

**MARYLAND BOARD OF PHYSICIANS  
BOARD  
OPEN MEETING MINUTES  
4201 Patterson Avenue, Baltimore, MD  
Room 100  
July 31, 2019**

The Maryland Board of Physicians (the Board) met Wednesday, July 31, 2019 with the following members present:

Damean W.E. Freas, D.O., Board Chair  
Matthew J. Allaway, D.O.  
Scott A. Berkowitz, M.D.  
Arun Bhandari, M.D., Chair  
Mark S. Dills, P.A.  
Jon S. Frank, Consumer Member  
Dalila Harvey-Granger,  
Alvin L. Helfenbein, Jr.  
Ira Kornbluth, M.D.

Victor M. Plavner, M.D.  
Kevin Pereira, M.D.  
Robert P. Roca, M.D.  
Scott R. Sauvageot, M.D.  
Martha Schaerr, Consumer Member  
Ann Marie Stephenson Thomas, D.O., M.B.A.  
Maxine E. Turnipseed, Consumer Member  
Scott J. Wiesenberger, M.D.

**ABSENT:** Marie-Alberte Boursiquot, M.D.; Lisa Burgess, M.D.; Mark D. Olszyk, M.D.; Sheila M. Smith, Consumer Member

**STAFF PRESENT:** Christine Farrelly, Executive Director; Ellen Douglas Smith, Deputy Director; Stacey Darin, Assistant Attorney General; David Wagner, Assistant Attorney General; Shelley Taylor-Barnes, Lead Allied Health Analyst; Rhonda Deanes, Allied Health Analyst Associate; Angela Gaither, Management Associate; Oriell Harris, Compliance Analyst Associate; Wynnee Hawk, Policy Legislative Manager; Sandi Van Horn, Health Policy Analyst; Yemisi Koya, Director (CEP); Cecilia Laurent, Allied Health Analyst; James Scott, Allied Health Analyst Associate; Zach Spivey, Compliance Analyst; Marty Teramani, Network Supervisor; Mark Woodard, Health Policy Analyst; Felicia Wright, Allied Health Supervisor

**GUESTS:** Kim Lang, Director, Board and Commissioners, Maryland Department of Health; Lindsay Rowe, Analyst, Department of Legislative Services

## **CALL TO ORDER**

## **NEW BUSINESS**

### **Allied Health Committees Appointment for Approval**

Perfusion Advisory Committee (PAC)  
Appoint

- Brenda Baker, Consumer Member

*On a motion made by Dr. Wiesenberger, and seconded by Mr. Dills, the Board voted to unanimously **APPROVE** the appointment to the Perfusion Advisory Committee.*

## **POLICY/LEGISLATION**

### **Update regarding Registered Cardiovascular Invasive Specialists (RCIS)**

Ms. Van Horn provided an update about registered cardiovascular invasive specialists (RCIS). The Board will be promulgating regulations regarding RCIS and is holding a stakeholder meeting on August 12, 2019. Also, the rad tech committee is meeting on August 1, 2019 to discuss RCIS matters. Both meetings are open to the public.

### **Update on Telehealth Regulations**

Mr. Woodard updated the Board on the Telehealth regulations. Mr. Woodard, Christine Farrelly and David Finkler attended a meeting on July 8, 2019 with the Administrative, Executive, Legislative Review (AELR) Committee Chairs, Department of Health, Hospitals and Planned Parenthood representatives. The AELR Committee withdrew its hold on the regulations. Afterwards, the Regulations Office indicated that the Notice of Final Action may be published in the Maryland Register, on August 2nd and adopted on August 12th. Senator Kagan did indicate that she and Delegate Rosenberg would introduce legislation next session to address Planned Parenthood's concerns.

### **Genetic Counselors**

Ms. Hawk presented the request by the Maryland DC Society of Genetic Counselors seeking Board support for licensure of genetic counselors under the Board. Ms. Hawk explained the history of the Board's role, that over time many practitioner groups have made this request and as a result, in 2013 the Board adopted a set of criteria, "New Profession, Objective Criteria" (see attached). An overview of the criteria was provided, with a reference to the statutory requirement that the fees charged need to cover the expenses of the group; see §14-207 of the Medical Practice Act. A discussion followed, and the Board approved sending the criteria to the group to request a written response to the objective criteria, and also requested additional information developed as a result of the discussion.

*On a motion made by Dr. Wiesenberger, and seconded by Mr. Frank, the Board voted to **APPROVE** sending the New Professions, Objective Criteria and the request for additional information to the Maryland DC Society of Genetic Counselors for a response.*

### **Preferred Consent Order Provisions**

Board staff gave a presentation on the preferred Consent Order language and the Board approved.

*On a motion made by Dr. Wiesenberger, and seconded by Mr. Helfenbein, the Board voted to **APPROVE** the Preferred Consent Order language.*

## **Regulations**

### **Advanced duty of PA dispensing - For Discussion amending regulations for PA dispensing**

In response to comments and an inquiry from the public, the Board discussed the physician assistant (PA) advanced duty to dispense prescription drugs and the Board's draft regulations regarding delegation by a supervising physician of full dispensing authority to a PA. The Board voted to revise its draft regulations, including the removal of the requirement that a PA obtain Board approval for the advanced duty of dispensing prescription drugs before a supervising physician can delegate full dispensing authority to a PA.

*On a motion made by Dr. Kornbluth, and seconded by Dr. Wiesenberger, the Board voted to **APPROVE** to revise its draft regulations on advanced duty of PA's and to proceed with the promulgation process.*

**The open meeting ended at 9:49 a.m.**

Submitted by,



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Damean W. E. Freas, D.O.  
Board Chair

The Maryland State Board of Physicians is frequently asked to take a position on whether there is a necessity for the licensure of a new profession. This normally occurs in the context of a legislative proposal. The Board suggests that those seeking the Board's support for such a legislative proposal structure their presentation so as to address the issues listed below. These issues have been used in other states as a framework for evaluating the necessity of licensing of a new profession.

The Board invites the public to comment on these issues or to suggest other improvements on this approach.

**ISSUE 1: Risk of Harm to the Consumer** - Whether the unregulated practice of the allied health profession or occupation will substantially harm or endanger the public health, safety or welfare, and whether the potential for harm is recognizable and not remote. The harm results from: (a) practices inherent in the occupation, (b) characteristics of the clients served, (c) the setting or supervisory arrangements for the delivery of health services, or (d) from any combination of these factors.

**ISSUE 2: Specialized Skill and Training Required** - Whether the practice of the profession or occupation requires specialized skill or training, and whether that skill or training is readily measurable or quantifiable so that examination or training requirements would reasonably assure initial and continuing professional or occupational ability.

**ISSUE 3: Extent of Autonomous Practice** - Whether the functions and responsibilities of the practitioner require independent judgment and members of the occupational group practice autonomously.

**ISSUE 4: Scope of Practice** - Whether the scope of practice is distinguishable from other licensed, certified and registered occupations, in spite of possible overlapping duties, methods of examination, instrumentation, or therapeutic modalities.

**ISSUE 5: Economic Costs** - Whether the economic costs (restriction of job creation through regulation and the cost of funding regulatory boards) to the public of regulating the occupational group are justified.

**ISSUE 6: Alternatives to Regulation**- Whether the public can be protected by means other than by regulation, such as, by inspections, disclosure requirements, or the strengthening of consumer protection laws. Whenever appropriate, consistent with patient safety and public health, the lesser level of regulation is preferred.

**Any group seeking the Board to evaluate a proposal for licensure may wish to submit the following information to the Board for its consideration:**

1. Number of those to be regulated;
2. Nature and extent of harm caused by the unregulated practice of the profession/occupation;
3. Voluntary efforts of the profession to protect the public and why they are inadequate;
4. Explanation of why other less restrictive regulation would not protect the public;
5. The cost, availability, and appropriateness of training and examination requirements; and,
6. The cost of regulation, including the indirect cost to consumers, and the proposed method to fund the cost of regulation.