

**MARYLAND BOARD OF PHYSICIANS
BOARD
OPEN MEETING MINUTES
4201 Patterson Avenue, Baltimore, MD
Room 100
May 22, 2019**

The Maryland Board of Physicians (the Board) met Wednesday, May 22, 2019 with the following members present:

Present in Board Room (Panel B)

Damean W.E. Freas, D.O., Board Chair
Mark S. Dills, PA-C
Mark D. Olszyk, M.D.
Victor M. Plavner, M.D.
Beryl J. Rosenstein, M.D.
Scott R. Sauvageot – Consumer Member
Martha Schaerr, Consumer Member
Ann Marie Stephenson Thomas, D.O., MBA
Maxine E. Turnipseed, Consumer Member
Scott J. Wiesenberger, M.D.
Camille M. Williams, M.D.

Present via Conference Call (Panel A)

Arun Bhandari, M.D., Chair
Marie-Alberte Boursiquot, M.D.
Jon S. Frank, Consumer Member
Dalila Harvey-Granger, M.D.
Alvin L. Helfenbein, Jr., Consumer Member
Ira Kornbluth, M.D.
Kevin Pereira, M.D.
Robert P. Roca, M.D.

ABSENT: Matthew J. Allaway, D.O.; Lisa Burgess, M.D.; Sheila M. Smith, Consumer Member

STAFF PRESENT: Christine Farrelly, Executive Director; Ellen Douglas Smith, Deputy Director; Stacey Darin, Assistant Attorney General; David Finkler, Assistant Attorney General; Noreen Rubin, Assistant Attorney General; David Wagner, Assistant Attorney General; Robert Grossman, Law Clerk, Attorney General's Office; Shelley Taylor-Barnes, Lead PA Analyst; Rhonda Deanes, Allied Health Analyst Associate PA; Oriell Harris, Compliance Analyst Associate; Sandi Van Horn, Health Policy Analyst; Margaret Ellis Jury, Allied Health Analyst, ND; Cecilia Laurent, Rad Tech, RCP; Linda Monroe, Allied Health Analyst; Doreen Noppinger, Compliance Manager; Princess Sando, Allied Health Analyst Associate PA; Colette Satterfield, DCCR Administrative Support; Jennifer Saylor, Compliance Analyst Associate; James Scott, Allied Health Analyst Associate PA; Marty Teramani, Network Supervisor; Mark Woodard, Health Policy Analyst; Felicia Wright, Allied Health Supervisor

GUEST: Natalie Orbach, Chair, MBP, Physician Assistant Advisory Committee; Webster Ye, Director, Office of Governmental Affairs, Maryland Department of Health; Jake Whitaker, Acting Director, Office of Regulation and Policy Coordination, MDH; Robyn Elliott, Lobbyist, Public Policy Partners and Planned Parenthood of Maryland

CALL TO ORDER

Dr. Freas, Chair called the meeting to order at 9:02 a.m.

UNFINISHED BUSINESS

Application for Approval of Duties and Supervisory Relationship for Psychiatrist's Assistant

- Dika Seltzer, PsA and Stephen Saunders, M.D.

At the March 27, 2019 Board Meeting, the Board tabled its decision regarding Ms. Seltzer's Psychiatrist's and Dr. Saunders request pending its receipt of additional information.

The Panel reviewed and discussed Dr. Saunders' protocol that included an emergency procedure as well as his statement specifying the type of supervision he provides to Ms. Seltzer

*On a motion made by Dr. Roca, and seconded by Dr. Pereira, the Board voted to **APPROVE** the request for Ms. Seltzer's and Dr. Saunders Supervisory Relationship for Psychiatrist's Assistant. Dr. Rosenstein and Ms. Schaerr opposed.*

NEW BUSINESS

Physician Assistants Delegation Agreement Addendum for Advanced Duties

The Physician Assistant Advisory Committee (PAAC) determined that the following physician assistants meet the criteria for advanced duties established in statute and regulations, and voted to recommend approval of the delegation agreement addendum to the Board.

Previously Board approved procedures RECOMMENDED for APPROVAL:

Physician Assistant	Supervising Physician	Requested Procedure(s)	Practice Setting	Date of Approval of Core Duties DA
Kaitlyn Ayerle, PA-C	Lisa Renfro, M.D.	1) Excision and repair of Malignant Lesions limited to lesions 2.5cm or less above the neck.	Ambulatory Surgical Facility /Private	10/17/18
Ester Ben Or, PA-C	Alexander Hillel, M.D.	1) Flexible and rigid nasal endoscopy 2) Fiber optic laryngoscopy	Hospital	4/24/19
Jason Burton, PA-C	Jason Jancosko, M.D.	1) Arthrocentesis / joint aspirations wrist, elbow, shoulder, hip, knee, tendon sheath / trigger finger	Private	12/20/17
Jason Burton, PA-C	Richard Mason, M.D.	1) Arthrocentesis / joint aspirations wrist, elbow, shoulder, hip, knee, tendon sheath / trigger finger	Private	12/20/17
Benjamin Flowers, PA-C	Richard Mason, M.D.	1) Arthrocentesis / joint aspirations elbow, shoulder, hip, knee, tendon sheath / trigger finger	Private	12/20/17

Physician Assistant	Supervising Physician	Requested Procedure(s)	Practice Setting	Date of Approval of Core Duties DA
Benjamin Flowers, PA-C	Myron Szczukowski, M.D.	1) Arthrocentesis / joint aspirations elbow, shoulder, hip, knee, tendon sheath / trigger finger	Private	12/20/17
Ellen Jordan, PA-C	Michael Del Torto, M.D.	1) Botulinum toxin type A for cosmetic use	Private	1/24/18
James Kielek, Jr., PA-C	Jason Birnbaum, M.D.	1) Central lines 2) Arterial lines 3) Lumbar punctures	Hospital	3/27/19
Corey Lewis, PA-C	Neeraj Badjatia, M.D.	1) Conscious / Moderate Sedation (not procedure requiring it)	Hospital	10/29/2014
Richard Turney, PA-C	Jason Jancosko, M.D.	1) Arthrocentesis / joint aspirations wrist, elbow, shoulder, hip, knee, tendon sheath / trigger finger	Private	12/20/17
Richard Turney, PA-C	Richard Mason, M.D.	1) Arthrocentesis / joint aspirations wrist, elbow, shoulder, hip, knee, tendon sheath / trigger finger	Private	12/20/17

*On a motion made by Dr. Olszyk, and seconded by Mr. Dills, the Board voted unanimously to **APPROVE** all addendum requests to perform the aforementioned advanced duties.*

Requested Procedure RECOMMENDED for DISAPPROVAL:

Physician Assistant	Supervising Physician	Requested Procedure(s)	Practice Setting	Date of Approval of Core Duties DA
Lindsey Wood, PA-C	Nisha Chandra-Strobos, M.D.	1) Stress Test – pharmacologic and exercise	Hospital	11/28/2018

At its May 1, 2019 meeting, the Physician Assistant Advisory Committee recommended disapproving the above requested advanced duty because they determined that the physician assistant did not meet the criteria for advanced duties established in Health Occupations Article, §15-302 and COMAR 10.32.03.06.

On a motion made by Dr. Wiesenberger, and seconded by Dr. Stephenson Thomas, the Board voted unanimously to **DISAPPROVE** the addendum request for Lindsey Wood, PA-C and Nisha Chandra-Strobos, M.D. to perform the aforementioned advanced duties.

Athletic Trainers Evaluation and Treatment Protocols

The Athletic Trainers Advisory Committee reviewed the Evaluation and Treatment Protocols, determined that the athletic trainers meet the criteria established in statute, and voted to recommend approval to the Board.

Athletic Trainer	License Number	Supervising Physician	License Number
John Fleck, ATC	A0001182	Andrew Tucker, M.D.	D0050841
Roger Hunt, ATC	A0001180	Brandon Thomas, M.D.	D0038138
Hillary Jones, ATC	A0001174	John Tabacco, M.D.	D0087271
Francesca Kirk, ATC	A0001088	Brandon Thomas, M.D.	D0038138
Jillian Lee, ATC	A0001181	Brian Shiu, M.D.	D0083312
Jason Meyer, ATC	A0001183	Debra Spatz, M.D.	H0044787
Lia Montgomery, ATC	A0001056	Alvin Detterline, M.D.	D0067412
Saisanja Vattigunta, ATC	A0001179	Brian Shiu, M.D.	D0083312

On a motion made by Dr. Rosenstein, and seconded by Mr. Dills, the Board voted to unanimously **APPROVE** the aforementioned Athletic Trainers Evaluation and Treatment Protocols.

Athletic Trainer	License Number	Supervising Physician	License Number
Keiosha Hunt, ATC	A0001176	Noah Raizman, M.D.	D0074174
Mallory Gomes, ATC	A0000945	Christopher Langhammer, M.D.	D0085677

On a motion made by Dr. Rosenstein, and seconded by Mr. Dills, the Board voted to unanimously to the **DENIAL** the aforementioned Athletic Trainers Evaluation and Treatment Protocols.

Allied Health Committee Appointment for Approval

Polysomnography Professional Standards Committee (PPSC)
 Appoint

- Wayne Cooper, Esquire; Consumer

On a motion made by Dr. Wiesenberger, and seconded by Ms. Turnipseed, the Board voted to unanimously **APPROVE** the appointment to Polysomnography Professional Standards Committee.

POLICY/LEGISLATION

- Regulations
 - Telemedicine Regulations

Mark Woodard and Board Counsel summarized the recent comments from interested parties to the Board's Telehealth regulations, including a letter from the Joint Committee on Administrative, Executive, and Legislative Review (AELR) requesting the Department delay adoption. Most of the comments expressed disagreement with the patient evaluation regulation and requested a change in that provision. After comments from Board members and further discussion, the Board voted to proceed with the Telehealth regulations as drafted that requires, in most situations, an in-person or audio-visual patient evaluation prior to diagnosis, treatment, and prescribing. Board members expressed concern that the proposed revisions would not require a physician-patient relationship and would be outside of the standard of quality care.

*On a motion made by Dr. Olszyk, and seconded by Mr. Dills, the Board voted to unanimously **APPROVE** to move forward with promulgating the present regulations.*

OTHER REGULATIONS

Ms. Farrelly, updated the Board on the Physician Assistant Dispensing Regulations comments received. There were not a lot of substantive comments; however, there are two areas where the Board should consider changing.

- 1) The requirement that a PA practiced with the Primary Supervising Physician for 90 days under a Delegation Agreement.
- 2) The requirement that only the Physician complete the attestation was discussed. After discussion the consensus of the Board was that the 90 day requirement could be eliminated and that both the PA and PSP should complete attestations.

BOARD MEETINGS ATTENDANCE

Dr. Freas advised the Board members of the attendance policy and how important it is to be present at each meeting. He mentioned that it is necessary to have at least a quorum to conduct business, but would rather have everyone in attendance via in person or conference call.

APPROVAL OF MINUTES

- January 30, 2019
- February 13, 2019
- February 27, 2019
- March 27, 2019
- April 10, 2019
- April 24, 2019

*On a motion made by Dr. Olszyk, and seconded by Dr. Rosenstein, the Board voted to unanimously **APPROVE** the full Board minutes for January 30, 2019; February 13, 2019; February 27, 2019; March 27, 2019; April 10, 2019 and April 24, 2019.*

BOARD COUNSEL REPORT

Dr. Zafar Malik vs. Board of Physicians

Board counsel gave an update regarding revocation of Dr. Malik licensed by Panel B for violation of his Consent Order. The circuit court of Washington County affirmed Panel B's decision.

OTHER BUSINESS – FOR YOUR INFORMATION ONLY

- Physician Assistant Advisory Committee Meeting Minutes – April 3, 2019
- Athletic Trainer Advisory Committee Meeting Minutes – April 9, 2019
- Physician Initial Licensure and Reinstatement Lists
- Physician Assistant Advanced Duty to Dispense Prescription Drugs List
- Physician Assistant Initial Licensure and Reinstatement Lists
- Physician Assistant Delegation Agreements List
- Respiratory Care Practitioners Initial Licensure and Reinstatement Lists
- Radiation Therapists, Radiographers, Radiologist Assistants and Nuclear Medicine Technologists, Initial Licensure and Reinstatement Lists

BOARD VOTE TO CLOSE SESSION

CLOSED SESSION: Pursuant to Maryland General Provisions Article §3-305(b)(8), on a motion made by Dr. Olszyk, and seconded by Mr. Dills, the Board unanimously voted to close its meeting on May 22, 2019 at 9:30 a.m., in room 100.

SUMMARY OF CLOSED SESSION:

The Board went into closed session to consult with staff and counsel about pending litigation.

CONVENE TO CLOSE

Submitted by,



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