



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

January 8, 2021

MINUTES

The regular meeting of the Tennessee Board of Medical Examiners' Committee on Physician Assistants (hereinafter, "the Committee") was called to order on January 8, 2021 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
 Donna Lynch, PA-C

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

Staff Present: Rene Saunders, MD, Medical Consultant
 Angela Lawrence, Executive Director
 George Darden, Health Related Boards Director
 Grant Mullins, Office of General Counsel
 David Silvis, Office of General Counsel
 Samuel Moore, Office of General Counsel
 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 Barbara Thornton 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.

Introduction of New Staff Members

George Darden spoke to the Committee and advised that he would like to be of assistance in his new role if needed as he is now the Health-Related Boards Director. Grant Mullins spoke to the Committee and advised that he is the new counsel in the Office of General Counsel.

Applicant Interview

Angela Sanchez, OPA- Ms. Sanchez came before the Committee to request her license be approved as an Orthopedic Physician Assistant, she did not have counsel representation present. Ms. Sanchez came before the Committee as she submitted material from her medical school that isn't an approved school by the Committee according to Tenn. Code Ann 63-19-202. Ms. Alcock referred to the rule which was established in July 2015 as the Committee formed a task force with the opportunity to collect more data in reference to the medical school in question, St. Augustine University. It was ruled by the Committee that the school in question didn't meet the criteria and qualifications of its curriculum. Ms. Sanchez advised that she didn't know anything about the rule as it didn't appear anywhere in the OPA initial application packet and had no knowledge of the rule itself. Discussion was held by the Committee members. Ms. Sanchez was given the right to withdraw her application to avoid potential consequences and being reported to the National Practitioner Database. Ms. Patterson made the motion to deny the application filed by Ms. Sanchez and Ms. Thornton seconded the motion as the motion passed.

APPROVAL OF MINUTES

The Committee reviewed the minutes from the October 2, 2020 and continued to October 26, 2020 Committee meetings. Minor corrections were noted. Ms. Thornton made a motion to approve the minutes with those minor corrections. Ms. Patterson 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. Mr. Bret Reeves 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.

Discuss New Business and Take action if needed

Ms. Alcock asked if the Committee would like to consider making a new rule amendment in regard to the Orthopedic Physician Assistant (OPA) policy, to remove ambiguity. Discussion held by Committee members. Ms. Patterson made the motion to deny and seconded by Mr. Bret Reeves as motion passed by Committee.

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. This presentation was tabled from last Committee meeting. Discussion held by the Committee. Ms. Thornton made the motion to deny draft policy for re-entry policy. The motion was seconded by Ms. Donna Lynch. The motion passed.

Discuss and consider online education for PA practice in the State of Tennessee

Dr. Saunders informed the Committee that an applicant filed an initial application before the Board whom had an online medical school training from Yale University and wanted to discuss. Ms. Alcock advised that this school does qualify as the online Physician Assistant program is accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARCPA) and meets existing rules from the Committee. Discussion held by Committee members present and was founded that these types of programs meet the current established rules.

Discuss and consider consultant review of application files

Ms. Angela Lawrence advised that current operating procedures of having two consultants approve initial applications may be lengthy and delay applications being approved. Ms. Lawrence advised that more applicants have completed and submitted initial applications to the Committee for licensure in Tennessee. Discussion held by Committee members present. It was determined that Dr. Saunders is the consultant for the Board of Medical Examiners' as well as the Committee to allow timely processing of applications that do not have any questions to address from applicants. Mr. Bret Reeves made a motion to grant Dr. Saunders authority to be sole consultant unless questions come up with an applicant's file, seconded by Ms. Thornton, and motion passed.

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

Dr. Baron advised there is an uptick in referrals due to the pandemic that is currently existing as healthcare professionals across the State of Tennessee has increased stress due to pandemic issues. Dr. Baron advised that things are going well with Dr. Saunders as they travel the State to discuss professionalism with current students who are getting ready to graduate from, they're respected programs.

DEPARTMENTAL REPORTS

Receive reports and/or requests from the Office of Investigations

Ms. Leonard began with the currently monitored practitioners report citing that two (2) licensees under reprimand, seven (7) licensees under probation, four (4) licensees under suspension, and seven licensees (7) under revocation/voluntary surrender.

Ms. Leonard advised the Committee of investigative reports as of the end of 2020 in which forty-seven (47) new complaints. Of those complaints, one (1) falsification of records, two (2) substance abuse, two (2) sexual misconduct, two (2) action in another state, two (2) criminal charges, three (3) malpractice/negligence, one (1) unlicensed practice, twenty-three (23) unprofessional conduct, one (1) violation order, two (2)

medial records request, three (3) over prescribing, one (1) criminal conviction, one (1) practicing beyond scope, two (2) outside investigative scope, and one (1) covid-19.

Ms. Leonard advised as of the end of 2020 investigations have thirty-nine (39) open complaints and zero (0) new complaints for physician assistants. Orthopedic Physician Assistants have received zero (0) complaints, closed one (1) complaint with a letter of warning and zero (0) new complaints to begin 2021.

Receive reports from the Administrative Office

Ms. Stacy Tarr reported that the following activity regarding Physician Assistants transpired in the administrative office between September 1, 2020 and December 31, 2020:

New Applications Received:	145
Total New Licenses Issued	58
Total Number of Renewals	299
Total Number of Online Renewals	209
Average Renewals Online	88%
Total Number of Reinstatements	6

As of December 31, 2020, the total number of active Physician Assistant licenses is 2,770. Of those licensees, 2,438 have a Tennessee address. The total number of Orthopedic Physician Assistant licensees as of December 31, 2020 is 10. Ms. Tarr advised the Committee that the new board administrator, James Marrs, has recently began training on preparations of Committee meetings and will hear from him as the year goes on.

Discuss legislation and take action if needed

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

Receive reports from the Office of General Counsel

Mr. Samuel Moore advised the Committee of future contested cases and the length of those that will take place. Mr. Moore advised that one could take as long as two weeks and asked the Committee if they would object using e-poll to log the members availability to hear the contested case. Discussion held by members who advised they can use e-poll to log availability of future contested case.

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.

Consent Order

Timothy Thomason, PA – Respondent was not present, and his representative was not present as well. Ms. Tracy Alcock represented the State. Respondent was licensed by the Committee in November 29, 2001 with a current expiration date in August 2020. From 2015 to at least 2018 respondent provided chronic pain treatment as a physician assistant to multiple patients at First Med in Pigeon Forge, Tennessee. Respondents supervising physician from in or around 2015 to in or around 2018 was Robert Maughon, MD. At the end of May 2018 First Med was purchased by a new owner as there were significant personnel changes and turnover at the clinic. According to Respondent, the new owners made certain representations to the Respondent regarding additional assistance in treating patients. The additional assistants never arrived, and Respondent inherited numerous patients that previously seen departed healthcare providers. Towards the end of 2018, the new owners of First Med stated that the clinic close before the end of the year. According to Respondent, the announcement of the closing caused a rush of patients seeking assistance in finding new providers and help with potential treatment. During this rush of patients, Respondent continued established patients with controlled substance drug prescriptions without conducting a physical examination or proper office visit. In addition, Respondent encountered a gap of coverage of a supervising physician and prescribed controlled substance to patients without a supervising physician. The facts stipulated to in the Stipulations of Facts are sufficient to establish that grounds of discipline of Respondent’s physician assistant license exist. Specially, Respondent agrees that he is to be in violation of rules regarding the prescribing of controlled substances. Respondent agrees that his license be put on suspension for three (3) years. At the expiration of the three (3) years probationary period, Respondent is eligible to petition the Committee for an Order of Compliance lifting the probation on his physician assistant license. To have the probation lifted from his license Respondent must file a petition for an Order of Compliance for the Committee’s consideration. As part of the requirements of his Consent Order, Respondent was requested to complete the “Prescribing Controlled Drugs” continuing medical education course offered at Vanderbilt University Medical Center on November 18-20, 2020. Respondent completed the course and submitted proof of completion to the Tennessee Department of Health. Respondent is prohibited from using the course towards fulfillment of his continuing medical education required to

maintain license. As the violations relate to the prescribing of opioids, the statutory minimum discipline requirements in Tenn. Comp. R. & Regs. 0880-03-.25 prohibit Respondent from prescribing opioids for six (6) months from the date the board approves this Consent Order with prohibition from prescribing opioids shall automatically cease six (6) months and one (1) day after the Board's approval of this Consent Order. As the violations relate to the prescribing of opioids, the statutory minimum discipline requirements in Tenn. Comp. R. & Regs. 0880-03-.25 require that Respondent show proof to the Committee that he notified his supervising physician of this Consent Order. Respondent must pay pursuant to Tenn. Comp. R. & Regs. 0880-03-.15 (5) ©, two type A civil penalties in the amount of One Thousand Dollars (\$1,000) each, for a total of Two Thousand Dollars (\$2,000), representing Respondent's failure to conduct an exam before prescribing opioids to patients and representing Respondent having practiced without a supervising physician, as outlined in paragraphs 6 and 7 of the Stipulates of Facts. Respondent must pay, pursuant to Tenn. Code Ann. 63-19-104(a)(7) and Comp. R. & Regs. 0880-03-.15(2)(g), the actual and reasonable costs of prosecuting this to the extent allowed by law, including all costs assessed against the Committee by the Department Bureau of Investigations in connection with the prosecution of this matter. These costs are established by an Assessment of Costs prepared and filed by counsel for the Department's maximum amount for the assessment of costs shall be Three Thousand Five Hundred Dollars (\$3,500). Respondent understands that this is a formal disciplinary action and will be reported to the National Practitioner Data Bank ("N.P.D.B.") and /or similar agency. Ms. Marie Patterson made a motion that the Committee except the Consent Order and seconded by Ms. Barbara Thornton in which the motion passed.

Agreed Order

Colton Lowe, PA- Respondent was not present, and was not represented by legal counsel. David Silvis represented the State of Tennessee. Respondent was licensed by the Committee on October 14, 2016 and currently has an expiration date of January 31, 2021. Respondent's license to practice as a physician assistant was summarily suspended by the Committee by the Order dated August 26, 2019. That Order of Summary Suspension was ratified by the Board on August 29, 2019. That summary suspension arose out of the same facts that gives rise to the instant disciplinary action against the Respondent. From 2016 until June of 2018, the Respondent worked as a physician assistant at Coffey Family Medical Clinic at 281 Underpass Drive, Oneida, TN 37841. On May 23, 2017, patient N.W (only the patient's initials are used to protect patient confidentiality) became a patient of Coffey Family Medical Clinic (hereinafter "Clinic") as first visit, she was seen by D. Alex Coffey, MD., who ordered some testing of her and did not prescribe any controlled substances to her at that time. Patient N. W. returned to the Clinic on June 8, 2017, when the Respondent began treating her. At that

time the Respondent prescribed N.W. 20 mg of oxycodone to be taken four (4) times a day as well as 0.25 mg of alprazolam to be taken twice a day. The Respondent saw N.W. on the following subsequent dates each time prescribing her 20 mg of oxycodone to be taken four (4) times a day: June 22, July 6, July 20, August 31, September 19, October 3, October 24, November 24, November 28, and December 13 of 2017 and January 24, 2018. The Respondent reduced N.W.'s prescriptions to 15 mg of oxycodone, four (4) times a day on February 14, 2018. He continued with that reduced prescription on the following subsequent dates in 2018, each time prescribing her 15 mg of oxycodone to be taken four (4) times a day: February 28, March 14, March 28, April 11, April 25, and May 7. On at least one occasion while the Respondent was actively seeing N.W. as a patient and prescribing her opioids, Respondent locked the examination room door while alone with N.W. and engaged in sexual conduct with N.W. Respondent did not have a sexual relationship with N.W. prior to becoming her treating physician assistant. The Respondent denied, under oath, ever having a sexual relationship with any patient, including N.W. The Respondent also denied, under oath, that he was ever alone in a locked room with N.W. at any time. The statements made by the Respondent under oath identified in the previous paragraph were false and the Respondent knew they were false when he made them. The Respondent admitted under oath that if he had sexual contact with a chronic pain patient who is dependent on opioids it would be "grossly inappropriate", "exploitive", "unethical", and a "breach of the standard of care". The Respondent continued to maintain the denials while counsel for N.W. began playing an audiovisual recording of an encounter she had with the Respondent as his patient. Ultimately, however, the Respondent admitted that the recording depicted him in an examination room with N.W., that he locked the door, and that he had "one instance of sexual contact" with N.W. at that time. The facts stipulated to in the Stipulations of Fact are sufficient to establish that the Respondent has violated the following statutes or rules which are part of the Act, Tenn. Code Ann. 63-19-101, et seq. for which disciplinary action by the Committee is authorized: The Respondent's acts and conduct constitute a violation of Tenn. Comp. R. & Reg. 0880-03.15(1)(a): unprofessional, dishonorable or unethical conduct; The Respondent's acts and conduct constitute a violation of Tenn. Comp. R. & Reg. 0880-03.15 (1)(c): Making false statements or representations, being guilty of fraud or deceit in obtaining admission to practice, or being guilty of fraud or deceit in the practice as a physician assistant. The Respondent's Tennessee physician assistants license is revoked effective date of entry of the Agreed Order. Respondent is prohibited from applying for a new physician assistant license or seeking reinstatement of his current license for a period of one year from the effective date of the Agreed Order. The respondent explicitly recognizes that the Committee is not required to award him a new license or reinstate his revoked license after the passage of one year. Additionally, the Respondent explicitly acknowledges that if the Committee elects to issue the Respondent a new license or reinstate his revoked license, the Committee may place whatever restrictions on the Respondent's ability to practice as a physician assistant that it determines are necessary to protect the health, safety, and welfare of the public. These possible restrictions include, but not limited to, practice monitoring, requiring that a chaperone be present in examination rooms with the Respondent when he is with female patients, and limitations on the Respondent's ability to prescribe opioids. Respondent must pay,

pursuant to Tenn. Code Ann. 63-19-104(a)(7) and Rule 0880-03-.15(2)(g), the actual and reasonable costs of prosecuting this case to the extent allowed by law, including all costs assessed against the Committee by the Divisions Bureau of Investigations in connection with the prosecution of this matter. These costs will be established by an Assessment of Costs prepared and filed by counsel for the Division. The maximum amount for the assessment of costs shall be Fifteen Thousand Dollars (\$15,000). Respondent understands this is a formal disciplinary action and will be reported to the National Practitioner Data Bank (NPDB) and/ or similar agency.

Public Comment

No public comments were made.

Adjournment

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