Medical Advisory Board

April 1, 2022

Meeting Minutes

Meeting conducted via Zoom

12:00 PM – 3:00 PM

1. **Call to order:** MAB Chair, John Taylor
   1. Present: John Taylor, Isabella Askari, Jims Jean-Jacques, Patrick Keaney, Thomas Morrione, Daniel Pierce, Robert Lodato, Daniel Potenza, Evan Savage, Linda Schumacher-Feero, Kristen Silvia, Larry Boivin, Michelle Cloutier, Cathie Curtis, Dawna Gilbert, Thea Fickett, Chris Ireland
   2. Absent: None
2. **Member update:**  John Taylor
   1. Introductions and welcome to Kristen Silvia, Addiction Medicine
3. **Approval of minutes by roll call vote:**  John Taylor
   1. November 5, 2021, meeting minutes accepted without change
4. **Naturopathic doctors:** Sarah Ackerly
   1. Presentation by naturopathic doctors, Sarah Ackerly and Elizabeth Yori
   2. At the last MAB meeting, it was voted to not allow naturopathic doctors (NDs) to sign Driver Medical Evaluation forms. Since that meeting, BMV and Dr. Taylor did a little more research and decided to meet with Dr. Ackerly regarding N.D. training, licensure requirements, how they practice, and whether they would be qualified to complete BMV paperwork. Dr. Ackerly was invited to make a presentation to better educate the MAB regarding naturopathic doctors and Dr. Yori joined with her for that purpose. Both are licensed and practice as NDs in the State of Maine
   3. The presentation outlined training requirements, including the prerequisite 3-year premedical program from an accredited school, graduation from a Naturopathic Doctor training program accredited by the Board of Education, and passing written and clinical licensing examinations. They must meet on-going continuing education requirements, as well
   4. Dr. Ackerly will forward detailed information about training and accreditation for the MAB to review
   5. Maine is one of many states that do require licensure to practice as a “Naturopath” or “Naturopathic Doctor”
   6. They are regulated by the Board of Complimentary Healthcare in Maine, and licensure has been required since 1996. Licensure can be verified
   7. Currently, there are approximately 40 licensed NDs in Maine
   8. Some have taken residencies and specialize in certain areas, but most are primary care physicians
   9. Dr. Ackerly and Dr. Yori signed-off of the meeting to allow MAB deliberation.
   10. There was extensive discussion by the Board regarding whether to allow naturopathic doctors to sign BMV forms. Dr. Taylor made the point that licensed NDs have more training than nurse practitioners or physician assistants. Members expressed concern about ND use of non-conventional medical treatments that might not meet the same evidence-based standards as those used by MD, DO, NP or PA practitioners. It was pointed out that the FAP is mostly symptom based and very clear in terms of treatment options. For example, if a person experienced syncope due to a heart rhythm, they would need to wait the designated time frame before being allowed to drive regardless of the treatment modality. A person being treated for sleep apnea with herbs rather than CPAP would not meet FAP criteria for treatment, etc. ND training should qualify them to complete a Driver Medical Evaluation, based on FAP descriptions. If treatment modality were to become an issue, BMV staff could reach out to the MAB, and members could gather more information if needed. It was noted that BMV should treat forms from NDs the same as they would a form from another primary care clinician.
   11. Approval of naturopathic doctors has allowed providers able to complete BMV forms if they have completed an accredited program and if they are licensed. **Roll call vote was taken**, with 10 physicians voting yes and 1 abstaining.
   12. Since “licensed” seems to be significant in allowing an ND to sign BMV forms, it was agreed that the wording of the proposed FAP should be changed to include NDs as “qualified treatment personnel” “if they have completed an accredited training program and are licensed”. As specified for other providers, they may only make assessments within their area of expertise and knowledge
5. **Old business:**
6. Update on status of rules Thea Fickett
   1. The FAP draft was forwarded to Deputy Secretary of State, Catherine Curtis on March 14, 2022
7. Overview of rulemaking process Catherine Curtis
   1. The draft has been approved internally, pending the addition of naturopathic doctors as allowed providers. Once this change has been made, the draft will be sent to the attorney general’s office for informal review, which often takes 6-8 weeks
   2. If the attorney general’s office recommends substantial changes, the document will be brought back to the MAB for discussion
   3. Once the document has been finalized after attorney general office review, it can be submitted for formal rulemaking. The rules will be sent to the Administrative Procedures Officer, at Corporations and Elections, which is under the Secretary of State
   4. They will advertise proposed rules and give the timeframe for public comment and date of public hearing
   5. Once public comments have been received, the MAB will make any adjustments they believe are necessary
   6. A decision to adopt the rules must be made before 120 days from the end of the comment period
   7. The attorney general’s office must formally sign off on the rules within 150 days of the end of the comment period
   8. Once rules are adopted, they have the force of law, consistent with what the law requires
   9. All MAB members are encouraged to attend the public hearing if possible
   10. The rulemaking timeline is very dependent of when the attorney general’s office completes the informal review. If they complete their review by June and there are no substantial changes required, the rules will be submitted to the Administrative Procedures Officer at that time.
   11. If the packet is submitted to the Officer by mid-June, this should allow for a public hearing date of July 21, 2022. If there are no substantial changes needed following public comment, the goal is to adopt rules with an effective date in December of 2022. It there is a delay by the Attorney General, or if there are substantial changes needed, the MAB will have to reconvene, and this may result in a delayed timeframe.
   12. The Deputy Secretary of State expressed gratitude to MAB members, stating that the agency and licensing standards are stronger for their contributions and the work they have done
8. **New business:**
   1. Constituent Letters Thea Fickett
      1. Warren Lewis requesting that Naturopathic Doctors be allowed
      2. Delores Charest regarding rules for sleep apnea and medical review processes
      3. William Spaulding regarding rules for sleep apnea and medical review process
      4. Discussion of letters did not result in any new recommendations since the decision to allow naturopathic doctors has already been approved and the proposed rule changes should address at least some of the concerns expressed in the letters regarding sleep apnea. Driver’s specific needs regarding their licenses have already been addressed by BMV
   2. Electronic transmission of data update Christopher Ireland
      1. Work is progressing towards the goal of eliminating faxes as primary means for submission of paperwork
      2. There is now a dedicated e-mail address that offices can use to submit their forms. It is: [medical.bmv@maine.gov](mailto:medical.bmv@maine.gov)
      3. As requested previously, BMV is working toward the goal of an internet portal, but this may take some time
      4. Dr. Keaney agreed to facilitate contact between MaineHealth, Chris and Thea to discuss option for providers to submit paperwork directly from the electronic medical record (EMR) to BMV. If other members can forward contact information for their organizations, that would be helpful
      5. Dr. Schumacher-Feero expressed concern about tests that are not in the EMR, such as certain electronic visual field tests (Esterman test)
      6. Offices would need to be notified about new options or changes. How would this be done
   3. Statistics and collection of data Christopher Ireland
      1. BMV is looking at how they can better inform the Board of data and information that would show the efficacy of FAP profiles over time. A program called Tableau is being reviewed, with the expectation that it can be used to compare crash data and driver data. Although this will not show if the driver caused a crash, it would allow comparison of data. Ultimately and longer term, DOT may have other information and BMV is currently working on getting the information.
   4. Meeting format Thea Fickett
      1. Clarification of remote meeting made clear that the MAB has flexibility to determine to how to meet and allows for any meeting format if the public has the same access to the meeting as members (For example, if meeting is in person and some members need to meet remotely, the public should be allowed the same options for participation.)
   5. Member contact information update Thea Fickett
      1. Members were reminded to forward any request for update of their contact information to Thea
   6. Member term expiration dates Thea Fickett
      1. There are no remaining expiration dates in 2022 and the next expiring term will be Dr. Schumacher-Feero, in May 2023
9. **Open Discussion:**
   1. How will BMV communicate with providers and patients regarding rule changes?
      1. Can BMV create a “fact sheet” summarizing changes in the rules?
      2. BMV is obligated to notify certain parties, included individuals who have expressed interest and relevant industry organizations. BMV already has a list of interested parties and organizations. The organization list will be sent to members for their review and so that they can recommend other organizations that may need to be added
      3. Large health organizations should be added to the interested parties list, e.g., MaineHealth, Northern Lights/EMMC, Central Maine Health, MaineGeneral, VA Healthcare, and others
      4. Should those who submitted the constituent letters be made aware
10. **Meeting Schedule:**
11. Next Meeting Dates: Friday, November 4, 2022

Friday, April 7, 2023

1. From: 12:00 – 3:00 PM
2. Location: To be announced
3. **Adjournment:** 2:25 PM

Meeting Handouts:

1. Agenda

2. Minutes: November 5, 2021

3. Constituent letters (3)

4. Remote access to meetings policy

5. Title 1 M.R.S.A. §403-B(2)(B)

5. Membership list