



CANNON BUILDING
861 SILVER LAKE BLVD., SUITE 203
DOVER, DELAWARE 19904-2467

BOARD OF MEDICAL LICENSURE AND DISCIPLINE

TELEPHONE: (302) 744-4500
FAX: (302) 739-2711
WEBSITE: DPR.DELAWARE.GOV
EMAIL: customerservice.dpr@state.de.us

PUBLIC MEETING MINUTES:	DELAWARE BOARD OF MEDICAL LICENSURE AND DISCIPLINE
MEETING DATE AND TIME:	Tuesday, January 2, 2018 at 2:30 p.m.
PLACE:	861 Silver Lake Boulevard Second Floor Conference Room A Dover, Delaware
MINUTES APPROVED:	February 6, 2018

MEMBERS PRESENT

Karyl Rattay, M.D., Professional Member, President
Georges A. Dahr, M.D., Professional Member, Vice-President
Garrett H. Colmorgen, M.D., Professional Member
Barry Bakst, D.O., Professional Member
Brian Villar, M.D., Professional Member
Joseph Parise, D.O., Professional Member
Malvine Richards, Ed.D, Public Member
N.C. Vasuki, Public Member
Mary Lomax, Ed.D Public Member
Sharon Williams-Mayo, Public Member
Janice Truitt, Public Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

Patty Davis, Deputy Attorney General
Devashree Singh, Executive Director
Nicole Williams, Administrative Specialist III

MEMBERS ABSENT

Gregory Adams, M.D., Professional Member
Stephen Cooper, M.D. – Professional Member
Stephen Lawless, M.D., Professional Member

ALSO PRESENT

Paula Paul, PA-C
Gail Cerve
Vinnie Febber
Kathryn Forestien
Tariyah Price
Robert Baratta
Stephanie Kochis
Deb Hamilton
Lizzie Lewis
Nathan Trexler, Esquire

CALL TO ORDER

Dr. Rattay called the meeting to order at 3:23 p.m.

REVIEW AND APPROVAL OF MINUTES

The Board reviewed the November 7, 2017 executive session and regular meeting minutes for approval. Dr. Colmorgen moved, seconded by Dr. Parise, to approve both sets of minutes as written. By unanimous vote, the motion carried.

UNFINISHED BUSINESS

Results of Executive Session Discussion

The Board discussed the results of the executive session discussions that included the investigations recommended for closure, letters of concern, dismissals by Attorney General's office and the written and verbal exceptions presented to the Board.

After reviewing the results of the investigations, the Board determined in the exercise of its discretion, that the following complaints not proceed further and that the following investigations be closed as noted without prosecution. Dr. Colmorgen moved, seconded by Dr. Parise. By unanimous vote, the motion carried.

Recommended for Dismissal

10-23-16; 10-21-17

After reviewing the results of the investigations, the Board determined in the exercise of its discretion, that the following complaints not proceed further and that the following investigations be closed as noted without prosecution. Dr. Colmorgen moved, seconded by Dr. Parise. By unanimous vote, the motion carried.

Recommended for Letter of Concern

10-77-15; 10-110-15; 10-13-17; 10-20-17; 10-29-17; 10-39-17; 10-94-17; 10-91-17; 10-110-17

After reviewing the results of the investigations, the Board determined in the exercise of its discretion, that the following complaints not proceed further and that the following investigations be closed as noted without prosecution. Dr. Colmorgen moved, seconded by Dr. Parise. By unanimous vote, the motion carried.

Recommended for Closure without Questions

10-157-11; 10-16-13; 10-17-13; 10-148-13; 10-157-12; 10-149-12; 10-164-13; 10-166-14; 10-15-16; 10-88-16; 10-99-16; 10-100-16; 10-103-16; 10-108-16; 10-07-2017; 10-31-17; 10-46-17; 10-54-17; 10-62-17; 10-65-17; 10-82-17;

After reviewing the results of the investigations, the Board determined in the exercise of its discretion, that the following complaints be referred to the Attorney General's Office for further investigation. Dr. Colmorgen moved, seconded by Dr. Parise. By unanimous vote, the motion carried.

10-176-11

After reviewing the results of the investigation, the Board determined in exercise of its discretion, that the following complaints not proceed further and that the following investigation be tabled. Dr. Colmorgen moved, seconded by Dr. Parise. By unanimous vote, the motion carried.

10-36-17; 10-49-17; 10-129-17

Review Consent Agreement – David A. Buswell, Case No. 10-26-17

The Board reviewed and considered the consent agreement for Dr. Buswell. Dr. Colmorgen moved, seconded by Dr. Parise, to accept the consent agreement as written. By unanimous vote, the motion carried.

Review and Consider Order from Hearing Office Recommendation – Dr. Paul J. Hannan, M.D.

The Board reviewed and signed the final order for Dr. Hannan.

Review and Consider Order from PTD Hearing for Dr. Touissant Reynolds, M.D.

The Board reviewed and signed the final order for Dr. Reynolds.

Review and Consider Order from PTD Hearing for Dr. Pon Lion Tsou, M.D.

The Board reviewed and signed the final order for Dr. Tsou.

Review and Consider Order from PTD Hearing for Dr. Thomas Finucan, M.D.

The Board reviewed and signed the final order for Dr. Finucan.

BOMLD Telemedicine Regulation

Ms. Davis advised the Board to review the current proposed telemedicine regulations. Ms. Davis stated that as a result of the Board's previous telemedicine regulation draft and the comments received, legislation was established that essentially replaces previous telemedicine regulations. Therefore as a result of the legislation that was passed, the current proposed telemedicine regulations are before the Board for review. The Board discussed their concerns with the section of the statute regarding telemedicine. Ms. Davis will draft a letter of concern on behalf of the Board regarding their view of protection of the public with telemedicine for the Board's review at its next meeting and, if approved, Dr. Rattay will sign the letter that will be sent to the appropriate legislator regarding the telemedicine statute.

Dr. Colmorgen moved, seconded by Dr. Bakst, to accept the proposed final telemedicine regulations to be republished in the registrar of regulations. By unanimous vote, the motion carried.

Review and Consider Draft Legislation from the Physician Assistants Regulatory Council

The Board reviewed and considered the draft legislation from the PA Regulatory Council regarding collaborating agreements between physician assistants and physicians. Dr. Madden addressed the Board regarding the changes to the proposed draft legislation with respect to changing language in the statute from supervisory to collaborating. The Council proposes that for new PA graduates the collaborative agreement would come before the Board for review and approval. The PA can obtain a license without a collaborative agreement as the licensing process will remain unchanged. However, if the PA will be working for a private office or hospital, then a collaborative agreement would need to be established and approved by the Board before the PA would be able to begin practicing.

The Board raised the concern that it appears that the change to a collaborative agreement from a supervising physician may be solely for financial reasons. Dr. Madden explained that the major push for this change is due to the fact that there is an increased shift in utilizing NPs for mid-level providers rather than PAs since PAs are not listed as providers for Medicaid and that is driving patients away.

Ms. Davis explained that the PA Council attempted to address all of the concerns raised previously by the Board regarding this bill, including the change in language that the collaborative agreement for all new graduate PA's or PA's applying in DE for the first time would require a. For licensees that are more experienced the collaborative agreement would not require the same scrutiny by the Board as for a new graduate licensee. Dr. Parise suggested establishing a requirement similar to NPs for a practice requirement under supervision for a designated number of hours. The Board further discussed. Ms. Davis will re-write the PA bill to add the Board's additional requests for the ultimate decision for responsibility resting with the Board and that the two year requirement for the collaborative agreement written out. The Board will review for updated draft at the next Board meeting.

Review and Discussion of Medical Administrative License

Ms. Davis advised of the proposed draft regulations and the draft administrative medical license application for the Board to review. Ms. Singh advised that the Board may need to include some type of requirements in the proposed regulations to show verification of administrative competency and to request if there should be CME requirements for renewal of the administrative license. Ms. Davis stated that in researching other states there was not much guidance in determining exactly in which role an administrative medical license would be utilized, academic or strictly hospital administrator based. The Board discussed developing draft regulations. Ms. Davis will draft regulations for administrative medical licensure for the Board to review at their next meeting.

2017 Annual Report of the USMLE to Medical Licensing Authorities in the United States

The Board reviewed the report as an FYI.

Letter to BOMLD from ASAM re. addiction treatment from NPs and PAs

The Board reviewed the letter from ASAM. Dr. Colmorgen moved, seconded by Dr. Parise, to support ASAM. By unanimous vote, the motion carried. A letter will be drafted by Ms. Singh to send to ASAM.

Review and Consideration of the Midwifery Advisory Council's Request to Modify the Council's Composition – 4CPMs No CMs

Ms. Singh advised the Board of the Midwifery Advisory Council's current composition of having three CPMs and one CM; however they would like to have four CPMs with no CMs. Dr. Colmorgen suggested making one of the CPM position's either a CM or a Certified Nurse Midwife (CNM) in the statute.

NEW BUSINESS

Approve Applications for Registration and Licensure

M.D.'s for Licensure

Dr. Parise moved, seconded by Dr. Colmorgen, to approve the following medical doctors for a certificate to practice medicine, as all applicants had met the licensure requirements as set forth by statute. By unanimous vote, the motion carried.

Charmaine Wright	Melissa Chudnow	Attila Devenyi	Allen Waziri	Gurcharanjeet Kaur
Lenaye Lawyer	Abimbola Afolabi	Joseph Dowden	Christine Degnon	Dell Dembosky
Laura Hayes	Christina Moon	Omorinsola Oronti	John Robb	Sarim Baig
Vincenzo Berghella	Jeffrey DeMare	Cesar Guerrero	Brian Risinger	Sinikka Mark
Shelly Stelzer	Diane Deering	Jennifer Christian	Jillian Dashiell	Gale Rutan
Richard Schumann	Alfred Van Baak	Angela Fiege	Imelyn Lahey	Karen McArthur
Mark Armstrong	Joseph Guthrie	Yousef Talavari	Maryam Tabrizi	Benjamin Bando
Arpit Gandhi	Uchenna Nwosu	Toussaint Reynolds	Daniel Silver	Pon Tsou
Arthur Martella	Minh Thieu	Robert Waller		

D.O.'s for Licensure

Dr. Parise moved, seconded by Dr. Colmorgen, to approve the following medical doctors for a certificate to practice medicine, as all applicants had met the licensure requirements as set forth by statute. By unanimous vote, the motion carried.

Hilary Haack	Manjeet Singh	David Wanalista	Amy Bell	William Kelly
Jennifer Swartz	Mathew Farbman	Pankaj Chhabra	Susan Kirchdoerffer	Nimret Dev
Jason Szymala	Richard Wittmeyer			

Physician Assistants for Licensure

Dr. Colmorgen moved, seconded by Dr. Parise, to approve the following Physician Assistants for licensure as noted below. By unanimous vote, the motion carried.

Rebecca Avello	Ngozika Anosike	Diana Cloud	Thomas Fallon	Kayla Jester
Karen Banker	Danielle Mazzuca	Victoria Atchison		

Physician Assistants for Prescriptive Authority – Controlled and Non-Controlled

Dr. Colmorgen moved, seconded by Dr. Parise, to approve the following Physician Assistants for controlled and non-controlled prescriptive authority as noted below. By unanimous vote, the motion carried.

Michaela Riordan	Eric Dees	Robert Barwick	John Chukwudifu	Dana Burns
Jaclyn Nash	Victoria Atchison	Danielle Mazzuca	Thomas Fallon	Kayla Jester
Ngozika Anosike	Veronica Rigler	Karen Banker	Robert Graham	

Respiratory Care Practitioners

Dr. Parise moved, seconded by Ms. Truitt, to approve the following Respiratory Care Practitioners for licensure as noted below. By unanimous vote, the motion carried.

Bridgette Johnson

Paramedics

Dr. Colmorgen moved, seconded by Ms. Lomax, to approve the following Respiratory Care Practitioners for licensure as noted below. By unanimous vote, the motion carried.

Elizabeth Davis	Jacob Biasotto
-----------------	----------------

Acupuncture Practitioners

Dr. Parise moved, seconded by Dr. Colmorgen, to approve the following Acupuncture Practitioners for licensure as noted below. By unanimous vote, the motion carried.

Dwight Chien

Helena A. Husfelt

Eastern Medicine Practitioners

None

Acupuncture Detoxification Specialists

Dr. Parise moved, seconded by Dr. Colmorgen, to approve the following Acupuncture Detoxification Specialists for licensure as noted below. By unanimous vote, the motion carried.

Doosan Park

Genetic Counselors

Dr. Colmorgen moved, seconded by Ms. Truitt, to approve the following Genetic Counselors for licensure as noted below. By unanimous vote, the motion carried.

Natanya Fleming

Kyla Patek

Lauren Miller

Stacey Fiorillo

Kristina Kocsis

Polysomnography Practitioners

Dr. Parise moved, seconded by Dr. Colmorgen, to approve the following Polysomnography Practitioners for licensure as noted below. By unanimous vote, the motion carried.

Sara Barrett

Jonathan Gray

Certified Professional Midwives

None

Proposal to Deny Hearing – Sameera Rahman, M.D. - 3:30 p.m.

Dr. Rattay called the hearing to order at 4:24 p.m. The Board introduced themselves for the record. Ms. Davis stated the purpose of the hearing as Dr. Rahman's application was proposed to deny in a letter dated and is here today to determine whether she met the conditions to be granted a waiver pursuant to 24 Del. C. Section 1720(e). Dr. Rahman was present via telephone and represented by Nate Trexler, Esquire of Balick and Balick. Dr. Rahman's entire application and all supporting documents were submitted as Board Exhibit 1. Mr. Trexler provided his opening statement.

Respondent Exhibit A – letter from Highmark to Dr. Rahman, offer of position, December 16, 2014, with start date of February 2015.

Respondent Exhibit B – Dr. Rahman's notice of resignation email to One Health, dated 4/28/15, time stamped at 3:29 p.m.

Respondent Exhibit C – email from One Health of Human Resource department dated 11/4/17 time stamped at 5:57 p.m.

Respondent Exhibit D – letter from One Health dated 4/28/15 regarding the review of one of Dr. Rahman’s patient’s charts

Respondent Exhibit E – email correspondence of nursing shortage at facility from management at One Health to all physicians at One Health dated 1/14/14

Respondent Exhibit F – email correspondence chain between Dr. Rahman and the Chief Quality Officer (CQO) of One Health dated 3/20/14, time stamped at 1:21 p.m.

Respondent Exhibit G – email correspondence between Dr. Rahman and the Chief Operative Officer (COO) Miller at One Health regarding some concerns Dr. Rahman’s had dated 3/10/14

Respondent Exhibit H – email correspondence from the Chief Operative Officer (COO) Haddle at One Health to staff regarding a management meeting dated 1/16/15

Dr. Rahman was sworn in and provided her testimony. The Board questioned Dr. Rahman. The Board entered into deliberations at 4:58 p.m. Dr. Parise moved, seconded by Dr. Richard, to grant a waiver and approve Dr. Rahman’s application for licensure. By unanimous vote, the motion carried. Dr. Colmorgen abstained. The hearing concluded at 4:59 p.m.

Review Application for Manisha Purohit, M.D. - Took more than 7 years to pass the USMLE

The Board reviewed and considered the application for Dr. Purohit for licensure. Dr. Colmorgen moved, seconded by Dr. Parise, to grant a waiver and approve the application for licensure. By unanimous vote, the motion carried.

Review Application for Swati Poddar, M.D. – Took more than 7 years to pass the USMLE

The Board reviewed and considered the application for Dr. Poddar for licensure. Dr. Colmorgen moved, seconded by Dr. Parise, to propose to deny the application for licensure based on Regulation 7.1.1 as Dr. Poddar failed to complete the USMLE within 7 years. Dr. Baskt, Ms. Truitt, Ms. Lomax, and Ms. Mayo-Williams opposed. By majority vote, the motion carried.

Appoint Nominating Committee for Board Officers – Elections to be Held in February

Ms. Singh advised that the Board needs to appoint at least three names for the nominating committee for elections of a President, Vice-President, and Secretary to be held in February. The Board appointed Dr. Rattay, Dr. Cooper and Dr. Lawless.

Review Physician Candidates for APRN Committee

The Board tabled this discussion until their next Board meeting.

Board Member Re-Appointments

The members of the Board that were re-appointed to serve another term were N.C. Vasuki as a public member, Sharon Williams-Mayo as a public member, and Garrett Colmorgen, M.D. as a professional member.

Review Genetic Counselor Advisory Council Telehealth Regulation Final Order

The Board signed the final order for the Genetic Counselor telehealth regulations.

Review and Approval of Kirsten Opalach, PA-C Appointment to the Controlled Substance Advisory Committee

Dr. Baskt moved, seconded by Ms. Lomax, to appoint physician assistant, Kirsten Opalach, to the Controlled Substance Advisory Committee. By unanimous vote, the motion carried.

FSMB FIRST Call for Resolutions

Ms. Singh advised the FSMB Resolutions was for information for the Board to review.

2017 Annual Report of the Board of Medical Licensure and Discipline

The Board reviewed the annual report compiled by Ms. Davis and Mr. Vasuki. The annual report will be posted to the Medical Board website.

Other Business before the Board (For Discussion Only)

There was no other business before the Board.

PUBLIC COMMENT

There was no public comment.

NEXT MEETING DATE

The Board will hold their next meeting on Tuesday, February 6, 2018, at 2:30 p.m., in the 2nd floor Conference Room "A" of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware. Executive session starts at 2:00 p.m.

ADJOURNMENT

There being no further business before the Board. Dr. Rattay moved, seconded by Dr. Bakst, to adjourn the meeting. By unanimous vote, the motion carried. The meeting adjourned at 5:59 p.m.

Respectfully submitted,



Nicole M. Williams
Administrative Specialist III