



**Tennessee Board of Medical Examiners’
Committee on Physician Assistants
Regular Board Meeting**

Friday, April 6, 2018

MINUTES

The regular meeting of the Tennessee Board of Medical Examiners’ Committee on Physician Assistants was called to order at 8:49 a.m. in the Iris Room, Ground Floor, Metro Center Complex, 665 Mainstream Drive, Nashville, Tennessee 37243 by Benjamin Hux.

Board members present: Greg Cain, PA-C
 Bret Reeves, PA-C
 Barbara Thornton, Consumer Member
 Ralph Dailey, PA-C
 Benjamin Hux, OPA-C

Board member(s) absent: Omar Nava, PA-C
 Donna Lynch, PA-C

Staff present: Andrea Huddleston, JD, Deputy General Counsel
 Rene Saunders, MD, Medical Consultant, BME
 Maegan Carr Martin, Executive Director
 Candyce Waszmer, Administrative Director
 Steven Delk, Board Administrator

I. ELECTION OF OFFICERS

The Committee did not elect officers because the statute directs them to elect new officers at the start of each fiscal year. The Committee’s fiscal year ends on June 30, 2018. Furthermore, the Committee would like to hold the elections when more members are present.

II. APPROVAL OF MINUTES

The Committee reviewed the minutes from the February 2, 2018 regular meeting. Ms. Barbara Thornton motioned to approve the minutes. Mr. Ralph Dailey seconded the motion and it passed.

III. APPLICANT INTERVIEWS

Matthew Kahanic – appeared before the Committee without legal representation. Mr. Kahanic has a current monitoring contract, with the Alabama Physician’s Health Program (hereinafter “PHP”), due to a history of substance use disorder. Mr. Kahanic previously had his hospital privileges suspended prior to participation in the Alabama PHP. He reported that he has been in contact with the Tennessee Professional Assistance Program (hereinafter “TnPAP”) and has signed a monitoring contract. Mr. Kahanic addressed his practice intentions in Tennessee. Mr. Mike Harkreader with TnPAP confirmed that Mr. Kahanic does have a current contract and he outlined what is required in his contract. Mr. Greg Cain motioned to approve licensure contingent on the applicant agreeing to comply with the recommendations from TnPAP. Mr. Dailey seconded the motion and it passed.

Reagin Farley – appeared before the Committee without legal representation. Ms. Farley has had two (2) convictions of driving under the influence with the most recent being in 2016. Ms. Farley presented the details surrounding the events and personal challenges leading up to the two convictions. The Committee interviewed Ms. Farley regarding her history of counseling and prescriptions. Ms. Farley acknowledged that she faced difficulty in many areas of her life while taking a particular medication and since ceasing use of that prescribed medication she has seen great improvements in all areas. Mr. Harkreader reports that Ms. Farley has not completed an evaluation with TnPAP. Ms. Barbara Thornton motioned to table this application until Ms. Farley completes an evaluation with TnPAP and to reappear before the Committee with the results of that evaluation. Mr. Cain seconded the motion and it passed.

IV. CONDUCT NEW BUSINESS

- a. Discuss revisions to the Committee’s Re-entry Policy – Ms. Maegan Martin summarized previous deliberations held by the Committee regarding issues presented from their current re-entry policy. Those issues have been:
 - i. The Committee did not want to act as a credentialing body in determining whether or not an applicant is clinically competent to practice. Therefore, the Committee had previously asked all applicants that have been out of clinical practice for two (2) years or greater to complete a PLAS assessment. Feedback from applicants has suggested to the Committee that the PLAS exam may be somewhat costly for applicants.
 - ii. Requiring clinical practice within the last two (2) years may be a rigid trigger and perhaps there could be a lengthier time of out of practice allowed before triggering the need for the re-entry process.

The Committee led a discussion on whether or not two (2) years out of clinical practice should require an applicant to complete the PLAS evaluation in order to obtain licensure. Rather, the applicant could just be required to complete the exam provided through the professions certifying body. As a guide, Ms. Martin presented the Board of Medical Examiners current re-entry policy. After final deliberations and decisions have been made, Ms. Huddleston requests that the Committee promulgate rules pertaining to their re-entry into practice requirements rather than leave it only as a policy.

The Committee leaned towards a tiered approach and discussed inquiring whether or not a physician assistant would be allowed to complete the Physician Assistant National Recertifying Exam (hereinafter “PANRE”) out of cycle. The Committee tabled this discussion in hopes that staff would be able to contact someone from the NCCPA during the meeting.

V. RECEIVE REPORT FROM TNPAP, MIKE HARKREADER

Mr. Harkreader presented before the Committee regarding what has transpired since July 1, 2017 and March 31, 2018:

- Currently monitoring ten (10) licensees
- Of those ten (10) individuals, nine (9) were obtained through the Committee's request for monitoring and the other individual is from a self-referral
- Monitoring has been requested for these individuals due to previous arrest or conviction, diversion or evidence of substance abuse disorder
- Four (4) cases have been closed due to successful completion, evaluated but no monitoring contract was necessary and the other individual completed an evaluation and did not agree to sign a monitoring contract as recommended.

VI. ADMINISTRATIVE OFFICE REPORTS

Ms. Candyce Waszmer presented the statistical licensure data that has transpired from January 1, 2018 through March 31, 2018:

New Applications Received – 74

Total New Licenses Issued – 81

Total Number of Renewals – 223

Total Number of Online Renewals – 189

Average Renewals Online – 85%

Total Number of Reinstatements – 9

Total number of active licensees as of March 31, 2018 was 2,275.

Total number of active licensees as March 31, 2018 with a Tennessee mailing address was 1, 934.

Total number of OPA licenses as of March 31, 2018 was 16.

CONDUCT NEW BUSINESS (CONTINUED)

The Committee members reviewed the list of new and reinstated licenses that have been issued since their last meeting. Mr. Reeves motioned to approve ratification of the licenses. Mr. Dailey seconded the motion and it passed.

CONFERENCE REQUEST

A request has been made for the Committee's approval to send one attorney to the Federation of Associations of Regulatory Boards (FARB) Attorney Seminar. Mr. Reeves motioned to send an attorney from the Office of General Counsel to this meeting. Mr. Dailey seconded the motion and it passed.

CENSUS DATA

The Committee reviewed census data collected by the FSMB. Ms. Martin proposed the Committee may want to partner with the NCCPA in the future for more data. Mr. Reeves' reports that NCCPA collects census data available based on those obtaining certification. Mr. Hux reports the NBCOPA collects similar data and that he may be able to obtain this data for the Committee.

VII. NORANDA FRENCH, REPORT FROM THE BUREAU OFFICE

Ms. French presented the mid-year report for fiscal year 2018. Based on current spending and trends, it is projected for the Committee to end this fiscal year with a positive balance. The Committee did not have any questions or comments.

CONDUCT NEW BUSINESS (CONTINUED)

Ms. Martin reports that the Committee could continue their discussion on re-entry but the discussion will likely need to be tabled since they will not be able to obtain all of the answers to their questions today.

APPLICATION INTERVIEW(S) CONTINUED

Stacy Wegner – appeared before the Committee without legal representation. Ms. Wegner has been out of clinical practice since April 2012. Ms. Wegner appeared telephonically at the last Committee meeting held on February 6, 2018. At that time, the Committee motioned for her to complete the PLAS assessment. After having researched the PLAS assessment options, she reports that completing the assessment will be too costly. Ms. Wegner inquired if the Committee would allow her to prove competency by completing a preceptorship. The Committee and staff led a discussion on their current re-entry policy and how it does not address cases where the applicant has been out of clinical practice for 5-7 years but has recently re-certified with the NCCPA. The Committee deliberated on their options for re-entry given her recent NCCPA re-certification and length of practice prior to being out of practice. Mr. Reeves motioned to grant licensure contingent upon her successful completion of a six (6) week primary care preceptorship. It is understood that the consultant, Dr. Rene Saunders, will review and approve the preceptorship. Furthermore, Ms. Wegner will not need to reappear before the Committee but should cause proof of successful completion to be submitted to Dr. Saunders before the license can be issued. Mr. Cain seconded the motion and the motion passed.

Peggy Lynn Hall-Curci – appeared before the Committee without legal representation. Ms. Hall-Curci has been out of clinical practice since the summer of 2014. She recertified with the NCCPA on April 12, 2016. The Committee interviewed the applicant regarding her practice history. The applicant has seventeen (17) years of practice history and recertified in April of 2016. Mr. Reeves motioned to grant unrestricted licensure. Mr. Dailey seconded the motion and it passed.

Re-entry Policy Discussion (continued)

Ms. Martin proposed that staff could present a revised re-entry proposal at the next meeting based on the Board of Medical Examiners re-entry policy and the Committee's re-entry policy. It was decided that at the next meeting the Committee will address the re-entry policy revisions before interviewing any applicants appearing for re-entry concerns.

Walter Blankenship – appeared before the Committee with Mr. Darrel Townsend as his legal representative. Mr. Blankenship's license to practice in Tennessee has been suspended since 2015 and he has been out of practice since October 2014. Furthermore, his license expired in 2015 while under order for suspension of licensure. Thus, Mr. Blankenship has submitted an application for reinstatement of licensure. Since the previous order of this Committee suspending his license, Mr. Blankenship has been convicted of a felony, is not currently NCCPA certified and has not submitted the required one hundred (100) hours of continuing medical education (hereinafter "CME") for the 2015-2016 biennial period required for the reinstatement application.

Ms. Mary Katherine Bratton represented the state. Ms. Bratton advised the Committee that they have two matters to consider. One of which is to determine if Mr. Blankenship's license shall be reinstated (to suspended status). The other matter is to review and consider ratification of the consent order which would lift his suspension and place his license on probation. Ms. Bratton reviewed the terms of the

consent order. This order places his license on probation for seven (7) years and implements various other terms and restrictions.

Mr. Blankenship addressed the Committee providing an explanation of the events preceding his charges and subsequent indictment. He reports that after completing the continuing education seminar, he is currently enrolled in and should have 100 hours by tomorrow. Also, he is due to recertify but NCCPA wants his license to be active before they will permit him to take the recertification exam. Dr. John McElligott advocated for Mr. Blankenship and reports he has offered to be his supervising physician and practice monitor.

Mr. Reeves proposed to approve reinstatement of licensure contingent upon successful completion of one hundred (100) continuing medical education (hereinafter “CME”) hours and completion of the NCCPA certification. The Committee led a discussion on whether or not Mr. Blankenship should participate in a preceptorship program considering he has been out of practice for three (3) years. It has been noted that Mr. Blankenship has been shadowing Dr. McElligott for two (2) months. Mr. Blankenship reminded the Committee that he has been told by the NCCPA that he needs a license in order to recertify.

Mr. Dailey motioned to adopt the consent order with adjustments to any dates to permit him enough time to complete the re-entry preceptorship and the conditions within the order. It was advised that the Committee focus on making a motion regarding the reinstatement application first.

The Committee led a discussion on whether they wish to require Mr. Blankenship to obtain NCCPA recertification prior to his commencing practice. Ms. Bratton read over an e-mail response from the NCCPA review committee that was sent to Mr. Blankenship and advised the Committee that they have not directly stated he cannot take the recertification examination with his license in expired-suspended status but they are reviewing the matter still. Ms. Bratton proposed the Committee could grant a contingent license requiring him to complete the CME hours and the recertification examination; then the consent order dates would be modified to adhere to when his license would be reinstated after successful completion of those contingences. Mr. Dailey motioned to grant reinstatement of licensure contingent on completion of his one hundred (100) CME hours and successful certification examination and to ratify the consent order with the alteration that the effective date of the consent order would not be until the issuance of his license. Mr. Reeves seconded the motion and it passed with one abstention from Ms. Thornton. It was advised that Mr. Blankenship reappear before the Committee if the NCCPA does not allow him to take the recertification exam and to submit proof of their formal decision.

VIII. OFFICE OF GENERAL COUNSEL REPORT

Ms. Huddleston provided the report from the Office of General Counsel which included the following updates:

1. Conflict of Interest reminder.
2. No pending rulemaking matters.
3. There is one appeal in process.
4. There are thirteen (13) cases in the Office of General Counsel for prosecution regarding eight (8) separate Respondents.

CONSENT ORDER

Whitney Davis, PA – did not appear before the Committee nor did a legal representative. Mr. Samuel Moore represented the State. Ms. Davis was licensed in 2014. A review of fourteen (14) medical records for patients to whom Respondent prescribed controlled substances indicated that the treatment provided

and prescriptions issued were not medically necessary, advisable, or justified for a diagnosed condition. This and other facts stipulated in the order are grounds for discipline. This order suspends Respondent's license for a period not less than three (3) years and until Respondent has complied with the other requirements within the order. Mr. Dailey motioned to adopt the consent order. Mr. Reeves seconded the motion and it passed.

AGREED CITATION

Cassandra Grieb, PA – did not appear before the Committee nor did a legal representative. Ms. Waszmer presented this citation. Ms. Grieb practiced on a lapsed license for a period of two (2) months. Ms. Grieb has agreed to the terms of the citation and payment of a six hundred (\$600.00) civil penalty fee. Ms. Thornton motioned to ratify to citation. Mr. Dailey seconded the motion and it passed.

IX. LORI LEONARD, REPORT FROM THE OFFICE OF INVESTIGATIONS

Ms. Leonard presented the following information to the Board.

Currently in the Office of Investigations there are:

- Five (5) licensees on probation
- Two (2) on suspension
- Seven (7) revoked or surrendered
- Three (3) under board order

Complaints Year-to-Date:

- Twelve (12) new complaints opened
- Two (2) closed with no action due to sufficient evidence
- Twenty-one (21) closed and were sent to be investigated
- Three (3) closed with a letter of warning
- Twenty-one (21) files pending in investigations and/or review

The meeting adjourned.