Virtual and Remote Regulatory Processes During the COVID-19 Pandemic

May 6, 2020

1

NOT Business as usual

Melanie de Leon, Washington Medical Commission

4

Overview

- The WMC has released a statement regarding the regulatory intent during the pandemic.

The mission of the WMC begins with the statement "We promote patient safety and enhance the integrity of the profession …"

In this time of crisis, it is the intent of the WMC to support the practice of medicine in the face of extreme conditions.

5

WMC Regulatory Intent Statement

Under these conditions, practitioners need support, not fear of regulatory action. The WMC is working with other state agencies and the Governor's Office, to remove regulatory hurdles to patient care and licensing, so practitioners may respond during this emergency.

Focus of practitioners should be on the health and wellbeing of patients.

6

WMC Regulatory Intent Statement

During this crisis, the WMC will focus on the intent of the practitioner and the realistic availability or non-availability of possible alternatives.

Put another way, when assessing complaints related to practitioner's work we will consider the difficult circumstances and choices they are facing. The WMC wants you to focus on treating the patient in front of you to the best of your ability.

7

Complaint processing

- Weekly reviews of complaints by a panel of Commissioners are continuing as virtual meetings.
- Providing clinical support via unique closure letters without opening an investigation.
  - Reserved for issues that are not a matter of public safety.
  - Billing related complaints.
  - Communication related issues.

8

Investigations and Legal Process Changes

- Investigations are continuing with minor changes.
- Legal functions (case disposition) are being reviewed based on priority and threat to public safety.
  - Reviewing Commission Members continue to review cases and alert staff if there is a risk to public safety.
  - The Attorney General's Office is reviewing cases based on priority.
- Only high-risk or urgent cases are being reviewed by commissioner panels.

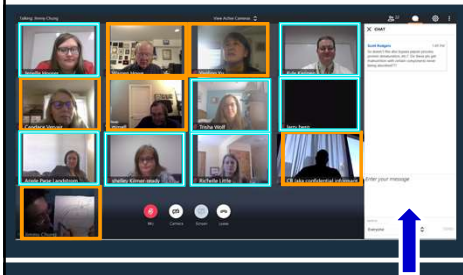
9

Case Review Changes

- The case review list is being reviewed by:
  - Legal leadership;
  - WMC Chair;
  - Executive Director;
- Cases that are not a threat to public safety or need to be urgently resolved are being postponed.
- Panel chairs meet to review rules of engagement.
- Personal appearances cancelled for now, but may be virtual in the near future.

10

Panel Case Review



Commissioners review cases remotely

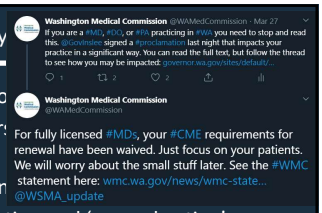
Legal staff are available to help present and answer questions

Participants can ask non-urgent questions via the chat window

11

Communication and Transparency

- We want to be part of the solutio
- We do not want to take provider
  this crisis.
- Daily email with specific COVID in
- Utilizing social media for information and 'rumor busting'
- Special edition of Clinical and Patient focused newsletters



12

Administrative Changes

- Business and Policy Meetings were canceled in March, but will resume virtually at May meeting.
- We are utilizing e-signatures to keep contract execution and procurement moving.
- Staff are having video meetings to continue providing services and support.
- Hiring interviews are continuing via video conference.

13

Lessons Learned

- Stay connected to staff and team members as well as commission leadership
- Our electronic processes were key to working virtually
- Virtual meeting etiquette is an acquired skill and takes practice
- Don't schedule back-to-back virtual meetings.
- Instant messaging is a must.
- Look at the big picture.

14

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15

Pass the Remote: An Electronic Hearings Primer

CLEAR LEARNING
CLEAR Call Webinar Series

Andy Rosenhek, B.C.L./LL.B., Ontario College of Teachers

16

Introduction

- The Ontario College of Teachers licenses, governs and regulates the Ontario teaching profession in the public interest
- 235,000 members of the profession
- 100+ Discipline and Fitness to Practise Hearings annually

17

Overview

Preparing for e-Hearings:

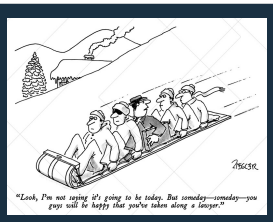
1. Technological Requirements
2. Scheduling
3. Simulations and Testing

Conducting e-Hearings:

4. Staffing
5. Presenting Evidence
6. Flexibility

18

Preparing for e-Hearings



"Look, I'm not saying it's going to be today. But someday—someday—you guys will be happy that you've taken along a lawyer."

https://jackziegler.com/product/look-im-not-saying-its-going-to-be-today-but-someday-someday-you-guys-will-be-happy-that-youve-taken-along-a-lawyer/

19

1. Technological Requirements

- Videoconferencing platform
- File sharing/meeting management software
- Equipment for participants
  - ✓Computer (ideally multiple screens)
  - ✓Webcam
  - ✓Headset
  - ✓Reliable internet connection
- User guide

20

2. Scheduling

- Flexible schedule (a.m./p.m.) depending on participants
- If capacity to hold hearings is limited, establish list of priorities, which may include:
  - ✓Previously scheduled matters postponed due to COVID-19
  - ✓High risk to public
  - ✓Uncontested/straightforward matters

21

3. Simulations and Testing

- Mock hearings to test processes
- Test session with panel for training purposes
- Test session with parties to ensure full participation is possible

22

Conducting e-Hearings

https://music.ubc.ca/blog/2019/10/31/conducting-in-virtual-reality

23

4. Staffing

- Anticipate needing more support staff than usual
  - ✓Moderator
  - ✓Dropped connections (for participants or support staff)

24

5. Presenting Evidence

- Ensure that parties and panel have access to the same materials in the same electronic format
- Explain to participants how to quickly move around within documents in advance of hearing (to avoid scrolling through lengthy materials)
- Consider screen-sharing options

25

6. Flexibility

- Processes do not have to mirror in-person hearings
- Consider where efficiencies may be gained:
  - ✓Can submissions be made in writing instead of in person?
  - ✓Can materials be provided for the panel's review in advance?
  - ✓Can affidavit evidence be used instead of live witness testimony?
- BUT: budget more time than in-person hearings

26

Conclusions

- Successfully running electronic hearings is not as daunting as it may appear
- Participants are generally understanding
- Think beyond the current pandemic for longer term benefits

27

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28