



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

Friday, January 11, 2019

MINUTES

The regular meeting of the Tennessee Board of Medical Examiners’ Committee on Physician Assistants (hereinafter, “the Committee”) was called to order at 9:00 a.m. in the Iris Room, Ground Floor, Metro Center Complex, 665 Mainstream Drive, Nashville, Tennessee 37243 by Mr. Bret Reeves.

Members Present: Ralph Dailey, PA-C
 Bret Reeves, PA-C, Chairman
 Donna Lynch, PA-C
 Marie Patterson, PA-C
 Gregory Cain, PA-C

Staff Present: Rene Saunders, MD, Medical Consultant
 Angela Lawrence, Director
 Candyce Waszmer, Administrative Director
 Stacy Tarr, Administrative Director
 Brandi Allocco, Board Administrator
 Andrea Huddleston, Office of General Counsel

APPROVAL OF MINUTES

The Committee reviewed the minutes from the October 5, 2018 regular meeting. Mr. Russ Dailey made a motion to approve the minutes. Ms. Marie Patterson seconded the motion. The motion passed.

The Committee reviewed the minutes for the October 29, 2018 Teleconference Meeting. Ms. Patterson made a motion to approve the minutes. Mr. Dailey seconded. The motion passed.

DECLARATORY ORDER-GAMAL ALSHOBARI

Ms. Andrea Huddleston passed out an Agreed Order for consideration by the Committee. Mr. Dailey made a motion to accept the Agreed Order as written. Ms. Patterson seconded. Mr. Bret Reeves, Mr. Gregory Cain and Ms. Donna Lynch opposed. The motion did not pass. The Committee moved forward with the Declaratory Order hearing.

Judge Rob Wilson presided. Mr. Gamal Alshobari appeared without legal representation. Ms. Huddleston with the Office of General Counsel represented the Department. Judge Wilson reported this hearing is to consider the petition for Declaratory Order filed by Mr. Alshobari. Mr. Alshobari petitioned the Committee due to not meeting the education requirements for Orthopedic Physician Assistant (hereinafter "OPA") license.

Mr. Alshobari addressed the Committee. Mr. Alshobari stated he feels he meets requirements as he was exempt from the educational program and allowed to sit for the NBCOPA exam which he passed, became certified and has thirty-seven (37) years' experience. Mr. Alshobari received degree in Egypt in 1981, he stated, that is equivalent to medical doctor degree. Mr. Alshobari reported he practiced as an orthopedic surgeon in Egypt beginning in 1986 and was an orthopedic surgeon in Saudi Arabia for 20 years. Mr. Alshobari moved to the United States and began working as an orthopedic technologist, was then exempt from the surgical assistant program and allowed to sit for the exam and became certified as a surgical first assistant. Mr. Alshobari has been practicing as a surgical first assistant.

Ms. Huddleston distributed proposed findings to the Committee. The Committee reviewed Rule 0880-10-.04.

Mr. Cain made a motion to deny the applicant a license as an OPA. Ms. Lynch seconded. Mr. Dailey and Ms. Patterson opposed. The motion passed.

Mr. Cain made a motion to accept the Conclusion of Law and Findings of Fact. Ms. Lynch seconded. Mr. Dailey and Ms. Patterson opposed. The motion passed.

The hearing was concluded.

CONSENT ORDER-THEODORE MCCRARY

Ms. Tracy Alcock with General Counsel presented consent order for Mr. Theodore McCrary. Mr. McCrary was employed Comprehensive Health Care Systems and East Knoxville Healthcare Services in Knoxville, TN. While employed at these locations he prescribed opioids and other narcotics to hundreds of patients outside of his scope of professional practice and without a legitimate Medical purpose. Items were filed in Federal Court and Mr. McCrary entered into a plea agreement. Mr. McCrary admitted to writing prescriptions outside of his scope of professional practice and without a legitimate medical purpose. Mr. McCrary filed to report the federal indictment and felony conviction to the Committee within the seven (7) day required by law. Mr. McCrary agreed that he committed unprofessional, dishonorable, or unethical conduct and agreed that he has prescribed controlled substances in violation of law. Mr. McCrary has agreed to permanently voluntary surrender his Physician Assistant license.

Mr. Cain made a motion to accept the consent order. Ms. Paterson seconded. The motion passed.

PRESENTATION BY DR. MICHAEL BARON

Dr. Baron, Director of the Tennessee Medical Foundation (hereinafter “TMF”), presented update to the Committee. Dr. Baron reported TMF is currently monitoring eleven (11) Physician Assistants across Tennessee. On October 1, 2018 TMF began using a smart phone app for electronic monitoring of compliance of participants. Dr. Baron stated he would update the Committee again in six (6) months.

RE-ENTRY POLICY DISCUSSION

The Committee discussed with the new statute allowing issuance of a limited license it would seem to make preceptorship easier. It was mentioned the uncertainty of obtaining malpractice insurance for both the physician assistant and the precepting physician. It was decided to first establish the trigger.

Mr. Reeves made a motion to set the trigger for remediation to be four (4) years. Mr. Dailey seconded. The motion passed.

Mr. Reeves made a motion for the next threshold to remediation is greater than seven (7) years but less than ten (10) years and the third threshold be greater than ten (10) years. Mr. Dailey seconded. The motion passed.

Mr. Reeves made a motion to require NCCPA certification for greater than two (2) years but less than four (4) years. Mr. Dailey seconded. The motion passed.

Mr. Reeves made a motion to resend the approved motion of NCCPA certification for greater than two (2) but less than four (4) years. Mr. Cain seconded. The motion passed.

Discussion took place around requiring NCCPA certification for all thresholds. If applicants are currently NCCPA certified no exam is available, however if certification has lapsed applicant would be required to take test to recertify with the NCCPA.

Concerning applicants that have been out of clinical practice for more than four (4) years but less than seven (7) Mr. Cain made a motion to require NCCPA certification and successful completion of eight (8) week Committee approved preceptorship in either primary care or the area of intended specialty and instruction in pharmacology. Preceptor must perform one hundred (100) percent chart review and be on site or completion of a formal PLAS assessment with any deficiencies resolved. A twelve (12) month limited license will be issued after the preceptor has been approved. Ms. Patterson seconded. The motion passed.

It was asked how preceptors would be approved. Dr. Saunders relayed for the Board of Medical Examiners the preceptor is asked to submit a CV to Dr. Saunders which she reviews and then verifies the preceptors TN license is current and unencumbered. It was also clarified that applicant must be NCCPA certified prior to beginning preceptorship.

It was said a twelve (12) month temporary license seems long for an eight (8) week preceptorship.

Mr. Dailey made a motion to issue a limited license for six (6) months. Ms. Patterson seconded. The motion passed.

Discussion took place regarding the next tier for remediation of more than seven (7) but less than ten (10) years. Motions were made and approved regarding different components of remediation of this tier as follows:

Mr. Dailey made a motion to have a Committee approved preceptorship for fifteen (15) weeks. Mr. Cain seconded. The motion passed.

Ms. Patterson made a motion for the limited license be issued for twelve (12) months. Mr. Cain seconded. Mr. Dailey and Ms. Lynch opposed.

Committee discussed and decided on nine (9) months and the option of preceptorship or PLAS assessment the same as the greater than four (4) less than seven (7) tier. No motion was made as Ms. Huddleston stated she had the items need for the draft. It was stated that the preceptorship hours would be the equivalent of full time but not necessarily forty (40) hours a week.

Discussion moved to the greater than ten (10) years and it was stated that after ten (10) years a formal assessment by professionals that are standardized and vetted to evaluate clinical skills seemed appropriate. The assessment, completion of the evaluation recommendations or clinical rotation and proof of successful completion must be received within twelve (12) months of referral to the program or the application will be closed. The applicant must appear before the Committee before being granted licensure, even if to issue a limited license.

It was clarified that the Committee will need to approve the preceptorship in all cases prior to issuing a limited license.

Discussion took place surrounding the administrative requirements when the applicant is ready to upgrade to from a limited license to a full license. The Committee discussed and agreed for an upgrade fee of fifty dollars (\$50) and a new criminal background check if the one in the application file is greater than six (6) months. A new application would not be required.

For the purpose of this rule/policy it was unanimous to define “out of clinical practice” as direct patient care of a least two (2) patients per year prior to application. Regarding educators the applicant must be primarily engaged, more than fifty (50) percent, in the education of physician assistant students at an accredited school.

APPLICANT INTERVIEWS

Kara Evans appeared without counsel. Ms. Evans appeared for being out of practice for more than two (2) years and failed the PANCE twice, however she is now NCCPA certified. Ms. Patterson made a motion to approve Ms. Evans for licensure. Mr. Cain seconded. The motion passed.

Teresa Lang appeared without counsel. Ms. Lang appeared for being out of clinical practice for eight (8) years. Ms. Lang reported she is currently NCCPA certified. She reported in December she took and passed the PANRE. Ms. Lang elected to do a preceptorship. Mr. Cain made a motion to administer a

nine (9) month limited license to Ms. Lang pursuant to Dr. Saunders approval of a preceptor plan submitted to the administrative office by Ms. Lang. Ms. Patterson seconded. The motion passed.

Dawn Lewis appeared without counsel. Ms. Lewis appeared for being out of practice since May of 2016. Ms. Lewis is not NCCPA certified. Ms. Lewis holds an active New York license. Ms. Lewis stated that she had practiced doing pro bono work in December of 2017. Ms. Lewis is scheduled to sit for the NCCPA exam after completing the required one hundred (100) CME hours. Ms. Lewis neglected to provide her Arizona license information on the application and was asked to supply that to administrative staff. Mr. Cain made a motion to table the decision on this application. Ms. Patterson seconded. The motion passed.

Kristin Neal was not present. Ms. Neal was asked to appear due to being out of practice for just over five (5) years. Mr. Dailey made a motion to apply the drafted policy to Ms. Neal's application. Mr. Cain seconded. The motion passed.

CONDUCT NEW BUSINESS

Ratifying New Licensees and Reinstatements

The Committee reviewed the list of new licenses and reinstatements issued as presented. Mr. Dailey made a motion to ratify the list. Mr. Cain seconded. The motion passed.

DEPARTMENTAL REPORTS

Managers' report was presented by Ms. Tarr

The information provided is for the period of October 1, 2018 through December 31, 2018

New applications received – 45

Total new licenses issued – 66

Total number of reinstatements – 6

Total number of active licensees as of December 31, 2018 – 2,402

Total number of active licensees as of December 31, 2018 with a TN mailing address – 2,036

Total number of OPA licenses as of December 31, 2018 – 15

Office of Investigations Report

There was not a representative available to present the report, however the Committee reviewed the information provided. There were no questions or comments.

Office of General Council report was presented by Ms. Huddleston

Pending complaints there are ten (10) open cases against seven (7) respondents.

Mr. Cain made a motion to adjourn. Mr. Dailey seconded. The motion passed.

The meeting was adjourned at 3:04 p.m.