



**TENNESSEE BOARD OF MEDICAL EXAMINERS'
COMMITTEE ON PHYSICIAN ASSISTANTS**

July 10, 2015

MINUTES

A regular meeting of the Tennessee Board of Medical Examiners' Committee on Physician Assistants (hereinafter, "the Committee") was held in the Poplar Conference Room at 665 Mainstream Drive, Nashville, Tennessee on July 10, 2015 at 9:00 am (Central).

Members Present: Bret Reeves, PA-C
Donna Lynch, PA-C
James Montag, PA-C
Benjamin Hux, OPA-C
Omar Nava, PA-C, Chairman
Anne Arney, Public Member

Members Absent: Beverly Joan Gardner, PA-C,

Staff Present: Keshia Evans, Administrator, Committee on Physician Assistants
Maegan Martin, Executive Director, BME Unit
Rene Saunders, MD, Medical Consultant
Kyonzte Hughes-Toombs, Assistant General Counsel
Mary Katherine Bratton, Assistant General Counsel

Mr. Omar Nava, Committee Chairman, called the meeting to order at 9:01 a.m. The Chairman determined that a quorum was present.

Rulemaking Hearing

Ms. Bratton, Assistant General Counsel, began the rule making hearing by informing the committee of the proposed amendments to rule 0880-03 -.06 Fees, biennial licensure renewal fee will be reduced to \$175.00. 0880-03-.12 Continuing Education language was amended to state all physician assistants must, within a two (2) year period prior to the application for license

renewal, complete one hundred (100) hours of continuing medical education satisfactory to the Committee. At least fifty (50) hours shall be obtained in certified medical education Category I and at least two (2) Category I hours of the required continuing education hours shall address education related to controlled substance prescribing, which must include instruction in the Department's treatment guidelines on opioids, benzodiazepines, barbiturates, and carisoprodol and may include topics such as medicine addiction, risk management tools, and other topics approved by the Committee.

A roll call vote was conducted regarding regulatory flexibility analysis, Omar Nava approved, Benjamin Hux approved, Bret Reeves approved, Donna Lynch approved, Anne Arney approved, and James Montag approved. Approved unanimously

A roll call vote was conducted regarding The Statement of Economic Impact to Small Business, Omar Nava approved, Benjamin Hux approved, Bret Reeves approved, Donna Lynch approved, Anne Arney approved, James Montag approved.

A roll call vote was conducted regarding the rule change, Omar Nava approved, Benjamin Hux approved, Bret Reeves approved, Donna Lynch approved, Anne Arney approved, James Montag approved.

Approval of Minutes

Ms. Arney made a motion to approve the April 28, 2015 minutes. Ms. Martin noted that since the draft minutes were circulated to the Committee, the only change made was the addition of Ms. Joyce Eyler's last name. Mr. Reeves requested that his name be corrected from "Brett" to "Bret." Mr. Montag requested that the Mr. Hux's credential be revised from "OPA" to "OPA-C." Ms. Arney's motion was seconded by Mr. Montag. The motion carried.

Applicant Interview(s)

Kristen Dollahite – Ms. Dollahite was asked to appear before the Committee to address her arrest history which includes a charge for DUI which was ultimately reduced to reckless driving and expunged from her record as well as a charge for driving while her license was suspended/revoked/cancelled. Ms. Dollahite was interviewed and asked by the Committee to address her history. At the conclusion of her interview, Mr. Montag requested that a formal, written explanation of Ms. Dollahite's record be included in the application materials consistent with the instructions on the top of page 4 of the application. Ms. Arney made a motion to approve the application contingent on the administrative office's receipt of the formal written explanation of her arrest record. Mr. Reeves seconded the motion which passed unanimously.

Melissa Hoppe – Ms. Hoppe was asked to appear before the Committee to address her absence from practice. Ms. Hoppe left practice in 2012 to hike the Appalachian Trail. Pursuant to the Committee's reentry policy, Ms. Hoppe should complete a six week clinical rotation in primary care as well as a pharmacology course. Ms. Hoppe was recently recertified by the NCCPA in December 2014. Ms. Martin noted that there is no rule requiring remediation after two (2) years of clinical inactivity. The Committee does have a reentry policy which states that individuals

who have been out of practice for two or more years should undergo remediation. Because there are no geographically appropriate reentry programs in existence, the Committee has been addressing these applicants on a case-by-case basis. Mr. Reeves made a motion to issue a license contingent upon Ms. Hoppe's completion of a six week preceptorship to include at least one hundred and eighty (180) hours of direct supervision in clinical medicine by a licensed physician with a full and unrestricted license to practice medicine. Ms. Hoppe's physician preceptor should select a suitable pharmacology course to be completed by Ms. Hoppe and should certify that all hours were completed satisfactorily. Ms. Arney seconded the motion which carried unanimously.

**Contested Case:
Default Judgment of Kristin Colby**

Judge Tom Stovall, administrating judge, introduced the information in regards to the contested case of Kristin Colby, and notice of charges filed against Ms. Colby. The committee members were asked to introduce themselves for the record. Ms. Kyonzte Hughes-Toombs represented the State, informed the committee that she made further attempts to reach Ms. Colby, to inform Ms. Colby of the July meeting; additional mailings were sent to an address in Rhode Island, a death certificate was sought, Ms. Hughes-Toombs, continued to send mail to the Nashville address. Ms. Hughes-Toombs informed the board she feels all avenues have been exhausted in reaching Ms. Colby. Ms. Hughes-Toombs made a motion to hold Ms. Colby in default. Judge Stovall, found as a matter of law that the State has made all reasonable attempts to provide notice to Ms. Colby of the hearing. Mr. Montag made a motion to accept the default judgment. Mr. Reeves seconded the motion which carried unanimously.

Ms. Hughes-Toombs was concerned with Ms. Colby, desiring to re-instate licensure in Tennessee. She asked the committee to take disciplinary action towards Ms. Colby's license, which would prevent Ms. Colby from writing prescriptions. Ms. Hughes-Toombs presented the committee with documents; copies of forged prescriptions, an affidavit from the previous disciplinary coordinator stating Ms. Colby is in violation of her TNPAP contract, and a letter from Ms. Colby's former employer.

Mike Harkreader explained to the committee TNPAP's interaction with Ms. Colby. Ms. Colby signed a contract with TNPAP and soon after signing informed TNPAP that she had been diagnosed with stage four cancer.

Mr. Montag made a motion to accept the findings of fact into evidence. Mr. Reeves seconded the motion which carried unanimously.

Mr. Montag made a motion to accept the cause of action. Mr. Hux seconded the motion which carried unanimously.

Mr. Montag made a motion to revoke Ms. Colby's license. Mr. Reeves seconded the motion which carried unanimously.

Mr. Montag made a motion to maximize the 3 type B civil penalties in the amount of \$250 each a total of \$750 dollars, for the violation of the Physician Assistant Act outlined in section three of the cause of action and the cost up to \$2000.00 for court cost. Mr. Reeves seconded the motion which carried unanimously.

Ms. Arney made a motion that the policy of this board is to take action against licenses and impose penalties and sanctions for the purpose of protecting the health safety of Tennessee citizens. Mr. Montag seconded the motion which carried unanimously. Judge Stovall adjourned the matter with nothing further.

Darren Quaile – Mr. Quaile appeared before the Committee to address perceived inaccuracies and/or inconsistencies on his application. Mr. Quaile disclosed that he became a participant in the Missouri PHP in lieu of discipline after a failed random drug test conducted by his employer. Mr. Montag and Dr. Saunders were dissatisfied with Mr. Quaile's affirmative responses on his application and had directed that he amend his application and include an explanation of the affirmative answers provided. Ms. Martin noted that Mr. Quaile failed to disclose that he previously held a Kansas license; accordingly the administrative office does not have a licensure verification from that state. The Committee discussed transferring his advocacy to Tennessee and Mike Harkreader of TnPAP stated that he would make contact with Mr. Quaile's Missouri mentor and begin making arrangements. Mr. Montag spoke in opposition to allowing Mr. Quaile to maintain his Missouri advocacy while working in Tennessee. At the conclusion of Mr. Quaile's interview, Ms. Lynch made a motion to grant a license contingent upon Mr. Quaile's TnPAP advocacy and the administrative office's receipt of licensure verification from Missouri. The motion was seconded by Ms. Arney and passed unanimously.

Douglass Haney – Mr. Haney appeared before the Committee to address his malpractice and disciplinary history. Mr. Haney's license to practice was placed on probation by the North Carolina Medical Board pursuant to a finding of unprofessional conduct including but not limited to a "failure to conform to the standards of acceptable and prevailing medical practice." Mr. Haney spoke to the incidents which have occurred over the span of his medical career. Ms. Arney spoke to her discomfort approving the application based on the number of incidents which have occurred and the frequency and seriousness of each. After interviewing Mr. Haney, the Committee gave him the opportunity to withdraw his application. The Committee suggested that should Mr. Haney seek a license at a later date, the Committee may feel more comfortable issuing the license after an appropriate amount of time has lapsed without incident. Mr. Haney ultimately decided to withdraw his application.

Monica Sanchez/Telemedicine Discussion – Mr. Montag requested that the Committee consider Ms. Sanchez's application to ensure that the Committee is in agreement as to how to proceed with the consideration of telemedicine applicants. Ms. Martin reminded the Committee of the approach it took on the last telemedicine applicant. Essentially, the initial licensure letter for that applicant included a letter emphasizing the applicant's responsibility to stay abreast of current and changing regulation of telemedicine in the state of Tennessee. Mr. Montag requested that the Committee consider revising its application to ask applicants whether they intend to practice telemedicine.

Mr. Nava suggested that a taskforce or workgroup be convened to begin examining the issue of telemedicine practice by PAs. Ms. Martin directed the Committee to the telemedicine agenda item and the telemedicine materials distributed at the beginning of the meeting. Ms. Moffat addressed the Committee and asked members to consider appointing members of the profession who are currently engaged in the practice of telemedicine to serve. Ms. Martin noted that the Committee and the appointed taskforce or workgroup can take this task in any direction it chooses; however, there are a couple of angles that should be explored: 1) examining physician supervision of telemedicine provider; and 2) the development of telemedicine practice protocols.

Ratification of New Licenses and Reinstatements

Mr. Montag made a motion to ratify the list of new licenses and reinstatements. Mr. Reeves seconded the motion. The motion carried.

The following licensees were ratified:

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| Anderson Ca'Trecha Bridgette | Holt Tyler Edward |
| Belk Christopher Cody | Jamscek Elena Marie |
| Benner Zachary Dale | Johnson Roger Timothy |
| Bertus Cami Ann | Knuteson Laureen S. |
| Blankenship Derek Hunter | Krishnan Nicholas |
| Braue Lauren Kelley | Mayhall Michael Andrew |
| Bromley Stacy R | Mitcham Kevin M |
| Cartwright Jordan C | Parker Buckley Johnson |
| Clark Jillian Christine | Roberts Kyle Timothy |
| Cook Deserie Kay | Rojas Kevin |
| Cooley Candice Naomi | Sems Allison Jessica Marion |
| Corey Matthew Jude | Shanks Amalie Beth |
| Denefe Sierra Nicole | Stark Brian William |
| Donahue Patricia Edwards | Sutch Gretchen K |
| Eaton Patrecia Elise | Tackett Howard Scott |
| Farthing Charlene Marin | Tubbs Tracie White |
| Hart Eric Shawn | Vial Donna Jeanne |
| Hillegas George Frederick III | Will Scott Joseph |
| Holt Katelyn Mathis | Wilson Annie Rachelle |

Lapsed License Policy

The Committee discussed increasing the per month penalty to \$300; Mr. Montag made a motion to accept the policy increasing the penalty amount to \$300. Mr. Hux seconded the motion. The motion carried unanimously.

OGC Report

Ms. Bratton, Assistant General Counsel, informed the Committee that there are currently three (3) open cases in OGC and two (2) consent orders.

David Brickhouse- Ms. Bratton represented the State. Ms. Bratton presented an order to temporarily suspend Mr. Brickhouse's license. Mr. Montag made a motion to accept this order. Mr. Reeves seconded the motion. The motion carried unanimously.

Mr. Blankenship- Ms. Bratton represented the State. Ms. Bratton presented an order to temporarily suspend Mr. Blankenship's license. If respondent is found not guilty the suspension will be lifted. However, if criminal conviction comes back the suspension will not be lifted. Mr. Montag made a motion to accept this order. Mr. Reeves seconded the motion. The motion carried unanimously.

Order of Compliance- Christopher Boy, is petitioning for an order of compliance. Mr. Boy did not appear. Mr. Boy had 3 restrictions on his license. It has been one year since the requirements were imposed. Mr. Boy complied with all restrictions and has been compliant with his Tennessee Professional Assistance Program (TnPAP) contract. The office of general counsel has no opposition to the order of compliance. Mr. Montag made a motion to accept the Order of Compliance. Mr. Hux seconded the motion. The motion carried unanimously.

Legislative Report

Jeremy Davis, office of legislative affairs, presented the committee with information and changes in regards to the following; Public Chapter 154, Public Chapter 94, Public Chapter 26, Public Chapter 352, Public Chapter 502, Public Chapter 321, Public Chapter 376, Public Chapter 268, Public Chapter 513, Public Chapter 277, Public Chapter 473, Public Chapter 261, Public Chapter 475, Public Chapter 476.

Investigation & Disciplinary Report

Ms. Nichelle Dorroh reported that there are currently fifteen (15) open complaints against physician assistants in the Office of Investigations. The office is currently monitoring fifteen (15) individuals.

Reports from the Administrative Office

Statistical Report:

Ms. Evans reported that there have been fifty (50) new applications, fifty (50) new licenses issued, one hundred and sixty-two (162) renewals and ten (10) reinstatements since the Committee's last meeting. Seventy-six (76%) of those renewing elected to do so online. The number of active licensees as of June 30, 2015 was 1,769. One thousand five hundred and forty-one (1,541) of those licensees have a Tennessee mailing address. The total number of Orthopedic Physician Assistants (OPAs) as of June 30, 2015 was twenty-one (21).

Conduct New Business

Mr. Montag made a motion for a rule making hearing to lower the renewal rate of OPA's to \$175, making it consistent with the fee reduction of the Physician Assistants. Mr. Hux seconded the motion. The motion carried unanimously.

The committee entertained discussion, led by Ms. Bratton in regards to sending board members and staff to conferences for continuing education seminars. There are upcoming seminars in the Fall of 2015 and Spring of 2016. Mr. Montag made a motion to approve representatives to attend the FSMB legal conference, and upcoming seminars with the surplus of committee funds. Mr. Hux seconded the motion.

Mr. Montag made a motion to allow expenditures for up to \$10,000 to develop the informative materials referenced by Ms. Martin, or informative documents for new licensees. Mr. Reeves seconded the motion. The motion carried unanimously.

After reviewing the relevant documents and detailed discussion of the recommendations created by the taskforce, the Committee members elaborated in discussion of the recommendations created by the taskforce. Ms. Bratton suggested that the committee adopt the recommendations as a policy. The policy includes; location, accreditation, degree, Medical Director, length of program, faculty composition, and curriculum. The committee adopted a policy that will be used to evaluate the adequacy of OPA programs applying to become approved training programs by the committee.

Continued Consideration of St. Augustine's Application

The Committee evaluated St. Augustine's application pursuant to the policy it had adopted. St. Augustine was found not to fit the required criteria. Mr. Reeves made a motion to not approve St. Augustine's application on the grounds noted in discussion, based off: faculty composition, credentials of Program Director/Medical Director, and incomplete information of course compositions. Mr. Montag seconded the motion. Mr. Hux opposed the motion. The motion carried.