

# Virginia Board of Medicine BOARD BRIEFS

Newsletter #82  
December 2016

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# Opioid CE & FAQ's

The 2016 General Assembly passed law that requires the Board of Medicine to identify prescribers that should complete 2 hours of continuing education each biennium on topics related to pain management, the responsible prescribing of controlled substances, and the diagnosis and management of addiction. The Board decided that for the first biennium, it would require all licensees of the Board of Medicine with prescriptive authority to obtain the 2 hours of continuing education. The hours are to be Type 1. Below are answers to questions the Board received after the notice of this requirement was sent.

## Updated FAQs for Controlled Substances CE Requirements

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### Introduction

The Board of Medicine is required by law to identify prescribers who must complete 2 hours of continuing education (CE) in pain management, proper prescribing of controlled substances, and the diagnosis and management of addiction. The Board is requiring all prescribers licensed by the Board of Medicine to obtain 2 hours of Type 1 (CAT I) CE in the 24 months prior to your next biennial renewal. It is the responsibility of the licensee to find and complete the CE activities. The links provided in the notification were only suggestions which contained some Type 1 activities and some Type 2 activities that would be useful to all prescribers. Other Type 1 CE activities can be found at other sites on the Internet.

### Questions and Answers

#### **1. Who has to complete this CE requirement?**

The requirement to obtain 2 hours of Type 1 CE is applicable to all licensees of the Board of Medicine with prescriptive authority regardless of whether a licensee is engaged in clinical medicine, administration, or any other category of practice. However, interns and residents holding a training license are not required to complete this CE.

#### **2. When do I have to complete the 2 hours of CE?**

MD's, DO's, DPM's, PA's and NP's must complete 2 hours of Type 1 CE prior in the 24 months prior to your next renewal.

#### **3. How will the Board know that I have taken the CE?**

There will be a question in the renewal process to attest to having obtained the 2 hours of CE on controlled substances in the prior 24 months. For MD's, DO's, and DPM's, the question will appear when you renew your license in 2018. PA's renewing in the first 6 months of 2017 will not be expected to have completed the 2 hours of CE. However, those scheduled to renew in July through December of 2017 will see the question in the renewal process. Likewise, NP's renewing in the first 6 months of 2017 will not be expected to complete the 2 hours of CE, but those renewing July 2017 or later are expected to do so.

#### **4. Do I have to submit evidence of my CE to the Board?**

You are not required to submit evidence of your CE unless you receive an audit letter from the Board of Medicine.

**5. What if I have done CE hours on pain management, proper prescribing of controlled substances, and the diagnosis and management of addiction previously?**

The requirement is to obtain 2 hours of controlled substances CE in the next biennium, and the Board is interpreting that to be the 24 months prior to your next license renewal. The law went into effect July 1, 2016. So any CE on controlled substances taken on July 1, 2016 or thereafter will count towards the 2-hour requirement for the next biennium, as long as they fall within the 24-month timeframe.

**6. Are these 2 hours of CE part of the required 30 Type 1 hours, or are they extra?**

The 2 hours of controlled substances CE may be part of the 30 hours of Type 1 (CAT I).

**7. Will the Board accept CE that I take to satisfy my licensure in another state?**

Virginia licensees who live and practice in another state can satisfy the 2-hour requirement for controlled substances by obtaining Type 1 (CAT I) hours as long as it is done in the 24 months prior to your next license renewal.

**8. Can I get an exemption?**

There is no exemption from this CE requirement for doctors of medicine, osteopathy, podiatry, physician assistants, and nurse practitioners who hold active licenses. Retirement and lack of DEA registration do not exempt a licensee.

**9. What if I have an inactive Virginia license?**

Licensees with an inactive license are not required to obtain the 2 hours of controlled substances CE, because an inactive license does not confer prescriptive authority. However, if a licensee wishes to activate the license, he/she must attest to obtaining 2 hours of controlled substances CE in the 24 months prior to activation.

**10. Can the Board send more links to other Type 1 (CAT I) CE courses/hours?**

It is the responsibility of the licensee to find and complete the required hours of CE. The Board suggested that links to some CE resources be included in the notice describing this new requirement. The links include Type 1 and Type 2 activities which have useful information for all providers. However, the Type 2 activities do not meet the requirement of the law. Other opportunities to satisfy the requirement for Type 1 CE can be searched online.

## **E**xpanding Care with the Virginia ARTS Benefit: Addressing The Disease of Addiction In Your Outpatient Clinic -- Removing the Frustration with Opiate Use

### **No Cost Statewide Trainings for Clinicians and Behavioral Health Professionals!**

**Targeted Audience:** Practicing/Licensed MDs/DOs, APNs, PAs, medical students, substance abuse professionals, rehabilitation professionals, and behavioral health professionals across the Commonwealth. No skill level is required.

Click [here](#) to learn more about training dates and registration.

## Attend to learn more:

- Utilizing the Virginia Medicaid's Addiction and Recovery Treatment Services (ARTS) new substance use disorder (SUD) benefit, with increasing reimbursement rates up to 400% for many of substance abuse services
- Assessing, screening, and monitoring of the patient at risk for substance use disorders
- Identifying substance use disorders and addiction as potentially underlying disorders
- Integrating SUD treatment management outpatient clinical practice and behavioral health care interventions in outpatient practice
- Removing barriers and address challenges to integration, coordination, and operational practice
- Developing of a seamless substance use disorders treatment within primary care business model

**\*\*\*Special Instructions: Clinicians attending the live Providers' Clinical Support System for Medication Assisted Treatment (PCSS-MAT) Half and Half live (required in total 8 hour) MAT Waiver Training MUST register for the Virginia Department of Health full day training**

In response to the statewide opioid epidemic and in support of the new Virginia Medicaid Addiction and Recovery Treatment Services (ARTS) Benefit launching April 1, 2017, the Virginia Department of Health will host free, statewide trainings intended for broad spectrum healthcare clinical and behavioral health providers, focusing on integrating substance use disorder management business and clinical delivery models and removing the frustration with treating opioid use disorders in outpatient clinical practices.

For further information regarding training opportunities, please contact: Jean Hoyt, CMA; Injury Prevention Specialist at [jean.hoyt@vdh.virginia.gov](mailto:jean.hoyt@vdh.virginia.gov) or Lisa Wooten, MPH, BSN, RN; Injury and Violence Prevention Program Supervisor; Virginia Department of Health; [lisa.wooten@vdh.virginia.gov](mailto:lisa.wooten@vdh.virginia.gov)

## **R**eminder to Check the PMP [\[Table of Contents\]](#)

Remain aware of the requirement in the law that if you anticipate writing a prescription for more than 14 days of opioid medication, you must check the Prescription Monitoring Program at the initiation of such treatment.

## **A**ttention: Physician Assistants and Nurse Practitioners - Comprehensive Addiction and Recovery Act of 2016 (CARA 2016)

President Obama signed into law CARA 2016 in July 2016. Up until now, only physicians have been authorized by federal law to treat opioid addiction with buprenorphine in the office-based setting. CARA 2016 makes it possible for physician assistants and nurse practitioners to obtain a waiver to use buprenorphine to treat opioid addiction. The law requires PA's and NP's to complete 24 hours of education on buprenorphine and obtain a waiver from the Substance Abuse Mental Health Service Administration (SAMHSA) before treating patients. A separate DEA number is also required prior to treating patients. NP's and PA's will need to work with a waived physician according to their collaborative or supervisory practice agreement. Below is the information on the SAMHSA website. SAMHSA is working on the process to apply for a waiver; the process should become available in early 2017.

### Qualify for Nurse Practitioners (NPs) and Physician Assistants (PAs) Waiver

Learn how nurse practitioners (NPs) and physician assistants (PAs) can train and apply to become DATA-waiver practitioners.

NPs and PAs may take the eight-hour DATA-waiver course for treatment of opioid use disorder, designed by national experts, that physicians currently take. The course is offered for free by SAMHSA through the [Providers' Clinical Support System for Medication Assisted Treatment \(PCSS-MAT\)](#).

For the additional 16 hours, SAMHSA will also offer the training for free through the PCSS-MAT once it has been developed. NPs and PAs who have completed the required training and seek to become DATA-waiver for up to 30 patients will be able to apply to do so beginning in early 2017. For more information on the upcoming launch of the application and SAMHSA-sponsored training opportunities, [sign up](#) for the Buprenorphine Waiver Management email list.

**Please contact SAMHSA for further information at 877-SAMHSA-7 (877-726-4727).**

## **R**enewal Fee Reduction for 2017-2018

The Board of Medicine operates entirely on your licensing fees and endeavors to be responsible with the funds all professionals submit to the Board. In the years 2015-2016, the Board reduced renewal fees by approximately 14% across all professions. For the years 2017-2018, there will be a reduction of approximately 20% for all professions.

## **B**uprenorphine and Opioid Prescribing Regulations [\[Table of Contents\]](#)

Governor McAuliffe's Task Force on Prescription Drug and Heroin Abuse originated in September 2014 to address the opioid epidemic in Virginia. A recommendation from the Treatment Work Group of the Task Force was for the Board of Medicine to convene a work group of physicians with expertise in medication-assisted treatment with buprenorphine to review the literature and make recommendations from evidence-based principles to the Board for consideration of regulations. The Board's work group met twice and put together a guidance document that will be used by a Regulatory Advisory Panel of the Board to develop regulations on the use of buprenorphine for substance abuse. Since prescription drugs can lead to substance use disorders, the same Regulatory Advisory Panel will develop regulations on pain management and the proper prescribing of opioids. The meeting to discuss proposed regulations will be Friday, January 6, 2017, 9 AM-1 PM. It will be an open meeting, and public comment will be accepted.

## **U**ppdate on DEA Renewal Application Process

“Starting January 2017, DEA will no longer send its second renewal notification by mail. Instead, an electronic reminder to renew will be sent to the email address associated with the DEA registration.

At this time, DEA will otherwise retain its current policy and procedures with respect to renewal and reinstatement of registration. This policy is as follows:

- If a renewal application is submitted in a timely manner prior to expiration, the registrant may continue operations, authorized by the registration, beyond the expiration date until final action is taken on the application.

- DEA allows the reinstatement of an expired registration for one calendar month after the expiration date. If the registration is not renewed within that calendar month, an application for a new DEA registration will be required.
- Regardless of whether a registration is reinstated within the calendar month after expiration, federal law prohibits the handling of controlled substances or List 1 chemicals for any period of time under an expired registration.”

For further information you can access the DEA website at: <https://deadiversion.usdoj.gov/>

## **N**ational Board of Podiatric Medical Examiners

Russell Stoner, Executive Director of the Federation of Podiatric Medical Boards (FPMB), is asking state boards of podiatry to assist the National Board of Podiatric Medical Examiners (NBPME) in reaching as many podiatrists as possible regarding participation in a survey. The survey will be used by the NBPME to update the test specifications for its Part I & II Examinations. All Virginia licensed podiatrists that are interested in helping with this effort can go to the NBPME website at: <https://www.fpmb.org/NBPMEPartsIIIPracticeAnalysisSurvey.aspx>

## **P**revious Newsletters

Here is the link to the Board’s previous newsletters for the last year. You may wish to scan them for laws, regulations, and general reminders.

[http://www.dhp.virginia.gov/medicine/medicine\\_newsletters.htm](http://www.dhp.virginia.gov/medicine/medicine_newsletters.htm)

## **R**ecent Meeting Minutes - [\[Table of Contents\]](#)

- Full Board - [Minutes](#)
- Executive Committee – [Minutes](#)
- Legislative Committee - [Minutes](#)
- Advisory on Behavior Analysis - [Minutes](#)
- Advisory on Radiological Technology - [Minutes](#)
- Advisory on Occupational Therapy - [Minutes](#)
- Advisory on Respiratory Care - [Minutes](#)
- Advisory on Athletic Training - [Minutes](#)
- Advisory on Midwifery - [Minutes](#)

- **Advisory on Polysomnographic Technology – [Minutes](#)**
- **Advisory on Genetic Counseling – [Minutes](#)**
- **Committee of the Joint Boards of Nursing and Medicine - [Minutes](#)**

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## BOARD DECISIONS

The following list contains decisions from April 1, 2016 to August 31, 2016. You may access these decisions at [www.dhp.virginia.gov](http://www.dhp.virginia.gov) (select “License Lookup”) or at [www.vahealthprovider.com](http://www.vahealthprovider.com) for most MDs, DOs and DPMs. You may also contact the Board Office at (804) 367-4505 to request a copy.

NAME AND LICENSE NO.	DATE OF ACTION	April THRU August 2016 ACTIONS
Chesler, David L., M.D. 0101-028281 Charlottesville, VA	8/24/16	Compliance with the Board’s Order entered 5/16/16; terms terminated and license restored to full and unrestricted status.
Hall, Sherry L., M.D. 0101-041465 Halifax, VA	7/20/16	Reprimand; license subject to terms and conditions based on multiple patient cases of inappropriate pain management.
Hochberg, John L., M.D. 0101-255382 Morganville, NJ	8/29/16	Mandatory suspension based on action by the New Jersey Board of Medical Examiners.
Joyner, James B., M.D. 0101-248082 Martinsville, VA	8/1/16	Mandatory suspension based on action by the Tennessee Board of Medical Examiners.
Kamguia, Pierre, M.D. 0101-243591 Midlothian, VA	8/11/16	Denial of request to modify Term #3 of prior Board Order.
Kwiatkowski, Timothy C., M.D. 0101-253415 Charlotte, NC	8/29/16	Compliance with the Board’s Order entered 9/17/15; license reflects current active status, shall continue to comply with HPMP contract.
Mehta, Sanjay R., D.O. 0102-202805 Wytheville, VA	8/17/16	Mandatory suspension based on action by the WV Board of Osteopathic Medicine.
Muniz, Antonio E., M.D. 0101-055805 Mesquite, TX	8/17/16	Mandatory suspension based on action by the TX Medical Board.
Ro, Ohsang, M.D. 0101-244392 Annandale, VA	8/17/16	Reprimand based on multiple patient cases of administering B-12 injections and prescribing Schedule VI medications without sufficient diagnosis or documentation.
Doyle, Michael B., D.P.M. 0116-027752 Royal Oak, MI	7/22/16	Reprimand based on one patient case of failure to provide care while on call; one case of inability to practice with reasonable skill and safety due to illness and/or substance abuse.
Kepple, Jacob D., L.A.T. 0126-001111 Scottsville, VA	8/29/16	Mandatory suspension based on a felony conviction in the Circuit Court for the City of Charlottesville, to wit: one count of indecent act with a child, by custodian.
Al-Mudhafar, Shayma, M.D. 0101-242652 Herndon, VA	9/27/16	Compliance with the Board’s Order entered 4/25/16; terms terminated and license restored to full and unrestricted status.
Asmamaw, Abraham, M.D. 0101-223994 Alexandria, VA	9/27/16	Compliance with the Board’s Order entered 4/26/16; matter closed with restriction imposed still in effect.
Blair, Shawn M., P.A. 0110-001382	9/14/16	Mandatory suspension based on action by the

Surry, VA		Tennessee Board of Medical Examiners.
Bride, Samuel, M.D. 0101-255461 Philadelphia, PA	9/20/16	Indefinite suspension based on inability to practice with reasonable skill and safety due to illness and/or substance abuse.
Chambers, Andrew J., M.D. 0101-255675 North Chesterfield, VA	9/9/16	Suspension for 12 months; license subject to terms and conditions based on one patient case of romantic involvement concurrent with the practitioner/patient relationship.
Faulhaber, Jason R., M.D. 0101-252957 Roanoke, VA	9/6/16 9/6/16	Mandatory suspension based on action by the NY Board for Professional Medical Conduct. Reinstated to full and unrestricted status.
Grover, Vijay K., M.D. 0101-034378 Woodbridge, VA	9/7/16	Voluntary surrender for indefinite suspension based on aiding and abetting unlicensed practice of medicine.
Jean-Baptiste, Firmine, M.D. 0101-254344 Rockville, MD	9/21/16	Reprimand based on non-compliance with orders from the OR Board of Medicine and WA Medical Quality Assurance Commission.
Kabiri, Hamed, M.D. 0101-243699 Vienna, VA	9/29/16	Reprimand based on one patient case of inappropriate standard of care.
Naylor, William T., M.D. 0101-022335 Chesapeake, VA	9/26/16	Prohibited from prescribing, dispensing or administering Schedule II and III controlled substances based on inappropriate prescribing.
Oraee, Samad, M.D. 0101-049783 Woodbridge, VA	9/6/16 9/6/16	Mandatory suspension based on action by the NY Board for Professional Medical Conduct. Reinstated to full and unrestricted status.
Peery-Norman, Sandra M., D.O. 0102-203423 Tazewell, VA	9/29/16	Reprimand; license subject to terms and conditions based on failure to maintain timely, accurate, and complete medical records.
Rao, Nagbhushan S., M.D. 0101-032775 Columbia, MD	9/19/16	Compliance with the Board's Order entered 2/29/16; terms terminated and license restored to full and unrestrictive status.
Taggart, William B. P., M.D. 0101-254832 Branford, CT	9/1/16	Mandatory suspension based on action by the CT Department of Public Health.
Thomasson, Lori, P.A. 0110-001550 Suffolk, VA	9/21/16	Rescission of Stay of Suspension
Esmaili, Nahal, D.C. 0104-556603 Woodbridge, VA	9/21/16	Reprimand based on performing unlicensed acupuncture treatments and inappropriate advertising.
Esmaili, Pendar, D.C. 0104-557006 Woodbridge, VA	9/21/16	Reprimand based on performing unlicensed acupuncture treatments and inappropriate advertising.
Lewczyk, Jeffrey Scott, O.T.A. 0131-000453 Suffolk, VA	9/26/16	Reprimand based on falsifying patient records.
Acosta, Daniel, M.D. 0101-234759 Greenville, NC	10/12/16	Mandatory suspension based on action by the North Carolina Medical Board.
Bittner, Brian C., M.D. 0101-230106 Glen Allen, VA	10/31/16	Revoked effective December 1, 2016 based on multiple patient cases of inappropriate prescribing.
Chambers, Andrew J., M.D. 0101-255675 Chesterfield, VA	10/20/16	Compliance with the Board's Order entered 9/9/16; suspension stayed, license is subject to terms and conditions.
Jordan, Robin A., M.D. 0101-035548 Arlington, VA	10/17/16	Compliance with the Board's Order entered 05/21/12; terms terminated, license reflects current active status, shall continue to comply with HPMP contract.
McGuckin, James F., M.D. 0101-250329 Philadelphia, PA	10/14/16	License subject to terms and conditions based on actions by the Washington Medical Quality Assurance Commission, the Illinois Department of Financial and

		Professional Regulation, the Maryland Board of Physicians, the Maine Board of Licensure in Medicine, the Tennessee Board of Medical Examiners, the Texas medical Board, the North Carolina Medical Board and the Louisiana State Board of Medical Examiners.
Moore, Teresa A., M.D. 0101-052933 Charlotte Court House, VA	9/13/16	Reprimand; license subject to terms and conditions based on multiple cases of inappropriate prescribing.
Nguyen, Ngoc-Ha T., M.D. 0101-053981 Annandale, VA	10/17/16	Compliance with the Board's Order entered 1/8/16; terms terminated and license restored to full and unrestricted status.
Pizzani, Miriam K., M.D. 0101-032418 Richmond, VA	10/7/16	Voluntary permanent surrender of license based on inability to practice with reasonable skill and safety due to illness.
Shah, Mian W., M.D. 0101-232254 Princeton, WV	10/5/16	Mandatory suspension based on action by the State Medical Board of Ohio.
Tabor, David C., M.D. 0101-032643 Crossville, TN	10/7/16	Voluntary permanent surrender of license based on action by the Tennessee Board of Medical Examiners.
Yount, Anthony R., D.O. 0102-204177 Johnson City, TN	10/19/16	Suspension of license based on one patient case of engaging in sexual contact and exploiting the practitioner-patient relationship.
Choos, Jason N., D.P.M. 0103-000889 Virginia Beach, VA	10/21/16	License reinstated; subject to terms and conditions.
Murza, Stefan D., D.C. 0104-001165 Portsmouth, VA	10/5/16	Mandatory suspension based on a felony conviction in the Circuit Court of the City of Suffolk, to wit: manufacture marijuana.
Ward, Misty D., L.M. 0129-000054 Harrisonburg, VA	10/26/16	Reprimand; license subject to terms and conditions based on failure to keep timely, accurate, and complete patient records; and one patient case of failure to timely transfer patient.
Lilly, Roxie, O.T. A. 0131-000583 Mullens, WV	10/31/16	Suspended for 12 months; suspension immediately stayed and license placed on terms and conditions based on multiple cases of creating false records of visits to patients.
Heritage, Douglas E., M.D. 0101-027756 Manassas, VA	11/9/16	Reprimand; license subject to terms and conditions base on repeated pattern of disruptive behavior that could adversely impact patient care and inability to practice safely due to inability to control his anger or conform to expected norms of professional behavior.
Khan, Mansoor A., M.D. 0101-228937 Hopewell, VA	10/5/16	Reinstated; on probation for 18 months and license subject to terms and conditions.
White, Christopher R., M.D. 0101-235172 Aurora, OH	11/28/16	Mandatory suspension based on the action by the State Medical Board of Ohio.
Zhou, Huping, M.D. 0101-254394 Fairfax, VA	10/11/16	Reprimand; license subject to terms and conditions based on multiple patient cases of inappropriate prescribing.
Yanklowitz, Barney A.D., DPM 0103-000969 Steilacoom, WA	11/22/16	Compliance with the Board's Order entered 03/30/2016; terms terminated and license restored to full and unrestricted status.
Brandveen, Kim J., Resp. Therap. 0117-002945 Petersburg, VA	11/7/16	Reinstated on probation; license subject to terms and conditions.
Clavon, Michael D., Resp. Therap. 0117-003642 Forest, VA	11/7/16	Reinstated on probation; license subject to terms and conditions.



**Limited (“Limited”), Respiratory Care Practitioners, Occupational Therapists, Athletic Trainers, Behavioral Analyst, or Polysomnographic Technologists were issued a license and a reprimand, or violation with no sanction, based upon practicing without a license for a period of time:**

Washam, Joseph A., Resp. Therapist 0120-000694	8/3/16
Cho, Jung Min, Poly Tech 0135-000413	8/3/16
Collins, Allison M., Rad. Tech. 0120-003067	9/23/16
Moore, Lauren H., Rad. Tech. 0120-008963	9/8/16
Wotring, Marion R., Poly Tech 0135-000424	9/22/16
Shuman, Heather J., Rad. Tech. 0120-009031	10/27/16

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