



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

April 22, 2016

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 April 22, 2016 at 9:00 am (Central).

Members Present: Beverly Joan Gardner, PA-C
Donna Lynch, PA-C
James Montag, PA-C
Benjamin Hux, OPA-C
Omar Nava, PA-C, Chairman
Barbara Thornton, Public Member

Members Absent: Bret Reeves, PA-C

Staff Present: Keshia Evans, Administrator, Committee on Physician Assistants
Rene Saunders, MD, Medical Consultant
Mary Katherine Bratton, Assistant General Counsel
Stacy Tarr, Administrative Director
Maegan Martin, Executive Director

Mr. Omar Nava, Committee Chairman, called the meeting to order at 9:21 a.m. The Chairman determined that a quorum was present.

Approval of Minutes

Mr. Montag made a motion to approve the January 8, 2016 minutes. Mr. Montag’s motion was seconded by Mr. Hux. The motion carried.

Applicant Interview(s)

Alexander, Christopher – Mr. Alexander was asked to appear before the Committee to address whether recent employment activities constituted the practice of medicine for which a license is required. The committee discussed the scope of Mr. Alexander’s current employment and reviewed documents from his employer and supervising physician. It was determined that Mr. Alexander had engaged in the practice of medicine without the required license. Mr. Montag made a motion to approve the application for licensure

as a physician assistant contingent upon the completion of ten (10) Category I continuing education hours in ethics and professionalism. Mr. Montag's motion was seconded by Ms. Thornton. The motion carried.

Atchley, Linda – Ms. Atchley was asked to appear before the Committee to address her absence from clinical practice since 1982. The committee discussed its reentry policy, which states that the reentry of physician assistants who have been out of practice for ten (10) or more years will be addressed on a case by case basis. Mr. Montag made a motion to table Ms. Atchley's application until its next meeting to allow for further discussion on this issue. Mr. Montag's motion was seconded by Ms. Gardner. The motion carried.

Chase, Bradford – Mr. Chase was asked to appear before the Committee to address prior discipline on his North Carolina license, revocation of his NCCPA certification and his absence from clinical practice over the past six years. The committee discussed each of these issues in depth. At the conclusion of Mr. Chase's interview, Mr. Montag made a motion to approve the application for licensure contingent upon Mr. Chase's compliance with the Committee's "Competency and Re-entry Policy." Pursuant to that policy, Mr. Chase must complete a twelve (12) week preceptorship with a Committee-approved preceptor who is able and willing to attest to his competency at the completion of his rotation. Mr. Chase must also complete a pharmacology course which was approved by the consultant and Committee.

Mr. Montag's motion to approve Mr. Chase's application included the following conditions as well. Mr. Chase must not prescribe controlled substances for a minimum of one year from the issuance of his license. He must not become a DEA registration holder nor should he seek to become a DEA registration holder without first seeking Committee approval. Mr. Chase must maintain compliance with the terms of his Tennessee Professional Assistance Program (TnPAP) monitoring agreement for the length of that contract. TnPAP quarterly reports shall also be issued to the Committee detailing his compliance with the terms of the monitoring agreement. Mr. Chase must appear in person before the committee at the conclusion of the TnPAP monitoring agreement to have all restrictions lifted.

Smith, Darron – Mr. Smith was asked to appear before the Committee to address his criminal history, prior discipline by the Utah Medical Board and the Army's restriction of his clinical privileges. The Committee discussed each of these issues extensively; however, at the conclusion of the interview, the Committee determined that more information was needed before a final decision on Mr. Smith's application could be made. Ms. Gardner made a motion to table the application for licensure as a physician assistant until the July meeting and informed Mr. Smith to submit additional supplemental information and materials for the Committee's consideration. The Committee requested a chronological summary of all arrests, criminal history and disciplinary proceedings to which he has been a part of. The Committee also directed Mr. Smith to revise his application and practitioner profile to cure any deficiencies and correct any inaccuracies. Ms. Gardner's motion was seconded by Mr. Montag. The motion carried.

Consider Action to Regarding St. Augustine Graduates

Ms. Johnson was asked to appear before the Committee to because she was erroneously licensed by the Committee. Ms. Johnson graduated from St Augustine's Master of Orthopedic Assistant Program, which was not at the time of her graduation, and has not since, been approved by the Committee or Board. Ms. Johnson addressed the Committee and a supervisor was present at the meeting to speak on her behalf. Ms. Bratton provided an overview of what the possible next steps may be based on the Committee's action at the meeting. The Committee found that Ms. Johnson's license was issued in error because she is not a graduate of a Board and Committee-approved OPA program.

Mr. Montag made a motion to authorize revocation of Ms. Johnson's license pursuant to Tenn. Comp. R. & Regs. 0880-10-.07(6). Ms. Lynch seconded the motion. Mr. Hux opposed. The motion carried.

Ratification of New Licenses and Reinstatements

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

Consider appointment of new Committee Consultant(s)

Ms. Martin informed the committee there are currently three candidates for the position(s) of disciplinary committee consultant. The candidates' CV's were submitted for review by the Committee. The Committee determined that all three candidates were qualified to serve in this role and that application review and complaint review could be divided up amongst the three of them. Having a pool of consultants will ensure that potential conflicts of interest can be avoided. Mr. Thornton made a motion to accept the three (3) candidates for the consultancies. Mr. Hux seconded the motion. The motion carried.

Consideration of Revision of Refund Policy

Ms. Martin asked the Committee to specify how it would like for the administrative office to deal with refunds for reinstatement applicants. Existing law provides that an individual that has allowed his or her license to lapse must pay all past due renewal fees as a condition of reinstatement. Accordingly, an individual's fee for reinstatement may vary based on how long he or she has been out of practice. Although the fee may vary, the time spent processing that application does not vary appreciably. For that reason, Ms. Martin believes that the best practice when a reinstatement applicant determines that he or she does not want to proceed with the process, is to retain the amount of the initial application fee but refund the payment of any amounts over that fee. This will ensure that the administrator is compensated for her time processing the application, but also that applicants are treated fairly. This law will change pursuant to a bill passed in the 2016 session; however, the request was brought before the Committee because there is a pending refund request from an applicant. After in depth discussion, the Committee agreed with Ms. Martin and concluded that the initial application fee should be retained, but all other fees may be refunded. Mr. Montag made a motion stating same. Ms. Gardner seconded the motion. The motion carried.

Continued Authorization of TnPAP Contract

Ms. Martin informed the Committee that it is time to authorize continuation of the TnPAP Contract. Mr. Montag made a motion to authorize continuation of the TnPAP contract. Mr. Hux seconded the motion. The motion carried.

Discussion of Upcoming Conferences

Ms. Martin informed the Committee that she and Ms. Bratton would like to attend the Center for Telehealth (CTEL) meeting this May in Washington, DC. Dr. Saunders said she would also like to attend. Mr. Montag made the motion authorizing an attorney staff person, and two administrative staff persons to attend. Ms. Thornton seconded the motion. The motion carried.

OGC Report

Ms. Bratton, Deputy General Counsel, informed the Committee that the fee changes rules for PA's and OPA's as well as the change to the PA CME language have gone through the rulemaking process and have been approved. They all have an effective date of June 21, 2016.

OGC currently has seven (7) open cases pertaining to four (4) respondents who are licensees of the Committee pending in OGC. There were no contested cases and no consent orders to consider.

Ms. Bratton informed the Committee that there is new legislation with regard to supervising physicians which has passed in the house and the senate and is awaiting the governor's signature. It adds podiatrists in addition to medical doctors and doctors of osteopathic medicine who can supervise a physician assistant or an orthopedic physician assistant.

A new Prescription Safety Act has passed in the senate, and in the house with an amendment. Assuming the senate adopts the house's amendment, it will go to the governor for his signature as well.

Ms. Bratton reminded the Committee members of its conflict of interest policy. If there is any personal or financial interest which might appear to be a conflict of interest, whether it relates to a contested case, a rulemaking issue, or any other Committee decision, please share that fact with the Committee so that a decision may be made regarding the need for recusal.

Statistical Report

Ms. Tarr reported that from January 1, 2016 to March 31, 2016 there have been forty (40) new applications received, seventy-two (72) new licenses issued, and two hundred and seventeen (217) renewals. Eighty percent of the licensees renewing, choose to do so online. The number of active licensees as of March 31, 2016 was one thousand nine hundred and four (1,904). One thousand six hundred and fifty-three (1,653) of those licensees have a Tennessee mailing address. The total number of Orthopedic Physician Assistants (OPAs) as of March 31, 2016 was nineteen (19).

Discussion of PA supervision of PA students

Ms. Martin stated that she has been contacted by multiple sources regarding a whether a physician assistant can supervise a PA student. She is aware that a local hospital's counsel has reached the conclusion that PA's must be supervised by physicians; however, because the administrative office nor the Office of General Counsel provide legal advice to members of the public, and only the Committee can interpret its statutes and rules, she has suggested that this query be submitted to the Committee via a request for an advisory opinion. To date, no such opinion has been submitted. Ms. Bratton added that Tenn. Code Ann. § 63-19-110(b) seems to suggest that students are exempt from licensure and are not under the Committee's jurisdiction.

Investigation & Disciplinary Report

Ms. Nichelle Dorroh reported that there are currently twenty-five (25) complaint cases open against physician assistants in the Office of Investigations. Twenty (20) of those open cases are ready for review. The office is currently monitoring several individuals, a few of which will be compliant at the next meeting in July. There are currently no complaint cases against orthopedic physician assistants in the Office of Investigations.

TNPAP Report

Mr. Mike Harkreader, representative of TnPAP, reported that from July 1, 2015 through March 31, 2016, his office monitored eleven physician assistant licensees. Of the eleven, three are referrals from the Department of Health, seven non-voluntarily, and one voluntarily entered the program. There were 4 referrals, two referrals from the Department of Health, one employer, and one “other.” Of the four referred, three were referred for substance use disorder and one for forgery. Four monitoring agreements were signed during this time period. Three files have been closed. The department was notified of each.

Discussion of Revision of Re-entry Policy

The Committee discussed and agreed to begin reconsidering its re-entry policy. Ms. Martin referred to the Board of Medical Examiners’ ongoing work to formalize its own re-entry policy. They have developed a very preliminary, three part framework. First, they have determined that clinical inactivity of two or more years will trigger the policy. Once the policy is triggered, they will assess the applicant’s competency. If remediation is indicated, they will craft an appropriate re-entry pathway based on one or more Board-approved remediation tools, such as a formal program, CME, etc.

The Committee agreed that two years should be the trigger for its re-entry policy. Mr. Montag reminded the Committee of its existing “tiered” approach, wherein an applicant’s time out of practice corresponds to a particular remediation pathway. The Committee requested additional information on the prices and accessibility of the current comparable re-entry programs used by other states.

Ms. Martin provided an update on the application of Ms. Ana Santin, who appeared before the Committee on January 8, 2016 due to clinical inactivity and was informed to identify a preceptor. Ms. Santin has identified a preceptor; however, he is concerned that she is not able to be covered as a provider. Ms. Martin reached out to his insurer and learned that Ms. Santin can be covered by his office plan; however, without a license, Ms. Santin cannot be covered as a provider. A written response to that effect has been provided.

Adjournment

Mr. Montag made a motion to adjourn. Mr. Hux seconded the motion which passed unanimously.