



BOARD MEETING MINUTES

May 18 - 20, 2022

**3127 Smoketree Court
Raleigh, North Carolina**

General Session Minutes of the North Carolina Medical Board (NCMB) Meeting held May 18 – 20, 2022.

The May 18 - 20, 2022 meeting of the North Carolina Medical Board was held at 3127 Smoketree Court, Raleigh, NC 27604. John W. Rusher, MD, JD; President, called the meeting to order. Board members in attendance were: Michaux R. Kilpatrick, MD; President-Elect; Christine M. Khandelwal, DO; Secretary/Treasurer; Shawn P. Parker, JD; W. Howard Hall, MD; Joshua D. Malcolm, JD; Damian F. McHugh, MD; Devdutta G. Sangvai, MD, Mr. William M. Brawley; Anuradha Rao-Patel, MD; Sharona Y. Johnson, PhD, FNP-BC; Miguel A. Pineiro, PA-C; and Melinda H. Privette, MD, JD

PRESIDENTIAL REMARKS

Dr. John W. Rusher 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. Reported conflicts were included within individual committee reports.

ANNOUNCEMENTS and UPDATES

Board members participated in a debrief of the 2022 Federation of State Medical Boards (FSMB) Annual Conference.

Mr. Don Pittman was recognized for his retirement, with 41 years at the NCMB. Dr. Rusher presented Mr. Pittman with a resolution in his honor.

PRESENTATION(S)

Diversity, Equity, & Inclusion training for the Board members and staff was provided by Sneha Thamocharan, PhD.

NORTH CAROLINA PHYSICIAN HEALTH PROGRAM REPORTS (NCPHP)

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.

Dr. Jordan gave the PHP Compliance Committee report. The specifics of this report are not included because the information contained in the report is confidential and non-public.

A motion passed to return to open session.

Dr. Jordan the NCPHP Wellness report.

NCMB ATTORNEY'S REPORT

Mr. Brian L. Blankenship, Deputy General Counsel and Mr. Thomas W. Mansfield, Chief Legal Officer, gave the Attorney's Report on Friday, May 20th, 2022.

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Mr. Blankenship and Mr. Mansfield updated the Board on the schedule of upcoming hearings, hearing assignments and rule activity of the Board.

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Information regarding outside litigation matters and statistical information regarding work performed by the Board's Legal Department since the last Attorney's Report was presented.

A motion was passed to return to open session.

Legislative Update

On Friday, May 20th, 2022, the Board's Legislative Liaison, Mr. Thomas W. Mansfield, and Board Attorney Elizabeth Meredith provided a legislative update to the Board.

The Board accepted the report as information.

NCMB COMMITTEE REPORTS

Executive Committee Report

Members present via video/teleconference were: John W. Rusher, MD, JD Chairperson; Michaux R. Kilpatrick, MD, PhD; Christine M. Khandelwal, DO; W. Howard Hall, MD; and Devdutta G. Sangvai, MD, MBA

Financial Update

a. Year-To-Date Financials

The Committee reviewed the following financial reports through March 31, 2022: 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 Update

The Committee reviewed the investment statements for March and April 2022.

Committee Recommendation: Accept the investment statements as reported.

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

Old Business:

a. Board Retreat Update

Staff provided an update regarding 2022 Board Retreat which will be held August 12 - 14 at the Renaissance Hotel in Asheville, NC.

Committee Recommendation: Accept as information.

Board Action: Accept Committee recommendation. Accept as information.

New Business:

a. Data Strategy Implementation Plan | Data Analyst Position

Goal #3a of the Board's 2021 Strategic Priorities was: "Build foundation for a data analytics program to support data-informed regulation and focused licensee education."

The first activity to accomplish this priority was: "Develop a data strategy plan." The Board approved the attached Data Strategy Plan at the March Board meeting.

The second activity to accomplish this priority was: "Begin implementation of the data strategy plan." The Executive Committee reviewed a proposed Data Strategy Implementation Plan from Blaze Advisors dated May 11, 2022. The Implementation Plan includes a description of services – which closely tracks the recommendations from the Data Strategy Plan – and the fee.

Blaze Advisors recommends we: (1) identify a someone on staff who will be responsible for the implementation and ongoing management of our data management plan, or (2) hire a data analyst to handle this work. Mr. Henderson reports there is no one on staff who has both the time and the expertise to handle this work. Therefore, staff recommends the Board approve a new Data Analyst position.

Committee Recommendation:

- (1) Approve the Data Strategy Implementation Plan
- (2) Approve the new Data Analyst position

Board Action: Accept Committee recommendation. Approve the Data Strategy Implementation Plan and the new Data Analyst position.

Policy Committee Report

Members present were: Mr. William M. Brawley; Chairperson; Michaux R. Kilpatrick, MD, PhD; Joshua Malcolm, JD; Miguel A. Pineiro, PA-C. Absent, Melinda H. Privette, MD, JD

Old Business:

- a. Addressing the Board's position on practice ownership by Advanced Practice Providers.

Staff reviewed the changes made to the website regarding the physician assistant resources. The Committee reviewed these changes favorably. Staff and Committee members agreed that the effort to disseminate information to Advanced Practice Providers should continue, including, but not limited to, possibly using social media, a new licensee's information packet, and/or the NCMB podcast.

Committee recommendation: Accept as information.

Board Action: Accept Committee recommendation. Accept as information.

- b. Responsibility within Medical Practices

The Committee continued discussions of appropriate next steps and how the Board could best advise and educate its licensees about the Board's expectations regarding patient care when a provider is working in a healthcare system. The Committee hopes to assist licensees in avoiding pitfalls relating to a provider's responsibility when working within healthcare systems. Staff directed Committee members to a former Board president's article regarding responsibility for quality of care in an era of diminished provider autonomy and recommended incorporating information from this article should the Committee determine a new position statement is warranted. The Committee directed staff to proceed with beginning to draft a new, proposed position statement to provide the guidance and clearly communicate the Board's expectations.

Committee recommendation: Staff to begin drafting a new, proposed position statement and present at a future meeting.

Board Action: Accept Committee recommendation. Staff to begin drafting a new, proposed position statement and present at a future meeting.

Licensing Committee Report

Members present were: Anuradha Rao-Patel, MD, Chairperson, Joshua Malcolm, JD, Damian McHugh, MD, Shawn Parker, JD, Miguel Pineiro, PA-C

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The License Committee reviewed two 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.

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.

Five licensure interviews were 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.

Advanced Practice Providers and Allied Health Committee Report

Members present were: Christine M. Khandelwal, DO, Chairperson; Sharona Y. Johnson, PhD, FNP-BC; Shawn P. Parker, JD; Miguel A. Pineiro, PA-C,

Old Business:

- a. Update on the pilot program administered by DHHS and the Governor's Institute as to the supervision of advanced practice providers administering suboxone therapy for opioid use disorder. Marcus Jimison, Sr. Board Attorney

Committee Recommendation: End the pilot program. Allow current participants to continue working within the program parameters but accept no new participants.

Board Action: Accept Committee recommendation. End the pilot program. Allow current participants to continue working within the program parameters but accept no new participants.

- b. Update regarding the dissolution of emergency Covid-19 orders related to advanced practice providers. M. Jimison

Committee Recommendation: Keep emergency Covid-19 orders related to advanced practice providers in place through the end of the state of emergency.

Board Action: Accept Committee recommendation. Keep emergency Covid-19 orders related to advanced practice providers in place through the end of the state of emergency.

- c. Final approval of rule change and rule adoption

21 NCAC 32U .0101 - Administration of Vaccines by Pharmacists
21 NCAC 32U .0102 – Administration of Long-Acting Injectables

Committee Recommendation: Accept final rule change and rule adoption as written.

Board Action: Accept Committee recommendation. Accept final rule change and rule adoption as written.

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Information regarding JSC Final Recommendation Grid, November 2021 and January 2022 was discussed.

A motion was passed to return to open session.

Disciplinary (Malpractice) Committee Report

Members present were: Devdutta G. Sangvai, Chairperson; W. Howard Hall, MD; (Vice-Chair) Sharona Y. Johnson, FNP-BC; Christine M. Khandelwal, DO; Joshua D. Malcolm, JD; Melinda H. Privette, MD, JD and Anuradha Rao-Patel, 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 30 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: Devdutta G. Sangvai, Chairperson; W. Howard Hall, MD; (Vice-Chair) Sharona Y. Johnson, FNP-BC; Christine M. Khandelwal, DO; Joshua D. Malcolm, JD; Melinda H. Privette, MD, JD and Anuradha Rao-Patel, MD

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The Disciplinary (Investigative) Committee reviewed 47 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.

Disciplinary (Complaints) Committee Report

Members present were: Devdutta G. Sangvai, Chairperson; W. Howard Hall, MD; (Vice-Chair) Sharona Y. Johnson, FNP-BC; Christine M. Khandelwal, DO; Joshua D. Malcolm, JD; Melinda H. Privette, MD, JD and Anuradha Rao-Patel, 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 18 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 (Compliance) Committee Report

Members present were: Devdutta G. Sangvai, Chairperson; W. Howard Hall, MD; (Vice-Chair) Sharona Y. Johnson, FNP-BC; Christine M. Khandelwal, DO; Joshua D. Malcolm, JD; Melinda H. Privette, MD, JD and Anuradha Rao-Patel, 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 (Compliance) Committee reviewed four 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.

Thirteen 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.

Diversity and Inclusion Workgroup Report

Members present were: Michaux R. Kilpatrick, MD, Chair; and John W. Rusher, MD

Old Business:

- a. Update Regarding the FSMB's Workgroup on Diversity, Equity, and Inclusion in Medical Regulation.

Cheryl Walker-McGill, MD, Past Chair, Federation of State Medical Boards (FSMB); Jeffrey Carter, MD, Chair, FSMB's Workgroup on Diversity, Equity, and Inclusion in Medical Regulation; and Mr. Mark Staz, Management Consultant, Regulatory Policy, FSMB, provided an update on the FSMB's Workgroup on Diversity, Equity, and Inclusion in Medical Regulation (FSMB DEI Workgroup). The charge of the FSMB DEI Workgroup is to identify best practices for state medical boards to mitigate and eliminate systemic inequities in medical regulation and patient care.

Dr. Walker-McGill provided background including her decision to create a DEI taskforce in 2020. Dr. Carter provided an overview of the FSMB DEI Workgroup's Interim Report which was approved by the FSMB House of Delegates last month. Mr. Staz solicited input from NCMB Workgroup members regarding future FSMB DEI activities and recommendations,

Workgroup recommendation: Accept as information.

Board Action: Accept Workgroup recommendation. Accept as information.

- b. Update Regarding Efforts to Promote Cultural Competency
Ms. Brinkley, NCMB Director of Communications, gave an update on our efforts to encourage licensees to take cultural competency and implicit bias CME.

Workgroup Recommendation: Accept as information.

Board Action: Accept Workgroup recommendation. Accept as information.

- c. Update Regarding the Board's Support of the State Health Improvement Plan (SHIP).

In January, the Board voted to be listed as a Healthy 2030 Partner for three SHIP indicators: Drug Overdose Deaths (Indicator #10), Tobacco Use (Indicator #11), and Primary Care Workforce (Indicator #17).

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Partners are also encouraged to use “results-based accountability” (RBA). RBA is a “disciplined way of thinking and acting to improve entrenched and complex social problems.” The Healthy 2030 partners use RBA to improve the effectiveness of their initiatives.

Healthy 2030 partners are also encouraged to utilize Clear Impact Scorecard, a software that tracks the collective impact of their programs, policies, and practices. It is important to the Healthy 2030 initiative in creating a transparent narrative or culture that encourages and motivates healthy initiatives and show the progress and impact of those initiatives. Scorecard would enable the NCMB to list its policy initiatives and set its own performance measures.

Ms. Meredith and Mr. Henderson attended RBA training in April. Ms. Meredith provided an update regarding the training and what would be required if the NCMB used the Clear Impact Scorecard to track progress regarding the three SHIP indicators selected by the NCMB.

Workgroup recommendation: Accept as information.

Board Action: Accept Workgroup recommendation. Accept as information.

New Business:

a. Annual Board/Staff DEI Training

At the January 2021 meeting, the Board voted to hold a diversity, equity, and inclusion training session each year during the May Board meeting.

Tomorrow’s training will be led by Dr. Sneha Thamocharan, Assistant Professor in the Department of Psychology at the University of Colorado Denver. She is a licensed pediatric psychologist with a background in integrated primary care and pediatric patient-centered medical homes. She is committed to minoritized health equity. She has focused her clinical practice on providing behavioral health services to underserved youth, which has informed her approach to clinical research.

Dr. Thamocharan’s educational objectives are for participants to be able to:

1. Describe how diversity, equity and inclusion can benefit healthcare systems.
2. Recognize how unconscious bias works and the dangers of prejudice and stereotypes.
3. Act as a change agent through learning, listening and critical reflection.
4. Develop skills, tools, and sustainable action plans to promote healthy equity and reduce bias in healthcare settings.

Workgroup Recommendation: Accept as information.

Board Action: Accept Workgroup recommendation. Accept as information.

Outreach Committee Report

Members present were: Damian F. McHugh, MD, Chairperson; William M. Brawley; W. Howard, MD; Sharona Y. Johnson, PhD, FNP-BC; Anuradha Rao-Patel, MD

Old Business:

- a. Update on presentations
 - i. Public and professional presentations
 - ii. Regulatory Immersion Series events

The Committee received a brief update on NCMB's public and professional outreach efforts. Requests for professional and public presentations and events is picking up after a relatively slow period due to the pandemic. In other Outreach, the Board's Regulatory Immersion Series mock disciplinary course for medical students and PAs is making continued progress toward reaching its goal of touching all programs in the state. Staff are beginning the process of reaching out to medical and PA programs NCMB has not yet presented RIMS to ask that the course be added for students.

Committee recommendation: Accept as Information.

Board Action: Accept Committee recommendation; Accept as information.

New Business:

- a. Wellness and Burnout presentation

The Committee welcomed Dr. Jonathan Bae, Associate Chief Medical Officer, Patient Safety & Clinical Quality for the Duke Health System, virtually to share information about how Duke has addressed clinician wellness in its workforce. Dr. Bae gave a brief but comprehensive report of efforts to date. Dr. Bae noted that, while some resources developed are available only to Duke Health employees, others are publicly posted for general use. One such resource is a 10-week Well-Being Webinar series that is designed to help medical professionals bounce back from COVID-19 related professional burnout.

Committee recommendation: Accept as Information.

Board Action: Accept Committee recommendation. Accept as information.

- b. Discussion about information newly licensed physicians and Pas should receive

The Committee discussed what essential information about NCMB rules and policies, and other information to help licensees get off to a smooth start practicing in the state, should be provided to new licensees. Committee members shared suggestions, which included: "Medical Board 101" information related to the Board's mission and responsibilities, appropriate supervision of APPs and position statements, especially those that outline rules or policies specific to North Carolina. The Committee also discussed how soon after licensure NCMB should send such information and ways to present the content so it is most likely to catch the attention of new licensees.

Committee recommendation: Direct staff to continue working on the question of what information should be provided to new licensees and report back to the Committee at a later time.

Board Action: Accept Committee recommendation. Direct staff to continue working on the question of what information should be provided to new licensees and report back to the Committee at a later time.

ADJOURNMENT

The Medical Board adjourned at 12:36 p.m. on Friday, May 20, 2022

The next meeting of the Medical Board is scheduled for July 20 – 22, 2022.

A handwritten signature in black ink that reads "Christine Khandelwal, DO". The signature is written in a cursive style with a horizontal line underlining the name.

Christine M. Khandelwal, DO, Secretary/Treasurer