



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

October 2, 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 October 2, 2015 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

Members Absent: Bret Reeves, PA-C
Anne Arney, Public Member

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

Mr. Omar Nava, Committee Chairman, called the meeting to order at 9:16 a.m. The Chairman determined that a quorum was present.

Approval of Minutes

Mr. Montag made a motion to approve the July 10, 2015 minutes. Mr. Montag’s motion was seconded by Ms. Gardner. The motion carried.

Applicant Interview(s)

Barbara Anderson – Ms. Anderson was asked to appear before the Committee to address her absence from practice since August 2011. Mr. Montag spoke about the Committee’s activities

related to its reentry policy and the difficulty enforcing it today, given the absence of reentry programs which existed at the time the policy was promulgated. Mr. Montag suggested that the Committee consider issuing a temporary license to these individuals and asked Ms. Bratton's opinion regarding whether that would be possible. Ms. Bratton stated that such a change would require a rulemaking change at a minimum and perhaps a statutory change. Mr. Montag asked that this issue be tabled to the next meeting. Mr. John Williams addressed the Committee and stated his approval that this issue be explored further. He added that if this is an issue encountered by other professions and a statutory change is pursued, perhaps the change should occur in Chapter 1 of Title 63 rather than Chapter 19. Mr. Mark Moran of LMU also addressed the Committee and questioned whether evaluation of a PA's competency is a question for the physician who ultimately agrees to supervise the PA and upon whom the PA's ability to practice ultimately depends. The Committee discussed this question at length and explained that the policy does allow the supervising physician to attest to the applicant's competency. Ms. Bratton added that if an individual is unable to identify a preceptor, they are free to enter into a consent order for a restricted license that would allow him or her to practice.

Dr. Saunders asked Mr. Moran why LMU would not be willing to accept reentry students. He explained that any new program, even within the existing program would have to be accredited. Additionally, these PAs would have to be enrolled as students, which would require malpractice insurance, etc. Going through this process for a couple of students every couple of years is a lot of trouble for the University.

The Committee interviewed Ms. Anderson, and at the conclusion of her interview, advised her to do the following: identify a preceptor (or preceptors) with a full and unrestricted license to practice as a medical doctor or osteopathic physician who is willing to supervise her in clinical rotation for 240 hours or the equivalent of a six week rotation at 40 hours a week. The preceptor(s) must attest to her competency at the completion of her rotation. Alternatively, she may undergo a competency assessment and comply with any resulting recommendations. Dr. Saunders noted that CPEP might be one such organization worth looking into, although there are others. If she chooses to work with a preceptor, Ms. Anderson should submit the name, license number and practice area of the preceptor(s) she is planning to work with to Rene Saunders, MD, Medical Consultant for the Board of Medical Examiners, who will work with the Committee's consultant to advise her as to whether the preceptor and her plan will be acceptable. The Committee discussed whether Ms. Anderson would have to submit a second application once her preceptorship was complete. Ms. Tarr specified that an application can be left open for that long, although it will be noted on our internal benchmark reports; however, Ms. Anderson will have to resubmit information that expires. Mr. Montag made a motion to table the application for a period of up to eighteen (18) months. Mr. Hux seconded the motion which passed unanimously.

Wanda Copeland – Ms. Copeland was asked to appear before the Committee to address her absence from practice since 2012. The Committee explained that its prior deliberations regarding Ms. Anderson's application apply in her situation as well. She was ultimately advised that she could work with a preceptor or undergo a competency assessment and comply with any resulting recommendations. At the conclusion of her interview, Mr. Montag made a motion to table the application for a period of up to eighteen (18) months. Mr. Hux seconded the motion

which passed unanimously. Ms. Copeland asked whether a withdrawn application would be reportable to the databank and the Committee assured her that it would not be.

Melissa Hoppe – Ms. Hoppe initially appeared before the Committee in July 2015 to address her absence from practice since 2012. She is appearing before the Committee again because she has been unable to identify a preceptor. She reports that several physicians are willing to allow her to shadow him or her; however, many potential preceptors are uncomfortable attesting to her competency if she's unable to contribute to the medical record. She reported that she has applied for a Virginia license, and if granted would like to return to work and comply with the Committee's policy, not with a preceptorship, but with a corresponding period of employment. The Committee agreed that this would be appropriate but noted that it will deal with requests like these on a case-by-case basis to assure that an individual doesn't apply for and obtain a license in another state and simply claim to be working, rather than complete the required remediation.

Ms. Hoppe also asked the Committee to specify which pharmacology course would be appropriate to comply with the policy. Dr. Saunders referred to the minutes from the previous meeting which specified that the pharmacology course should be selected by the supervising physician preceptor, who should also attest to its completion. Mr. Nava stated that the preceptor could select a CE course in satisfaction of this requirement. Dr. Saunders urged the Committee to spell this requirement out very clearly.

Mr. Montag made a motion to table the application. Ms. Gardner seconded the motion which passed unanimously.

Justin Turner – Mr. Turner did not personally appear before the Committee; however, an update was provided in accordance with the Committee's previous action to allow Mr. Turner to prescribe testosterone under strict limitations. At that time, the Committee asked Mr. Turner to submit quarterly reports from his physician regarding his prescribing; however, Mr. Turner is currently waiting on the DEA to approve his waiver in order to resume restricted prescribing. Accordingly, the update provided by his supervising physician stated that Mr. Turner is not prescribing at this time.

Mindy Goldberg – Ms. Goldberg was randomly selected for an audit in March 2015. She provided proof of 78.5 Category I CME hours for the audit period and additional hours outside of the audit period. Pursuant to Rule 0880-03-.12(2)(c), she requested that the Committee review her case and grant Category II hours for the course work in which she taught at *The Forum*. The Committee reviewed the information provided and denied the request. However, the Committee opted to grant Ms. Goldberg compliance with her March 2015 audit by applying 21.5 credit hours she had completed in 2015 towards her audit. Mr. Montag recused himself. Mr. Hux made a motion to accept the CME hours 2015 to be applied to her 2013-2014 auditing cycle. Ms. Lynch seconded the motion. The motion carried.

There was discussion by the Committee regarding this general issue. Mr. Nava spoke in favor of accepting a letter from an individual attesting to a PA's completion of a Category II activity, if the PA is not certified by the NCCPA. The Committee showed discomfort with allowing individuals to personally confirm that they have read a journal article or some other self-directed

Category II activity. Ms. Bratton reminded the Committee that the rules specify what continuing education is acceptable. Ms. Moffatt addressed the Board and said there is some precedence, nationally, for allowing the professional associations to track CE and report them to the licensing board. She added that TAPA would be willing to work with the Committee to develop a logging system.

Ratification of New Licenses and Reinstatements

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

Update Regarding OPA Policy

Ms. Bratton informed the Committee that the Board of Medical Examiners has ratified the Committee's denial of St. Augustine's application to become an approved OPA program as well as the Committee's corresponding policy: "Standards to Evaluate Orthopedic Physician Assistant (OPA) Programs." The Commissioner of Health was also asked to review the policy statement and Committee's action regarding the denial of St. Augustine. He ratified both actions; however, he suggested that the policy be amended to allow the Committee to consider a program's qualification if it is not accredited by one of the organizations specified in the policy. Mr. Montag made a motion to accept the Commissioner's amendment. Ms. Lynch seconded the motion. Mr. Hux opposed the motion. The motion carried.

Discussion of Possible PA Workforce Study

Ms. Katherine Moffat, Executive Director of TAPA, addressed the Committee to discuss the possible allocation of Committee funds for a workforce survey. Ms. Moffat suggested that the Committee employ a professional firm (specializing in data collection) to create a survey tool to examine the Tennessee PA and OPA workforce to identify key employment data. Ms. Bratton suggested that a list of proposed ideas be generated so that they can be reviewed for legality. Mr. Nava suggested creating a taskforce to team up with TAPA to develop a list of possible ideas to propose to the Committee by the next scheduled meeting on January 8, 2016.

OGC Report

Ms. Bratton, Deputy General Counsel, reminded the Committee of their duty to disclose conflicts of interests. She informed the Committee that there are seven (7) cases pending in OGC. There were no contested cases and no consent orders to consider. Ms. Bratton reminded the Committee that the OPA fee reduction rulemaking hearing would be taken up at the January 8, 2016 meeting. Ms. Bratton asked the Committee to consider identifying potential candidates to act as a disciplinary consultant for the Committee. Currently, Mr. Nava is performing this task and Ms. Bratton is concerned that his participation during the investigative stage may present quorum issues as he will have to recuse himself from later deliberations. Mr. Nava recommended that they consider someone local. Mr. Montag asked whether this individual would be compensated. Ms. Bratton believed that the consultant is compensated \$100 per day as well as reimbursement

for fuel. Mr. Nava asked Ms. Moffat, on behalf of TAPA, to generate a list of potential candidates for the January meeting.

Ms. Bratton stated that the Board of Medical Examiners has approved the Committee's recently revised lapsed license policy however; an issue in another profession arose which has led the Department to consider drafting a policy which could be adopted by all professions across the Department. Accordingly, the Committee might expect to see a revised policy at the January meeting.

Mr. Hux had to leave the meeting.

Statistical Report

Ms. Tarr reported that there have been forty-seven (47) new applications, thirty-five (35) new licenses issued, one hundred and nineteen (119) renewals, one hundred (100) of which elected to renew online making the online renewal percentage eighty-four (84%), and five (5) reinstatements since the Committee's last meeting. The number of active licensees as of August 31, 2015 was one thousand seven hundred and ninety-two (1,792). One thousand five hundred and fifty-nine (1,559) of those licensees have a Tennessee mailing address. The total number of Orthopedic Physician Assistants (OPAs) as of August 31, 2015 was twenty-one (21).

Investigation & Disciplinary Report

Ms. Nichelle Dorroh reported that there are currently twenty-one (21) complaint cases open against physician assistants in the Office of Investigations. Fifteen (15) of those open cases are ready for review. There are currently no complaint cases against orthopedic physician assistants in the Office of Investigations. The office is currently monitoring sixteen (16) individuals.

TNPAP Report

Ms. Elaine Eaton, Administrative Director for TNPAP, reported that her office is currently monitoring seven (7) physician assistant licensees. Of the seven (7), three (3) are referrals from the Department of Health, five (5) non-voluntarily, and one (1) voluntarily entered the program. From July 1 through September 14, 2015 there was one (1) referral. Three (3) people are currently in treatment. One person signed monitoring agreement. Two (2) files have been closed: one for monitoring non-compliance and the other has relocated out of state. The department was notified in both instances.

Report from the CSMD Committee

Mr. Nava serves as the COPA representative on the CSMD Committee and provided an overview of the business which occurred during the last CSMD Committee meeting. It appeared, from that meeting, that the interventions to reduce the total MMEs is working. The disciplinary report for prescribing violations was projected by Ms. Bratton.

Conduct New Business

The Committee acknowledged its interest in resuming consideration of a possible telemedicine rule promulgation; however, no formal action was taken. Ms. Moffat recommended that the Committee invite Jonathan Riggs, PA, to participate on the taskforce, as he has telemedicine experience.

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