

**MARYLAND BOARD OF PHYSICIANS
PANEL A
OPEN MEETING MINUTES
May 13, 2015**

The Maryland Board of Physicians (“the Board”) met Wednesday, May 13, 2015 at 9:10 a.m. with the following members present:

Present in Boardroom (Panel A)

Devinder Singh, M.D, Chair
Carmen M. Contee, Secretary
Brenda G. Baker
Gary J. Della’Zanna, D.O.
Suresh C. Gupta, M.D.
Deborah R. Harrison
John R. Lilly, M.D.
Celeste M. Lombardi, M.D.
Mary G. Mussman, M.D.
Ahmed Nawaz, M.D.
Robert P. Roca, M.D.

Present via Conference Call (Panel B)

Suresh K. Gupta, M.D., Vice Chair
Jacqueline Brown
Jacqueline Golden
Avril M. Houston, M.D.
Jonathan A. Lerner, PA-C
Hilary T. O’Herlihy, M.D.
Mark D. Olszyk, M.D.
Beryl J. Rosenstein, M.D.
Priti K. Sood, M.D.

ABSENT: Edward J. Brody; Alexis J. Carras, M.D.;

STAFF PRESENT: Christine Farrelly, Executive Director; Ellen Douglass Smith, Deputy Director; David Finkler, Assistant Attorney General; Tracee Fruman, Assistant Attorney General; Noreen Rubin, Assistant Attorney General; Molly Dicken, Compliance Analyst; Angela Gaither, Management Associate; Wynee Hawk, Policy; Stacie Hobbs, Management Associate; Brenda Jones, IT Support; Charles McGinniss, Compliance Analyst; Dierdra Rufus, Licensure Supervisor; Colette Satterfield, DCCR Administrative Support; Nicholas Smith, IT Support; Marty Teramani, Network Supervisor; Chris Triplett, IT Manager;

GUESTS: No guests were present.

CHAIR CALL TO ORDER/CHAIR REPORT/EXECUTIVE COMMITTEE REPORT - Noting a quorum of the Board, Devinder Singh, M.D., Chair, called the meeting to order at 9:10 a.m.

ACTION AGENDA

1. Physicians Initial Application for Medical License by Conceded Eminence

Swee Lay Thein, M.D.

On a motion made by Dr. S.C. Gupta and seconded by Ms. Contee, the Board voted unanimously to **APPROVE** Dr. Swee Lay Thein M.D. for licensure by Conceded Eminence.

2. Athletic Trainers

Athletic Trainers Evaluation and Treatment Protocols May 13, 2015

On a motion made by Dr. S.K. Gupta and seconded by Dr. S.C. Gupta, the Board voted unanimously to **APPROVE** the following list of Athletic Trainers Evaluation and Treatment Protocols.

Athletic Trainer	License No.	Supervising Physician	License Number
Christopher Callahan	A0000721	Scott Worrell, MD	D50634
Randyl Fabian	A0000720	James Steinberg, MD	H60485
Don Foley	A0000717	Lucas Wymore, MD	D78163
Alysia Henderson	A0000617	Leonie Prao, MD	D74994
Peter Lisman	A0000724	Kari Kindschi, MD	D71307
Regina Parquet	A0000335	Andrew Tucker, MD	D50841
Jenny Toonstra	A0000716	Robert Klug, MD	D47426
Brittani Winters	A0000115	Barbara Semakula, MD	D78124

3. Athletic Trainers Committee Appointments

On a motion made by Dr. S.C. Gupta and seconded by Ms. Contee, the Board voted unanimously to **APPROVE** the following list of Athletic Trainers Committee Appointments.

Athletic Trainer Advisory Committee Reappointments	License Number
<ul style="list-style-type: none">• John Bielawski Athletic Trainers Committee	A00178
<ul style="list-style-type: none">• Richard Peret Physical Therapist	15936
<ul style="list-style-type: none">• Benita Wilson Consumer Member	

4. Polysomnography Committee Appointment

On a motion made by Ms. Contee and seconded by Dr. S.C. Gupta the Board voted unanimously to **APPROVE** Polysomnography Committee Appointment.

- Brenda McKinley Polysomnography

5. Open Meeting Minutes

On a motion made by Dr. S.K. Gupta and seconded by Dr. Mussman, the Board voted unanimously to **APPROVE** the Panel A December 10, 2014 open meeting minutes.

6. Naturopathic Medicine Advisory Committee Status of Draft Regulations

Discussion:

- 1). False Advertising & False Statements Regulations - (The Staff and Committee are creating Regulations based on the Naturopathic Formulary Workgroup recommendation).
- 2). Further defining the Membership of the Committee - (Clarifying what it means to have “experience working with Naturopathic Doctors”)
- 3). Whether discipline for “drugs” includes natural medicines - (The statute (14-5F-18(a) (17)) lists drugs and goods. The Board member suggested that the natural medicines be included in definition of drugs or goods. The Committee will consider whether defining goods to include natural medicines. Board counsel advised that prescription drugs are already defined by statute and cannot be redefined by regulation. Whether the regulations should reflect the Formulary Workgroup recommendation – A question was raised about whether the regulations should reflect the Formulary Workgroup recommendations regarding drugs that Naturopathic Doctors will be allowed to prescribe. The Board was informed that these recommendations are not part of the law if and until the legislature updates the statute. If the statute is changed, the Naturopathic Committee will revise the regulations accordingly after the legislative session.
- 4) The outstanding regulations are as follows: Code of Ethics, False Advertising, Committee Members and Fees.

7. Policy

Wynee Hawk provided end of session updates on legislation that concluded on Monday, April 13, 2015. This year there were seventy new legislators (35%) in the General Assembly. Board leadership engaged in several meetings early on with the new legislators, as they needed to be educated on the Board of Physicians role. During the course of the legislative session, the Board reviewed over 174 separate pieces of legislation.

There were two key legislative proposals this session that impact the Board. The Criminal History Record Check Bill that will be effective, on July 1, 2015. The Board will have until 2016 to implement for license renewals, in the meantime incorporating new licenses once operational decisions are implemented and new staff are hired. An article is on the Board website to inform the current and new licensees about the new law and the implementation timing between now and October 2016. Board staff will meet with Criminal Justice Information, and the FBI.

For the Reporting Requirements Bill for Physician Assistants and Athletic Trainers, as the Bill progressed more inconsistencies were identified. The Bill was withdrawn for further investigation and research. On other legislation of interest, the Federation of State Medical Boards is really lobbying hard to introduce an Interstate Licensure Compact. The sterile Compounding Law was repealed as it relates to Physicians and their office practices because it was defined in regulation to include reconstitution and therefore it affected a great number of in office practices. The DHMH and the Pharmacy Board are seeking more information on how many physicians actually compound.

Pertaining to the Medical Marijuana bill, the Board has serious concerns and will be involved in the development of regulations as it relates to language in the Bill that allows Certified Physicians to enter into compensation arrangements with growers, dispensaries and processors. The concerns are that our disciplinary grounds are for the Board to interpret and not the Marijuana Commission to review and decide whether a compensation arrangement violates our statute. As far as reporting a Certifying Physician that is disciplined the statute does not affect the requirement to report to the Board, however it creates confusion that might be used as a loophole for Certifying Physicians.

BOARD VOTE TO CLOSE SESSION

CLOSED SESSION: “Pursuant to Maryland State Government Annotated §10-501 et. seq., on a motion made by Dr. Della’Zanna and seconded by Ms. Contee, the Board unanimously voted to close its meeting on May 13, 2015 at 9:32 a.m., in room 100 for the purpose of complying with the Maryland Medical Practice Act that prevents public disclosures about particular proceedings or matters. Pursuant to Md. Hth. Occ. Ann. 14-411 (a) and (b), the Board is prohibited from disclosing any information contained in a proceeding record or file of the Board”

SUMMARY OF CLOSED SESSION:

There was one exception hearing. There were twelve cases presented to Panel A for charging. There was one case presented to Panel A for 14-404(b), and one case presented for 14-5B-14(c). The Closed minutes for Panel A from February 11, 2015, and March 11, 2015 were approved. The Disciplinary for Panel A closed meeting minutes for March 11, 2015 were approved. The IRP meeting minutes for Panel A February 11, 2015 and March 11, 2015 were approved.

Respectfully Submitted,

Carmen Contee
Secretary, Panel A

Date