

**Tennessee Board of Medical Examiners’
Committee on Physician Assistants
January 18, 2008**

Minutes

A regular meeting of the Tennessee Board of Medical Examiners’ Committee on Physician Assistants was held in the Iris Room at 227 French Landing, Heritage Place Metro Center, Nashville, Tennessee.

Members Present: Glen Alexander, PA; Johnny Nowlin, PA, Jonathan White, PA; Johnny Presley, PA, and Anne Arney, Consumer Member

Staff Present: Marsha Arnold, Unit Manager; Rosemarie Otto Executive Director; Mona Jean-Baptiste, Assistant General Counsel

Members Absent: Gary Tauxe, OPA; and William Blalock, PA

Glen Alexander, Committee Chairman called the meeting to order at 9:10 a.m. The Chairman determined that a sufficient number of members were in attendance to constitute a quorum.

Mr. Matthew Scanlan, Deputy General Counsel, introduced Mona Jean-Baptiste, Assistant General Counsel, to the Committee and informed them Ms. Jean-Baptiste would be their new advisory attorney. Ms. Jean-Baptiste then took the opportunity to review the Conflict of Interest policy. All committee members have previously signed the policy as a condition of sitting on the Committee.

Approval of Minutes

Jonathan White made a motion to approve the minutes of the October 10, 2007 meeting with one small change. Mrs. Johnny Nowlin seconded the motion. The motion passed unanimously.

Financial Report

Rosemarie Otto, Executive Director of the Medical Board, reviewed the Committee’s updated financial statement in the absence of Lisa Tittle and stated that the financial report indicated a surplus of \$219,180.34.

Disciplinary Report

The Committee reviewed the written report submitted by Juanita Stone, Disciplinary Coordinator which indicated five licensees are currently being monitored and are in compliance.

Investigations Report

Juanita Stone, Disciplinary Coordinator informed the Committee that there were seventeen open complaints in the Bureau of Investigations regarding physician assistants.

Manager's Report

Marsha Arnold reported on the activities in the administrative office between October 1, 2007 through December 31, 2007 concerning Physician Assistants. The report read as follows:

26 new applications, 31 new licenses, 99 mailed out renewals and 1 licensure reinstatement. The number of active licensees as of December 31, 2007 is 943, the total number of active licensees with a Tennessee mailing address is 824, and the total number of active licensees with a Tennessee practice address is 601.

Ratification of New Licenses, Temporary Permits and Reinstatements

Mr. Jonathan White made a motion to ratify the new licenses, temporary permits, and retirements. Mr. Johnny Presley seconded the motion. The motion passed unanimously.

Tennessee Professional Assistant Program (TNPAP)

Mr. Mike Harkreader reported for the Tennessee Professional Assistance Program (TNPAP). For the period of July 1, 2007 through December 12, 2007 TNPAP had a total of five (5) participants being monitored that were referred from different sources.

OGC Report

Ms. Mona Jean-Baptiste, Assistant General Counsel, informed the Committee that the Office of General Counsel had no pending contested cases; however, there were two Consent Orders ready for presentation at the meeting today. Ms. Jean-Baptiste also reported that the notice of rule making hearing approved at the October committee meeting was insufficient causing the rulemaking hearing to be rescheduled for February 20, 2008. The rule addresses the Necessity of License; Application Review, Approval and Denial; Disciplinary Grounds, Actions and Civil Penalties; and Disciplinary Grounds, Actions, and Civil Penalties.

General Discussion

Rosemarie Otto led the discussion concerning the Allied Health Commission. At the January, 2007 meeting Bill Jolly and Dr. Kathleen McEnerney addressed the Committee regarding the purpose of the Tennessee Allied Health Commission which was created by statute to study issues

relevant to allied health care providers. The Committee wanted the Tennessee Academy of Physician Assistants (TAPA) to review the information received at that meeting and report back to the Committee. Ms. Otto stated she had been asked by the Bureau to see if the Committee was interested in pursuing a relationship with the Commission. Chairman Alexander recognized Penny Gailard, Executive Director of TAPA to discuss her contact with the Commission. Ms. Gailard reported she had contacted the Commission asking for more information but had not received any. Mr. Presley made a motion to table the question until the next meeting after more information is received and Mr. White seconded the motion. The motion passed unanimously.

Applicant Interview

James Womack, PA – At the July, 2007 meeting Mr. Womack appeared before the Committee. He had allowed his license to lapse in December, 2006 and was applying for reinstatement. The conclusion of the interview required Mr. Womack to be assessed by TNPAP and receive a favorable report, and to have submitted to the Committee two (2) letters of recommendation from health professionals attesting to his character. Mr. Womack appeared before the Committee at this meeting after fulfilling the requests. Ms. Otto reviewed Mr. Womack's history with the Committee and that he had complied with the Committee's request. Mr. Presley made a motion to reinstate Mr. Womack's PA license conditioned upon receipt in the committee's administrative office of an executed five-year contract and that he remain in full compliance with his After Care contract for the duration of his TNPAP contract. Mr. White seconded the motion and the motion passed unanimously.

Allen Powell, PA - At the October, 2007 meeting interview Mr. Powell had failed to disclose criminal history on his application and practitioner profile. The Criminal Background Check revealed an arrest for driving under the influence (DUI), speeding and driving on a suspended license. The Committee also reviewed a recommendation letter written by Dr. Robert Reeves that indicated that Mr. Powell was working with him as a Physician Assistant. The Committee agreed that Mr. Powell must get a letter of clarification from Dr. Reeves that included a description of his duties and confirm whether or not he allowed Mr. Powell to practice as a physician assistant. At this meeting Mr. Powell was present and had provided the documents required. The Committee reviewed a letter from Dr. Reeves clarifying Mr. Powell's duties under his supervision. Mr. White made a motion to license Mr. Powell after receipt in the administrative office of proof of completion of five hours of continuing medical education in ethics. Mr. Presley seconded the motion and the motion passed unanimously.

Consent Orders

Rondal K. Brock, PA – Mr. Brock was neither present nor represented by counsel. Ms. Mona Jean-Baptiste represented the State. The Consent Order stipulated that on October 4, 2002, the Tennessee Board of Medical Examiners' Committee on Physician Assistants disciplined Mr. Brock's license for several violations of the practice act and rules and regulations governing the profession. Subsequently, on or about July 11, 2003, Mr. Brock appeared before the Committee to request a modification of the 2002 Order which required Mr. Brock to seek in-patient treatment. The 2002 Order was modified to require a five-year contract with the Tennessee Peer Assistance Program (TNPAP). On February 5, 2003, Mr. Brock entered a five year monitoring

contract with TNPAP. On April 13, 2007, after being told that he would have to enter in-patient treatment, Mr. Brock was discharged from TNPAP for dishonesty and continuous non-compliance with the TNPAP program and recommendations. Then on August 27, 2007, Mr. Brock pleaded guilty before the U.S. District Court for the Eastern District of Tennessee, to violations under 18 USC §371, having knowingly conspired to and devised a scheme to defraud various healthcare benefits programs of money by submitting fraudulent reimbursement claims to those benefit programs between January 2002 and May 2004. Offenses under 18 USC §371 carry up to a five year term of imprisonment. The Consent Order stated that Mr. Brock's license is revoked, and he shall pay all reasonable costs of the action which shall not exceed \$4,500 to be paid within thirty days from the filing of the Affidavit of Costs. Mr. Presley made a motion to accept the Order and Ms. Nowlin seconded the motion. The motion passed unanimously.

Ronald L. Flowers, PA - Mr. Flowers was neither present nor represented by counsel. Ms. Mona Jean-Baptiste represented the State. The Consent Order stipulated Mr. Flowers practiced medicine as a physician assistant without a valid license when he continued to see patients and prescribe medications as part of his employment with Alcoa, Inc., Pigeon Forge Walk-in Clinic and Knoxville Academy of Health after his license expired on June 30, 2005. He was terminated from Alcoa, Inc. in March 2006. Between July 2005 and May 2006, Mr. Flowers inappropriately prescribed and/or otherwise distributed controlled substances to his relatives and others when: a. the quantity, duration and method was such that the persons would become addicted to the habit of taking said controlled substances if these persons were not already addicted to a said controlled substances; and/or b. failed and/or neglected to document counseling for such addiction; and/or c. failed and/or neglected to document making a bona fide effort to cure the habit of such patients. On May 2, 2007 Mr. Flowers pled guilty to "Possession of a Schedule VI Drug," "Possession of a Schedule II Controlled Substance," and "Possession of Drug Paraphernalia." Mr. Flowers was sentenced to eleven months and twenty-nine days of suspended incarceration on each count and a total of one thousand one hundred and fifty dollars in fines. Mr. Flowers admits to frequent use of Cocaine and Marijuana during the last six months of his employment with Alcoa, Inc. as a physician assistant. Mr. Flowers also admits to addiction to the Cocaine and Marijuana. The Consent order stated Mr. Flower's physician assistant license is revoked and that the revocation shall remain in place for at least one year. Mr. Flowers will become eligible for reinstatement of his license upon the following conditions: a. He must obtain and maintain the advocacy of the Tennessee Professional Assistance Program (TNPAP) and enter a monitoring contract with TNPAP not less than three years in duration and he must provide evidence satisfactory to the Committee of at least one year of continuous sobriety. If the Committee grants Mr. Flower's application for reinstatement he shall be on probation to run concurrent with the remainder of the TNPAP contract. Mr. Flowers is to immediately surrender his Drug Enforcement Agency certificate and shall not write any prescriptions for the duration of the revocation/probationary period. He shall pay all reasonable and actual costs of this action which shall not exceed \$3,500 and shall be paid within thirty days from the filing of the Affidavit of Costs. Mr. Presley made a motion to accept the Consent Order and Mr. White seconded the motion. The motion passed unanimously.

“Noteworthy” on the Internet.

The Committee did not designate anything to be placed on the internet.

This meeting adjourned at 11:50 a.m. The next meeting is April 18, 2008 at 9:00 a.m. at 227 French Landing, Heritage Place Metro Center, Nashville, Tennessee

These minutes were ratified by the Committee on April 18, 2008.