



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

**April 28, 2015**

---

**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 April 28, 2015 at 9:00 am (Central).

**Members Present:** Bret Reeves, PA-C  
Donna Lynch, PA-C  
James Montag, PA-C  
Benjamin Hux, OPA-C  
Omar Nava, PA-C, Chairman  
Anne Arney, Public Member

**Members Absent:** Beverly Joan Gardner, PA-C,

**Staff Present:** Keshia Evans, Administrator, Committee on Physician Assistants  
Stacy Tarr, Administrative Director, BME Unit  
Maegan Martin, Executive Director, BME Unit  
Rene Saunders, MD, Medical Consultant  
Kyonzte Hughes-Toombs, Assistant General Counsel  
Mary Kathryn Bratton, Assistant General Counsel

Mr. Omar Nava, Committee Chairman, called the meeting to order at 9:00 a.m. The Chairman determined that a quorum was present.

**Recognition of Joyce**

The Committee’s first order of business was to recognize Joyce Eyler’s twenty-four (24) years of service to the Committee on Physician Assistants and the PA profession. Ms. Eyler was present to accept the award.

## **Approval of Minutes**

Ms. Arney made a motion to approve the January 9, 2015 minutes. Mr. Hux seconded the motion. The motion carried.

Ms. Arney made a motion to approve the April 17, 2015 teleconference minutes. Mr. Montag seconded the motion. The motion carried.

## **Applicant Interview(s)**

**Christopher Malynowski** – was invited, but not required, to appear before the Committee to discuss the nature of his intended practice and any applicable restrictions. Mr. Malynowski did not appear. Mr. Malynowski seeks to practice telemedicine in Tennessee; however, the Committee is not statutorily authorized to issue telemedicine licenses. Accordingly, the Committee consultant brought this application before the full Committee for consideration. The Committee discussed Mr. Malynowski's application fully as well as the Committee's position on telemedicine and what actions the Committee is authorized to take on this application. It was determined that Mr. Malynowski qualifies for a full and unrestricted license; however, the Committee felt that it was very important to convey the Committee's policy on telemedicine and the existing supervision rules to Mr. Malynowski in a letter from the administrative office. Additionally, Ms. Arney suggested that the Committee began to look in earnest at promulgating telemedicine regulations to make the regulatory framework more workable for licensees and supervisors alike. At the conclusion of the Committee's discussion, Ms. Arney made a motion to grant a license to Mr. Malynowski and asked that a letter from the administrative office be included. Mr. Montag seconded the motion. The motion carried unanimously.

**Michell Caudill** – reappeared before the Committee to address her extended absence from practice and explain her efforts to become compliant with the Committee's reentry policy. She has been out of practice since 2005; however, she has maintained her license in Kentucky since that time. Ms. Martin stated that she has reached out to all the programs in the state and none of those programs currently offer a "bridge" or reentry program. Ms. Moffatt from TAPA explained that the reason for this change is due to a change in ARC-PA's accreditation standards. ARC-PA will no longer allow graduates to reenter a program. The Committee discussed the possibility of having Ms. Caudill work with a preceptor who could evaluate Ms. Caudill's clinical skills and confirm that they are adequate. Ms. Caudill would complete a Committee-approved pharmacology course separate from the preceptorship. Ms. Arney made a motion to table this application until such time as Ms. Caudill is able to obtain a suitable preceptor who is willing to supervise her in clinical rotations in primary care for a period of not less than eighteen (18) weeks. In the interim, the Committee will identify one or more potential pharmacology courses. The motion was seconded by Mr. Montag. Ms. Caudill was advised to bring the preceptor back before the Committee at its meeting in July. The motion passed unanimously.

**Kelly Hardin** – appeared before the Committee to address her extended absence from practice. Ms. Hardin, like Ms. Caudill, is unable to comply with the Committee's reentry policy. She currently works in the research setting with several board-certified physicians who are willing to

act as a preceptor to Ms. Hardin for a period of at least eighteen (18) weeks, during which time the physician preceptors will evaluate Ms. Hardin's clinical abilities. The Committee stated that the preceptorship must include at least 720 hours of clinical instruction and supervision. Mr. Reeves made a motion directing Ms. Hardin to complete the preceptorship consistent with the aforementioned requirements before November 30, 2015. Dr. Saunders and Mr. Montag are authorized by the Committee to approve the preceptors selected. Ms. Hardin must keep a log of hours completed which should be signed by her preceptors. In the interim, the Committee will identify an appropriate pharmacology course. Ms. Hardin will also be required to take the controlled substance continuing education course that is required under TCA § 63-1-402. Ms. Arney seconded the motion which carried unanimously.

### **Ratification of New Licenses and Reinstatements**

Mr. Montag made a motion to ratify the list of new licenses and reinstatements. Ms. Arney seconded the motion. The motion carried.

The following licensees were ratified:

Cory Dale Anderson	Judith J James
Whitney Alison Babel	Kendra Denise Jones
Franklin Hobart Baker	Lauren Nicole Kindle
Nicholas Ryan Basham	Hannah Paige Kirk
Charles Patrick Brill	Marcie Kay Kroska
Christina Rebecca Calott	Mary Kathryn Lamar
Andrea Nicole Campbell	Laura Jane Langdon
Brittany Madison Cannon	Brooke Kristen Lassiter
Daryl Bryanna Carducci	Christopher Dale Lezu
Amanda Chaffin Carleo	Carmishia Nichole Lowery
Amber Fannin Carpenter	Jeanne Elizabeth Madden
Tiffany Lynn Cathey	Diana Marie Magun
Kelsey Diane Chrane	Natalie Kathryn McQueen
Katherine Hargrave Clark	Susan Lynn Mims
Alana Noelle Cole	Caitlin Owen
Lauren Elizabeth Creasor	Brian J Panganiban
Elva Deleon	Samantha Anne Parker
Rodney Lee Dycus	Pooja Saroj Peters
Medhat A EL-Sabawy	Alison Leigh Winter Phillips
Seth E Enterline	Alex A Pittman
Katherine Eleanor Flynn	Brandon James Renfroe
Shannon Marie Foster	David Bradley Robbins
Audrey Joanne Frazer	Hannah Catherine Rogers
Bonnie Jean Garcia	Rhett Joseph Rosseau
Hugh Grant Hackler, Jr	Shari Ann Seaman
Whitney Suzanne Hanor	Angelina Grace Sheridan
Christian Mark Hommes	James Darryl Smith
Hillary C Hommes	Daniel Seth Spraggins

Julia Switzer  
Ronald C Taylor  
Mackenzie Jean Temple

Marissa Neel Turner  
Kaylyn A Vrlec  
William Jacob Wallace

### **Lapsed License Policy**

Ms. Martin informed the Committee that the Board of Medical Examiners (hereinafter “the Board”) declined to ratify the Committee’s revised lapsed license policy. The Board asked the Committee to consider increasing its penalty from \$100 per month of unlicensed practice to \$1,000 per month. The Committee discussed increasing the per month penalty to \$250; however, a motion was ultimately made by Mr. Montag to table taking final action on the policy until after the Board of Medical Examiners’ meeting when the Board would discuss increasing its own monthly penalty which is currently set at \$100. Ms. Arney seconded the motion. The motion carried unanimously.

### **OGC Report**

Ms. Bratton, Assistant General Counsel, informed the Committee that there are no contested cases.

#### **Consent Order(s):**

**Stephanie Passons** – Ms. Kyonzte Hughes-Toombs represented the State. Ms. Passons did not appear. Ms. Passons reported to her first day of work under the influence of alcohol. Subsequently, Ms. Passons entered a thirty (30) day inpatient treatment program and is currently enrolled in an intensive outpatient program with Foundations Recovery Network. The State proposed a suspension of Ms. Passons’ license for a period of no less than 2 years; however, that suspension will be stayed as long as Ms. Passons seeks—and if advocacy is recommended, maintains—the advocacy of the Tennessee Professional Assistance Program (TnPAP) for the duration of the advocacy contract. Ms. Arney made a motion to accept the consent order. Mr. Montag seconded the motion. The motion carried.

Ms. Bratton informed the Committee that there are currently eight (8) cases pending in OGC. The rulemaking hearing for the Committee’s changes to its fee schedule and continuing medical education requirements will be considered at the July meeting. The 2015 legislative report will also be delivered at that time.

### **Investigation & Disciplinary Report**

Ms. Nichelle Dorroh reported that there are currently twelve (12) open complaints against physician assistants in the Office of Investigations. The office is currently monitoring thirteen (13) individuals, eight (8) are compliant with their orders. Four have been turned over to the Attorney General’s office and one is in the middle of bankruptcy. The Office is currently in the process of scheduling the next review which will likely take place sometime in mid-May. Mr. Nava agreed to fill the disciplinary consultant vacancy.

## **Reports from the Administrative Office**

### **Statistical Report:**

Ms. Tarr reported that there have been sixty-two (62) new applications, fifty-five (55) new licenses issued, one hundred and ninety-three (193) renewals and four (4) reinstatements since the Committee's last meeting. Seventy-eight (78%) of those renewing elected to do so online. The number of active licensees as of March 31, 2015 was 1,748. One thousand five hundred and thirty (1,530) of those licensees have a Tennessee mailing address. The total number of Orthopedic Physician Assistants (OPAs) as of March 31, 2015 was twenty-four (24).

### **Continuing Medical Education (CME) Report:**

There were seventeen (17) PA licensees audited from Jan 1, 2014 through December 31, 2014. Eleven of those audited were compliant, for a compliance percentage of 65%. Three OPA licensees were audited during this time frame. Two of the three were determined to be compliant for a compliance percentage of 67%.

### **Update on Public Awareness Campaign:**

Ms. Martin explained that the statute that would otherwise authorize the Committee to educate the public on the education, ability and practice of PAs refers to a federal statute which excludes physician assistants from the definition of allied health care practitioner. Accordingly, it does not appear that the Committee is authorized to spend funds on a public awareness campaign. Ms. Bratton confirmed that Committee funds cannot be spent on a public awareness campaign; however, they may be spent to educate licensees. Mr. Nava asked that the Committee begin discussing ways to use its funds to educate licensees on the rules and regulations governing the practice of PAs and OPAs. Ms. Martin stated that the administrative office has been looking at developing a "Welcome brochure" to welcome new licensees to the practice of their profession. The Committee spoke in favor of moving forward with the development of this initiative and asked that it be added to the next meeting agenda. Ms. Moffatt addressed the Committee on behalf of the Tennessee Association of Physician Assistants (TAPA) and stated that TAPA is interested in working with the Board of Medical Examiners on an initiative to educate physicians and physician assistants alike on proper supervision.

### **Correspondence to Licensees:**

At its last meeting, the Committee asked the administrative office to notify all licensees of the continuing medical education requirements of the profession; specifically, the controlled substance prescribing course required under TENN. CODE ANN. § 63-1-402. Subsequently, the Controlled Substance Monitoring Database (CSMD) Committee asked that a notification be provided to all supervisee registrants regarding CSMD rule changes. A two page letter was drafted to accomplish these purposes. Ms. Martin directed the Committee to the letter that will be sent to all licensees.

## **Financial Report**

Ms. Lisa Tittle appeared to present the Committee's financial report and identify potential areas of concern and consideration for the Committee. The projected year net is \$118,426.16 and the projected cumulative carryover is \$585,765.83. Ms. Tittle referenced the Committee's recent

decision to lower its fees and stated that a full year of those reduced fees should result in a decrease in revenue of \$38,000 to \$40,000. Ms. Tittle commended the Committee's decision to explore spending down its surplus in ways that will benefit the licensees and the public.

### **TnPAP Report**

Mike Harkreader, Executive Director, TnPAP, appeared in person to present the TnPAP report from July 1, 2014 through March of 2015. TnPAP is currently monitoring nine (9) physician assistants. Of those nine, seven (7) were referred from the Department of Health. Three (3) monitoring agreements became effective during that time and one individual successfully completed monitoring.

### **Conduct New Business – Continued Consideration of St. Augustine's Application**

Mr. Nava restated the Committee's authority and obligation with respect to this application. The Committee is only authorized to determine whether the program is adequate to enable graduates of its program to become licensed orthopedic physician assistants (OPA) in the state of Tennessee. Cindy Mathena, PhD, Vice President, Dean of Post Professional Studies, University of St. Augustine, appeared before the Committee to present St. Augustine's responses to the second addendum to the application. Mr. Montag noted that Tennessee is the only state that licenses OPAs. A discussion ensued regarding the history of the OPA profession in Tennessee and changes in the accreditation of OPA programs, namely the reinterpretation of the AAOS' bylaws which led AAOS to withdraw their accreditation of OPA programs. Mr. Nava stated that changes to the accreditation process have greatly complicated the task before the Committee. Previously, there were at least two physician-led organizations (the AAOS and the AMA) evaluating programs of this type, now there are none.

Dr. Mathena stated that the school has sought the accreditation of all bodies that are able to accredit the program. Some accreditation bodies, CAAHEP for example, is an institutional accreditor who does not accredit doctoral programs. Because St. Augustine offers a doctor of physical therapy degree, CAAHEP accreditation is not available to St. Augustine. Jackie Baron, a former St. Augustine student, addressed the Committee to discuss how many hours she spent receiving in-person instruction versus online instruction. She stated that the coursework was online; however, faculty members were available to meet with students in person.

Ms. Bratton advised the Committee to develop standards like the standards that would be used by an appropriate accrediting organization rather than approving or disapproving in the more arbitrary manner based on information that has been sought and received from St. Augustine to date. Ms. Arney agreed, stating that the Committee must identify standards so that another program later seeking Committee approval can be evaluated fairly. Dr. Mathena stated that St. Augustine has decided to close its program and there will be no additional graduates. The Committee noted that the closure of St. Augustine's program does not mean that new OPA programs will not develop and seek Committee approval.

After a lengthy discussion, Mr. Montag made a motion to table St. Augustine's application until the July meeting to enable the Committee to form a task force to identify appropriate evaluation

standards and make a recommendation to the Committee. Mr. Reeves seconded the motion. The Committee discussed the motion and determined that the taskforce should be convened in early or mid-June and should be comprised of the following individuals: Mr. Hux (to chair the taskforce), Mr. Reeves, at least one orthopedic physician, a consumer representative, a member from the Board of Medical Examiners, Dr. Saunders, a pharmacist representative and representation from the OPA association and from TAPA. The motion was restated consistent with the discussion and passed unanimously.

There being no other Committee business, Mr. Montag mad a motion to adjourn the meeting. Ms. Arney seconded the motion. The motion carried unanimously.