



**TENNESSEE BOARD OF MEDICAL EXAMINERS’
COMMITTEE ON PHYSICIAN ASSISTANTS
MINUTES**

January 9, 2015

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 January 9, 2015 at 9:00 am (Central).

Members Present: Omar Nava, PA-C, Chairman
Beverly Joan Gardner, PA-C
James Montag, PA-C
Benjamin Hux, OPA
Anne Arney, Public Member

Members Absent: Donna Lynch, PA-C
Brett Reeves, PA-C

Staff Present: Rene Saunders, MD, Medical Consultant, BME
Maegan Carr Martin, JD, Executive Director, BME
Stacy Tarr, Administrative Director
Keshia Evans, Administrator, COPA
Kyonzte Hughes-Toombs, JD, Assistant General Counsel

Mr. Omar Nava, Committee Chairman, called the meeting to order at 9:00 a.m. The Chairman determined that a quorum was present.

Approval of Minutes

Mr. Montag made a motion to approve the October 3, 2014 amended meeting minutes. The motion was seconded by Ms. Gardner. The motion carried by unanimous vote.

Applicant Interviews

Baker, Franklin. **See below.**

Ratification of New Licenses and Reinstatements

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

The following licensees were ratified:

Javed Akhtar	Paige Michelle Goforth	Christopher Campbell
Kanthi Akkineni	Tiffany Ann Grubbs	Russell
Aimee Ayres	Megan Danielle Hart	Adrienne Jasmine Sanders
Adreanne Nashea Bailey	Sarah C Hoof	Anthony Paul Schnuerer
Elizabeth Ann Bakos	Jacqueline Haven Howard	Elizabeth Ellen Schriener
Kara Katherine Beaty	Jacob Alan Jennings	Cassidy Ann Seiler
Caroline E. Bond	Casey Louis Jennings	Chelsea Larae Sexton
Anna Lisa Bowden	Edward Alan Johnson	Djaninn Mae Shannon
Christopher Mark Boy	James Jeffrey Kerby	Tyler Mcconnell Sherwood
Austin Bragdon	John W. Knight III	Justin Wade Sims
Jodi Ann Burgess	Lisa Marie Langmesser	Tiffanie Renee Stauffer
Patrick James Cafferty	Megan Michelle Latimer	Sarah Elizabeth Stott
William Peter Cason	Cameron Ashley Loquist	Brittney Nichole Strunk
Bobbie Jo Coffman	Phillip Andrew Marlow	Pamela Jane Sturgill
Suzanne Adams Craven	Andrea Carolina Marrugo	Brittany M. Sullivan
Scott R. Dalrymple	Cecilia Marie Maxwell	Richard Edward Swift
Tara Elizabeth Damico	Kenneth Jeremiah Micheff	Dawn Clarisse Tanner
Heather Hartman Draper	Mark A Navin	Alicia Noel Taylor
Amanda Louise Dreve	Nicole Tara Recinos	George Bradley Thompson
Nidhi Dua	Dyron Scott Rector	Amber June Thompson
April Joan Eddings	Courtney Stewart Rhodes	Emily Parrish Watson
Allyn Noelle Farmer	Jerry Lynn Rider	Rachel Batchelor Weaver
Timothy Figueroa	Caroline Eubanks Royalty	Lakeshia R. Williams
Emily Lorraine Garza		Matthew Ryan Williams

OGC Report

Ms. Martin presented the agreed citation of Ms. Andrea Bass. Ms. Bass was not present, nor was she represented by counsel. Ms. Bass was issued an agreed citation for practicing as a physician assistant on a lapsed license. Mr. Montag motioned to approve the agreed citation. Mrs. Arney seconded the motion. The motion carried.

Ms. Martin presented the agreed citation of Ms. Benita Qualls. Ms. Qualls was not present, nor was she represented by counsel. Ms. Qualls was issued an agreed citation for practicing as a physician assistant on a lapsed license. Ms. Arney made a motion to approve the agreed citation. Mr. Montag seconded the motion. The motion carried.

Mrs. Kyonzte Hughes-Toombs, Assistant General Counsel, presented Wayne Durbin's Petition for Order of Compliance. Ms. Hughes-Toombs reported that Mr. Durbin has completed all

requirements of his order and that he now seeks an order of compliance. Mr. Durbin was not present, nor was he represented by counsel. Ms. Arney made a motion to approve the Order of Compliance. Ms. Gardner seconded the motion. The motion carried.

Ms. Kyonzte Hughes-Toombs presented Justin Turner's Petition for Order of Modification. Justin Turner was present at the meeting and was represented by counsel, Mr. H. Thomas Parsons. Mr. Turner was initially disciplined for conduct resulting from his addiction to oxycodone, including unprofessional conduct, habitual intoxication/misuse of drugs and engaging in the practice of medicine when mentally or physically unable to safely do so. Around the same time as Mr. Turner's discipline, he was indicted for incidents relating to his illegal oxycodone use. He filed a Petition for Order of Modification in July 2011, seeking to have his suspension lifted, which was granted. At that time he was placed on probation for a term of not less than five (5) years. All other terms of his 2010 Consent Order remained the same. Mr. Turner is now requesting that his current consent order be modified to allow him to prescribe testosterone so that he can obtain full-time employment.

After extensive discussion, Mr. Montag made a motion to modify the consent order and allow Mr. Turner to prescribe Schedule 3 testosterone only – no other Schedules. As a condition of this order, Mr. Turner's supervising physician must, after checking the CSMD, provide quarterly reporting to the Committee of Mr. Turner's prescribing practices. Mr. Turner must return to the Board in six months to provide an update on his progress.

Discussion of Telemedicine Policy

Ms. Martin presented the Committee with the telemedicine policy statement which was discussed during the October Committee Meeting. The policy statement provides:

“The Tennessee Committee on Physician Assistants does not have the statutory authority to issue telemedicine licenses to physician assistants. Current law only permits the issuance of telemedicine licenses to medical doctors and osteopathic physicians. It is the position of the Committee on Physician Assistants that the practice of telemedicine by a physician assistant requires supervision by a physician who is licensed to practice telemedicine in the state of Tennessee. Existing regulation requires that physicians who seek to practice telemedicine limit their practice to the specialty area of medicine in which he or she is certified. Accordingly, a physician assistant engaging in the practice of telemedicine must limit his or her telemedicine practice to the specialty area of medicine in which his or her supervising physician is certified.”

Ms. Martin explained that the Board of Medical Examiners is currently revising its telemedicine rule. As part of the proposed rule change, the Board is seeking to eliminate its telemedicine licenses. If that rule becomes effective, it will be necessary to amend this policy statement. The Committee acknowledged that this is a temporary solution to an immediate issue and will revisit this policy as more information is available. Ms. Arney made a motion to adopt the policy statement. Mr. Montag seconded. The motion passed by unanimous vote.

Discussion of other Committee Business

Ms. Martin provided an overview of the Request for Proposal (RFP) process for a possible public awareness campaign. At this point, the Committee should prepare a scope of services to define the scope of services to be provided by the selected vendor and included in the RFP. Ms. Martin suggested that a Committee be appointed to assist in the development of the scope of services document. Mr. Montag and Mr. Hux volunteered to serve on the Committee. Ms. Martin will circulate the materials to the Committee and the Committee will report back at the April meeting.

Lapsed License Policy

Ms. Martin presented the revised lapsed license policy. Ms. Martin explained that it is her intention to revisit all policies across the Board of Medical Examiners Unit to assure accuracy and consistency. The policy was revised slightly to emphasize the following:

- All applications are reviewed in the order in which they are received.
- All licensees who allow his or her license to lapse will be fined \$100 for every month following the month after the licensee's expiration date.
- The Agreed Citation issued for practicing on a lapsed license will be reported to the National Practitioner Databank (NPDB).

Mr. Montag made a motion to accept the policy as revised. Mrs. Arney seconded the motion. The motion carried.

Public Chapter 430

Mrs. Martin provided an update to the Committee on implementation of Public Chapter 430. She stated that the BME has elected to proceed with enforcement by issuing a confidential notice of non-compliance to licensees who fail to obtain the TN-specific controlled substance prescribing course. The confidential notice provides licensees with an opportunity to remedy their CME deficiency without further disciplinary action if they submit proof of completion of the prescribing course within thirty (30) days of receipt of the notice. If a licensee fails to take advantage of this opportunity, the administrative office will proceed with enforcement of the Committee's existing policy. The Committee discussed its own recent rulemaking changes which were implemented to assist in the enforcement of Public Chapter 430. Mr. Nava inquired as to how the administrative office is making this information known to the public. Ms. Martin stated that she has made the information available on the website and several notifications have been sent out via the electronic notification system. The Committee requested that a notice be sent by US mail outlining these changes. Mr. Montag made a motion to adopt the approach of the BME with regard to the confidential notice of noncompliance and to authorize the expenditure of funds to mail out the notice of CME changes to all licensees. Ms. Gardner seconded the motion. The motion carried.

Public Chapter 832

Ms. Martin informed the board of Public Chapter 832 which allows for collaborative practice between a pharmacist and one or more prescribers. The Board of Medical Examiners, the Board

of Pharmacy and the Board of Osteopathic Examination are collaborating in a series of meetings to promulgate the rules to establish the minimum elements for the collaborative pharmacy agreements. Ms. Martin will provide the Committee with updates as they become available.

Manager's Report

Ms. Tarr reported that there have been 73 new applications, 78 new licenses issued, 171 renewals and 3 reinstatements since the Committee's last meeting. Seventy-six percent (76%) of those renewing elected to do so online. The number of active licensees as of December 31, 2014 was 1,709. The number of active licensees with a Tennessee mailing address as of December 31, 2014 was 1,493. The total number of Orthopedic Physician Assistants as of December 31, 2014 was 24.

Ms. Tarr presented the CME report. As of January 6, 2015, the number of licensed physician assistants under audit totaled seventeen (17). Of the seventeen (17) under audit, thirteen (13) licensees, or seventy-six percent (76%), were compliant and four (4) licensees, or twenty-four percent (24%), were non-compliant. Two Orthopedic Physician Assistants were audited. One was compliant and one was not.

TnPAP Report

Mike Harkreader presented the Committee with the annual monitoring report for year ending December 31, 2014. TnPAP is currently monitoring seven (7) individuals. There was one (1) monitoring agreement which became effective during the six (6) month period and three (3) referrals, all from the Department of Health.

Investigation & Disciplinary Report

Ms. Nichelle Dorroh reported that there are currently four (4) new physician assistant cases in the Office of Investigations: one (1) complaint in the field and four (4) complaints pending second review. Ms. Nichelle Dorroh reported there is currently no pending investigative activity relating to Orthopedic Physician Assistants.

University of St. Augustine's Application to Become Committee-approved OPA Program

Dr. Cindy Mathena, Ph.D, Vice President, University of St. Augustine (USA), appeared by teleconference to present the University of St. Augustine's application to become a Committee-approved OPA Program. Dr. Mathena began by providing an overview of the program and its history. As part of the application process, she was specifically asked to address the qualifications of all instructors, entrance/admission requirements, course descriptions, program curriculum and the degree conferred. Dr. Mathena spoke to the requirement that the program change the program name on the diploma. The Committee inquired which accrediting organizations accredit the program. Dr. Mathena responded that they are accredited by the Distance Education Accrediting Commission, Western Association for Schools and Colleges, Physical Occupational Therapy certifying body and the Department of Education. The Committee next inquired about the qualifications of the program director and whether he is

licensed in the United States and board certified in the United States. Dr. Mathena stated that he is an orthopedic physician, although he is not licensed nor is he board certified in the United States. Mr. Montag inquired specifically about possible accreditation by the American Academy of Orthopedic Surgeons (AAOS). Don McConnell, OPA, addressed the Committee and explained that the AAOS was revising its bylaws in 1978 and discovered that they could not be involved in the accrediting process. At that time they withdrew their accreditation of the OPA programs.

The Committee noted that much of the faculty is made up of physical therapists. Mr. Montag inquired about the necessity of the name change on the diploma. Dr. Mathena responded that students are given the choice between OPA and OA designation but that is the only distinction between these students, they are trained the same way and matriculate through the same program. The Committee inquired as to what portion of time is spent in distance learning and made general inquiries regarding the program curriculum. A robust discussion ensued regarding the importance of in-person, in-classroom instruction. Ms. Katherine Moffat, Executive Director, Tennessee Association of Physician Assistants (TAPA), confirmed that most PA programs in Tennessee require in-person attendance.

Mr. McConnell again approached the Committee and presented several letters of affirmation regarding St. Augustine graduates and in general support of the program. Barry Perkins, PA, also spoke in support of the St. Augustine program based on his interaction with St. Augustine graduates. Mr. Montag made a motion to table the application to give board members the opportunity to collect more data. The members will submit their questions to Ms. Martin who will in turn, submit them to Dr. Mathena. Ms. Gardner seconded the motion. Mr. Hux opposed. The motion carried.

CONTESTED CASE

Judge: Tom Stovall

Respondent: Kristen Colby, PA

Attorney for the State: Kyonzte Hughes-Toombs, Esq.

Kristen Colby was not present, nor was she represented by counsel. Ms. Kyonzte Hughes-Toombs, Assistant General Counsel, represented the State. Ms. Hughes-Toombs moved for default in this matter. Ms. Colby was disciplined in 2009 for unprofessional conduct and improper prescribing. Her Agreed Order prohibited her from prescribing controlled substances and placed her license on probation. In 2011, an Order of Compliance was granted lifting the controlled substances restriction. She remained on probation. In 2012, TnPAP suspended Ms. Colby's monitoring contract after she was diagnosed with a serious, life-threatening medical illness. Ms. Colby agreed not to practice as a PA while her contract was suspended; however, it was later alleged that Ms. Colby had been writing prescriptions for herself and forging prescriptions since 2011 when her controlled substance restriction was lifted.

Ms. Hughes-Toombs presented panelists with a copy of the notice of charges that were sent to Mrs. Colby and presented evidence regarding her efforts to properly serve Ms. Colby. At the conclusion of the State's evidence, Ms. Hughes-Toombs moved for default against Ms. Colby. Mr. Montag made motion to decline the default judgment and to continue the hearing until the next board meeting. The purpose of the continuance would be to permit Ms. Hughes-Toombs to again attempt to locate Ms. Colby. Mr. Hux seconded the motion. The motion carried.

There being no other Committee Business, Mr. Montag made a motion to adjourn the meeting at 12:14 p.m. Mr. Hux seconded the motion. The motion carried unanimously.

Applicant Interviews

Franklin Baker – appeared before the Committee to address previous discipline. He appeared after the meeting had adjourned because his invitation to appear contained a typographical error concerning the time of his interview. The Committee reconvened by emergency teleconference at approximately 1:00 pm. A quorum was present. Mr. Montag participated in person. Ms. Gardner, Mr. Reeves and Mr. Hux attended telephonically.

In 2009, Mr. Baker was asked to resubmit a certificate to prescribe. Although the originally submitted certificate to prescribe bore the signature of his supervising physician, rather than again obtain the signature of his supervising physician for the revised certificate, he signed the second certificate on his supervisor's behalf. As a result of that error, he was accused of forging the certificate and his certificate to prescribe was suspended. After interviewing Mr. Baker, Mr. Montag made a motion to grant licensure. Ms. Gardner seconded the motion. The motion carried.