

BOARD OF MEDICAL LICENSURE AND DISCIPLINE

FULL BOARD

MINUTES OF MEETING

9 March 2005

Open Session

Board Members in Attendance:

David R. Gifford, MD, MPH (Chair)

Howard A. Hall, MD

Henry Litchman, MD

Nancy Littell, MD

Noubar Kessimian, MD

Stephen A. Fanning, III, DO

Robert Parrillo, Esq.

Margaret Coughlin

Board Members Absent:

James Griffin, DO

Walter E. Harper, Jr.

Nelia Infante

Joseph DiPietro, Esq.

Dorothy Williams

Staff Members in Attendance:

Robert S. Crausman, MD, Chief Administrative Officer

Bruce W. McIntyre, Esq., Deputy Chief Legal Counsel

Linda Julian, Investigator

Mary Salerno, Administrative Officer

Guests:

Herb Constantine, MD, physician consultant to division of Facilities Regulation

1. A quorum was established at 9:10 AM.

2. On a motion by Dr. Hall seconded by Mrs. Coughlin it was voted to approve the

Minutes of the Open Session of the 9 February 2005 meeting.

3. On a motion by Dr. Hall seconded by Mr. Parrillo it was voted to approve the

Minutes of the 3 March 2005 Licensing Committee.

4. Chief Administrative Officer's Report:

Dr. Crausman presented an update on International Medical Schools, Physician Health, and States' Medical Boards. He also provided background discussion on minimally invasive cosmetics.

Dr. Herb Constantine addressed the Board regarding the issue of the changing role of the Medical Director. He spoke briefly about the 30

member Rhode Island Chapter of the American Medical Director's Association and its role in creating a legal definition for the title of Medical Director and the regulation of the contract content between the Medical Director and the nursing home.

The paper regarding nursing home medical directors by David W. Carroll, Esq. was examined. There was discussion regarding malpractice insurance for medical directors and the issue of whether or not coverage would be provided by personal or nursing home insurance. Statute 23-17-10.5 was then examined in regards to the issue of immunity from civil or criminal prosecution for medical directors for the reporting of misconduct and the scope of the term "in good faith" within the Statute was also discussed.

The Board discussed the issue of delegating Mesotherapy/BoTox injections to unlicensed practitioners. Dr. Crausman spoke about the legitimate FDA uses of BoTox and the procedure for mesotherapy. The responsibility of the Board in this matter in regards to the "Unlicensed Healthcare Practices Act" was discussed and it was voted by the Board to draft specific language to be voted on at the next Board meeting.

Mr. Bruce McIntyre addressed the Board regarding three recent legal decisions in favor of the Board. The U.S. Supreme Court upheld a decision in the Board's favor in the Geraldine Mills case. Secondly, the case of Claude Younes was decided in favor of the Board. And

finally, in the case an acupuncturist, Long Mai, the presiding judge ruled in favor of the Board and the case has been sent to the State Supreme Court.

5. There was no old business to discuss.

6. There was no new business to discuss.

7. At 10:45 AM the Board adjourned into Executive session.