



FSMB Board Attorneys Workshop

November 7-8, 2019
Intercontinental New Orleans Hotel
New Orleans, LA

Agenda

THURSDAY, NOVEMBER 7, 2019

- 8:00 – 8:30 a.m. **Check-in/Breakfast**
- 8:30 – 9:00 a.m. **Welcome and Introductions**
Kelly C. Alfred, MS, Senior Director, Education Services, Federation of State Medical Boards
- 9:00 – 10:15 a.m. ***General Session 1: Update from the FSMB: Current Initiatives & Legislative Efforts***
This session will highlight the current initiatives, as well as legislative efforts, undertaken by the FSMB as it works with and for the state medical board community to improve the quality, safety and integrity of health care.
Speakers:
Kandis McClure, JD, Director, Federal Advocacy & Policy, Federation of State Medical Boards
Aaron Young, PhD, Assistant Vice President, Research and Data Integration, Federation of State Medical Boards
- 10:15 – 10:30 a.m. **Break**
- 10:30 – 11:45 a.m. ***General Session 2: Corporate Practice of Medicine Doctrine***
This session will provide an update on the latest developments regarding the corporate practice of medicine doctrine. Topics to be covered include: the historical and legal basis for the doctrine; issues common in CPOM cases; the ongoing problem of straw ownership; recent decisions involving the doctrine; and criticism of the doctrine.
Moderator: Michael Farrell, JD, Policy Development Manager, Washington Medical Quality Assurance Commission
Speakers:
Marcus Jimison, JD, Deputy General Counsel, North Carolina Medical Board
Kyle Karinen, JD, Staff Attorney, Washington Medical Commission
- 11:45 a.m. – 12:30 p.m. **Lunch (provided)**

12:30 – 1:15 p.m.

General Session 3 – Understanding Drug Tests: What They Tell You and What They Don't

Licensed medical professionals face just as much risk of a substance use disorder as the general population, and according to addiction experts, they have a higher likelihood of opioid use. During this two-part session, panelists will describe the different types of drug tests available, the various methods for detection, and the reliability of those drug screens. Panelists will also share the common warning signs and behaviors of addiction that health care professionals may exhibit.

Moderator: Frank B. Meyers, JD, Executive Director, District of Columbia Board of Medicine

Speaker: Joseph Jones, PhD, NRCC-TC, Chief Operating Officer, United States Drug Testing Laboratories

1:15 – 2:00 p.m.

Common Behaviors Seen in Addicted Professionals

Moderator: Frank B. Meyers, JD, Executive Director, District of Columbia Board of Medicine

Speaker: Joseph P. Jordan, PhD, Chief Executive Officer, North Carolina Physicians Health Program

2:00 – 2:30 p.m.

Break

2:30 – 4:00 p.m.

State of the States

During this interactive session, attendees will have the opportunity to engage with their colleagues on pressing topics and issues pertinent to state medical board attorneys. Participants will engage in conversations about legislative issues, share their experiences in health care regulation, and identify common themes that arose from the discussions.

Facilitators:

Darra J. Coleman, JD, Chief Advice Counsel, South Carolina Dept of Labor Licensing & Regulation

Michael Farrell, JD, Policy Development Manager, Washington Medical Quality Assurance Commission

5:00 - 6:00 p.m.

FSMB Reception

FRIDAY, NOVEMBER 8, 2019

8:00 – 8:30 a.m.

Check-in/Breakfast

8:30 – 9:30 a.m.

General Session 4 – What To Do When Your Board Gets Sued

During this session, the speaker will discuss liability issues not only for state medical boards and its board members, but also board staff. The speaker will identify liability issues that might arise and discuss immunity protections and types of insurance coverage to cover claims.

Moderator: Thomas W. Mansfield, JD, Chief Legal Officer & Legislative Liaison, North Carolina Medical Board

Speaker:

Elizabeth Suttles Meredith, JD, Board Attorney, North Carolina Medical Board

9:30 – 9:45 a.m.

Break

9:45 – 10:45 a.m.

General Session 5 – Ethics Session: Ethical Dilemmas for Board Attorneys: Who Is Your Client?

In today's legal environment, medical board attorneys encounter ethical issues everyday while working in the best interest of the client. During this session, we will examine several major areas of potential liability, including conflicts of interest, communicating with opposing counsel, working with expert witnesses and ethics in discovery. Our speaker will also describe the ethical issues he encounters in his role as Commissioner.

Moderator: Frank B. Meyers, JD, Executive Director, District of Columbia Board of Medicine

Speaker: Sreenu Dandamudi, JD, Commissioner, Missouri Administrative Hearing Commission

10:45 – 11:00 a.m.

Break

11:00 – 12:00 p.m.

General Session 6 – The Standard of Care for Experimental Modalities

As potential new therapies to treat disease continue to transform the future of medicine, important regulatory concerns are emerging for state medical boards. During this session, panelists will highlight recent disciplinary cases involving unproven treatment modalities such as stem cell therapy and IV hydration, and how these cases failed to meet the professional standard of care.

Moderator: Reese Hays, JD, Disciplinary Counsel, Kansas Board of Healing Arts

Speakers:

Todd Hiatt, JD, Associate Litigation Counsel, Kansas Board of Healing Arts

Vladimir Lozovskiy, JD, Medical Prosecuting Attorney, Illinois Department of Financial & Professional Regulation

12:00 – 1:00 p.m.

Lunch (provided)

1:00 – 2:00 p.m.

General Session 7 – Consequences of Prescribing Without a Legitimate Medical Purpose

During this session, the speakers will discuss investigations involving the fraudulent and illegal prescribing of controlled substances, and the physicians who prescribe them for no legitimate medical purpose. They will also cover the collateral impact a board sanction has on the patient community and patient safety as a result.

Moderator: Darra J. Coleman, JD, Chief Advice Counsel, South Carolina Dept of Labor Licensing & Regulation

Speakers:

Steven L. Hoffman, JD, Manager, Division of Law and Policy, Massachusetts Board of Registration in Medicine

George Zachos, JD, Executive Director, Massachusetts Board of Registration in Medicine

2:00 p.m.

Adjournment