



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

January 8, 2016

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 January 8, 2016 at 9:00 am (Central).

Members Present: **Omar Nava, PA-C, Chairman**
Beverly Joan Gardner, PA-C
Benjamin Hux, OPA-C
Donna Lynch, PA-C
James Montag, PA-C
Bret Reeves, PA-C
Barbara Thornton, Public Member

Members Absent: None

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

Mr. Omar Nava, Committee Chairman, called the meeting to order at 9:01 a.m. The Chairman determined that a quorum was present.

Rulemaking Hearing

Ms. Bratton, Assistant General Counsel, began the rulemaking hearing by informing the committee of the proposed amendments to Rule 0880-10 -.06. The biennial licensure renewal fee will be reduced to \$175.00 for Orthopedic Physician Assistants. All formalities for the rulemaking hearing were observed including a motion, second and roll call vote to approve the rule as revised. All members voted aye.

Ms. Bratton informed the committee that the rule change will now be reviewed by the Attorney General's office. Ms. Bratton will request that this rule be considered at the same time as the physician assistant fee decrease.

Approval of Minutes

Mr. Montag made a motion to approve the October 2, 2015 minutes. Mr. Montag's motion was seconded by Mr. Hux. The motion carried.

Applicant Interview(s)

Santin, Ana – Ms. Santin was asked to appear before the Committee to address her clinical inactivity since graduating from University of Kentucky's physician assistant program in August of 2013. The Committee interviewed Ms. Santin, 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. Ms. Santin 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. Ms. Santin must also complete twenty (20) hour pharmacology course selected by her approved preceptor in the field of his or her practice but which includes instruction in prescribing for diabetes, hypertension and high cholesterol.

Mr. Montag made a motion to issue a license contingent upon satisfaction of the aforementioned contingencies. Mr. Reeves seconded the motion. Ms. Lynch opposed the motion. The motion carried.

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.

Conflict of Interest Forms

The conflict of interest forms were executed and completed and returned to Ms. Evans for processing.

OGC Report

Ms. Bratton, Deputy General Counsel, informed the Committee that there are seven (7) open cases pertaining to four (4) respondents 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 information will be forwarded to the Attorney General's office where the PA fee reduction and CME language changes are also being reviewed. Ms. Bratton believes that the

aforementioned items will be bundled together and reviewed at the same time so that they all become effective on the same date.

Ms. Martin added that the Committee will be subject to an internal audit in 2017 in accordance with TCA § 4-29-101.

Statistical Report

Ms. Tarr reported that from September 1, 2015 through December 31, 2015 there have been ninety-eight (98) new applications, ninety-one (91) new licenses issued, two hundred and sixty three (263) renewals and five reinstatements. The percentage of online renewals is eighty percent (80%). The number of active licensees as of December 31, 2015 was 1,854. 1,610 of those licensees have a Tennessee mailing address. The total number of Orthopedic Physician Assistants (OPAs) as of December 31, 2015 was twenty (20).

Continuing Education Report

Ms. Tarr reported that from January 2015 through June 2015 there were seventeen physician assistants audited. Eleven of those audited were compliant, six were noncompliant. The compliant rate is sixty-five percent (65%) and noncompliant rate is thirty-five (35%). All six were deficient in the amount of CEU's hours required. There were two OPAs audited and both were determined to be compliant.

Discussion Regarding Continuing Medical Education

In 2014, the Committee authorized the administrative office to issue a warning letter if a licensee failed to obtain the prescribing course required by TCA § 63-1-402. This warning letter was authorized as a temporary measure to bring licensees into compliance during the period of transition to the new requirement. A licensee determined to be deficient in the course would still have to complete the course; however, he or she would be able to do so within thirty days of receipt of the letter without penalty. Ms. Martin suggested that this might be a natural time to cease issuing the warning letters, as the requirements has been in effect for several years now. The Committee discussed the issue and agreed that warning letters were no longer proper. Mr. Montag made a motion to cease issuing warning letters for the purpose of transitioning to the requirements of 63-1-402. Mr. Hux seconded the motion. The motion carried.

Ms. Martin asked the Committee to consider what period the discussion regarding the interpretation of the Rule 0880-03.12(2)(a)(2). After extensive discussion, the Committee agreed that the relevant period for a CME audit should be in the two calendar years preceding the year of renewal. Mr. Nava recommended that the rule should be amended so that all CME should be earned in the 24 months preceding the licensee's expiration date. Mr. Reeves suggested that the language referring to the NCCPA should be removed.

Final Update Regarding St. Augustine's Application

Ms. Martin informed the Committee that the final letter was sent to St. Augustine informing it of the Committee's denial of its application for approval on December 21, 2015. That correspondence confirmed that the Committee's decision had been ratified by the Board of Medical Examiners and the Commissioner of Health.

Discussion Regarding Acceptable Pharmacology Course

Dr. Saunders asked for the Committee's guidance in determining an appropriate pharmacology course that would satisfy the Committee's re-entry policy. The Committee concluded that it would like for the course to cover topics in primary care, controlled substance prescribing and also any special coursework which would be relevant to the PA's specialty area. Ms. Bratton said that a rule change would likely be needed to outline the requirements of the Committee's re-entry policy. She asked Committee members to send her special topics and thoughts on the policy so that she might begin developing some possible language for the Committee's review.

Discussion Regarding Appointment of Committee Consultant

Mr. Nava asked the Committee members to specify what information they would like to review in evaluating possible consultants for the Committee. It was decided that a CV would be sufficient. The administrative office will reach out to candidates to gauge their interest and solicit a CV or resume. The Committee is considering the appointment of three (3) separate consultants to review applications and review complaints. At least one consultant should be an OPA.

Investigation & Disciplinary Report

Ms. Nichelle Dorroh reported that there are currently eighteen (18) complaint cases open against physician assistants in the Office of Investigations. Eleven (11) of those open cases are ready for review. The office is currently monitoring fifteen (15) individuals. There are currently no complaint cases against orthopedic physician assistants in the Office of Investigations.

Financial Report

Ms. Vanessa Crutcher reviewed the financial report with the Committee. Ms. Crutcher summarized FY 2015 numbers: direct expenditures were \$45,931.00, allocated expenditures were \$70,839.00 and total expenditures were \$116,771.00. The Committee's annual revenue was \$252,261.00 with a year net of \$135,490.00 and carry forward of \$602,830.00.

TNPAP Report

Mr. Mike Harkreader, representative of TNPAP, reported that from July through December 2015, his office monitored ten (10) licensees. Of the ten, three (3) are referrals from the Department of Health, six (6) are non-voluntary referrals, and one (1) voluntarily entered the

program. There were 2 referrals, one (1) referral from the Department of Health, one (1) employer, of the two (2) referred both were for substance use disorder. One (1) individual was in treatment during this time frame and three (3) monitoring agreements were signed during the six (6) month period. Two (2) files have been closed. 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 prescribed in the state are working. The disciplinary report for prescribing violations was projected and presented by Ms. Bratton.

Public Chapter 832

Ms. Martin informed the committee of Public Chapter 832, which was passed in 2014. The bill vested The Board of Pharmacy to work with the Board of Medical Examiners and Board of Osteopathic Examination in order to promulgate rules related to the minimum components which should be included in a collaborative practice agreement. The rulemaking was in December of 2015.

Public Chapter 475

Ms. Bratton summarized Public Chapter 475 for the Committee, which if passed, will become effective July 1, 2016. The bill requires all certificate holders or owners of a pain management clinic to be a MD, DO, PA or APN. The bill also redefines the term, "Medical Director" to require that he or she must be a pain management specialist as that term is defined under existing law. Medical Directors have until July 1, 2016 to become a pain management specialist. All practicing APN's or PA's must be supervised by a pain management specialist when working in a pain clinic.

Public Chapter 494

Ms. Martin informed the committee of Public Chapter 494, which was effective January 1, 2016. The bill states that any entity offering cosmetic services is a medical spa and must be registered with the Department. The public chapter amends existing law to eliminate the "carve-out" for a physician's office.

Conduct New Business

Mr. John Williams asked to address the Committee and informed members that there are two (2) bills that he anticipates will affect PA's which will be considered in the upcoming legislative session. The first bill is in regard to youth sports and concussions suffered by football players. The bill sets up guidance that is provided to coaches, parents and school officials: it basically

states when a child is injured and believed to have a possible concussion, the player is required to be removed from playing.

The second bill is an initiative of the Tennessee Association of Podiatrist. The bill will allow a Podiatrist to serve as a supervising physician of a physician assistant. The bill would permit the supervised PA to perform everything that is within the scope of practice of podiatry.

Discussion of Upcoming Conferences

Ms. Martin informed the Committee of the FSMB Annual Meeting dates of April 28th - 30th as well as dues owed for continued participation in the organization. Ms. Martin suggested authorizing a Committee member (or two), an attorney staff person, and an administrative staff person to attend. Mr. Montag made a motion to continue membership with FSMB and pay the dues. Ms. Thornton seconded the motion. The motion carried.

Ms. Gardner made a motion to approve sending an attorney and a staff member to attend the FSMB Annual Meeting. Mr. Montag seconded the motion. The motion carried.

Mr. Montag made a motion to approve two (2) committee members to attend the FSMB Annual Meeting. Ms. Thornton seconded the motion. The motion carried.

Ms. Thornton informed the committee of her interest in attending the FSMB Annual Meeting. Ms. Martin asked the Committee to notify her if they are interested and available to attend.

Discussion of Lapsed License Policy

Ms. Bratton stated that the Committee's somewhat recently revised its lapsed license policy. However, an issue arose in another profession which led the Department to suggest a division-wide revision to the policy so that all Boards, Committees and Councils address the issue in the same way. The Committee considered the minor revisions and agreed to accept the policy as revised. Mr. Montag made a motion to accept the revised policy. Mr. Hux seconded the motion. The motion carried.

The Committee discussed the need to address telemedicine and revisions to its re-entry policy. The Committee agreed to meet for a full day at the April meeting to attempt to address these issues. An all-day meeting will be scheduled as well as a working lunch.

Adjournment

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