



STATE OF MICHIGAN

RICK SNYDER
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF HEALTH CARE SERVICES

MIKE ZIMMER
ACTING DIRECTOR

MICHIGAN BOARD OF MEDICINE NOVEMBER 19, 2014 MEETING

APPROVED MINUTES

In accordance with the Open Meetings Act, 1976, PA 267, as amended, the Michigan Board of Medicine met in regular session on November 19, 2014, at the Ottawa Building, 611 West Ottawa Street, Upper Level Conference Center, Conference Room 3, Lansing, Michigan.

CALL TO ORDER

Richard Burney, M.D., Chairperson, called the meeting to order at 10:10 a.m.

ROLL CALL

Members Present: Richard Burney, M.D., Chairperson
Peter Graham, M.D., Vice-Chairperson
Mohammed Arsiwala, M.D.
Sandra Howell, M.D.
Renee Johnston, Public Member
Kara Morley-Smolek, M.D.
Cynthia Pasky, Public Member
Louis Prues, Ph.D, Public Member
James Sondheimer, M.D.
Dennis Szymanski, M.D.
Rosalie Tocco-Bradley, M.D., Ph.D

Members Absent: Luis Avila, J.D
Richard Bates, M.D.
Lisa Huta, Public Member
Meghan Riley-Bisonet, PA-C
James Rogers, M.D.
Carol Sheridan, Public Member
Terri Tahnoose, Public Member
Gail Torreano, Public Member

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Staff Present: Shellayne Grimes, Secretary, Policy, Rules and Board Support Section
Michael Siracuse, Analyst, Policy, Rules and Board Support Section
Norene Lind, Manager, Policy, Rules and Board Support Section
Kiran Parag, Analyst, Enforcement Division
Michele Wagner-Gutkowski, Assistant Attorney General
Eric St. Onge, Assistant Attorney General

Others Present: Tom Sparks, Attorney
Andrew Schepers, MSMS
Nancy Short, Governor Snyder's Appointment Office
Lovis Sevrá, Attorney
Max Hoffman, Attorney
Lynn Mills
Genevieve Marnon
Jennifer Andreou
Eric Todd
Oriha Todd
Jose' Brown, Attorney
Aziz Merchant
Chuck M.
Bruce Jonasz
Robert Alexander
Genia Rinckey
Michael DeGrow, MAPA

INTRODUCTIONS

Lind introduced Michael Siracuse as the new Policy Analyst assigned to the Board.

APPROVAL OF MINUTES

MOTION by Prues, seconded by Paskey, to approve the minutes of the September 17, 2014 Board meeting, as presented.

MOTION PREVAILED

APPROVAL OF AGENDA

MOTION by Pasky, seconded by Graham, to approve the agenda, as presented.

MOTION PREVAILED

REGULATORY CONSIDERATIONS

None

COMMITTEE REPORTS

INVESTIGATIONS AND ALLEGATIONS

Prues reported that the Investigations and Allegations Committee reviewed 31 files in October, 2014. Eight files were authorized for investigation, and 23 files were closed.

For November, there are currently 36 files awaiting review.

OPERATIONS COMMITTEE

Burney reported that the Committee met to discuss the draft administrative rules.

DISCIPLINARY SUBCOMMITTEE

Johnston reported that the Disciplinary Subcommittee (DSC) met today and considered 22 matters; three (3) Requests for Reconsideration, four (4) Proposals for Decision, four (4) Administrative Complaints, ten (10) Consent Orders and Stipulations and one (1) Request for Dismissal.

CHAIRPERSON'S REPORT

Burney provided the following summary of Board of Medicine activity between September 15, 2014 and November 18, handling 44 matters, namely:

Type	Number
• Summary suspensions	0
• Conferee assignments	18
• Advice regarding sanction recommendations	11
• Advice regarding filing/pursuing complaint	1
• Approve CME and general supervision Requests	4
• Discuss sanction recommendation	6
• Miscellaneous matters	4

Burney informed that Elections for Board Chairperson and Vice-Chairperson will take place at the January 21, 2015 meeting.

Burney announced that Riley-Bisonet and Sheridan's terms will expire on December 31, 2014. Both are eligible for reappointment. That decision will be made by the governor's appointment office.

Burney noted that the Federation of State Medical Boards (FSMB) has received an application from Louis Prues, PhD, for the FSMB Board of Directors, which Burney has endorsed. Arsiwala has indicated a desire to serve on the Nominations Committee and Burney will write him a letter of support as well.

The FSMB Annual meeting is scheduled for April 23-25, 2015 in Fort Worth, Texas. Prues reminded the Board that he attended the 2013 meeting under a scholarship awarded by the FSMB for public members. He found it a very educational experience and a great opportunity. Lind added that FSMB will award ten scholarships for state medical board public members to attend the 2015 Annual meeting. Applications will be accepted through December 8, 2014 and are on a first-come first-served basis. Burney said he would like a public member to attend this year's meeting if at all possible.

Burney called attention to correspondence from NTSB regarding two draft recommendations related to pilots' use of medications. The NTSB recommends that states utilize guidelines and other forms of communication that will encourage health care providers to explain to pilots the effects that pain and sedative medications have on their ability to operate a plane safely. States have been asked to submit their comments regarding these recommendations to the NTSB by December 23, 2014.

OLD BUSINESS

Review of Draft Administrative Rules

Burney reported that since the draft administrative rules were presented to the board at the last board meeting, a few additional changes were required related to new legislation on prevention of human trafficking. Barr distributed a handout pertaining to training standards for identifying victims of human trafficking, as required by Public Act 343 of 2014, which becomes effective on January 1, 2015. To meet this legislative requirement, specific language will be placed into the rule set of this Board and all other health boards with the exception of Veterinary Medicine. The proposed rule addition was circulated.

Siracuse called attention to a typographical error in the numbering on page 20 of the draft Administrative Rules, namely that Section 17012(2) should be 17102(2).

Barr reminded Board members that after this Board approves the new rules, the rulemaking process has many steps to go through and can take 1-1/2 to 2 years to complete.

MOTION by Prues, seconded by Sondheimer, to approve the draft administrative rules with amendments noted.

MOTION PREVAILED

NEW BUSINESS

Editorial Board Meeting of Journal of Medical Regulation

Arsiwala attended the Editorial Board Meeting of the Journal of Medical Regulation (JMR), on September 5, 2014, in Euliss, Texas, and provided a brief summary of the purpose of

the meeting. The editorial board members discussed ways of expanding the JMR audience, as well as the need to use a blinded review similar to that used by academic journals.

Report on FSMB Resolution 13-2

Burney reported that Michigan's resolution was submitted to FSMB at the 2013 meeting "Setting Higher Standards for Unrestricted Medical Licensure" and resulted in adoption of a friendly substitute resolution by the 2013 House of Delegates will be debated in February, 2015 by the FSMB Board of Directors and may be brought up for vote at the April meeting of FSMB.

Master Resolution

Lind noted that the Master Resolution that was approved by this Board in 2008 has recently expired. An updated Master Resolution which corrects the department name but has no other substantive changes was presented for the Board's approval.

MOTION by Tocco-Bradley, seconded by Pasky, to approve the updated Board of Medicine Master Resolution.

MOTION PREVAILED

Department Update

None

PUBLIC COMMENT


Sondheimer believes Investigations and Allegations (I&A) Committee members would benefit from having the Attorney General's Office and the Pharmacy Inspectors attend a future board meeting to discuss the process used for gathering the opioid-related information and MAPS reports that leads to administrative complaints. I&A does not always have adequate information to make a decision. Tocco-Bradley stated that there are many red flags and questions related to MAPS, and it is difficult to figure out the standards being used for review. Burney and Lind agreed to ask representatives to attend a future I&A meeting.

ANNOUNCEMENTS

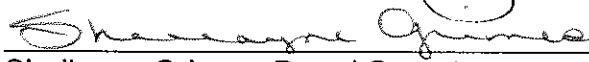
The next regularly scheduled meeting will be held on January 21, 2015 at 10:00 a.m., at the Ottawa Building, 611 West Ottawa Street, Upper Level Conference Center, Conference Room 3, Lansing, Michigan.

ADJOURNMENT


MOTION by Graham, seconded by Arsiwala, to adjourn the meeting at 11:16 a.m.



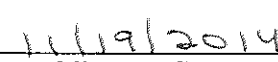
Richard Burney, M.D., Chairperson



Shellayne Grimes, Board Secretary



Date Minutes Approved



Date Minutes Prepared