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GOVERNOR

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

STEVE ARWOOD  
DIRECTOR

## MICHIGAN BOARD OF MEDICINE SEPTEMBER 18, 2013 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 September 18, 2013, 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 10:00 a.m.

### *ROLL CALL*

**Members Present:** Richard Burney, M.D., Chairperson  
Peter Graham, M.D., Vice-Chairperson  
Mohammed Arsiwala, M.D.  
Cheryl Graham-Solomon, Public Member (arrived at 10:10 a.m.)  
Oliver Cameron, M.D., Ph.D.  
Cynthia Pasky, Public Member  
David Dull, M.D. (arrived at 10:07 a.m.)  
James Rogers, M.D.  
Leticia San Diego, Ph.D., Public Member  
Dennis Szymanski, M.D.  
Theresa Fraley, Public Member (arrived at 10:05 a.m.; left at 10:18 a.m.)  
Richard Bates, M.D.  
Carol Sheridan, Public Member  
Rosalie Tocco-Bradley, M.D., Ph.D. (arrived at 10:02 a.m.)

**Members Absent:** Gail Torreano, Public Member  
David Weingarden, M.D.  
Meghan Riley, PA-C  
Louis Prues, Ph.D., Public Member  
Vivian Leung, Public Member

**Staff Present:** Shellayne Grimes, Secretary, Policy, Rules and Board Support Section  
Karen Carpenter, Analyst, Policy, Rules and Board Support Section  
Elaine Barr, Analyst, Policy, Rules and Board Support Section  
Joe Campbell, Enforcement Division Director  
Kiran Parag, Analyst, Enforcement Division  
Deb Gagliardi, Assistant Attorney General

**Others Present:** Andrew Schepers, MSMS  
Tom Trudeau  
Tony Trudeau

## **APPROVAL OF MINUTES**

*MOTION* by San Diego, seconded by Cameron, to approve the minutes of the July 17, 2013 Board meeting, as presented.

*MOTION PREVAILED*

## **APPROVAL OF AGENDA**

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

*MOTION PREVAILED*

## **COMMITTEE REPORTS**

### **INVESTIGATIONS AND ALLEGATIONS**

Rogers reported that the Investigations and Allegations Committee did not meet in August. The Investigations and Allegations Committee reviewed 57 files in September, 2013. Seventeen files were authorized for investigation; 40 files were closed; and none were returned for additional information.

### **OPERATIONS COMMITTEE**

Burney reported that the Operations Committee met this morning. Discussions were restarted regarding revision of the rules of the Board of Medicine, which had been on hold awaiting appointment of policy staff to assist.

### **INTRODUCTIONS**

Burney introduced two (2) new Policy Analysts that have recently joined the Policy, Rules and Board Support Section of the Bureau of Health Care Services. They are Karen Carpenter and Elaine Barr. Burney also introduced Assistant Attorney General, Deb Gagliardi and Joe Campbell, Enforcement Director for the Bureau of Health Care Services, who were in attendance.

## **DISCIPLINARY SUBCOMMITTEE**

Fraley reported that the Disciplinary Subcommittee met prior to today's meeting and considered 20 matters: ten (10) consent order and stipulations, five (5) orders of dismissal, one (1) petition for reclassification, one (1) proposal for decision and three (3) administrative complaints.

Fraley complimented the Department on moving cases to DSC in a timely manner.

## **CHAIRPERSON'S REPORT**

Burney reported that since the last board meeting he had reviewed 32 matters; he approved two (2) summary suspensions, made seven (7) conferee assignments, advised on 17 sanction recommendations, presided over one (1) compliance conference and handled six (6) other administrative issues.

## **OLD BUSINESS**

None

## **NEW BUSINESS**

### **Nominations Process for 2014 Elections**

Burney stated that the Nominating Committee will be appointed in November and conclude the nominating process by January, 2014.

### **Plans for 2014 Orientation Meeting – January 15, 2014**

Burney stated that the January 15, 2014 Board Meeting may also include the 2014 orientation meeting. Advance notice will be provided to board members if additional time is needed for attendance at this meeting. Burney is hopeful that new board members will have been appointed by that time so they can be in attendance.

### **FSMB Updates**

#### **Journal of Medical Regulation Editorial Board Meeting**

Arsiwala reported on the recent meeting of the editorial board of the Journal of Medical Regulation, which he, San Diego and Graham-Solomon attended. The journal would like to expand its publication of relevant research and increase its distribution.

Graham-Solomon called attention to two recently released books that would be of interest to the board. They are *Medical Licensing and Discipline in America: A History of the Federation of State Medical Boards*, by David Johnson and Humayun Chaudhry, both of FSMB; and *In The Public Interest: Medical Licensing and the Disciplinary*

*Process*, by Ruth Horowitz, a sociologist and public member of the board of medicine in New York.

### **FSMB Policy Initiatives**

Burney provided an overview of the handout regarding "Update on FSMB Policy Initiatives." He summarized the following issues that have been debated at FMSB:

- Maintenance of Licensure
- Reentry into Medical Practice
- Universal Licensure/Portability of Licensure/State Compacts regarding Licensing
- Telemedicine
- Release of new Policies regarding Pain Management

Discussion was held amongst the board members regarding all issues.

Regarding telemedicine, Burney said it is not yet clear what kinds of medical practices should be carried out over the Internet. Burney added that the internet is used daily by physicians for many useful patient care communications and purposes, but uses of the Internet have spread far beyond this kind of activity. Graham stated that Internet-based retail clinics are coming up quickly and becoming a hot button issue. Arsiwala commented that telemedicine is now being renamed "virtual medicine." Pasky added that the military has been driving force behind much of the technology that is now being used. The issue for boards is that we do not know how to regulate this activity. It is going to be very challenging, as it is not going to go away.

With regard to the FSMB pain management policies that have been revised, Burney commented that Michigan is ahead of the curve in this area.

### **Department Update**

Carpenter informed that the two (2) new policy analysts are on board and will be reviewing rules for all the boards.

Carpenter also reported that a task force has been appointed that will begin a revision of the Public Health. Michigan Department of Community Health (DCH) has named Lawrence Burns, a Grand Rapids attorney, to lead this panel. No one from the Board of Medicine is a member of the panel. The panel will make its recommendations for revisions to the DCH by late January, 2014. The names of all Board Members were recently shared with DCH, so that DCH can add the names to its distribution list. Hopefully, LARA will be contacted for input as well.

## **PUBLIC COMMENT**

Andrew Schepers from MSMS brought to the board's attention that the WCA Agency has been grappling with the issue of whether changes in reimbursement for opioid treatment and patient claims could help stem the tide of opioid abuse. The WCA is seeking guidelines for patients. The WCA is considering developing a health care advisory committee in LARA which would be made up of Ford, General Motors and Builders and Contractors Unions. In other words, the WCA is looking to create its own rules to provide reimbursement agreements. Schepers thanked the Board for the opportunity to speak.

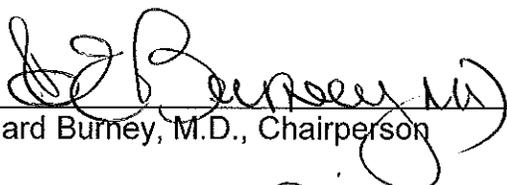
Tony Trudeau, a resident of Detroit, brought his father, Tom Trudeau, to the meeting to express their discontent with a cardiologist and psychiatrist in the Detroit area who was treating his father. Trudeau stated that he had filed a complaint with the Department and that his case was closed without action being taken. He was seeking an appeal. Carpenter later informed him that there is no appeal process available.

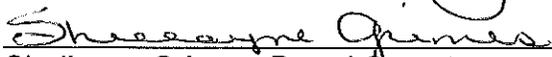
## **ANNOUNCEMENTS**

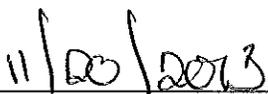
The next regularly scheduled meeting will be held on November 20, 2013 at 10:00 a.m., at the Ottawa Building, 611 West Ottawa Street, Upper Level Conference Center, Conference Room 3, Lansing, Michigan.

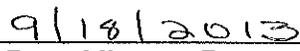
## **ADJOURNMENT**

*MOTION* by Arsiwala, seconded by Rogers, to adjourn the meeting at 11:25 a.m.

  
Richard Burney, M.D., Chairperson

  
Shellayne Grimes, Board Secretary

  
Date Minutes Approved

  
Date Minutes Prepared