



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF HEALTH CARE SERVICES

STEVEN H. HILFINGER
DIRECTOR

MICHIGAN BOARD OF MEDICINE NOVEMBER 21, 2012 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 21, 2012, 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
Mohammed Arsiwala, M.D.
Richard Bates, M.D.
David Dull, M.D.
Theresa Fraley, Public Member
Peter Graham, M.D., Vice-Chairperson
James Rogers, M.D.
Leticia San Diego, Ph.D., Public Member
Rosalie Tocco-Bradley, M.D., Ph.D.
Gail Torreano, Public Member
Louis Prues, Ph.D., Public Member
David Weingarden, M.D.

Members Absent: Jamie Frain, Public Member
Cheryl Graham Solomon, Public Member
Meghan Riley, PA-C
Dennis Szymanski, M.D.
Oliver Cameron, M.D., Ph.D.
Vivian Leung, Public Member
Cynthia Pasky, Public Member

Staff Present: Celia I. Lowe, Board Secretary, Board Management & Rules Unit
Rae Ramsdell, Director, Health Professions Division
Norene Lind, Manager, Board Management & Rules Unit
Kiran Parag, Analyst, Enforcement Section
Desmond Mitchell, Policy Analyst, Board Management & Rules Unit
Michele Wagner-Gutkowski, Assistant Attorney General

Others Present: Michael Wissel, R.Ph., Manager, Pharmacy Services Unit

APPROVAL OF MINUTES

MOTION by Fraley, seconded by Graham, to approve the minutes of the September 19, 2012 Board meeting with the following correction.

Under **Public Comment**, correct the sentence to read "San Diego stated that she will also attend the FSMB Editorial Board meeting in Texas."

MOTION PREVAILED

APPROVAL OF AGENDA

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

MOTION PREVAILED

REGULATORY CONSIDERATIONS

None

COMMITTEE REPORTS

INVESTIGATIONS AND ALLEGATIONS

Rogers reported that the Investigations and Allegations Committee reviewed 35 files. Sixteen (16) files were authorized for investigation, and 19 files were closed. At a subsequent meeting, the committee reviewed 25 files. Eight (8) files were authorized for investigation, and 17 files were closed.

OPERATIONS COMMITTEE

Burney reported that committee members met prior to today's meeting and will submit comments regarding the Federation of State Medical Boards (FSMB) policy on clinically inactive physicians.

Starting in January 2013, the Operations Committee will begin reviewing and revising the Administrative Rules.

DISCIPLINARY SUBCOMMITTEE

Fraley reported that the Committee met prior to today's meeting and considered 11 matters: 7 consent order and stipulations, 2 dismissals, and 2 administrative complaints.

CHAIRPERSON'S REPORT

Burney reported that he receives daily communications from bureau staff, and he provided a summary of the number of allegations he has handled since the last meeting. Among these, during the last two months, he assigned Conferees to 12 cases and approved 3 physician summary suspensions. He has served as the Conferee for 4 compliance conferences.

OLD BUSINESS

None

NEW BUSINESS

HPRC Nomination – Charles F. Gehrke, M.D.

MOTION by Weingarden, seconded by Graham, to appoint Charles F. Gehrke, M.D. as the Board of Medicine representative of the HPRC. A voice vote was held.

MOTION PREVAILED

Assignment of Nominations Committee Members

Burney assigned Fraley, Leung, Dull, and Cameron to serve as members of the Nominations Committee for 2013. They will work with Lind to prepare a list of candidates for the Chair and Vice Chair offices for presentation at the January 16, 2013 Board meeting.

News Release – Bureau of Health Care Services

Ramsdell informed the Board that the Bureau of Health Professions and Bureau of Health Systems merged as of November 13, 2012. It will now be known as the Bureau of Health Care Services.

Department Update

Ramsdell informed the Board that legislation has been introduced to grant independent licensure to Advanced Practice Registered Nurses (APRNs). Since we are nearing the end of the legislative session, this legislation will likely be re-introduced in 2013.

Draft Resolution to the Federation of State Medical Boards (FSMB)

Burney presented a draft resolution entitled, "Working with Hospitals to Employ Quality Improvement Principles and Processes in Board Disciplinary Actions," and he asked the Board for feedback. Discussion was held regarding the legal and philosophical challenges associated with boards requesting information as part of a license-related disciplinary action that might be considered by hospitals as privileged peer review information, because any information coming to the Board would become available to the public. Burney will work with the Operations Committee to study the matter further.

L.A. Times Article: "Tighter Oversight of Prescription Drug Deaths Sought"

Weingarden presented for information an article from the L.A. Times regarding a bill introduced to the California legislature that would require coroners to report all prescription drug-related deaths to the California Medical Board. Wissel told the Board that since there were more prescription drug-related deaths than illegal narcotic related deaths, he thought this was a good idea. He said that the Pharmacy Services Unit is working with the Michigan Association of Medical Examiners, asking medical examiners in Michigan to voluntarily report any deaths related to prescription drugs.

CSAC Guidelines

Wissel presented the Controlled Substance Advisory Commission's (CSAC) updated "Michigan Guidelines for the Use of Controlled Substances for the Treatment of Pain." Ramsdell asked Board members to review the document in preparation for discussion at the next Board meeting.

Draft Report of the MOL Workgroup on Clinically Inactive Physicians

Burney circulated the FSMB draft report of the MOL Workgroup on Clinically Inactive Physicians.

Congressional Telehealth Bill for 2012: Outline

Burney circulated for information the Congressional Telehealth Bill of 2012. FSMB believes the bill is moving rapidly.

Meningitis Update

Tocco-Bradley updated the Board on the St. Joseph Mercy Health System's current experience with the fungal meningitis outbreak. She reported that approximately 800 patients received mold-tainted steroid injections from a pain clinic in Brighton. In this group, over 100 persons have become ill, and more than 10 have died from fungal meningitis. In addition to fungal meningitis, patients have presented with stroke like symptoms, epidural abscesses, and septic joints. This epidemic has placed a huge burden on the St. Joseph Mercy Hospital over the past 2 months, and the end is not in sight. Their proactive response to the situation has been exemplary.

PUBLIC COMMENT

None.

ANNOUNCEMENTS

The next regularly scheduled meeting will be held on January 16, 2013 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 Dull, to adjourn the meeting at 11:25 a.m.



Richard Burney, M.D., Chairperson

1.16.13

Date Minutes Approved



Celia I. Lowe, Board Secretary

12/4/12

Date Minutes Prepared