



## TENNESSEE BOARD OF MEDICAL EXAMINERS'

### Committee on Physician Assistants

October 6, 2017

---

#### MINUTES

---

A regular meeting of the Tennessee Board of Medical Examiners' Committee on Physician Assistants was held in the Poplar Conference Room at 665 Mainstream Drive, Metro Center, Nashville, TN.

**Members Present:** Omar Nava, PA, Chair  
Bret Reeves, PA  
Barbara Thornton, Public Member  
Russ Dailey, PA  
Benjamin Hux, PA

**Members Absent:** Donna Lynch, PA

**Staff Present:** Rene Saunders, MD, Medical Consultant  
Stacy Tarr, Administrative Director  
Andrea Huddleston, JD, Deputy General Counsel  
Lori Leonard, Disciplinary Coordinator  
Steven Delk, Administrator

#### Approval of Minutes

Mr. Benjamin Hux made a motion to approve the minutes from Tuesday, June 20, 2017. Mr. Russ Dailey seconded the motion. The motion passed unanimously.

#### TNPAP

Mr. Mike Harkreader presented the July 1<sup>st</sup> through September 30<sup>th</sup>, first quarter, fiscal report. Mr. Harkreader reported that at this time TNPAP is currently monitoring nine individuals. Eight of those individuals are under non-regulatory and one (1) is under Committee order. There has been one (1) self-referral. One (1) case has been closed due to a successful conclusion.

### **Ratification of New Licensees and Reinstatements**

Mr. Bret Reeves made a motion to ratify the current list of new licensees and reinstatements. Ms. Barbara Thornton seconded the motion. The motion passed unanimously.

### **Consent Order**

**Melissa Hartwell, PA** – was not present, nor was she represented by legal counsel. Ms. Andrea Huddleston represented the Committee. Melissa Hartwell was a licensed PA in Virginia and was working at a weight loss clinic. During 2012 and 2013, she signed off on charts allowing for phentermine, a controlled substance, to be prescribed when she had not examined the recipient patients. She also allowed other individuals, including the owner of that clinic, to use her DEA registration to order phentermine and prescribe that drug. She was convicted earlier this year of conspiracy to distribute phentermine and several other counts. There were more than forty (40) counts in total.

As a result, in July her Virginia PA license was suspended. The proposed consent order provides that her Tennessee license be suspended for not less than two (2) years. She is required to surrender her DEA registration. She will be barred from prescribing controlled substances and working in a pain management clinic. After two (2) years she may ask the Committee to lift the suspension. At that time, if the Committee so chooses, her license will be placed on probation for a period of five (5) years. She is also ordered to pay civil penalties and costs. Mr. Nava stated that he is glad such actions are being brought to light and agrees with the order. Mr. Dailey moved to accept the consent order. Mr. Hux seconded the motion. The motion passed unanimously.

### **Order of Compliance**

**Bradford Chase, PA** – appeared before the Committee seeking an order of compliance. He was not represented by counsel. Ms. Huddleston represented the State. Mr. Chase was disciplined by North Carolina in 2010 after he diverted controlled substances for his personal use. His North Carolina license was ultimately suspended. In 2013, he came before this Committee and the Committee agreed to grant him a conditional license. He was required to do a preceptorship for a period of time and take a pharmacology course. He was also required to be monitored by TNPAP. TNPAP reports that he has complied with all requirements. The Committee also indicated that he would not become a DEA registration holder and must not seek to become one until he reappeared before the Committee for reconsideration.

Mr. Chase wants his DEA registration so he can work more hours and serve more patients. Mr. Nava asked Mr. Harkreader to explain TNPAPs' evaluation of and advocacy for Mr. Chase. Mr. Harkreader explains that Mr. Chase was evaluated by psychologist, Dr. John Averitt, in Cookeville. Dr. Averitt recommended a TNPAP monitoring agreement, but did not feel like Mr. Chase needed treatment at that time. Dr. Averitt recommended that Mr. Chase should not prescribe narcotics until he has demonstrated success in a recovery program to prove that he can adequately prescribe controlled substances, if ever. He was given a five (5) year monitoring agreement with random drug testing and narcotic restriction. Mr.

Harkreader stated that TNPAP advocates for Mr. Chase strongly. Mr. Nava explains that being asked to come before the Committee, again, is not a guarantee that everything will go back to “normal”.

Mr. Dailey stated that he would be comfortable with granting a restricted license. Mr. Hux stated that he would be comfortable granting a restricted license and only allowing Mr. Chase to prescribe schedules 4 and 5. Mr. Reeves agreed with granting a restricted license and a review. The Committee led an in-depth discussion until a consensus was formed. Mr. Hux made a motion to grant Mr. Chase’s Petition :

- Mr. Chase will need to send in proof that he has obtained an evaluation either from his original psychological examiner or an examiner approved by TNPAP, that they believe he is fit to prescribe.
- He must submit evidence of having completed at least 8 hours of CME related to controlled substance prescribing.

Both of these items can be sent to Dr. Saunders for review. Upon sending these items in he would be able to apply for a DEA registration to prescribe schedules 4 and 5 only. He is welcome to attend any future meeting, if he later seeks permission to prescribe any additional schedules. Mr. Reeves seconded the motion. The motion passed unanimously.

### **Draft Policy**

Ms. Huddleston presented a draft policy to the Committee regarding misdemeanor convictions more than five (5) years old. It proposed that applicants with a single misdemeanor conviction more than five years old could be licensed without coming before the Committee. Mr. Nava opted to table the discussion until a further meeting, if it is not time sensitive.

### **Manager’s Report**

New Applications:	99
Licenses Issued:	70
Renewals:	220
Online Renewals:	174
Percentage of Online Renewals:	93%
Reinstatements:	2
Active Licensees:	2,164
OPAs:	18

### **Office of Investigation**

Lori Leonard, Disciplinary Coordinator, presented the following report from the Office of Investigations:

New Complaints:	30
Closed:	28
Monitoring:	22
Complaints since July:	10

It was noted that ten (10) complaints since July is considered high. No discussion was held.

There being no further business, the meeting was adjourned.