



**TENNESSEE BOARD OF MEDICAL EXAMINERS’
COMMITTEE ON PHYSICIAN ASSISTANTS
Regular Committee Meeting**

October 2, 2020 and October 26, 2020

MINUTES

The regular meeting of the Tennessee Board of Medical Examiners’ Committee on Physician Assistants (hereinafter, “the Committee”) was called to order on October 2, 2020 and was continued to October 26, 2020 to finish the meeting at 9:00 a.m. in the Poplar Room, Ground Floor, MetroCenter Complex, 665 Mainstream Drive Nashville, TN 37243 by Bret Reeves.

Committee Members Present: Bret Reeves, PA-C
 Barbara Thornton, Consumer Member
 Marie Patterson, PA-C
 Christina Free, PA-C

Committee Members Absent: Gary L. Tauxe, OPA-C
 Gregory Cain, PA-C
 Donna Lynch, PA-C

Staff Present: Rene Saunders, MD, Medical Consultant
 Angela Lawrence, Executive Director
 Stacy Tarr, Executive Administrative Director
 Tracy Alcock, Senior Associate General Counsel
 Lori Leonard, Disciplinary Coordinator
 James Marrs, Committee Administrator

Ms. Angela Lawrence made opening remarks and provided an overview of the requirements for a special meeting electronically. All of the requirements were satisfied. The electronic meeting was scheduled for the purpose of considering time sensitive matters in light of the covid-19 pandemic. Ms. Marie Patterson motioned for approval to conduct the meeting electronically for this purpose and Mr. Bret Reeves seconded the

motion. A roll call vote was taken and it passed. By roll call confirmation, all members present attested that they received all meeting materials prior to the meeting.

APPROVAL OF MINUTES

The Committee reviewed the minutes from the July 10, 2020 Committee meeting. Minor corrections were noted. Ms. Lynch made a motion to approve the minutes with those minor corrections. Ms. Thornton seconded the motion. A roll call vote was taken and the motion passed.

CONDUCT NEW BUSINESS

Ratification of New Licenses

Ms. Marie Patterson motioned to ratify the new and reinstated licenses. Ms. Christina Free seconded the motion. A roll call vote was taken and the motion passed.

Discuss and take action regarding rulemaking hearings, rule amendments and policy statements

Ms. Alcock stated that there is no action currently required regarding rulemaking hearings, rule amendments, or policy statements.

Presentation by Ms. Katherine Moffat, Executive Director, Tennessee Academy of Physician Assistants (TAPA).

TAPA's Re-entry Policy- Ms. Moffat presented a draft policy for consideration and ratification. Ms. Moffat discussed how difficult it can be for individuals to re-enter the licensing process after being out of the profession for an undetermined amount of time. Ms. Moffat recommended bringing a re-entry consultant on board for the Committee to help be a liaison between the board consultant and the applicant. Ms. Moffat recommended the liaison would spend time to review the files with the applicant, which would result in faster processing times rather than a delayed process. Ms. Moffat proposed that the applicant would be properly vetted after such a thorough review with the liaison before being presented to the medical consultant or the board members for approval. Ms. Moffat believed that this process would also help protect the integrity of applicant processing therefore, protecting the consumers and the citizens of Tennessee. Structure of the legality, pathway procedures, and finances were discussed amongst the members present. Bret Reeves made the motion to table the issue until a future meeting. The motion was seconded by Barbara Thornton. The motion passed.

Presentation by Dr. Michael Baron, Medical Director, Tennessee Medical Foundation.

Proactive Mental Health Screening- Dr. Baron presented a draft policy for consideration and ratification. Dr. Baron discussed how the TMF agency has shifted

focus from reactive procedures to a proactive outreach program. Dr. Baron outlined how the front-line personnel in the medical field have been stressed significantly due to many factors, one being the covid-19 pandemic. Dr. Baron introduced the Tennessee Professional Screening Questionnaire which is intended to help health professionals with mental health resources in their area of residency in the State of Tennessee. This is a free and anonymous outreach program that pairs the healthcare professional to a mental health associate in their area based from the outcome of the screening tool answers. Dr. Baron requested advertisement of such program sent via email blasts from the Committee to all active licensees in the State of Tennessee. New training, procedure, and coordination efforts were discussed with members present. Marie Patterson made motion to provide this resource to all active licensees through e-mail blasts. The motion was seconded by Barbara Thornton. The motion passed.

DEPARTMENTAL REPORTS

Receive reports and/or requests from the Office of Investigations

Ms. Leonard moved to the review of the Investigative Report. To date in 2020, thirty-seven (37) new complaints have been opened: one (1) for unlicensed practice eighteen (18) regarding unprofessional conduct, one (1) Violation of order, two (2) medical record requests, three (3) for over prescribing, two(2) for outside of investigative scope. (Note: Ms. Leonard advised thirty-seven opened, mentioned twenty-seven of those in report).

Thus far in 2020, thirteen (13) complaints have been closed: one (1) for insufficient evidence to formally discipline, five (5) were forwarded to the Office of General Counsel for formal discipline, Five (5) complaints were closed with no action, one (1) with letter of concern, one (1) with letter of warning. Ms. Leonard reminded the Committee that both letters of concern and letters of warning are not considered formal discipline and are not reportable to the National Practitioner Databank. Currently, there are forty-one (41) complaints open that are being investigated/reviewed.

Regarding Orthopedic Physician Assistants, there have been no complaints opened in 2020. One (1) complaint has been closed with a letter of warning. No open complaints are being investigated at this time.

Ms. Lori Leonard, Disciplinary Coordinator, reviewed both the currently monitored practitioner report and the complaint report. Currently, she is monitoring two (2) licensee's under reprimand, six (6) licensees under probation, three (3) licensees under suspension, and seven licensees under revocation/surrendered licenses.

Receive financial reports/or requests from Division of Health Licensure and Regulation

Ms. Alicia Grice addressed the Committee and advised she was the new financial director. She provided the fiscal year report for 2020. Ms. Grice reminded the Committee this fiscal cycle was from July 1, 2019 through June 30, 2020. Ms. Grice presented the revenue and expenditures with comparison for years 2018 and 2019. Expenditures for fiscal year 2020 were \$717,000 and revenue was \$311,000. Finances are still good, due to the healthy carry over balance from the last fiscal cycle. Ms. Grice provided a bar graph with direct expenditures from the Committee. Also provided was a pie graph of revenue, renewals and first-time registration, which marks the greatest revenue for the Committee. The bar graph of expenditures from last five (5) years outlined that expenditures outweighed revenue for the fiscal year. Ms. Grice advised no recommendations at this time.

Receive reports from the Administrative Office

Ms. Stacy Tarr reported that the following activity regarding Physician Assistants transpired in the administrative office between January 1, 2020 and September 30, 2020:

New Applications Received:	112
Total New Licenses Issued	70
Total Number of Renewals	298
Total Number of Online Renewals	269
Average Renewals Online	90%
Total Number of Reinstatements	5

As of September 30, 2020, the total number of active Physician Assistant licenses is 2,702. Of those licensees, 2,290 have a Tennessee address. The total number of Orthopedic Physician Assistant licensees as of September 30, 2020 is 10. Discussion held by members present of increase of initial applications being processed as well as an increase in licensure in the State of Tennessee. Ms. Tarr advised the Committee has a new administrator, James Marrs, as the prior administrator, Orlanda Folston, has retired after over 30 years of service.

Discuss legislation and take action if needed

Ms. Stacy Tarr stated that there is no action currently required for legislation.

Receive reports from the Office of General Counsel

Ms. Alcock advised of contested case hearing for Colton Lowe, PA will take place in November of 2020 to be ruled on by an administrative law judge, such order to be ratified by the Committee at the meeting in January 2021.

Ms. Alcock gave report from the Office of General Counsel. Ms. Alcock reminded the Committee of conflicts in which if anyone has a personal or financial interest in any case to excuse themselves from that case. Ms. Alcock advised the Committee has several pending rule amendments being reviewed. The Committee seeks to change the rule titled "qualifications of licensure" and adding a paragraph for outlining the requirements for being out of the work force for several years and re-entry pathways of obtaining licensure. Ms. Alcock advised the Committee of an additional rule amendment concerning replacing the mention of the current code of ethics with the American Academy of Physician Assistants' Guidelines for Ethical Conduct for the PA Profession. Ms. Alcock advised the that two (2) consent orders would be presented.

Contested Case

State of Tennessee v. Casey Messer, PA
Poplar Room
Administrative Law Judge: Shannon Barnhill
Counsel for State: Tracy Alcock
Counsel for Respondent: Rob McKinney

Discussion held of scheduling for contested cases going forward, by the members present.

Consent Order

Whitney Ross, PA – Respondent was not present, but was represented by legal counsel, Andrea Huddleston. Ms. Tracy Alcock represented the State. Respondent was licensed by the Committee in February 2013 with a current expiration date in November 2021. From 2018 to December of 2019 respondent owned and treated patients at Sale Creek Primary care in Sale Creek, TN. The department reviewed the controlled substance monitoring database as such investigated the respondents prescribing practices. In 2019, the respondent, who was dealing with personal stressors in her life, began abusing controlled substances. While working at Sale Creek respondent began treating her co-worker as a patient, MR. After realizing her addiction to controlled substance, responded met with Tennessee Medical Foundation and agreed to spend 90 days in inpatient treatment. Subsequent, to her release from treatment, Respondent signed a five (5) year agreement with TMF to conduct screenings, meet quarterly with her monitor, obtain required therapy at her own cost, and other requirements. Respondent hasn't been in practice since December 2019. Responded has agreed to two grounds of discipline, including unprofessional conduct and habitual intoxication.

Responded has agreed to license being reprimanded. Responded must meet 100% of her monitoring by Tennessee Medical Foundation. Tennessee Medical Foundation shall submit quarterly reports. Any violation of order will result in further grounds of discipline. Respondent must pay reasonable cost of prosecuting case not to exceed \$3,500. Respondent understands this formal disciplinary action will be reported to the National Practitioner Database (N. P. D. B). Marie Patterson made a motion to accept order; Bret Reeves seconded, and motion passed.

Agreed Order

Lisa Gressel, PA- Respondent was not present, and was not represented by legal counsel. Lara Gill represented the State of Tennessee.

Agreed Citations

Ms. Alcock brought forth to the Committee agreed citations to be ratified from the following list:

- **Edward Freidman, PA-** Agrees that he did not meet continuing education hours as he is lacking two (2) hours of controlled substance prescribing. He agrees to pay (\$40) forty dollars civil penalty fee, make up the two (2) hours deficiency, and obtain ten (10) hours of penalty hours. Barbara Thornton made motion to accept agreed citation, seconded by Christina Free. Motion passed.

- **Megan Huddleston, PA-** Agrees that she is lacking two (2) hours of continuing education hours for controlled substance prescribing. She agrees to pay (\$40) forty dollars civil penalty fee, make up two hours of continuing education hours in controlled substance prescribing, and obtain ten penalty hours. Barbara Thornton made motion to accept agreed citation, seconded by Christina Free. Motion passed.

- **Richard Swift, PA-** Agrees that he is lacking two hours of continuing education hours in controlled substance prescribing. He agrees to pay (\$40) forty dollars civil penalty fee, make up the two (2) hour deficiency in controlled substance prescribing, and obtain ten (10) penalty hours of continuing education credits. Barbara Thornton made motion to accept agreed citation, seconded by Marie Patterson. Motion passed.

- **Wayne Ladner, PA-** Agrees that he is lacking thirteen (13) hours of continuing education, including two (2) hours of controlled substance prescribing. He agrees to pay (\$260) two hundred sixty dollars, make up the thirteen deficient hours, including two hours in controlled substance, and obtain ten penalty hours. Marie Patterson made motion to accept agreed citation, seconded by Barbara Thornton. Motion passed.

Order Modification

Ms. Alcock advised of a request was made for order modification from Walt Blankenship, PA. Mr. Blankenship was in attendance for the WebEx meeting without counsel present. Ms. Alcock advised that Mr. Blankenship sent in letters asking to modify current order with the Committee. The current consent order from May 2018 was from a criminal indictment from prescribing practices, and states Mr. Blankenship needed to provide eight (8) monitoring reports from his monitor, within two (2) years, outlining progress going forward. At this time, he currently has seven (7) monitoring reports from his monitor and requested the eighth report to be withdrawn as his monitor's health was in question. After discussion a motion was made by Barbara Thornton to deny request of removing the eighth monitor report from the original consent order. The motion was seconded by Christina Free. The motion passed.

The Committee discussed Mr. Blankenship having one monitor or the option to have a second monitor if the health of the original monitor was in question. Bret Reeves made the motion to consider authorizing the board consultant, Dr. Saunders, having authority to review and potentially approve a new monitor for the submission of the eighth report if needed, seconded by Barbara Thornton and motion passed.

Public Comment

No public comments were made.

Adjournment

Barbara Thornton made motion to adjourn meeting, seconded by Marie Patterson and motion passed.