognition for 25 years of service with the state.
 - Freda Pace – Recognition for 5 years of service with the state.
 - Patty Melody – Recognition for 10 years of service with the state.
 - Joe Mihelich – Recognition for 10 years of service with the state.
 - Dawn Thompson – Recognition for 10 years of service with the state.
 - Dani Newman – Recognition for 25 years of service with the state.
 - Melanie de Leon – Recognition for 15 years of service with the state.

8.2 Assistant Attorney General

Heather Carter, AAG, had nothing to report.

8.3 Deputy Executive Director

Mr. Matthews reported on the following:

- He was appointed to the FSMB Audit Committee. They have met once and there were no irregularities reported in the audit.
- *Opioid Response Policy:* There is a tie-in to the Governor's Executive Order on opioid use and abuse. The goal of the Commission's policy is a coordinated response from the Commission.
- *Legislature:* If you get an email request from Jimi Bush, Performance and Outreach Manager, or Ms. de Leon to come and meet with a Legislator to please respond to that. The Academic Licensure bill and the Interstate Compact bill as well as the two budget decision packages regarding staffing and the budget decision package regarding the Commission's new office space will go forward.
- *Audit:* Our final response as an agency went to the Office of Financial Management who will provide a single response to the Joint Legislative Audit and Review Committee (JLARC) on November 16, 2016. The conclusion of the audit is that the Commission does meet the legislative intent to protect the public. There were some recommendations for improvement such as making the Commission website easier to find and navigate, add a requirement through the Uniform Disciplinary Act (UDA) to post complaint information signs in all physician offices, and that the UDA incorporate a way to charge a practitioner for not contesting managed care decisions. Another recommendation was that the Commission and the Board of Osteopathic Medicine and Surgery merge into one entity.

8.4 Program Manager

Ms. Underwood reported there was nothing new to report regarding Commissioner appointments.

8.5 Director of Operations and Informatics

Melissa McEachron, Director of Operations and Informatics, stated she had nothing to report.

8.6 Medical Consultant

George Heye, MD, Medical Consultant, reported he supports Dr. Marsh's work regarding a program for the "difficult physician." He also reported that he is now assigning RCMs as cases are approved for investigation after the Case Management Team meeting which is held each week. Rick Glein, Director of Legal Services, will also assign the Staff Attorney at that time.

8.7 Director of Legal Services

Mr. Glein introduced the new Legal Assistant, Bryan Medina. He also reported a new Staff Attorney will start on November 16, Anna Clavel and another will start on December 1, Ariele Landstrom.

8.8 Director of Investigations

Denise Gruchalla, Director of Investigations, was absent. Freda Pace, Investigator Supervisor, introduced a new clinical investigator, Betsy Johnson, ARNP.

8.9 Policy Development Manager

Mr. Farrell reported he continues to work on team-based regulation, which is the idea that if medicine is being delivered by teams then regulators should be taking a team-based approach to resolving complaints involving more than one regulator. The draft will be brought to a future meeting for review and approval. He also stated he will begin working on a new policy on how to handle sexual misconduct cases.

Mr. Farrell will attend the FSMB's Annual Board Attorney Workshop in Albuquerque, New Mexico in November where he will moderate a panel.

8.10 Performance and Outreach Manager

Ms. Bush reported that at the Commissioner retreat she was asked how many cases the Commission closes due to no whistleblower waiver. In FY2016 the Commission closed 52 cases due to no whistleblower waiver, which is less than 3% of all of our investigations. There was also a question about the time it takes between authorizing a STID to when it is served to the Respondent. She looked at 75 STIDs between January 2016 and October 2016 that were served and of those the average time was 159 days for that process.

Educational Conference: Attendance was up 48% from 2015. We issued 298.5 free CME credits, which is 75% more than in 2015. Of the survey responses, 89% stated they would attend the conference again; 100% were either satisfied or very satisfied with the conference speakers, 54% of those being very satisfied.

9.0 ADJOURNMENT

The Chair called the meeting adjourned at 9:58 a.m.

Submitted by

(Signature on file)

Daidria Underwood, Program Manager

(Signature on file)

Warren Howe, MD, Chair
Medical Quality Assurance Commission

Approved January 13, 2017