

**MARYLAND BOARD OF PHYSICIANS  
BOARD  
OPEN MEETING MINUTES  
4201 Patterson Avenue, Baltimore, MD  
Room 100  
January 24, 2018**

The Maryland Board of Physicians (the Board) met Wednesday, January 24, 2018 with the following members present:

Damean W.E. Freas, D.O., Board Chair  
Arun Bhandari, M.D., Chair  
Marie-Alberte Boursiquot, M.D.  
Edward J. Brody, Consumer Member  
Lisa Burgess, M.D.  
Gary Della'Zanna, D.O.  
Mark S. Dills, P.A.  
Jon S. Frank, Consumer Member  
Alvin L. Helfenbein, Jr.  
Ira Kornbluth, M.D.

Mark D. Olszyk, M.D.  
Kevin Pereira, M.D.  
Robert P. Roca, M.D.  
Beryl J. Rosenstein, M.D.  
Martha Schaerr, Consumer Member  
Ann Marie Stephenson, D.O., M.B.A.  
Maxine E. Turnipseed, Consumer Member  
Thomas M. Walsh, M.D.  
Scott J. Wiesenberger, M.D.  
Camille M. Williams, M.D.

**ABSENT:** Dalila Harvey-Granger, M.D.

**STAFF PRESENT:** Christine Farrelly, Executive Director; Stacey Darin, Assistant Attorney General; Noreen Rubin, Assistant Attorney General; David Finkler, Assistant Attorney General; David Wagner, Assistant Attorney General; Shelley Taylor-Barnes, Lead PA Analyst; Rhonda Deanes, Allied Health Analyst Associate PA; Lisa Dorsey, Lead Licensure Analyst; Cheryl Green, Allied Health Analyst Associate PA; Michelle Harrison, Allied Health Analyst PA; Wynnee Hawk, Policy Legislative Manager; Sandi Van Horn, Health Policy Analyst; Angela Gaither, Management Associate; Cecilia Laurent, Allied Health Analyst ND; Linda Monroe, Allied Health Analyst; Doreen Noppinger, Compliance Manager; Colette Satterfield, DCCR Administrative Support; Marty Teramani, Network Supervisor; Nicole Thompson, Licensure Supervisor; Mark Woodard, Health Policy Analyst; Felicia Wright, Allied Health Supervisor

**GUESTS:** Sharon Bloom, Executive Assistant, Office of Health Workforce, Maryland Department of Health, (MDH); Rachel Burch, Esq., Gerard E. Evans Ltd Lobbying & Governmental Relations Firm; Nancy Brown, Health Policy Analyst, Maryland Department of Medicaid; Kara Cossis, PA-C, Chesapeake Urology; Christopher Dean, Esq., Baker Donelson Law Firm; Angela Evatt, Chief, Health Information Exchange of Maryland Health Care Commission, (MHCC); Stephanie Galica, Senior Director, Adapt Pharma Incorporated; Bridget Haslam, PA-C, Physician Assistant, Maryland Academy of Physician Assistants (MAPA); Ahleah Knapp, Paralegal, The Law Offices of Baxter, Baker, Sidle, Conn and Jones; Russel Kujan, Director, Maryland Dermatologic Society; Kim Lang, Director, (MDH); Theresa Neumann, Legislation, MAPA; Mark F. McKinnon, DHSc, PA-C, President, MAPA; Stephanie Radix, JD, Senior Director, American Academy of Physician Assistants, (AAPA); Anthony Raneri, Chair, Maryland Board of Physicians, Physician Assistant Advisory Committee (PAAC); Neal Reynolds, PA-C Emeritus, National Commission on Certification of Physician Assistants, (NCCPA); Richard Rohrs, PA-C, DFAAPA, SFHM, Physician Assistant History Society, (PAHC); Justine Springer, Program Manager, MHCC; Greg P. Thomas, PA-C Emeritus, MPH,

NCCPA; Rob White, Director of Behavior Health, University of Maryland Medical Systems, (UMMS)

## **CALL TO ORDER**

Dr. Freas called the meeting to order at 9:07 a.m.

## **NATIONAL COMMISSION ON CERTIFICATION OF PHYSICIAN ASSISTANTS (NCCPA) - PRESENTATION**

Greg Thomas, PA-C gave a presentation on Physician Assistant's Practice Patterns, Certifications and Certified Statistical Profiles from the United States and Maryland.

## **DISCUSSION/APPROVAL: Telemedicine Regulations COMAR 10.32.05 - Presenters: David Finkler, Mark Woodard and Neal Reynolds, M.D**

Mr. Woodard and Mr. Finkler summarized the changes to the telemedicine regulations. Dr. Neal Reynolds, Vice President of the Maryland Telehealth Alliance, commented on the regulations from the stakeholder's perspective.

The Board recommended several changes to the regulations, and formed a workgroup to discuss the issue concerning whether or not there should be an exception to the restrictions on opioid prescribing. Dr. Burgess, Ms. Turnipseed, Dr. Freas, Dr. Kornbluth and Dr. Bhandari volunteered for the workgroup.

*On a motion made by Mr. Dills, and seconded by, Dr. Della'Zanna, the Board voted unanimously to **APPROVE** the draft for telehealth regulations pending resolution of the language to be discussed by the workgroup.*

## **BOARD VOTE TO CLOSE SESSION**

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**CLOSED SESSION:** *"Pursuant to Maryland General Provisions Article §3-305(b)(7), on a motion made by Mr. Brody, and seconded by Mr. Dills, the Board unanimously voted to close its meeting on January 24, 2018 at 11:06 a.m., in room 100.*

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## **SUMMARY OF CLOSED SESSION:**

The Board went into closed session for legal advice on applicable law.

The Board returned to open session at 11:37 a.m.

## **DISCUSSION: PHYSICIAN ASSISTANTS - Advanced Duties**

### **Education and Training for Advanced Duties**

The Board discussed the education, training and experience required for a physician assistant to perform an advanced duty safely. Although the Board has approved many advanced procedures in the past, they felt that prior approval should not be considered a determining factor whether to

approve an advanced duty. The Board agreed to form a workgroup to consider regulations on advanced duties of complex medical procedures. Dr. Boursiquot, Mr. Dills, Dr. Della’Zanna and Dr. Burgess volunteered for the workgroup.

**Education and Training for Cystoscopy and Mediport and Placement/Insertion**

Board staff presented the delegation agreement addendum request from Nadine Thompson, PA-C and Dr. Albert Steren’s for Ms. Thompson to perform diagnostic cystoscopy and insertion of Mediports.

*On a motion made by Dr. Freas, and seconded by, Dr. Olszyk, the Board voted unanimously to **TABLE** to gather more information on the request to perform diagnostic cystoscopy being performed during a procedure or not and pending the workgroup’s discussion.*

**Advanced Procedures by Specialty List**

Board staff requested approval to post the Advanced Procedures by Specialty (List) on the Board’s website.

The Board agreed to have staff post the List.

**UNFINISHED BUSINESS**

**Previously Board approved procedures RECOMMENDED for APPROVAL:**

<b>Physician Assistant</b>	<b>Supervising Physician</b>	<b>Requested Procedure(s)</b>	<b>Practice Setting</b>	<b>Date of Approval of Core Duties DA</b>
Wendy Sullivan, PA-C	William Dowling, M.D.	Flexible Cystoscopy	Hospital	12/19/07

At its November 29, 2017, the Board reviewed this addendum, but tabled it pending receipt and review of Dr. Dowling’s response about the role of the physician assistant (PA) if a suspected tumor is found.

Dr. Dowling replied that if the PA finds a suspected tumor during the flexible cystoscopy procedure, the PA would report any abnormal bladder findings directly to him for possible further evaluation and treatment. He also stated that the reason for the cystoscopy is only for situations that include a urethral obstruction and would make it difficult to insert a Foley.

*On a motion made by Dr. Rosenstein, and seconded by, Mr. Brody, the Board voted unanimously to **APPROVE** Ms. Sullivan, PA-C and Dr. Dowling addendum request to perform the aforementioned advanced duty.*

**Previously Board approved procedures RECOMMENDED for APPROVAL:**

Physician Assistant	Supervising Physician	Requested Procedure(s)	Practice Setting	Date of Approval of Core Duties DA
Nadine Thompson, PA-C	Albert Steren, M.D.	Diagnostic Cystoscopy	Hospital	11/29/17

The Board reviewed this addendum request at its December 20, 2017 meeting, but tabled it pending additional information for further discussion at its January 24, 2018 meeting. Board staff provided the requested the additional information. However, the Board requested more information concerning whether or not the PA is performing the diagnostic cystoscopy during a procedure.

*On a motion made by Dr. Rosenstein, and seconded by, Mr. Brody, the Board voted unanimously to **TABLE** the addendum request for Ms. Thompson, PA-C and Dr. Steren, for additional information.*

**Previously Board approved procedures RECOMMENDED for APPROVAL:**

Physician Assistant	Supervising Physician	Requested Procedure(s)	Practice Setting	Date of Approval of Core Duties DA
Gerald Walters, PA-C	Kelvin Hong, M.D.	Insertion of Mediports	Hospital	9/30/15

The Board reviewed this addendum request at its December 20, 2017 meeting, but tabled it pending further discussion at the January 24, 2018 meeting.

Board staff recommended approval of the addendum request for Mr. Walters, PA-C and Dr. Hong for Insertion of Mediports.

*On a motion made by Dr. Rosenstein, and seconded by, Mr. Brody, the Board voted 11 to 2 to **APPROVE** Board staff's recommendation of the addendum request to perform the aforementioned advanced duty. Ms. Schaerr, Dr. Boursiquot, Ms. Turnipseed, Dr. Burgess, Dr. Della'Zanna and Dr. Kornbluth abstained.*

**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:**

<b>Physician Assistant</b>	<b>Supervising Physician</b>	<b>Requested Procedure(s)</b>	<b>Practice Setting</b>	<b>Date of Approval of Core Duties DA</b>
Anna Boyle, PA-C	David Kaczorowski, M.D.	1) Endoscopic Saphenous Vein Harvesting	Hospital	1/24/18
Liana Bumbrey, PA-C	Margaret Lynch-Nyhan, M.D.	1) Central venous placement (with tunnel) 2) Chest drainage with catheter placement 3) Superficial soft tissue biopsies	Hospital	10/29/14
Stacey Daffron, PA-C	Marc Brassard, M.D.	1) Knee injections (joint arthrocentesis)	Hospital / Private	12/20/17
Sara Dennin, PA-C	Robert Chiaramonte, M.D.	1) Flexible Cystoscopy – for the purpose of difficult Foley catheter placement / stricture identification	Hospital	1/25/17
Joyce Freidley, PA-C	Jayant Uberoi, M.D.	1) Flexible Cystoscopy – for the purpose of difficult Foley catheter placement / stricture identification	Hospital	1/25/17
Joyce Freidly, PA-C	Brad Lerner, M.D.	1) Flexible Cystoscopy – for the purpose of difficult Foley catheter placement / stricture identification	Hospital	1/25/17
Jennifer Glazer, PA-C	Ronnie Benoit, M.D.	1) Central Line Insertion (femoral) 2) Chest Tube Insertions	Hospital	5/13/15
Bethany Lanzendoen, PA-C	Deborah Englert, M.D.	1) Botox / Dysport Injections 2) Dermal Fillers	Private	4/26/17
Jennifer Lotter, PA-C	Adrian Wiestner, M.D.	1) Conscious Sedation	Hospital	7/29/15
Melanie Niemeyer, PA-C	Ann Lindgren, M.D.	1) Platelet Rich Plasma injections with Microneedling	Private	1/28/15

Physician Assistant	Supervising Physician	Requested Procedure(s)	Practice Setting	Date of Approval of Core Duties DA
Kathryn Ovington, PA-C	Kevin McMahon, M.D.	1) Joint Injections – Knee 2) Joint Aspirations – Knee, Shoulder	Hospital / Private	1/25/2017
Meghan Pocius, PA-C	Robert Berger, M.D.	1) Collagen PIN for Rejuvenation 2) IPL/Intense Pulse Light for Rejuvenation 3) Ruby Laser for Pigment Removal 4) Sclerotherapy for Vein Treatment	Private	3/30/16
Jessica Warning, PA-C	Ronnie Benoit, M.D.	1) Insertion of Chest Tubes 2) Insertion of Central Venous Catheters	Hospital	12/20/17
Jayne Williams, PA-C	David Strobel, M.D.	1) Botox Injections 2) Restylane Injections 3) Hair Removal Laser 4) Blood Vessel Removal Laser	Private	6/23/10

*On a motion made by Dr. Olszyk, and seconded by Dr. Wiesenberger, the Board voted unanimously to **APPROVE** all addendum requests 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
Byron Campbell, ATC	A0001035	Daniel Hampton, M.D.	D0073464
Cesar Cardenas, ATC	A0001040	Derek Papp, M.D.	D0072350

<b>Athletic Trainer</b>	<b>License Number</b>	<b>Supervising Physician</b>	<b>License Number</b>
Ryan Hyde, ATC	A0000629	Jason Scopp, M.D.	D0059913
Lynessa Jones, ATC	A0000595	George Margetas, M.D.	H0077399
Rachel Kelley, ATC	A0001021	Daniel Hampton, M.D.	D0073464
Meeja Kinsey, ATC	A0001039	John Ferrell, III, M.D.	D0074610
Kellie Loehr, ATC	A0000674	Richard Hinton, M.D.	D0050857
Kate Marchant, ATC	A0000350	Sumit Bassi, M.D.	D0082134
Kyle Niswonger, ATC	A0001041	Valerie Cothran, M.D.	D0064869
Darren Yoos, ATC	A0001038	Thomas Amalfitano, M.D.	D0043036

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

**Medical License by Conceded Eminence for Approval**

Matthew M. Hamill, M.D.

*On a motion made by Ms. Schaerr, and seconded by Dr. Olszyk, the Board voted to unanimously to **APPROVE** Dr. Hamill licensure by Conceded Eminence.*

**DISCUSSION:**

Prescribing Restrictions – Consent Order Language

Mr. Finkler presented proposed standardized language to use in Board Consent Orders pertaining to opioid or controlled dangerous substances prescribing restrictions. The Board modified the proposed standard language.

*On a motion made by Mr. Brody, and seconded by Dr. Olszyk, the Board voted Unanimously to **APPROVE** the proposed modified language.*

**FYI ONLY – REVISED DCCR INSTRUCTIONS**

**STANDARDIZED LANGUAGE FOR – Letters of Surrender for Approval**

Board staff recommended that the Board approve including standardized language in permanent, post charge and pre-charge letters of surrender.

*On a motion made by Dr. Olszyk, and seconded by Dr. Walsh, the Board voted unanimously to **APPROVE** Board staff's recommendation.*

## **DISCUSSION:**

### **Interstate Medical Licensure Compact**

Ms. Hawk and Mr. Finkler summarized the provisions of the physician interstate medical licensure compact proposed legislation and asked the Board if they would support, take no position or oppose the bill. The Board discussed the compact legislation and directed staff to oppose the bill.

*On a motion made by Ms. Schaerr, and seconded by Dr. Pereira, the Board voted to **OPPOSE** Senate Bill (SB) 446. Dr. Rosenstein abstained.*

## **POLICY/LEGISLATION**

### **Regulations**

#### **Cosmetic Medical Procedures (COMAR 10.32.09.02 and COMAR 10.32.12.02)**

Board staff received critical comments prior to the Board meeting regarding the proposed changes to the cosmetic medical procedures regulations. As a result, staff recommended withdrawing the proposed regulations.

*On a motion made by Dr. Olszyk, and seconded by Dr. Rosenstein, the Board voted to accept Board staff's recommendation to withdraw request.*

### **Maryland Naturopathic Formulary**

Ms. Van Horn and Mr. Finkler presented the draft naturopathic formulary for use by Maryland licensed naturopathic doctors, as recommended by the Naturopathic Doctors Formulary Council (NDFC). The draft formulary includes language from the Maryland statute and a list of permitted items.

Board staff recommended that the Board approve the draft formulary as developed and recommended by the NDFC. Board staff will work with the Maryland Board of Pharmacy on FAQs and a message to the pharmacists about the formulary.

*On a motion made by Dr. Wiesenbeger, and seconded by Dr. Rosenstein, the Board voted to unanimously to **APPROVE** the naturopathic formulary.*

### **Developing a Maryland-Specific, Safe Opioid Prescribing Training Module**

Ms. Farrelly and Ms. Van Horn gave a presentation regarding their research on the development of a Maryland-specific, safe opioid prescribing educational training module. The Board was reminded that earlier in the year, MedChi had requested a grant of \$25,000.00 to develop a CME, that was rejected by the Board. Board staff has also been working on a Request for Proposal (RFP) and gathering information about existing state-specific online modules. There was discussion about collaborating with units of the Maryland Department of Health and posting the RFP on the Board's Website.



## **Declaratory Ruling**

Board Counsel presented general information about the Board's authority to enforce the self-referral law - H.O 1-301 et seq. by investigating complaints.

In the area of self-referral, the Board has not found it effective or advantageous to answer hypothetical questions about the law's applicability in the context of a declaratory ruling process under COMAR 10.32.16.

In the Board's experience, petitions may involve incomplete or constantly changing factual scenarios in which it is not in the public interest to issue a ruling.

## **BOARD VOTE TO CLOSE SESSION**

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**CLOSED SESSION:** *"Pursuant to Maryland General Provisions Article §3-305(b)(8), on a motion made by Dr. Freas, and seconded by Dr. Bhandari, the Board unanimously voted to close its meeting on January 24, 2018 at 2:30 a.m., in room 100.*

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## **SUMMARY OF CLOSED SESSION:**

The Board went into closed session to consult with staff regarding potential litigation in a specific case.

The Board returned to open session at 2:45 p.m.

## **PRESENTATION: FISCAL OVERVIEW – COST ANALYSIS**

Board staff advised the Board that the Governor and Sunset Review Committee requested that the Board conduct a fiscal cost analysis in order to reduce fees.

Leslie Taylor, Fiscal Services Supervisor presented an Analysis of Medical Licensure Application Fees. Ms. Taylor expressed how expensive and difficult it is to reconcile American Express credit cards for online renewals. She also discussed the high cost associated with processing checks for online renewals and suggested it would be cost effective to only use Visa or MasterCard credit cards.

Board staff made the following recommendations:

- Beginning January 30, 2018, discontinue accepting American Express credit cards for online renewals.
- Beginning July 1, 2018, discontinue accepting checks for online renewals and only accept Visa and MasterCard credit cards.

*On a motion made by Dr. Wiesenberger, and seconded by Mr. Brody, the Board voted to unanimously to accept the Board's staff recommendation.*

## **OTHER BUSINESS – FOR YOUR INFORMATION ONLY**

- a. Naturopathic Doctors Initial Licensure List

- b. Physician Initial Licensure and Reinstatement List
- c. Physician Assistant Initial Licensure and Reinstatement List
- d. Physician Assistant Delegation Agreements List
- e. Respiratory Care Practitioners Initial Licensure/Reinstatement List
- f. Nuclear Medicine Technologists, Radiographers, Radiation Therapists, Initial Licensure and Reinstatement List
- g. Polysomnographic Technologist Initial Licensure and Reinstatement List
- h. Athletic Trainers Initial Licensure and Reinstatement List
- i. Perfusionist Licensure and Reinstatement List
- j. Allied Health Open Meeting Minutes
  - Physician Assistant Advisory Committee – December 6, 2017
  - Athletic Trainers Advisory Committee – April 14, 2015, May 12, 2015, June 9, 2015, July 14, 2015, September 8, 2015, December 8, 2015; May 10, 2016, September 13, 2016, October 11, 2016, December 13, 2016; October 10, 2017, November 14, 2017
  - Perfusion Advisory Committee – April 2, 2015, July 2, 2015, October 1, 2015; July 7, 2016
  - Polysomnographic Professional Standards Committee – February 26, 2015, April 23, 2015, August 27, 2015, October 22, 2015; January 21, 2016, February 25, 2016, April 28, 2016, December 19, 2016
  - Naturopathic Medicine Advisory Committee – January 15, 2016, March 18, 2016, September 30, 2016
  - Respiratory Care Professional Standards Committee – February 12, 2015; February 11, 2016, November 3, 2016; May 11, 2017

**The Board adjourned its open meeting at 3:10 p.m.**

Submitted by,



7/25/2018

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

Date