



# **BOARD MEETING MINUTES**

**November 15-17, 2023**

**3127 Smoketree Court  
Raleigh, North Carolina**

General Session Minutes of the North Carolina Medical Board (NCMB) Meeting held November 15-17, 2023.

The November 15-17, 2023, meeting of the North Carolina Medical Board was held at 3127 Smoketree Court, Raleigh, NC 27604. Christine M. Khandelwal, DO, President, called the meeting to order. Board members in attendance were Devdutta G. Sangvai, MD, MBA, President-Elect; Anuradha Rao-Patel, MD, Secretary/Treasurer; Candace A. Bradley, DO, MBA; Mr. William M. Brawley; W. Howard Hall, MD; N. Melinda Hill-Price, MD, JD.; Sharona Y. Johnson, PhD, FNP-BC; Mark A. Newell, MD, MMM; Miguel A. Pineiro, PA-C; Robert Rich, Jr., MD; David P. Sousa, JD, MBA. Board members absent were Joshua D. Malcolm, JD

### **PRESIDENTIAL REMARKS**

Dr. Christine M. Khandelwal 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.

### **INSTILLATION CEREMONY AND NEW OFFICER OATHS**

Dr. Khandelwal presented Dr. Michaux R. Kilpatrick, Immediate Past President with a presidential resolution and gavel plaque for her service as President of the North Carolina Medical Board for 2022 - 2023.

Dr. Kilpatrick administered the Oath of Office for as the 125<sup>th</sup> President to Dr. Khandelwal.

Dr. Khandelwal administered the Oath of Office for President-Elect to Dr. Devdutta G. Sangvai, and for Secretary/Treasurer to Dr. Anuradha Rao-Patel. She also administered the New Board Member Oath to Dr. Candace A. Bradley, and Dr. Mark A. Newell, MD, MMM.

### **PRESENTATION(S)**

Dr. Kristin Baker, Representative from the 82<sup>nd</sup> district in North Carolina House of Representatives and Dr. Tim Reeder, Representative from the 9<sup>th</sup> district in North Carolina House of Representatives, gave a Legislative briefing.

### **ANNOUNCEMENTS and UPDATES**

Khandelwal recognized new staff, milestone anniversaries, and promotions since the September 2023 Board meeting, as they were introduced by their perspective manager.

### **NORTH CAROLINA PHYSICIAN HEALTH PROGRAM REPORTS (NCPHP)**

Mr. William M. Brawley presented the NCPHP Board of Directors report.

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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.

### **NCMB ATTORNEY'S REPORT**

Mr. Brian L. Blankenship, Chief Legal Officer, gave the Attorney's Report on Friday, November 17<sup>th</sup>, 2023.

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

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

Within the closed session:

Mr. Blankenship provided information and legal advice within the attorney-client privilege and regarding outside litigation matters. Mr. Blankenship provided information and legal advice within the attorney-client privilege regarding attorney work product occurring since the last Attorney's Report was presented.

A motion was passed to return to open session.

### **NCMB COMMITTEE REPORTS**

#### **Executive Committee Report**

Members present via video/teleconference were Christine M. Khandelwal, DO, MPHE, Chair; Devdutta G. Sangvai, MD, MBA; Anuradha Rao-Patel, MD; William M. Brawley, and W. Howard Hall, MD.

Financial Update

- a. Year-To-Date Financials

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The Committee reviewed the following financial reports through September 30, 2023: 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 September and October 2023.

Committee Recommendation: Accept the investment statements as reported.

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

c. Semi-annual Report from Investment Advisor

Mr. Len Lopez, Fifth Third Bank, provided an update on the stock and bond markets and the Board's investment account.

Committee Recommendation: Approve the report as information.

Board Action: Accept Committee recommendation. Accept the report as information.

New Business:

a. 2024 NCMB Review Panel Appointment

The NCMB Review Panel reviews candidates for all non-public member positions on the Board and make recommendations to the Governor. The Review Panel consists of nine members including a public member of the Medical Board.

The Board needs to appoint one of its public members as its 2024 representative to the NCMB Review Panel.

Committee Recommendation: Appoint Mr. Joshua D. Malcolm as the Board's 2024 representative to the NCMB Review Panel.

Board Action: Accept Committee recommendation. Appoint Mr. Joshua Malcolm as the Board's 2024 representative to the NCMB Review Panel.

b. 2024 Retreat dates

The Committee discussed possible dates for the 2024 Board Retreat. The Committee discussed the dates presented and selected August 2 – 4, 2024 for the 2024 Board Retreat.

Committee Recommendation: Hold the 2024 Board Retreat August 2 – 4, 2024.

Board Action: Accept the Committee recommendation. Hold the 2024 Board Retreat August 2 – 4, 2024.

c. Legislative Update

The Committee reviewed the Legislative update. There were no new bills for discussion.

Committee Recommendation: Accept as information.

Board Action: Accept Committee recommendation. Accept as information.

d. Nomination Window for FSMB Board of Directors, Committees, and Workgroups

Mr. Mansfield reported that Mr. Shawn Parker, past Board member and current Federation of State Medical Boards (FSMB) Board member, has requested a letter of support from the NC Medical Board for his candidacy for Treasurer of the FSMB Board of Directors. Dr. Khandelwal will send a letter of support for his nomination on behalf of the Board.

Mr. Mansfield also presented information on FSMB's "Call for Applications for FSMB Committees and Workgroups." An information packet will be distributed to all Board members following the Executive Committee meeting. Interested Board members should let Mr. Mansfield know of their interest in advance of the December 15, 2023 deadline.

Committee Recommendation: Accept as Information.

Board Action: Accept Committee recommendation. Accept as information.

### **Policy Committee Report**

Members present were: David P. Sousa, J.D., MBA, Chair; W. Howard Hall, MD; N. Melinda Hill-Price, MD, JD; Mark A. Newell, MD, MMM; and Anuradha Rao-Patel, MD. Absent were: Joshua D. Malcolm, J.D.

Old Business:

a. 9.1.2. Professional Behavior Within the Healthcare Team

During the November 2023 meeting, the Committee continued to discuss concerns related to the increase in workplace violence in the healthcare setting, both within the healthcare team and towards licensees by patients, associates of patients, and/or the public. The Committee

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and staff determined there was a need for a new position statement to provide guidance and tools to licensees who encounter workplace violence.

The Committee also discussed if this would be an opportunity for the Board to collaborate with other organizations and stakeholders. The Committee tasked staff with contacting other organizations and stakeholders, researching and gathering additional guidance documents that may already exist, consider a new position statement, and then report back to the Committee at a later meeting with an anticipated date of January 2024

Committee recommendation: Staff to contact other organizations and stakeholders, research and gather additional guidance documents that may already exist, consider a new position statement, and then report back to the Committee at a later meeting with an anticipated date of January 2024.

Board Action: Accept Committee recommendation. Staff to contact other organizations and stakeholders, research and gather additional guidance documents that may already exist, consider a new position statement, and then report back to the Committee at a later meeting with an anticipated date of January 2024.

#### New Business:

##### a. 5.1.5: Licensee Use of Innovative or New Treatment

During the November 2023 meeting, the Committee discussed reviewing the current position statement to determine if it should be revised to include additional guidance on alternative treatments being used to treat mental health disorders and address the potential abuse of those treatments. The Committee tasked staff with reviewing the current position statement and bringing back any potential revisions at the January 2024 meeting.

Committee recommendation: Staff to review the current position statement and bring back any potential revisions at the January 2024 meeting.

Board Action: Accept Committee recommendation. Staff to review the current position statement and bring back any potential revisions at the January 2024 meeting.

#### Miscellaneous

During the November 2023 meeting, the Committee reviewed the description and scope of the Policy Committee. Staff then provided an overview of the previous efforts by the Committee and staff to complete a full review of all position statements, which included the removal of position statements that were no longer relevant, creating a new category system, reviewing and revising each position statement, and creating a compendium of all position statements. These efforts were completed in December 2021. The Committee and staff will consider if the Policy Committee should reinstate a review cycle for the position statements and if so, what that cycle should be.

Committee recommendation: Accept as information.

Board Action: Accept Committee recommendation. Accept as information.

### **Licensing Committee Report**

Members present were: W. Howard Hall, MD, Chairperson; Candace A. Bradley, DO, MBA; Sharona Y. Johnson, PhD, FNP-BC; Devdutta G. Sangvai, MD, MBA; David P. Sousa, JD, MBA. Absent were: Joshua D. Malcolm, JD

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 License Committee reviewed six 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.

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.

### **Advanced Practice Providers & Allied Health Committee Report**

Members present were: Miguel Pineiro, PA-C, MHPE, Chairperson; Candace A. Bradley, DO, MBA; Sharona Y. Johnson, PhD, FNP-BC; Robert L. Rich, Jr. MD; David P. Sousa, JD, MBA

Old Business:

- a. Advanced Practice Providers – Adding and Removing Supervising Physicians – Malinda M. Sink, APP Supervisory Coordinator, NCMB

Committee Recommendation: Accept as information.

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Board Action: Accept Committee recommendation. Accept as information.

New Business:

- a. Summary of November 2023 Midwifery Joint Committee (MJC) Annual meeting – Marcus Jimison, Deputy General Counsel, NCMB

Committee Recommendations: Authorize the Chair of APP, who is also a current MJC member, to send an email to the Chair of the MJC requesting the following:

- I. A detailed accounting of MJC expenses, including the rates charged for Board of Nursing (BoN) staff time involved with the 427 hours of temporary rulemaking; and
- II. A meeting between NCMB and BoN staff to discuss the finances of the MJC and explore and discuss other potential solutions apart from dissolution of the MJC, and to then discuss with each respective board the substance of those conversations before any decision is made to go to the legislature with a recommendation.

Board Action: Accepted Committee recommendations. Authorize the Chair of APP, who is also a current MJC member, to send an email to the Chair of the MJC requesting the following:

- I. A detailed accounting of MJC expenses, including the rates charged for Board of Nursing (BoN) staff time involved with the 427 hours of temporary rulemaking; and
- II. A meeting between NCMB and BoN staff to discuss the finances of the MJC and explore and discuss other potential solutions apart from dissolution of the MJC, and to then discuss with each respective board the substance of those conversations before any decision is made to go to the legislature with a recommendation.

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

Members present were: Anuradha Rao-Patel, MD, Chair; N. Melinda Hill-Price, MD, JD; Sharona Y. Johnson, PhD, FNP-BCN; Mark A. Newell, MD, MMM; Miguel A. Pineiro, PA-C, MHPE; Robert L. Rich, Jr., MD; David P. Sousa, JD, MBA

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 38 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**

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Members present were: Anuradha Rao-Patel, MD, Chair; N. Melinda Hill-Price, MD, JD; Sharona Y. Johnson, PhD, FNP-BCN; Mark A. Newell, MD, MMM; Miguel A. Pineiro, PA-C, MHPE; Robert L. Rich, Jr., MD; David P. Sousa, JD, MBA

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 46 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: Anuradha Rao-Patel, MD, Chair; N. Melinda Hill-Price, MD, JD; Sharona Y. Johnson, PhD, FNP-BCN; Mark A. Newell, MD, MMM; Miguel A. Pineiro, PA-C, MHPE; Robert L. Rich, Jr., MD; David P. Sousa, JD, MBA

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 36 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: Anuradha Rao-Patel, MD, Chair; N. Melinda Hill-Price, MD, JD; Sharona Y. Johnson, PhD, FNP-BCN; Mark A. Newell, MD, MMM; Miguel A. Pineiro, PA-C, MHPE; Robert L. Rich, Jr., MD; David P. Sousa, JD, MBA

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 six 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 (DHHS) Committee Report**

Members present were: Anuradha Rao-Patel, MD, Chair; N. Melinda Hill-Price, MD, JD; Sharona Y. Johnson, PhD, FNP-BCN; Mark A. Newell, MD, MMM; Miguel A. Pineiro, PA-C, MHPE; Robert L. Rich, Jr., MD; David P. Sousa, JD, MBA

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 (DHHS) Committee reviewed 2 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.

### **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.

Eight 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.

### **Outreach Committee Report**

Members present were: N. Melinda Hill-Price, MD, JD; Chair; William M. Brawley; W. Howard Hall, MD; Miguel A. Pineiro, PA-C, MHPE; Robert L. Rich, Jr., MD; Devdutt, G. Sangvai, MD, MBA

- a. Welcome and Introduction
  - i. Mission and committee description

ii. Goals discussion

Committee reviewed the committee description and mission statement for the Outreach Committee. Committee members shared a robust list of ideas for projects for 2024. Some of the broad areas of interest include continuing to expand NCMB's presentation program to reach more public and professional audiences, including more audiences outside of Raleigh and the Triangle. Specific groups mentioned include hospital and health system executives, a broader array of stakeholder and like-minded organizations including law firms and credentialing professionals, and LatinX audiences. Additional topics for Outreach to take up included developing resources to help licensees address violence in the workplace and identifying opportunities for NCMB to identify additional opportunities to develop free or low-cost CME.

Committee recommendation: Accept as information.

Board action: Accept Committee recommendation: Accept as information.

Old Business

- a. Update on presentations
  - i. Professional and public presentations
  - ii. Regulatory Immersion Series events

The Communications Director gave a year-end summary of professional and public outreach presentations during 2023. By the end of the year, NCMB will have given 32 presentations to professional audiences, most of them to either: 1. Medical or PA students participating in NCMB's Regulatory Immersion Series mock disciplinary experience or 2. PA students receiving a presentation regarding NC licensure and PA practice issues. In public outreach, NCMB was busier during 2023 than it has been since the coronavirus pandemic halted public gatherings in 2020. NCMB presented multiple older adult audiences, including at senior centers and retirement communities, and also continued to reach more diverse audiences. The Communications Department is in the process of hiring a new staff member whose responsibilities will include helping to expand both public and professional outreach.

Committee recommendation: Accept as information.

Board action: Accept Committee recommendation. Accept as information.

- b. Status of work on wellness and resilience

The Chief Medical Officer gave an update on the September 28, 2023, meeting of the NC Clinician and Physician Retention and Well-being Consortium (NCCPRW). Funding for engagement with the Lorna Breen Foundation for a 3-year period was confirmed. Additionally, the American Hospital Association, AHA, has made a national call to hospital systems to reexamine current credentialing practices and align with current national data supporting changes in support of health workforce well-being and retention. There is the hope NC Healthcare Association working with the LBF can energize this work in NC. The realities of workforce violence, its contribution to licensee occupational stress and the need for an action plan was visited. The Consortium will continue to remain informed on this subject and seek

ways to build on the work. In addition, Dr. Joe Jordan of NCPHP provided a preview of a pending survey on suicidality in licensees using tools that will assess several co-related factors including occupational stress. A full presentation on their findings will be available to the Board soon.

Committee Recommendation: Direct staff to continue engagement with the Consortium. Also, renew efforts to include measures of occupational stress and the data analytic platform in being built out.

Board action: Committee Recommendation: Direct staff to continue engagement with the Consortium. Also, renew efforts to include measures of occupational stress and the data analytic platform in being built out.

New Business:

- a. Promotion of adding/removing supervisory relationships

This agenda item was deferred until the January 2024 Outreach Committee meeting due to lack of time.

### **Diversity and Inclusion Workgroup**

Members present were: Sharona Y. Johnson, PhD, FNP-BC, Chair; Candace A. Bradley, DO, MBA; Miguel A. Pineiro, PA-C, MHPE;; Anuradha Rao-Patel, MD

New Business:

- a. The Health Equity Workgroup discussed the September board action, which included renaming the workgroup and charging it with adopting Dr. Walker-McGill's Quality Improvement Report (QIR) as a strategic framework and evaluating its recommendations. To set a foundation, the Workgroup considered the definitions of various terminology used in diversity, equity, and inclusion to study and use going forward. The QIR can be broken up into five categories: (1) board functioning and appointments, (2) licensing, (3) complaints and investigations, (4) hearings and discipline, and (5) policy, communications, and patient/public relations. Each will be assigned to the remaining board meetings with board functioning and appointments to be discussed in January. The discussion will focus on outreach and communications with the Review Panel and exploring additional diversity, equity and inclusion training opportunities for Board members.

Workgroup Recommendations:

(1) To ensure clarity of meaning and avoid misinterpretation, adopt the FSMB definitions and principles in its *Interim Report of the FSMB Workgroup on Diversity, Equity and Inclusion in Medical Regulation and Patient Care* (April 2022) and apply these principles going forward.

(2) Initiate review of the Quality Improvement Report starting with the category of "board functioning and appointments" under Table 1 in January with a focus on (1) assisting the Review Panel with the board member selection process and (2) improving board member bias trainings.

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Board Action: Accept Workgroup recommendations.

(1) To ensure clarity of meaning and avoid misinterpretation, adopt the FSMB definitions and principles in its *Interim Report of the FSMB Workgroup on Diversity, Equity and Inclusion in Medical Regulation and Patient Care* (April 2022) and apply these principles going forward.

(2) Initiate review of the Quality Improvement Report starting with the category of “board functioning and appointments” under Table 1 in January with a focus on (1) assisting the Review Panel with the board member selection process and (2) improving board member bias trainings.

Continue the Workgroup under the name “Health Equity Workgroup,” charging it with using the Quality Improvement Report as a framework and evaluating each recommendation

### ADJOURNMENT

The Medical Board officially adjourned at 11:17 a.m. on Friday, November 17, 2023

The next meeting of the Medical Board will be virtual and is scheduled for January 24-26, 2024.



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Anuradha Rao-Patel, MD, Secretary/Treasurer