



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

Friday, October 5, 2018

MINUTES

The regular meeting of the Tennessee Board of Medical Examiners’ Committee on Physician Assistants (hereinafter, “the Committee”) was called to order at 9:18 a.m. in the Iris Room, Ground Floor, Metro Center Complex, 665 Mainstream Drive, Nashville, Tennessee 37243 by Mr. Bret Reeves.

Members Present: Benjamin Hux, OPA-C
Barbara Hale Thornton, Consumer Member
Ralph Dailey, PA-C
Bret Reeves, PA-C, Chairman
Donna Lynch, PA-C
Marie Patterson, 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 July 27, 2018 regular meeting. Ms. Barbara Thornton made a motion to approve the minutes. Mr. Benjamin Hux seconded the motion and the motion passed.

CONTESTED CASE-GAMAL ALSHOBARI

Judge Tom Stovall presided. Mr. Gamal Alshobari appeared without legal representation. Ms. Andrea

Huddleston with the Office of General Counsel represented the Department. Judge Stovall reported this case is to consider the matter of Mr. Alshobari by the Notice of Hearing filed on August 7, 2018. Ms. Huddleston made an opening statement reminding the Committee Mr. Alshobari applied for an orthopedic physician assistant (hereinafter “OPA”) license which the Committee denied when Mr. Alshobari appeared earlier in the year due to the inability to provide proof of completion of an OPA training program. Ms. Huddleston stated Statute indicates that an OPA license may only be issued with completion of an approved OPA program.

Mr. Alshobari took the stand and addressed the Committee. Mr. Alshobari stated he feels he meets requirements for licensure and reported he is a physician overseas and graduated from medical school in 1981, completed a six (6) year residency in orthopedic surgery and received a diploma degree for orthopedic surgery, continued to work at a hospital then moved to Saudi Arabia and worked at a University hospital where he reported he supervised students. Mr. Alshobari reported he then moved to the United States and has obtained an Orthopedic Technologist license and performed as a Surgical Assistant, he then sat for and passed the NBCOPA exam on the first attempt and became certified. Mr. Alshobari stated he has thirty-seven (37) years’ experience.

Ms. Huddleston made her closing statements and read TCA 63-19-.202 Section (b) and TCA 63-1-.104 (d).

Ms. Huddleston distributed proposed findings to the Committee. Judge Stovall addressed the Committee stating it is the responsibility of the Committee to make a decision in the matter which will be the final order of this Committee which must contain findings of fact, conclusion of law and ultimately a determination. There is no allegation of inappropriate conduct; the question is whether or not Mr. Alshobari should be granted a license as an OPA. The burden of proof is Mr. Alshobari’s and whether he has proven he meets the qualifications to be granted a license under the Tennessee Statute and Committee rules.

Ms. Donna Lynch asked that on page 2 under The Conclusion of Law and on page 3 in the Order an amendment be made to state **Orthopedic** Physician Assistant where it says Physician Assistant.

Mr. Russ Dailey made the motion to accept the Findings of Fact as written and submitted by Ms. Huddleston. Ms. Lynch seconded. Mr. Hux and Ms. Marie Patterson opposed. The motion passed.

Mr. Dailey made the motion to accept the Conclusion of Law and the Policy Statement as submitted by Ms. Huddleston with the correction of section 7 to read Orthopedic Physician Assistant. Ms. Thornton seconded. Mr. Hux opposed. The motion passed.

Ms. Huddleston asked if there would be a need to submit a new application. The Committee felt that was not necessary.

Ms. Huddleston amended the Order to read this Committee would consider this applicant in the future if a Petition for Declaratory Order is filed within sixty (60) days on his current application with an update of his criminal background check. Ms. Thornton made a motion to accept the Order. Mr. Dailey seconded. Mr. Hux opposed. The motion passed.

The case was adjourned.

PRESENTATION BY DR. BESS

Dr. Todd Bess, Director of the Controlled Substance Monitoring Database (hereinafter “CSMD”) introduced Dr. David Regan, Chief Medical Office for the Department. Dr. Regan addressed the Committee with information on the Gateway Electronic Health Record Integration which would allow integration into the standard workflow of clinicians within the electronic health record. Dr. Bess reported the Board of Medical Examiners agreed to fund their portion for the first two (2) years with the condition that all other Committees/Boards that make up the CSMD, with the exception of the Veterinary Board, agree to participate. The Podiatry Board and they made the same decision. Dr. Bess reported the reserve balance for the Committee on Physician Assistants is a little over seven hundred thousand dollars (\$700,000) and after funding it would drop down to a little over six hundred and fifty thousand dollars (\$650,000). Dr. Bess stated they are asking for the first two (2) years of funding.

Mr. Hux made a motion to use reserve funding to fund the first two (2) years with the condition that all other Committees/Boards that make up the CSMD, with the exception of the Veterinary Board, agree to participate. The first year amount will be twenty one thousand seven hundred thirty seven dollars and seventy cents (\$21,737.70) and the second year being thirty two thousand six hundred and six dollars and fifty six cents (\$32,606.56). Ms. Thornton 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. Ms. Patterson seconded. The motion passed.

Discuss revisions to the Re-Entry Policy

Ms. Katherine Moffat with the Tennessee Academy of Physician Assistants reported she spoke with President Rex Hobbs who has convened a task force to help with the re-entry policy. Mr. Hobbs has been presented with a copy of the current policy as well as the state by state handout. While reviewing literature the task force has not found anything that speaks to the loss of clinical skills. Ms. Moffat reported the task force would be meeting at TAPA’s fall conference and would compile a formal proposal that the Committee could review and discuss at the January Committee Meeting. Ms. Thornton made the motion to table the matter to review the task force proposal and Ms. Huddleston draft. Ms. Lynch seconded. The motion passed.

Discuss rule making hearings rule amendments

Mr. John Williams with TAPA took to the podium and stated a concern for a need to revisit the supervision rules. Mr. Williams asked if there were any efforts underway. Ms. Stacy Tarr reported there is a taskforce that has met, made up of the Board of Medical Examiners. Ms. Huddleston reported that she suspected the Board of Medical Examiners were in the initial stages and suggested that maybe we nominate a member of the Committee to be a representative for Physician Assistants for future meetings. Ms. Thornton made a motion to nominate Mr. Gregory Cain as the representative. Ms. Patterson seconded. The motion passed. Ms. Patterson volunteered to be the alternate. Mr. Dailey seconded. The motion passed.

DEPARTMENTAL REPORTS

Managers' report was presented by Ms. Tarr

- New applications received - 87
- Total new licenses issued – 84
- Total number of reinstatements – 8
- Total number of active licensees as of September 30, 2018 – 2,386
- Total number of active licensees as of September 30, 2018 with a TN mailing address – 2,013
- Total number of OPA licenses as of September 30, 2018 – 15

Office of General Council report was presented by Ms. Huddleston

- Pending complaints there are eight (8) open cases against five (5) respondents

Petition for Order of Compliance – Marsha Percy

Ms. Marsha Percy appeared without representation. Ms. Percy has complied with all the terms of the disciplinary order as such the Department agrees that Ms. Percy is entitled to the probation of her license be lifted.

Ms. Thornton made a motion to approve the Order of Compliance. Mr. Dailey recused himself. Ms. Lynch seconded. The motion passed.

Office of Investigations report was presented by Ms. Tarr

Statistical Complaints

New Complaints Opened - 6 Closed Complaints – 11

YTD New Complaints – 30 YTD Closed Complaints - 47

Currently Monitored Practitioners

Probation – 5

Suspended-4

Revoked/Surrendered-6

Board Order- 3

Financial Report was presented by Ms. Noranda French

Ms. French reported the Physician Assistant Committee closed in the black with Board revenue totaling two hundred seventy thousand five hundred and twenty six dollars (\$270,526) and current year net totaling ninety thousand six hundred and eighty eight dollars (\$90,688). There were no questions or discussions.

Ms. Thornton made a motion to adjourn. Mr. Hux seconded. The motion passed.

The meeting was adjourned at 1:12 p.m.