



**TENNESSEE BOARD OF
PHYSICIAN ASSISTANTS
REGULAR BOARD MEETING**

January 14, 2022

MINUTES

The regular meeting of the Tennessee Board of Physician Assistants (hereinafter, "the Board") was called to order on January 14, 2022 at 9:00 a.m. in the Iris Room, Ground Floor, MetroCenter Complex, 665 Mainstream Drive Nashville, TN 37243.

Board Members Present: Joseph Weathersby, PA-C
Marie Patterson, Chair, PA-C
Christina Free, Secretary, PA-C
Robert White, PA-C
Gregory Cain, PA-C

Board Members Absent: Barbara Thornton, Consumer Member

Staff Present: Angela Lawrence, Executive Director
Stacy Tarr, Administrative Director
Candyce Wilson, Administrative Director
David Silvus, Office of General Counsel
Dorsey Luther, Disciplinary Coordinator

Ms. Angela Lawrence made opening remarks and provided an overview of the requirements for the PA Board meeting. All the requirements were satisfied to conduct such meeting. Roll call was taken of all members of the Board who is present.

Receive reports and/or requests from the Office of Investigations

Ms. Luther presented the monitored practitioners report to the Board for year 2021. New complaints for PA's open of forty-eight (48), total closed complaints of fifty-six (56), six (6) closed due to insufficient findings, seven (7) were transferred to the Office of General Counsel, twenty-six (26) were closed with no action, five (5) were closed with a letter of concern, and twelve (12) were closed with a letter of warning.

New complaints open for OPA's was 1 for unprofessional conduct.

Mr. Silvis described and explained the investigative processes of covid 19 complaints.

Applicant Interview's

Kimberly Adkins, PA- Ms. Adkins came before the Board to request her license be approved as a Physician Assistant, she did not have legal counsel present. Ms. Adkins advised she was performing a procedure when she was providing treatment for a patient that had deteriorated and called EMS. Said patient had brought civil suit against Ms. Adkins for malpractice. Ms. Adkins explained she went before a panel of physicians who dissented with the malpractice claim, however the patient filed suit for malpractice in civil court. Ms. Adkins advised she has a hearing in March for dismissal of the case, in hopes the suit will be dropped. Ms. Patterson stated at this time it appears as though the plaintiff in the case does not have an expert witness from the medical community and Ms. Adkins agreed that is the case. Ms. Adkins advised that she is currently practicing with an unrestricted license in Louisiana. Mr. Cain motioned to accept application and grant full licensure, seconded by Ms. Free. Vote was taken and motion carried to approve application.

Mary Brkich, PA- Ms. Brkich came before the Board to request her license be approved as a Physician Assistant, she did not have legal counsel present. Ms. Brkich informed the board that she had probation with probationary action in 2003 until 2006, while practicing in California. All terms have been met and completed. Ms. Brkich advised she received a citation for a billing issue in 2018, her name was not on the invoice, just the company name in which she was fined \$250 and no other action. Ms. Brkich advised that her billing company has since corrected the problem. Ms. Brkich advised she worked in a prominent clinic who worked with a lot of sports teams and had to dictate all doctors' notes for the orthopedic technician. The orthopedic technician had to scribe for the doctor while seeing patients before Ms. Brkich dictated the notes. The company found three charts in three years that Ms. Brkich dictated patient notes and advised that she didn't know what he was doing at the time, however this wasn't her responsibility. The California Board fully reinstated her license in 2006. Mr. Cain made motion to accept licensure, Mr. White seconded, roll call vote taken, motion carried.

Johnny Presley, PA- Mr. Presley came before the Board to request his license for reinstatement be approved as a Physician Assistant, he did not have legal counsel

present. Mr. Presley informed the Board that he applied for reinstatement of license in October of 2021. He thought that the continuing education requirement was waived, but later found out that in person training was waived. He advises he was present for Fall fest in which he obtained thirty (3) hours continuing education, he advised he attended another twenty-four (24) hours from University of Pittsburgh for a total of fifty-four (54) hours, including 2 hr. TN. RX. Mr. Presley advised he also received hours from reading journals as well to account for category II training hours. He advised the continuing education requirement is all new to him and doesn't remember this happening in the past.

Ms. Wilson explained the continuing education processes and requirements. Mr. Cain asked if someone is not NCCPA certified then they are not required category 2 hours. Discussion was had about the current continuing education rules of the Board. Ms. Tarr advised our office will need copies of the transcript of the continuing education as that was not obtained prior to today. The board will pause on this applicant for Mr. Presley to print the correct document for administrative office in order to provide to the Board for review.

Ms. Moffat addressed the board to outline the differences between category I and category II continuing education credit. Category II can be reading articles, precepting students, and other time spent with training.

Board obtained new materials showing proof of an additional twenty-four (24) continuing education hours from Mr. Presley for review, which was all that was needed to show proof of to go forward. Ms. Free advised Mr. Presley met the requirement of continuing education at this time. Ms. Free made motion to grant licensure, seconded by Mr. Cain, roll call vote, motion carried.

APPROVAL OF MINUTES

The Board reviewed the minutes from the August 13, 2021 board meeting, September 20, 2021 summary suspension hearing, and the October 1, 2021 board meeting. Ms. Free made a motion to approve all minutes consecutively and Mr. Cain seconded the motion. A roll call vote was taken, and the motion passed.

Discuss Continuing Education Policy

Ms. Patterson informed the Board that this topic came up at the last meeting, however a quorum wasn't established so they could not vote on the issue in regard to changing the CME timeline from prior two calendar years to match the cycle of the NCCPA continuing education. Ms. Patterson informed the Board the continuing education policy was created in January 2005 so this will be a good time to review to see if a change will need to be made.

Board discussed the rules of CME with Mr. Silvis and Ms. Moffat from TAPA. Discussion by the Board included changing the rules of CME between Category I hours and

Category II hours with licensees certified by NCCPA and who is not certified by NCCPA. Mr. Silvus advised the board may cancel the current policy at this time involving CME, however, do have to go by the rules of such. Mr. Silvus reviewed the rule in which “if a person submits documentation for training that is not clearly identifiable as appropriate continuing education, the Board will request a written description of the training and how it applies to the practice as a physician assistant”. Mr. Cain suggested two options, the first being have all physician assistants sync to NCCPA continuing education cycle or have all physician assistants expire on December 31. Ms. Wilson asked Mr. Cain about the physician assistants currently not certified by NCCPA and Mr. Cain advised they would be included in that group.

Mr. Silvus informed the Board they cannot change any rules today as that would need to go through a rule making hearing. However, the Board may amend or change the current continuing education policy. Mr. Silvis had discussion with the Board in regard to the current continuing education policy and will draft section two (2) by stating “The physician assistant must make up the amount of continuing education hours that he/she is lacking, in addition to completing the continuing education hours requirement for the current two (2) year period. The deficient hours must be made up within one hundred eighty (180) days of receipt of this policy. Documented proof of the deficient hours obtained must be submitted to the Board upon completion”. Ms. Moffat from TAPA approached the Board with comment. Ms. Moffat asked for clarification for the policy, asking if the physician assistant would need to obtain all continuing education prior to renewing their license or would they have time to obtain the credits within the same calendar year, but after the license renewal? For physician assistants who are board certified, and the current cycle would expire at the end of the current year, they would have a gap to account for. Mr. Silvus advised that cannot be done due to the current rule in place. Mr. Silvus advised that all renewal applicants must have done one hundred (100) hours within the last two (2) calendar years to submit for processing.

Ms. Patterson suggested to have a licensee or applicant draft a narrative of such training for Category II as it can't be logged for review. Mr. Weathersby made motion to make an amendment to the current continuing education policy to include category II written narrative, seconded by Mr. White. Roll call vote passed.

Mr. Cain made motion to change continuing education based on renewal cycle timeline of NCCPA and not prior two calendar years. Mr. Silvis advised this motion can't be made as it must go through a formal rule making hearing. Mr. Cain's motion died. Mr. White made a motion to have physician assistants submit the current NCCPA cycle for continuing education and not two (2) calendar years prior. Mr. Silvis advised this must be discussed under sunset laws, or to send messages to the Board attorney for future meeting discussion. Mr. White's motion died.

Board held discussion in which Ms. Free will work with Ms. Moffat in regard to rule changing process

Continuing education requirements of high prescribers was tabled to next meeting as the Board attorney, Ms. Alcock, was not present.

DISCUSS NEW BUSINESS

Discuss and review correspondence regarding autism awareness training

Ms. Lawrence informed the board that this was an email correspondence from a physician assistant for the Board to review in reference to autism awareness training. Ms. Patterson advised there is nothing they can do as a Board to place a vote in this regard; however, this information would be a good tool for approaching educational facilities for this training. Ms. Patterson suggested that TAPA could be contacted to offer more continuing education options for this topic. Mr. Weathersby advised that current physician assistants do have training in all behavioral health conditions and needs.

Ratification of New Licenses

Ms. Tarr informed the Board, there are two sets of licensure lists due to not being able to vote at last meeting. Mr. Cain made the motion to approve all licenses. Mr. Weathersby asked the attorney if he will have any conflict with the ratification lists if he employs any of these physician assistants. Motion seconded by Mr. White, roll call vote taken, motion passed.

Discuss and consider Board consultant application review roles

Ms. Lawrence informed the Board that Ms. Free and Ms. Patterson had volunteered to perform final reviews for application files in the recent past, and would like the Board to discuss outsourcing, or if they want to do themselves. Ms. Patterson advised this would probably take fees for an outside consultant to complete files or if a Board member would volunteer their time. Discussion held by Board. Mr. Silvis advised there may be a per diem to complete for a Board member to review files, using their time to get compensated. Ms. Patterson advised that two people would not be enough. Mr. Cain advised if the Board performs the review, they all can share the time for the review process. Ms. Lawrence advised that nobody else in the Board gets per diem for being a consultant. Ms. Tarr advised in the past, Dr. Saunders reviewed all applications then sent off to Mr. Montag through as secure cloud for review. Ms. Tarr advised that reviews must be complete within ten (10) days of entering the final review. Mr. White stated that he would feel comfortable with someone being outsourced for reviewing application files. Ms. Tarr asked if the position would need to be bid out, Mr. Silvis answered that he does not think that it has to be bid out, however he would have to check on the application side. Mr. Presley advised that in the past an off-site individual would review the files in final review as he was on the Board in the past. Administrative staff will look into how to bid someone to review files, in the meantime, the Board will review. Ms. Lawrence informed the Board training can be done to review applications in final review, prior to everyone reviewing files.

Ms. Patterson requested a ten-minute recess.

Discuss and consider consultants for Overprescribing Case Review

Ms. Lawrence informed the Board this information was from the Office of General Counsel regarding medical doctors reviewing the case review. Mr. Silvis explained when the Board was a Committee and under the Medical examiners, Dr. Saunders would review the files. At this time, they have not added anyone to review case files. In the meantime, new rules were established that physicians may not be on any other boards to which they can review files. Mr. Silvis advised these three doctors, Anuj Aryal, Damon Dozier, and David Edwards, are currently reviewing files for over prescribing cases and would like to add these physicians to review cases involving physician assistants. Board held discussion. Mr. Cain informed the Board that he feels that other medical doctors shouldn't review over prescribing case files for physician assistants, but another physician assistant should. Mr. Silvis advised his office will look into having physician assistants for case review of over prescribers. Mr. Cain made motion to identify two or three physician assistants to fill these rolls. Mr. White seconded the motion. Roll call vote was made, motion carried.

Appoint board member to sit on CSMD Committee

Ms. Tarr informed the Board that they currently don't have a member to sit on the controlled substance committee. Mr. Silvis explained the procedures and processes of the committee, so the Board has an understanding of what is involved and needed from the Board of Physician Assistants. Mr. White advised he can fill this roll. Ms. Tarr advised that a staff member reach out to him to fill this role. Ms. Lawrence informed the Board of all meeting dates. Mr. Cain made motion to accept Mr. White as the CSMD committee member, seconded by Ms. Free, roll call vote was made, motion passed.

Discuss and consider conference attendance

Ms. Lawrence informed the Board that Ms. Alcock wanted this on the agenda and had information. Mr. Silvis advised that FSMB (state medical boards) has conferences twice a year as well as FARB (general regulatory board) and wanted to ask the Board if they wanted to take care of the expenses needed to attend. Ms. Tarr informed the board in the past this board had a member go to these conferences. Ms. Patterson informed the board she would like to go to the next FSMB conference.

Mr. Silvis advised there is a conference coming up in April for training and knowledge of prescribing review.

Ms. Tarr sent an email to the financial division to review the budget from last Board meeting.

Mr. Cain made motion, based on funds available, to approve a representative from the Board, one staff member, one attorney, to go to said conferences, from FMSB, FARB, and prescribing. Ms. Free seconded motion, roll call vote made, motion carried. Ms. Patterson will go to the FSMB, an attorney will go to FARB. Administrative staff will reach out to board members closer to meeting dates for interest.

Ms. Patterson gave the update from FSMB, in 2019, the FSMB tried to get as many boards as possible, to begin a licensure compact for physician assistants. Medical Boards and Nursing Boards have already started the compact for licensure processes and have had success. Ms. Patterson stated at least nine states were present, it will take seven states to start the compact. The language is being finalized to begin compact licensure processes for physician assistants. Ms. Patterson was asked to be a part of the “sign on committee” due to Tennessee bordering the most states of any other state in the country. FSMB still has items to be worked out and ready for states to sign on. Mr. Cain asked if Ms. Patterson can still be reimbursed for her travels from the last FSMB meeting. Ms. Lawrence informed Ms. Patterson to gather her receipts to process her expenditures.

Ms. Patterson informed the board, FSMB needs to work out the issues with what “home state” is, of principle licensure. This being due to people living in one state and working in another. This would likely default to state of residence. Once all is finalized, the state would have to draft new rules for licensure pathway. Ms. Patterson anticipates this beginning in 2023.

Discuss possible amendment to Re-Entry Policy and Rule Amendment

Ms. Free informed the Board she was speaking with the board attorney about this issue, to allow physician assistants easier access for licensure depending on knowledge and competency. Ms. Patterson informed the board, the cost assessment is burdensome for PLAS assessments, for physician assistants who have been out of practice for a time period. Mr. Cain advised, if a physician assistant is in practice for thirty years, then leaves for a couple years, it's harder to come back into practice than a new graduate.

Ms. Moffat (TAPA) informed the Board the process and policy is very burdensome for physician assistants to re-enter practice. Ms. Moffat advised it's better to regulate on a case-by-case basis, but generally, if a person is out of practice for up to four years, it should be easier for someone to come back to practice or obtain licensure. Ms. Patterson advised she would like to draft a new out of practice policy. Mr. Silvis wanted to remind the board that consistency is key when determining this new policy. Ms. Free advised there was a company, similar to TMF, that would assist with help on re-entry applicants. Ms. Free informed the Board she will get some work done with this topic along with the Board attorney.

UPDATE FROM DR. BARON (Tennessee Medical Foundation)

Dr. Baron reviewed his information with the Board. The cost to monitor a participant in TMF is approximately \$2,000. They have five (5) staff members, two case managers, one medical director, two administrative assistants. They currently have nine physician assistants who are using services. The cost of evaluation is approximately \$3,000 for the side of TMF.

TMF does have a loan fund and there are other scholarships available for participants to assist with the burden of costs. Dr. Baron informed the Board they do receive donations from individuals, throughout the year which helps participants with costs. Currently, the FSMB is trying to de-stigmatize the issues from mental health processes. Dr. Baron provided information on the screening tool questionnaire, which covers multiple issues such as trauma, substance use disorder, or depression, in which health care providers can use online with confidentiality.

DEPARTMENTAL REPORTS

Receive reports from Administrative Office

Ms. Stacy Tarr reported that the following activity regarding Physician Assistants transpired in the administrative office between October 1, 2021 and December 31, 2021

New Applications Received:	87
Total New Licenses Issued:	89
Total Number of Renewals:	322
Total Number of Online Renewals:	293
Average Renewals Online:	90%
Total Number of Reinstatements	2

As of December 31, 2021, the total number of active Physician Assistant licenses is 3,113. Of those licensees, 2,609 have a Tennessee mailing address. The total number of Orthopedic Physician Assistant licensees as of December 31, 2021 is 10

Receive reports and requests from the Office of General Counsel

Mr. Silvis gave report from the Office of General Counsel. The disciplinary coordinators are currently monitoring 2 licensees under board order/reprimand, 9 licensees under probation, 4 licensees under suspension, 9 licensees under revoked status

Current cases from OGC report:

Eight (8) open cases for PA's

Two (2) Consent Order
One (1) Compliance Order

Mr. Silvis reviewed the conflict-of-interest report with the board members.

CONSENT ORDERS

Pamela Davis, PA- Ms. Davis prescribed a schedule II-controlled substance, Adderall, on several occasions to patient E.B., who is Ms. Davis' family, friend or coworker. Ms. Davis maintained a medical record for patient E.B. which reflects that she prescribed the Adderall to patient E.B. for Attention Deficit Disorder and Acne. Ms. Davis did not document that she conducted any pill counts or urine drug screens on patient E.B. Ms. Davis' collaborating physician did not review and sign one hundred percent (100%) of Ms. Davis' charts in which she prescribed a controlled substance to a patient, including when she prescribed Adderall to patient E.B. Ms. Davis acknowledges that it was an oversight that she wrote prescriptions, including for controlled substances, on a prescription pad that does not state the name, address, and telephone number of Ms. Davis' collaborating physician, Dr. Joshua Gapp. Ms. Davis took a course entitled Opioid and Diversion Awareness on the Current State of the Opioid Epidemic by the Federation of State Medical Boards in or around July 2021. Ms. Davis agrees to not prescribe Schedule II controlled substances for the two years following final approval of this order. Ms. Davis understands that this is a formal disciplinary action and will be reported to the National Practitioner Data Bank (N.P.D.B.) and/or similar agency. Board discussion was had by the circumstances of the case.

Mr. Cain made motion to accept the order, seconded by Mr. White, roll call vote taken, motion passed.

Douglas Young, PA- Mr. Young's records indicates that the treatment provided to his patients including prescribing narcotics and other medications and controlled substances in amounts and/or for durations not medically necessary, advisable, or justified for a diagnosed condition. Mr. Young prescribed combinations of controlled substances for his patients without a clear objective finding of a chronic pain source to justify the ongoing and increased prescribing. Mr. Young prescribed controlled substances and other medications without documenting a written treatment plan with regard to the use of controlled substances and other medication. Mr. Young prescribed narcotics and /or other controlled substances to patients when the quantity, duration, and method was such that the patients would likely become addicted to the habit of taking said controlled substances yet failed to make a bona fide effort to cure the habit of such patients or failed to document any such effort. The maximum amount for the assessment of costs shall be Five Thousand Dollars (\$5,000). Mr. Young understands that this is a formal disciplinary action and will be reported to the National Practitioner Data Bank (N.P.D.B) or similar agency.

Mr. Cain made a motion to accept the order, Mr. Weathersby seconded the motion, roll call vote made, motion passed.

Jillian Goles, PA- Ms. Goles has a Tennessee license for practicing as a physician assistant, license number 3217 as of May 2, 2017. On July 19, 2021, the Maryland State Board of Physicians suspended Ms. Goles license to practice as a physician assistant in Maryland for a minimum of one (1) year and ordered her to enroll on the Maryland Professional Rehabilitation Program. Ms, Goles altered her medical record at her place of employment in 2020, in which she had added Adderall to her medication list. Ms. Goles wrote prescriptions of Adderall to herself and a Tennessee citizen without written records of maintaining such. Ms. Goles agrees with having her Tennessee license suspended for no more than five (5) months. Ms. Goles understands that this is a formal disciplinary action and will be reported to the National Practitioner Data Bank (N.P.D.B.). Mr. Cain made motion to accept order, Mr., White seconded, roll call vote made, motion passed.

ORDER of COMPLIANCE

Lisa Gressel, PA- Ms. Gressel has petitioned the Board to have her probation lifted from her Tennessee license. Ms. Gressel's license to practice in Tennessee was put on probation in 2020, due to her documentation of patient's charts falling below the standard of care, with regard of information necessary to show amounts and durations of controlled substance prescribing. Ms. Gressel has complied with the terms of her agreed order. Ms. Gressel is seeking to have probation lifted from her license after having completed the terms from the order. Mr. Cain made motion to accept the order, Mr. White seconded the order, roll call made, motion passed.

Public Comment

NONE

Adjournment at 1:27pm