



# **BOARD MEETING MINUTES**

**March 18 - 20, 2020**

**1203 Front Street  
Raleigh, North Carolina**

General Session Minutes of the North Carolina Medical Board (NCMB) Meeting held March 18 – 20, 2020.

The March 2020 meeting of the North Carolina Medical Board was held at 1203 Front Street, Raleigh, NC 27609 and video conference. Bryant A Murphy, MD, President, called the meeting to order. Board members in attendance were: Bryant A. Murphy, MD, President; Venkata R. Jonnalagadda, MD, President-Elect; John W. Rusher, MD, Secretary/Treasurer; Ralph A. Walker, JD; Shawn P. Parker, JD; Varnell D. McDonald-Fletcher, PA-C; Michaux R. Kilpatrick, MD; Christine M. Khandelwal, DO; Jerri L. Patterson, NP; W. Howard Hall, MD; Joshua D. Malcolm, JD; Damian F. McHugh, MD; and Devdutta G. Sangvai, MD

### **PRESIDENTIAL REMARKS**

Dr. Murphy reminded the Board members of their duty to avoid conflicts of interest with respect to any matters coming before the Board as required by the State Government Ethics Act. All conflicts were reported as included within the committee reports.

### **NCMB COMMITTEE REPORTS**

#### **Executive Committee Report**

Members present were: Bryant A. Murphy, MD, Chairperson; Venkata R. Jonnalagadda, MD; John W. Rusher, MD; Jerri L. Patterson, NP and Shawn P. Parker, JD.

#### Financial Update

##### a. Year-to-Date Financials

The Committee reviewed the following financial reports through February 29, 2020: Balance Sheet; Profit & Loss versus Budget; and the Profit & Loss Comparison.

Committee Recommendation: Accept the financial information as reported.

Board Action: Accept Committee recommendation. Accept the financial information as reported.

##### b. Investment Account

The Committee reviewed the investment statements for January and February 2020.

Committee Recommendation: Accept the investment statements as reported.

Board Action: Accept Committee recommendation. Accept the investment statements as reported.

## Old Business

### a. Office Space Project Report

The NCMB Phase Three Office Space Project Team gave an update regarding the renovation of Board's office building on Smoketree Court.

Committee Recommendation: Accept as information.

Board Action: Accept Committee recommendation. Accept as information.

## New Business

### a. Proposed Changes to CME Rule

The American College of Continuing Medical Education (ACCME) has asked the Board to make it clear interprofessional continuing education (ICPE) approved by the Joint Accreditation for Interprofessional Continuing Education qualifies for CME credit.

This request is consistent with a resolution approved by the Federation of State Medical Boards House of Delegates (2019): "Resolved, that the Federation of State Medical Boards supports and recognizes Interprofessional Continuing Education for physicians that is identified by IPCE credit and is accredited by the Joint Accreditation system launched by the Accreditation Council for Continuing Medical Education (ACCME), the Accreditation Council for Pharmacy Education (ACPE), and the American Nurses Credentialing Center (ANCC), as an additional means of satisfying continuing medical education requirements for medical license renewal."

Committee Recommendation: Approve proposed amendments to the CME rule for filing with the Office of Administrative Hearings.

Board Action: Accept Committee recommendation. Approve proposed amendments to the CME rule for filing with the Office of Administrative Hearings. See, APPENDIX A.

### b. Proposed Change to PLLC Certification of Registration Rule

The Professional Limited Liability Company Certificate of Registration rule should be changed so that PLLCs renew their registration every year, not every two years, consistent with professional corporations .

Committee Recommendation: Approve proposed amendments to the CME rule for filing with the Office of Administrative Hearings.

Board Action: Accept Committee recommendation. Approve proposed amendments to the CME rule for filing with the Office of Administrative Hearings. See, APPENDIX B.

c. Proposed Changes to Board Seal

Currently, the Board's seal includes the saying "Primum non nocere" (first do no harm). Although a fine adage, it is usually associated with professional medical associations, not state agencies. "Salus populi suprema lex esto" (the safety of the people is the highest law) more precisely captures the Board's public protection mandate.

Committee Recommendation: Adopt "Salus populi suprema lex esto" as the new maxim for the Board's seal effective November 1, 2020.

Board Action: Accept Committee recommendation. Adopt "Salus populi suprema lex esto" as the new maxim for the Board's seal effective November 1, 2020.

d. Request to Postpone Fingerprint Card Requirement

Current rules require NCMB applicants to submit fingerprint cards so the Board can conduct background checks via the SBI and FBI. However, agencies across the country that customarily perform fingerprint services have closed due to COVID-19. Staff requests the Board postpone the requirement to produce fingerprint cards for all license applicants (MD, DO, PA, AA, LP). If an applicant meets all other requirements for licensure, a license will be issued. A list of every license issued via this process shall be maintained by Board staff to make sure these applicants produce fingerprint cards at a later date. Authority: NCGS § 90-12.5 which allows the Board to waive licensure requirements when the Governor has declared a State of Emergency.

Committee Recommendation: Effective immediately, postpone the requirement to produce fingerprint cards for all applicants until the NC State of Emergency is cancelled. Afterwards, request fingerprint cards and conduct background checks on all those issued a license without a background check.

Board Action: Accept Committee recommendation. Effective immediately, postpone the requirement to produce fingerprint cards for all applicants until the NC State of Emergency is cancelled. Afterwards, request fingerprint cards and conduct background checks on all those issued a license without a background check.

### **License Interview Report**

A motion passed to close the session pursuant to Section 143-318.11(a) of the North Carolina General Statutes to prevent the disclosure of information that is confidential pursuant to Sections 90-8, 90-14, 90-16, and 90-21.22 of the North Carolina General Statutes and not considered a public record within the meaning of Chapter 132 of the General Statutes and/or to preserve attorney-client privilege.

One licensure interview was conducted. A written report was presented for the Board's review. The Board adopted the Committee's recommendation to approve the written report. The specifics of this report are not included because these actions are not public information.

A motion passed to return to open session.

### **Disciplinary (Complaints) Committee Report**

Members present were: Michaux R. Kilpatrick, MD, Chairperson; Christine M. Khandelwal, DO; Varnell D. McDonald-Fletcher, PA-C; Bryant A. Murphy, MD; Joshua D. Malcolm, JD; Shawn P. Parker, JD; and Devdutta G. Sangvai, MD

A motion passed to close the session pursuant to Section 143-318.11(a) of the North Carolina General Statutes to prevent the disclosure of information that is confidential pursuant to Sections 90-8, 90-14, 90-16, and 90-21.22 of the North Carolina General Statutes and not considered a public record within the meaning of Chapter 132 of the General Statutes and/or to preserve attorney-client privilege.

The Disciplinary (Complaints) Committee reviewed 31 complaint cases. A written report was presented for the Board's review. The Board adopted the Committee's recommendation to approve the written report. The specifics of this report are not included because these actions are not public.

A motion passed to return to open session.

### **Disciplinary (Malpractice) Committee Report**

Members present were: Michaux R. Kilpatrick, MD, Chairperson; Christine M. Khandelwal, DO; Varnell D. McDonald-Fletcher, PA-C; Bryant A. Murphy, MD; Joshua D. Malcolm, JD; Shawn P. Parker, JD; and Devdutta G. Sangvai, MD

A motion passed to close the session pursuant to Section 143-318.11(a) of the North Carolina General Statutes to prevent the disclosure of information that is confidential pursuant to Sections 90-8, 90-14, 90-16, and 90-21.22 of the North Carolina General Statutes and not considered a public record within the meaning of Chapter 132 of the General Statutes and/or to preserve attorney-client privilege.

The Disciplinary (Malpractice) Committee reviewed 46 cases. A written report was presented for the Board's review. The Board adopted the Committee's recommendation to approve the written report. The specifics of this report are not included because these actions are not public information.

A motion passed to return to open session.

## **Disciplinary (Investigative) Committee Report**

Members present were: Michaux R. Kilpatrick, MD, Chairperson; Christine M. Khandelwal, DO; Varnell D. McDonald-Fletcher, PA-C; Bryant A. Murphy, MD; Joshua D. Malcolm, JD; Shawn P. Parker, JD; and Devdutta G. Sangvai, MD

Open Session:

c. Registration Renewal Online Form Changes:

Annual registration renewal forms are filled out online by Physicians, Physician Assistants, Resident Training Licensees, Perfusionists, and Anesthesiologist Assistants. All of the registration renewal forms contain questions the licensee must answer.

The information provided by the licensees to these questions often do not provide pertinent facts. Field Investigations, Complaints and the LI Coordinator have to contact licensees about the information provided. In an effort to streamline this process, we have reviewed all registration renewal forms and modified the questions, asking for more specific information and allowing pertinent documents to be uploaded.

During this review process it was also determined that the registration renewal forms needed to be updated, and that not all forms allowed for qualified exemptions.

These proposed changes to the registration renewal forms will be added to the new database, ThoughtSpan, when it goes live this summer.

Disciplinary Committee Recommendation: Accepted as information.

Board Action: Accept Committee recommendation. Accept as information.

A motion passed to close the session pursuant to Section 143-318.11(a) of the North Carolina General Statutes to prevent the disclosure of information that is confidential pursuant to Sections 90-8, 90-14, 90-16, and 90-21.22 of the North Carolina General Statutes and not considered a public record within the meaning of Chapter 132 of the General Statutes and/or to preserve attorney-client privilege.

The Disciplinary (Investigative) Committee reviewed 45 investigative cases. A written report was presented for the Board's review. The Board adopted the recommendations and approved the written report. The specifics of this report are not included because these actions are not public information.

A motion passed to return to open session.

## **Investigative Interview Report**

A motion passed to close the session pursuant to Section 143-318.11(a) of the North Carolina General Statutes to prevent the disclosure of information that is confidential pursuant to Sections 90-8, 90-14, 90-16, and 90-21.22 of the North Carolina General Statutes and not considered a public record within the meaning of Chapter 132 of the General Statutes and/or to preserve attorney-client privilege.

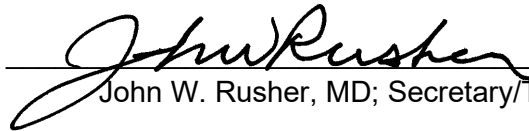
Two interviews were conducted. A written report was presented for the Board's review. The Board adopted the recommendations and approved the written report. The specifics of this report are not included because these actions are not public information.

A motion passed to return to open session.

## **ADJOURNMENT**

The Medical Board adjourned at 10:32 a.m. on Thursday, March 19, 2020.

The next meeting of the Medical Board is scheduled for May 20 - 22, 2020.

  
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John W. Rusher, MD; Secretary/Treasurer



## NOTICE OF TEXT

### [Authority G.S. 150B-21.2(c)]

OAH USE ONLY

VOLUME:

ISSUE:

CHECK APPROPRIATE BOX:



Notice with a scheduled hearing



Notice without a scheduled hearing



Republication of text. Complete the following cite for the volume and issue of previous publication, as well as blocks 1 - 4 and 7 - 14. If a hearing is scheduled, complete block 5.

Previous publication of text was published in Volume: Issue:

<p><b>1. Rule-Making Agency:</b> <a href="#">Medical Board</a></p>						
<p><b>2. Link to agency website pursuant to G.S. 150B-19.1(c):</b> <a href="http://www.ncmedboard.org/about_the_board/rule_changes">www.ncmedboard.org/about_the_board/rule_changes</a></p>						
<p><b>3. Proposed Action -- Check the appropriate box(es) and list <u>rule citation(s)</u> beside proposed action:</b></p> <p><input type="checkbox"/> <b>ADOPTION:</b></p> <p><input checked="" type="checkbox"/> <b>AMENDMENT:</b> <a href="#">21 NCAC 32R .0102</a></p> <p><input type="checkbox"/> <b>REPEAL:</b></p> <p><input type="checkbox"/> <b>READOPTION <u>with</u> substantive changes:</b></p> <p><input type="checkbox"/> <b>READOPTION <u>without</u> substantive changes:</b></p> <p><input type="checkbox"/> <b>REPEAL through READOPTION:</b></p>						
<p><b>4. Proposed effective date:</b> <a href="#">09/01/2020</a></p>						
<p><b>5. Is a public hearing planned?</b> <a href="#">Yes</a></p> <p style="margin-left: 20px;">If yes:</p> <table style="margin-left: 40px; border: none;"> <thead> <tr> <th style="text-align: left;">Date</th> <th style="text-align: left;">Time</th> <th style="text-align: left;">Location</th> </tr> </thead> <tbody> <tr> <td><a href="#">06/30/2020</a></td> <td><a href="#">10:00 a.m.</a></td> <td><a href="#">North Carolina Medical Board, 1203 Front Street, Raleigh, NC 27609</a></td> </tr> </tbody> </table>	Date	Time	Location	<a href="#">06/30/2020</a>	<a href="#">10:00 a.m.</a>	<a href="#">North Carolina Medical Board, 1203 Front Street, Raleigh, NC 27609</a>
Date	Time	Location				
<a href="#">06/30/2020</a>	<a href="#">10:00 a.m.</a>	<a href="#">North Carolina Medical Board, 1203 Front Street, Raleigh, NC 27609</a>				
<p><b>6. If no public hearing is scheduled, provide instructions on how to demand a public hearing:</b></p>						



**7. Explain Reason For Proposed Rule(s):**

To clarify interprofessional continuing education approved by the Joint Accreditation for Interprofessional Continuing Education qualifies for CME credit.

**8. Procedure for Subjecting a Proposed Rule to Legislative Review:** If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

**Rule(s) is automatically subject to legislative review. Cite statutory reference:**

**9. The person to whom written comments may be submitted on the proposed rule(s):**

Name: [Lynne Taylor](#)  
Address: [1203 Front Street](#)  
[Raleigh, NC 27609](#)  
Phone (optional): [919-326-1109, Ext. 237](#)  
Fax (optional):  
EMail (optional) [lynne.taylor@ncmedboard.org](mailto:lynne.taylor@ncmedboard.org)

**10. Comment Period Ends: [06/30/2020](#)**

**11. Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.**

[No fiscal note required](#)

**12. Rule-making Coordinator:**

Name: [Lynne Taylor](#)  
[919-326-1109 Ext. 237](#)  
[lynne.taylor@ncmedboard.org](mailto:lynne.taylor@ncmedboard.org)

**Agency contact, if any:**

Name: [Marcus Jimison](#)  
Phone: [919-326-1109 Ext. 226](#)  
Email: [marcus.jimison@ncmedboard.org](mailto:marcus.jimison@ncmedboard.org)

**13. The Agency formally proposed the text of this rule(s) on**

**Date: [03/19/2020](#)**

1 21 NCAC 32R .0102 is proposed for amendment as follows:

2

3 **21 NCAC 32R .0102 APPROVED CATEGORIES OF CME**

4 (a) Category 1 CME providers are:

- 5 (1) Institutions or organizations accredited by the Accreditation Council on Continuing Medical
- 6 Education (ACCME) and reciprocating organizations;
- 7 (2) The American Osteopathic Association (AOA);
- 8 (3) A state medical society or association;
- 9 (4) The American Medical Association (AMA); ~~and~~
- 10 (5) Specialty boards accredited by the American Board of Medical Specialties (ABMS), the AOA or
- 11 Royal College of Physicians and Surgeons of Canada (~~RCPSC~~); (RCPSC); and
- 12 (6) The Joint Accreditation for Interprofessional Continuing Education.

13 (b) Category 1 CME education shall be presented, offered, or accredited by a Category 1 provider as defined above  
14 and shall include:

- 15 (1) Educational courses;
- 16 (2) Scientific or clinical presentations or publications;
- 17 (3) Printed, recorded, audio, video, online or electronic educational materials for which CME credits
- 18 are awarded by the publisher;
- 19 (4) Journal-based CME activities within a peer-reviewed, professional journal;
- 20 ~~(4)(5)~~ Skill development;
- 21 ~~(5)(6)~~ Performance improvement activities; or
- 22 ~~(6) Journal-based CME activities within a peer-reviewed, professional journal.~~
- 23 (7) Interprofessional continuing education.

24

25 *History Note: Authority G.S. 90-5.1(a)(3)(9) and (10); G.S. 90-14(a)(15);*  
 26 *Eff. January 1, 2000;*  
 27 *Amended Eff. August 1, 2012; July 1, 2007; January 1, 2001;*  
 28 *Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1,*  
 29 *~~2016-2016;~~*  
 30 *Amended Eff. September 1, 2020.*

31

1 21 NCAC 32P .0103 is proposed for amendment as follows:

2

3 **21 NCAC 32P .0103 CERTIFICATE OF REGISTRATION**

4 A Certificate of Registration for a limited liability company shall remain effective until December 31 of each  
5 ~~odd-numbered~~ year. A Certificate of Registration shall be renewed ~~biennially~~ annually on application forms supplied  
6 by the Board. The application shall be accompanied by a renewal fee as set by Rule .0006 of this Subchapter.

7

8 *History Note: Authority G.S. 90-5.1(a)(3); 55B-10; 55B-11; 57C-2-01;*

9

*Eff. June 1, 1994;*

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*Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1,*

11

*~~2016-2016;~~*

12

*Amended Eff. \_\_\_\_\_.*

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