



# Board of Medicine Public Meeting Minutes

Medicine

Mar 6, 2024 at 8:00 AM EST

@ 7 Eagle Square, Concord, NH 03301

## **Attendance**

### **Members:**

Members: Jonathan Eddinger, M.D., President (JE), Jonathan Ballard, M.D. (JB), Daniel Frazee, P.A. (DF), Marc Bertrand, M.D. (MB), David Goldberg, M.D. (DG), Richard Kardell, D.O. (RK), Linda Tatarczuch (LT), Nina Gardner (NG), Emily Baker M.D. (EB), Beatrice Engstrand, M.D. (BE)

### **Staff:**

Michael Gianunzio, Board Administrator, Charlene Anstead, Board Administrator, Cassandra Brown, Esq. Board Counsel

### **Absent:**

- I. Call to Order - Board President 8:08
- II. Legislative Hearing on HB 322 at 9:00am on Wednesday March 6<sup>th</sup> 2024
  - A. Director Lindsey Courtney arrived to provide context from an OPLC perspective and ask for a collaborative approach to testifying and inform the Board.

### **Motion:**

Upon a motion by RK, with a second by LT the Board voted to adopt Dr. Baker's proposition that welcomes oversight however needs to point out that many of the duties spoken about are still under the Board of Medicine but rather OPLC. The Board also votes to send Nina Gardner and Dr. Jonathan Eddinger to testify; motion passed, BE not present.

- III. Approval of Public Minutes
  - A. February 7, 2024 Public minutes

### **Motion:**

Upon a motion by RK with a second by DF, the Board voted to approve as amended; motion passed, JE, NG absent, EB and BE abstained.

- IV. Emergency meeting: Colleen Murphy - Non~Public minutes February 1, 2024

### **Motion:**

Upon a motion by DG, with a second by MB the Board voted to approve as amended, BE, JB, RK, abstained.

Edits:

Nina's name was misspelled

#### IV. Public Appearances/Hearings Before the Board

##### A. Hearings

1. Colleen Murphy Docket #2024-MED-003 ~ Continued to next scheduled meeting April 3, 2024

##### B. Public Appearance

1. Malcom Hawthaway, President Physician's Assistant Society ~ 10:00 am
  - a. Supervision agreements – barrier for PA practice. Why should a Physician be responsible for the care a PA provides if they are not performing the care. SB 228 passed and they thought the burden has passed however, when the Physician leaves a practice, the PA's have been losing their jobs. There are also some insurance implications causing administrative and financial burdens for offices.
  - b. With HB 1222 they see why it's here and that is why they back it. It gives PA's parity with Nurse Practitioners.
  - c. HB 1222 removes supervision and instead uses the word collaboration.
  - d. Perhaps PA's might work under agreement for a certain number of hours?
  - e. This is a workforce issue in that it seems to become easier to employ RN's over PA's as they do not require all of the paperwork and insurance requirements.
  - f. When it comes to the patient safety aspect, it's become attractive to legislators, it removes the red tape barrier that is impacting healthcare employment without sacrificing patient safety.
  - g. There is some worry about increasing scope of practice if this continues as it is, as all professions seem to be heading that way. DF brought up that PA's have been around for 50 years and the insitutional training would be a barrier against that.

- h. The ask is that the Board add their support to this legislation that they are going to testify for later today 3/6/24.

**Motion:**

Upon a motion by JB, with a second by NG the Board voted to state that it would support legislation that accomplishes the goals of HB 1222, provided that an hours practice requirement was added in lieu of the collaboration agreements.

2. Molly Rossignol, Director NHPHP - Informational

- a. Proposal of rules for approved programs / Plc 500's.
- b. PHP has gone through them with a fine tooth comb, concerns have to do with confidentiality. If it isn't a confidential program, people would be less likely to contact NHPHP.
- c. Looking at application questions that may ask questions that are intrusive or may violate ADA.
- d. Med 407.02 – implies the applicant has to “out” themselves if they are part of a PHP.
- e. It could also dictate what NHPHP has to report to Boards. In the opinion of Dr. Rossignol, this is more information than is needed.
- f. Dr. Rossignol to send annotated notes to the Board for review.

V. Board President Report

None

VI. Board Administration/OPLC Updates

A. Agenda Structure

- 1. Board Admin will begin to place non consent license applications into the OnBoard Non Public Agenda instead of the Resource Folder. Board approved.

VII. Public Old Business

None

VIII. Public New Business

A. Declaratory Ruling Request

1. The Board took public comment. C. Watson from the NH Medical Society said that they do not take a position at this time.

**Motion:**

Upon a motion by JB with a second by RK, the Board voted to approve the declaratory ruling request.

IX. Rules/Laws

A. Legislation with Board Counsel

B. Rules Coordinator, Tina Kelley

1. Public Hearing 100 and Med 408 - 8:30am
  - a. Hearing started at 8:37 am, closed at 8:55am
2. 107.01 b-5: currently reads, practices for 5 years (does not include a PA)
  - a. Should this spell the process out more clearly? Are the reviews to be done by contractors or OPLC staff?
3. Agency Comments:
  - a. Board Counsel presented the agency comments: 104.01
    - i. Board does not preside over hearings, Hearings Officer does.
    - ii. Records requests are now OPLC function, not the Board.

X. Non- Public Session

Motion to conduct a non-public session for the purpose of discussing investigations of alleged licensee misconduct and other confidential Board business and noting that such a non-public session is authorized by RSA 91-A:3, II (c), RSA 91-A:3 II (e), RSA 91-A:5, IV, Lodge v. Knowlton, 119 N.H. 574 (1978), and the Board's executive and deliberative privileges.

**Motion:**

Upon a motion by JB with a second by RK, the Board voted to initiate the first non-public session at 8:56 a.m., motion passed, NG and JE absent.

**Motion:**

Upon a motion by JE with a second by DG the Board voted to initiate the second non-public session at 10:59 a.m., unanimous roll call vote.

**Motion:**

Upon a motion by RK with a second by MB the Board voted to initiate the second non-public session at 1:53 p.m., unanimous roll call vote.

XI. Resume Public Session

**Motion:**

Upon a motion by RK with a second by DG the Board voted to resume the public session at 9:59 a.m.; unanimous roll call vote

**Motion:**

Upon a motion by JE with a second by RK the Board voted to resume the public session at 1:20 p.m.; unanimous roll call vote

**Motion:**

Upon a motion by JE with a second by RK the Board voted to resume the public session at 2:21 p.m.; unanimous roll call vote

XII. Seal the Minutes of Non- Public Session

Minutes of the non-public session are sealed to maintain the privacy of the items discussed in non-public session pursuant to RSA 91-A:3, II (c), on the grounds that public disclosure may adversely affect the reputation of a person other than a Board member or render the proposed action ineffective.

**Motion:**

Upon a motion by RK with a second by EB the Board voted to seal the minutes of the first non public session; unanimous roll call vote.

**Motion:**

Upon a motion by RK with a second by NG the Board voted to seal the minutes of the first non public session; unanimous roll call vote.

**Motion:**

Upon a motion by NG with a second by JB the Board voted to seal the minutes of the first non public session; unanimous roll call vote.

XIII. Adjournment – 2:22 pm