



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

July 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 April 22, 2016 at 9:00 am (Central).

Members Present: Bret Reeves, PA-C
James Montag, PA-C
Omar Nava, PA-C, Chairman
Barbara Thornton, Public Member

Members Absent: Benjamin Hux, OPA-C
Beverly Joan Gardner, PA-C
Donna Lynch, PA-C

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

Mr. Omar Nava, Committee Chairman, called the meeting to order at 9:11 a.m. The Chairman determined that a quorum was present.

Approval of Minutes

Mr. Montag made a motion to approve the April 22, 2016 minutes. Mr. Montag’s motion was seconded by Mr. Reeves. The motion carried.

Applicant Interview(s)

Atchley, Linda – Ms. Atchley was asked to appear before the Committee to address her absence from clinical practice since 1982. The Committee discussed its reentry policy, which states that the reentry of physician assistants who have been out of practice for ten (10) or more years will be addressed on a case-by-case basis. Ms. Atchley’s application was initially considered at the Committee’s April meeting but

was tabled to July. Mr. Montag made a motion to approve Ms. Atchley's application contingent upon her successful completion of a formal remediation program approved by the Committee. The Committee referred Ms. Atchley to the post licensure assessment system (PLAS) collaborators and indicated that her completion of one of those programs would be considered sufficient. The Committee gave Ms. Atchley six months to enroll in the program. Ms. Thornton seconded the motion. The motion carried.

Potter, Michele – Ms. Potter was asked to appear before the Committee to address her absence from clinical practice since 1993. The Committee discussed its reentry policy, which states that the reentry of physician assistants who have been out of practice for ten (10) or more years will be addressed on a case-by-case basis. Consistent with its decision on Ms. Atchley's application, the Committee voted to table Ms. Potter's application until the October meeting allowing her the opportunity to select and enroll in an assessment program. The Committee again referred Ms. Potter to the PLAS programs.

Sluss, Robert – Mr. Sluss was asked to appear before the Committee to address his absence from clinical practice since 2002. Mr. Sluss explained his activities since 2002, but ultimately, the Committee decided to table his application until the October meeting to allow Mr. Sluss to undergo a PLAS remediation program. This action was consistent with the Committee's action on Ms. Potter and Ms. Atchley's application.

Smith, Darron – Mr. Smith was asked to reappear before the Committee to address his criminal history, prior discipline by the Utah Medical Board and the Army's restriction of his clinical privileges. Mr. Nava recused himself from deliberations. The Committee discussed each of these issues extensively; however, Mr. Nava's recusal meant that a quorum was not present to make a decision on Mr. Smith's file. The Committee agreed to schedule an emergency teleconference in order to make a decision on Mr. Smith's application.

Ratification of New Licenses and Reinstatements

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

Consideration of Sending Representative to CLEAR Conference

Ms. Martin informed the Committee that she and Ms. Bratton would like to attend the CLEAR conference in September. Mr. Montag made the motion authorizing an attorney staff person, and administrative staff persons to attend and a board member, Bret Reeves, if he is available. Ms. Thornton seconded the motion. The motion carried.

Financial Report

Ms. Vanessa Crutcher reviewed the financial report with the Committee. Ms. Crutcher stated that direct expenditures were projected at \$90,955.47, while allocated expenditures were projected at \$64,903.96, and total expenditures were expected at \$155,859.43. The Committee's projected annual revenue is \$272,105 with a year net of \$116,245.82 and carry forward of \$719,075.93. Ms. Crutcher stated the budgets looks positive at this time.

Legislative Report

Ms. Lacey Blair, Legislative Affairs, informed the Committee of several public chapters affecting the practice of physician assistants in the state.

Public Chapter 946 allows a podiatrist to supervise a physician assistant.

Public Chapter 948 authorizes a qualified physician assistant to evaluate and provide care to a youth athlete who suffers or is suspected to have suffered from a concussion or head injury during the course of a school youth athletic activity, effective as of April 27, 2016.

Public Chapter 769 authorizes advance practice registered nurses or a physician assistant who holds a certificate of fitness and provides services at free or reduced clinics to arrange medical charts such that they may be reviewed by the supervising physician at the physician office, practice site, or remotely via Hippa Act compliance means, effective as of April 19, 2016.

Public Chapter 763 permits licensees whose license has lapsed due to non-payment to obtain reinstatement when payment of past due renewal fees, which will be capped at twice the annual renewal fee, replaces current requirement of payment of all past renewal fees.

Public Chapter 990 legislations requires insurers to reimburse and provide coverage for telehealth services provided the practitioner is licensed in Tennessee regardless of the patients location, effective as of January 1, 2017.

Public Chapter 805 this act authorizes a health care prescriber to prescribe an epi pen in the name of authorized entity. This public chapter authorizes pharmacist, and health care prescribers to dispense the epi auto injectors, effective as of July 1, 2016.

Public Chapter 973 establishes a list of requirements for dispensing of opioids and benzodiazepines by physicians and other health care providers there's a list of requirements for dispensing of opioids and benzo by physicians and other health care providers effective as of Aril 27, 2016.

Public Chapter 1033 requires all pain management clinics in Tennessee be licensed by July 1, 2017.

Public Chapter 1002 enacts the Tennessee Prescription Safety Act of 2017.

OGC Report

Ms. Bratton, Deputy General Counsel, informed the Committee that the fee changes rules for PA's and OPA's as well as the change to the PA CME language have gone through the rulemaking process and have been approved. They all have an effective date of June 21, 2016.

OGC currently has nine (9) open cases pertaining to six (6) respondents who are licensees of the Committee pending in OGC. There were no contested cases and no consent orders to consider.

Ms. Bratton informed the Committee that there is no new legislation since the last meeting.

Ms. Bratton reminded the Committee members of its conflict of interest policy. If there is any personal or financial interest which might appear to be a conflict of interest, whether it relates to a contested case, a rulemaking issue, or any other Committee decision, please share that fact with the Committee so that a decision may be made regarding the need for recusal.

Ms. Bratton informed the committee that Justin Turner has petitioned the board for an order of compliance, having complied with the terms of suspension and the order of modification. The state is not

in opposition to lifting the probation. Mr. Reeves made a motion to lift the probation of Mr. Turner's license. Mr. Montag seconded. The motion carried.

Statistical Report

Ms. Tarr reported that from April 1, 2016 to June 30, 2016 there have been fifty (50) new PA applications received, fifty-four (54) new licenses issued, and one hundred and seventy nine (179) renewals. Eighty five percent of the licensees renewing, chose to do so online. The number of active licensees as of June 30, 2016 was one thousand nine hundred and twenty seven (1,927). One thousand six hundred and seventy (1,670) of those licensees have a Tennessee mailing address. The total number of Orthopedic Physician Assistants (OPAs) as of June 30, 2016 was nineteen (19).

Discussion of Sunset Hearing

Ms. Martin stated that the Committee is scheduled for sunset review and she received questions that the Education, Health and General Welfare subcommittee of government ops is requesting from all the Committees that are set to expire. The hearings will be before that committee on August 16 or 17th. Ms. Bratton, Ms. Martin and one board member will attend. The purpose is to ensure that the Committee will continue

Investigation & Disciplinary Report

Ms. Nichelle Dorroh reported that there are currently nineteen (19) complaint cases open against physician assistants in the Office of Investigations. The office is in the process of scheduling another review. The office is currently monitoring several individuals. There are currently no complaint cases against orthopedic physician assistants in the Office of Investigations.

TNPAP Report

Mr. Mike Harkreader, representative of TnPAP, reported that from July 1, 2015 through May 31, 2016, his office monitored eleven physician assistant licensees. Of the eleven, five are referrals from the Committee. Of the five referred, four were referred for substance use disorder and one for an arrest/conviction. Six monitoring agreements were signed during this time period. Five files have been closed. The department was notified of each.

Contested Case:

Default Judgment of Shawn M. Blair

Judge Tom Stovall, administrative law judge, presided over the proceedings. Ms. Mary Katherine Bratton represented the State. Mr. Blair was not present for the contested case, nor was he represented by counsel. Ms. Bratton summarized her attempts to reach Mr. Blair before proceeding with the hearing. Judge Stovall, found as a matter of law that the State has made all reasonable attempts to provide notice to Mr. Blair of the hearing. All of the members of the committee present voted to hold Mr. Blair in default, the motion which carried unanimously.

Ms. Bratton summarized the findings of facts and presented evidence that Mr. Blair is guilty of violating the rules and regulations governing the practice of a PA. Specifically, Mr. Blair has failed to comply fully with his TnPAP monitoring agreement. He has tested positive for alcohol on multiple drug screens and has failed to properly attend therapy. The Committee heard the evidence and found that Mr. Blair is guilty of violating the official rules and regulations governing his practice as a PA. That evidence

included testimony from Mike Harkreader, executive director of TnPAP regarding Mr. Blair's blood tests and his failure to participate in individual therapy as required by the terms of his monitoring agreement.

Mr. Montag made a motion to accept the findings of fact into evidence. Ms. Thornton seconded the motion which carried unanimously.

Mr. Montag made a motion to accept the conclusion of law as written. Ms. Thornton seconded the motion which carried unanimously.

Ms. Thornton made a motion to revoke Mr. Blair's license. Mr. Reeves seconded the motion which carried unanimously.

Mr. Montag made a motion to accept paragraph 14 & 15 in regard to payment be made to the state. Mr. Reeves seconded the motion which carried unanimously.

Mr. Montag made a motion to accept the policy statement. Ms. Thornton seconded the motion which carried unanimously.

There being no other matters to address, the contested case concluded.

Considering the Reentry Policy

Ms. Martin discussed the need for the Committee to return to its discussion regarding its reentry policy, which is in need of revision. Ms. Martin referenced the Board of Medical Examiners' work and referred specifically to the elements of its policy. The Board is planning to generate a report summarizing the Board's deliberations on this issue that will be published to the website. The Board is hopeful that making this information available to its licensees will allow them to make better informed decisions when considering a departure from clinical practice.

The Board has developed the preliminary policy framework. First, they have determined that clinical inactivity of more than 2 years will trigger the policy. Once the policy is triggered, an applicant's competency will be assessed. If remediation is indicated, an appropriate reentry pathway will be crafted based on the applicant's specific circumstances and will include one or more Board-approved remediation tools, such as a formal remediation program, CME, etc.

The Committee agreed to create a taskforce in order to reconsider its reentry policy. Mr. Montag made a motion to convene a committee for the reentry policy. Mr. Nava, Mr. Montag and Mr. Reeves were appointed to serve on the Committee. Mr. Reeves seconded the motion. The motion carried.

Adjournment

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