



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

April 9, 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
 Gregory Cain, PA-C

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

Staff Present: Rene Saunders, MD, Medical Consultant
 Angela Lawrence, Executive Director
 Stacy Tarr, Executive Administrative Director
 Tracy Alcock, Senior Associate General Counsel
 Lori Leonard, Disciplinary Coordinator
 Alicia Grice, HRB Finance Division
 James Marrs, Committee Administrator

Ms. Angela Lawrence made opening remarks and provided an overview of the requirements for a special meeting electronically. All the requirements were satisfied. The electronic meeting was scheduled for the purpose of considering time sensitive matters considering the covid-19 pandemic. Ms. Thornton motioned for approval to conduct the meeting electronically for this purpose and Ms. Free 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.

Applicant Interview

Sarah Barlow, PA- Ms. Barlow came before the Committee to request her license be approved as a Physician Assistant, she did not have counsel representation present. Ms. Barlow came before the Committee as she submitted material from her application showing unlicensed practice as a Physician Assistant. Dr. Saunders provided overview of the case presented before the Committee. Ms. Barlow advised what had occurred during the licensing process as her credentialer had completed her application before Ms. Barlow signed the application. Ms. Barlow advised that she now has a Mississippi license as a Physician Assistant. The Committee had discussion of case with applicant, Ms. Barlow. Dr. Saunders verified Ms. Barlow's Mississippi license and found no discipline or public action against said license. Ms. Free made motion to grant the license to Ms. Barlow, motion seconded by Ms. Thornton. Roll call vote was taken, motion passed.

Ashley Martin, PA- Ms. Martin came before the Committee to request her license approved as a Physician Assistant, she did not have counsel representation present. Dr. Saunders gave overview of applicant's case as she did not meet the rules for a temporary license for her profession due to having graduated longer than fifteen months ago. Ms. Martin advised she had not taken the PANCE exam yet and gave reasons for such due to individual circumstances. Dr. Saunders discussed when the application was received, when she graduated her program, and still no PANCE exam being obtained. Ms. Alcock advised of what the law says of the Committee's rules for licensure requirements of the applicant as the applicant is outside the window of licensure for a temporary license. The Committee had discussion with Ms. Martin about her timeline for application procedures for requesting a temporary license. Ms. Martin withdrew her application before a final decision was made with Ms. Martin's application.

Stephanie Passons, PA- Ms. Passons did not appear before the Committee and requested to meet at the next Committee meeting. The Committee had discussion of the file of Ms. Passons, however, would like to have Ms. Passons present before a decision was made. Dr. Michael Baron was asked to assist with precedence on the said case of Ms. Passons and advised that he is not familiar with this individual or circumstance. Mr. Marrs informed the Committee of the correspondence of communication with Ms. Passons as she would like to cancel her interview and be present at the next Committee meeting due to a family emergency. The Committee granted her request and tabled her interview until the next meeting.

John Davis, PA- came before the Committee to request his license be approved as a Physician Assistant, he did not have counsel representative present. Dr. Saunders gave a brief overview of the circumstance with Mr. Davis as he presented documents for practicing without a license. Mr. Davis informed the Committee that he apologized for

having a lapsed license and advised he hasn't seen any patients since March of 2020 due to Covid 19. Mr. Davis submitted a letter of explanation to the Committee after he submitted his application which was added to his file. Mr. Davis advised he wasn't practicing on a regular basis and overlooked licensing requirements before his license went into expired status. Committee members had discussion with Mr. Davis about his application for licensure reinstatement. Ms. Alcock states what the rules and laws for the licensure requirements for Mr. Davis' application file. Ms. Patterson made motion to withdraw the agreed citation and reinstate the license for Mr. Davis accepting his explanation of misreading the instructions as he is self-employed but has not treated patients during the time his license was lapsed. The motion was seconded by Ms. Thornton. Roll call vote was made, and motion passed. As noted, Mr. Cain heard the discussion of this case and recused himself from this case.

APPROVAL OF MINUTES

The Committee reviewed the minutes from the January 8, 2021 Committee meeting. Ms. Thornton made a motion to approve the minutes. Ms. Patterson seconded the motion. A roll call vote was taken, and the motion passed.

CONDUCT NEW BUSINESS

Ratification of New Licenses

Ms. Thornton motioned to ratify the new and reinstated licenses. Ms. Patterson 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. Ms. Alcock provided information for her policy statement on the Osteopathic Physician Assistants and the Committee determined there was an issue with this policy in the recent past. Reconsideration of the education policy for OPA's to have proper accreditation. Ms. Thornton made motion to accept the policy as it relates to OPA graduates. The motion was seconded by Ms. Patterson, a roll call vote was made, and motion passed.

Committee Consultant Consideration- Jim Montag and Katherine Moffat

Ms. Lawrence gave a brief overview of reviewing files of applicants for Physician Assistants as the process was to submit all application files to the consultant, Mr. Montag, for a second review prior to granting licenses. Mr. Montag addressed the Committee as he had concerns about the processes of finalizing the reviews of applicants. Mr. Montag advised that he has been volunteering for the consultant role for fourteen years and has had no issues with presenting files back to the administrative staff for processing. Mr. Montag advised that he felt it was a conflict of interest to have another consultant who was not a physician assistant, review application files. The

Committee had discussion of the consultant review process regarding statutes and rules. Ms. Alcock advised of the statutes not addressing laws for consultation processes. Ms. Alcock advised that the rules of authority for the Committee consultant is at the discretion of the Committee and may authorize or delegate said authority to an individual with oversight from the Committee on Physician Assistants and the Board of Medical Examiners. The Committee on Physician Assistants along with the consultant have jurisdiction over all files of the profession. Ms. Katherine Moffat, from the Tennessee Academy on Physician Assistants, (TAPA) advised how the rules are vague and how this role has always been delegated to a Physician Assistant. Ms. Moffat advised that she thinks it's not appropriate to have anyone else who is not a physician assistant review files for final review. Discussion commenced of the Committee. Mr. Cain made motion to revert to the way things were before the January Committee meeting, to have both Dr. Saunders and Mr. Montag to review files of all applications. Ms. Patterson seconded the motion. Roll call vote was made, and motion passed. Mr. Bret Reeves wanted to clarify the trends of applicants being licensed for future reference.

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

Dr. Baron advised that the Tennessee Medical Foundation is currently monitoring twelve (12) physician assistants within the State of Tennessee, three (3) of which are Board mandated. The other nine (9) licensees are voluntary, of those nine (9), two (2) have a recovery maintenance agreement. Dr. Baron introduced the recovery maintenance agreement over two years ago, and they had many participants that graduated from a five-year contract plan. Some practitioners had an ongoing treatment plan after the five-year contract was established. The Tennessee Professional Screening Questionnaire was introduced and is now made available on the Health Departments' website for a confidential and free treatment process which began in February of 2020. They were estimating about one hundred (100) users would utilize the service at first, however had an increase of two hundred fifty-three (253) once it began. Dr. Baron advised they were able to have a great outreach for practitioners who would benefit from services.

Five-minute break for recess was called by Mr. Bret Reeves.

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, eight (8) licensees under probation, four (4) licensees under suspension, and eight licensees (8) under revocation/voluntary surrender.

Ms. Leonard informed the Committee on the Complaint Report as of the beginning of 2021 investigations have had five (5) open complaints regarding physician assistants. Of those five (5) new complaints, three (3) complaints regarding unprofessional conduct, one (1) complaint was for practicing beyond the scope of practice, and one (1)

was outside of the investigative scope. They have not closed any complaints so far in 2021 and have forty-four (44) open complaints being reviewed at this time. Orthopedic Physician Assistants have received one new (1) complaint for unprofessional conduct and closed zero (0) complaints, and one (1) complaint being reviewed or investigated.

Receive reports from the Administrative Office

Ms. Stacy Tarr reported that the following activity regarding Physician Assistants transpired in the administrative office between January 1, 2021 and March 31, 2021:

New Applications Received:	127
Total New Licenses Issued	143
Total Number of Renewals	291
Total Number of Online Renewals	262
Average Renewals Online	90%
Total Number of Reinstatements	13

As of March 31, 2021, the total number of active Physician Assistant licenses is 2,868. Of those licensees, 2,521 have a Tennessee address. The total number of Orthopedic Physician Assistant licensees as of March 31, 2021 is 10. Ms. Tarr advised the administrative office has experienced an increase in applications as well as other professions.

Discuss legislation and take action if needed

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

Receive reports from Health-Related Boards Finance Division

Ms. Grice gave the financial report to the Committee. Ms. Grice stated that the finance report is for mid-year 2021. Ms. Grice highlighted total direct expenditures that are projected for fiscal year 2021 is \$157,513.20 and Board fee revenue was \$195,008.06. Ms. Grice then compared the expenditures from July 1, 2020 to December 31, 2020. Operating expenditures for FY 2020 was 289,588.49 and the cumulative carryover balance of 711,373.67. Discussion held by Committee members.

Office of General Counsel Report

Ms. Alcock reviewed the conflict of interest policy in which she had provided to the Committee. Ms. Alcock informed the Committee that there are pending rule amendments that are in the review process. The Committee is working on several rule amendments. The Committee seeks to amend Rule 0880-03-.04 titled "Qualifications for Licensure" to add a new paragraph outlining requirements for applicants who are re-entering the workforce after being out of practice for several years; Rule 0880-03-.09 titled "licensure Renewal and Reinstatement of an Expired License", by removing the

requirement that a reinstatement applicant must pay all past due renewal fees along with a late renewal fee; and Rule 0880-03-.13 titled "Professional Ethics" by removing TAPA's code of ethics and replacing this with the American Academy's Guideline for Ethical Conduct for the PA Profession. Additionally, the Committee seeks to amend its rule to substitute the phrase "collaborating physician" each time that its rules mention the phrase "supervising physician" and seeks to amend its rules to ensure that both the male and female pronouns are being used through the rules when referring to a physician assistant or licensee.

The Office of General Counsel prepared the rulemaking documents which are currently in the review process. The rulemaking packet has been reviewed by several members of the Office of General Counsel, Health Related Boards, and financial. The packet is now being reviewed by the department of Health's legislative team. A rulemaking hearing date will be set in the future once the review process is complete.

Pending Litigation

As of April 2021, the Office of General Counsel has six (6) open cases pertaining to physician assistants. One Agreed Order and two Consent Orders will be presented to the Committee today.

Legislation Update

Senate Bill 39/House Bill 265 is proposed legislation that extends the Committee to June 30, 2026. This bill passed in the House and Senate in March 2021.

Senate Bill 671/House Bill 1080 is proposed legislation that amends several parts of the Tennessee Code relative to physician assistants and orthopedic physician assistants. The bill creates a Board of Physician Assistants, rather than a Committee. The bill proposes to remove the requirement that a physician assistant have collaborating physician. An amendment has been filed with the Senate. The bill has been placed on the House Health Subcommittee for April 6, 2021 and the Senate Government Operations Committee calendar for April 7, 2021.

Consent Order

Crystal McKiddy, PA- Ms. McKiddy was present before the Committee with her legal counsel present, Julia Kavanagh. Ms. McKiddy has been at all times pertinent hereto licensed by the Committee as a physician assistant in Tennessee, having been first granted a Tennessee license number 2075 by the Committee on January 5, 2012, which has a current expiration date of May 31, 2022. The department conducted an investigation that included the review of one of Respondents patient records, a pediatric patient who was three (3) years old at the time of the office visit on or about December 7, 2018, respondent examined the patient which Respondent was working as a Physician Assistant at Fast Pace Urgent Care Clinic in Oneida, Tennessee. A provider

in training conducted the primary examination, which respondent supervised. The investigation revealed that respondent failed to ensure that the provider in training documented bruises that were visible on the patient. The patient presented to Fast Pace with a cough and congestion. The documented included the following, among others to be normal; ENT-ear pinnae and external nose without tenderness, deformity or lesion bilaterally; generally appears to be well groomed, well nourished, and not in acute distress, skin is without rash, ecchymosis or jaundice. Respondent discharged the patient and signed the patient record with a diagnosis of cough and fever. Photographs of the patient taken before coming to Fast Pace for the office visit show a bruise on the left side of the forehead and around the left eye, which would have been obvious and visible during examination. Respondent failed to document any of the bruising in the patients' medical record. Respondent did nothing about the bruising and never contacted the Department of Children's Services. Ms. McKiddy's license is placed on probation for two years and at the expiration of the two-year probationary period Respondent is eligible to petition the Committee for an Order of Compliance, lifting the probation from her Tennessee license. All civil penalties and costs shall be paid in full within one year from the issuance of the Assessment of Costs. Civil penalty fees include Three Thousand Seven Hundred Fifty Dollars (\$3,750) and respondent will also pay the cost of the case up to Four Thousand Dollars (\$4,000). This case is a formal disciplinary action and will be reported to the National Practitioner Databank (NPDB). Respondents counsel, Julia Kavanagh, had no questions or comments. Motioned to approve was made by Ms. Lynch and seconded by Mr. Cain. Roll call vote was made, and motion passed.

Steven Richardson, PA- Mr. Richardson was not present before the Committee and without legal counsel present. Mr. Richardson has been at all times pertinent hereto licensed by the Committee on Physician Assistants in Tennessee, having been first granted his license number 3861 by the Committee on May 15, 2019, which expired on July 31, 2020. Mr. Richardson's California physician assistant license is currently under investigation by the California Medical Board for practicing and prescribing controlled substances to patients without proper supervision. The formal California Medical Board accusation was issued on December 5, 2019 and is pending resolution. On March 13, 2020 an Order was issued in the People of the State of California vs. Steven F. Richardson, PA in the Supreme Court of the State of California. Under the Order, as a condition of bail, respondent was prohibited from providing physician assistant services, prohibited from prescribing controlled substances, and ordered within 72 hours after the Order to surrender prescription pads to the Physician Assistant Board of California, pending the outcome of the matter. On or about September 1, 2020 the Idaho State Board issued a Stipulation and Order whereby respondents Idaho physician assistant license was surrendered after the Superior Court of California ordered respondent to cease practice as a physician assistant in California and prohibited respondent from prescribing controlled substances. On or about September 15, 2020 the Virginia Board of Medicine suspended respondent's physician assistant license due to action taken by another board or agency. On or about October 23, 2020 respondent entered into an

Order with the State of Illinois Medical Disciplinary Board whereby respondents Illinois physician assistant license was voluntarily placed on permanent surrender status.

Mr. Richardson's license as a physician assistant in Tennessee is being voluntarily surrendered effective the date of entry of said consent order by the Board. Respondent acknowledges this shall have the same effect as a revocation of his Tennessee physician assistant's license. Respondent must pay the maximum amount established by an Assessment of Costs prepared and filed by counsel for the Division. The maximum amount for the assessment of costs shall be Five Thousand Dollars (\$5,000). Respondent understands this is a formal disciplinary action and will be reported to the National Practitioner databank (NPDB). All civil penalties and costs shall be paid in full within ninety (90) days from the issuance of the Assessment of Costs. Motion was made to approve order by Mr. Cain and seconded by Mr. Reeves.

Agreed Order

Donald Douglas, PA- Mr. Douglas was not present before the Committee and did not have legal counsel present. Mr. Douglas has been at all times pertinent hereto license by the Committee as a physician assistant in the State of Tennessee, having been issued license number 766 on March 18, 1999, which currently has an expiration date of November 30, 2021. The department conducted an investigation that included the review of ten (10) patient records prepared and kept by the respondent, reflecting treatment from 2010 to 2013 with controlled substances in amounts and or for durations not medically necessary, advisable, or justified. During the period of 2010 to 2014, respondent was employed as a physician assistant at Bearden healthcare Associates, a pain management clinic in Knoxville, TN. Under his supervising physician's direction, responded routinely prescribed controlled substances primarily large quantities of opioids for treatment of patients with chronic pain complaints at Bearden Healthcare. It is the departments position that respondent prescribing was non-therapeutic on nature, neither justified nor medically necessary for patient's diagnosis, and not for a legitimate purpose. Respondent often prescribed monthly prescriptions to individual patients which included combinations of long-acting and short-acting opioids often combined with benzodiazepine. Respondent typically treated patients that had been receiving care from multiple providers at Bearden Healthcare prior to his encounter with the patient. It is the departments position that respondent prescribed large amounts of controlled substances for which patient charts did not provide sufficient justification. Additionally, at times, respondent authorized refills for patients without having a face to face encounter with the patient. Respondent is no longer working in pain management and has not worked in pain management fort six (6) years, and respondents recent practice included very little controlled substance prescribing. Mr. Douglas' license number 766 is placed on probation for three (3) years, effective the date of entry of this agreed order. At the expiration of the three (3) year probationary period, respondent is eligible to petition the Committee for an Order of Compliance lifting the probation on his license. Respondent

must enroll in and successfully complete within six (6) months after entry of this Agreed Order the following course offered at Case Western Reserve University Continuing Education Programs: intensive Course in Controlled Substance Prescribing or an equivalent course approved in advance in writing by the Committee's Consultant. Respondent must pay civil penalty in the amount of Five Hundred Dollars (\$500) for the one ground for discipline. Respondent must pay the actual and reasonable costs of persecuting this case not to exceed Twenty Thousand Dollars (\$20,000). Respondent understands this is a formal disciplinary action and will be reported to the National Practitioner Data Bank (NPDB). Motion to accept said order was made by Ms. Thornton and seconded by Mr. Reeves. Roll call vote was made, and the motion passed.

Agreed Citation

Katherine Arnold, PA - Respondent was not present before the Committee and her counsel was not present. Respondent is licensed as a physician assistant in the State of Tennessee by the Committee, license number 2831. Respondent failed to properly maintain sufficient continuing education credits in violation of Tenn. Code Ann 63-19-104 (a) (4) and Tenn. Comp R. & Regs. 0880-03-.12. Respondent failed to obtain twenty-three and a half (23.5) hours of required continuing education credits. Including two (2) hours of required controlled substance prescribing education. Respondent agreed to pay a civil penalty fine in the amount of Four Hundred Seventy Dollars (\$470). Motion to accept agreed citation made by Ms. Thornton and seconded by Mr. Cain. Roll call vote was made, and the motion passed.

Adjournment

Motion made by Ms. Patterson to adjourn meeting. The motion was seconded by Ms. Thornton and a roll call vote was made, the motion passed, and the meeting adjourned at 11.39am.