

**Tennessee Board of Medical Examiners’
Committee on Physician Assistants
April 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; Gary Tauxe, OPA; William Blalock, PA and Anne Arney, Consumer Member

Staff Present: LaTonya Shelton, Administrator; Marsha Arnold, Unit Manager; Rosemarie Otto, Executive Director; Mona Jean-Baptiste, Assistant General Counsel and Libby Miller, Director

Members Absent: Johnny Presley, PA

Glen Alexander, Committee Chairman called the meeting to order at 9:05 a.m. The Chairman determined that a sufficient number of members were in attendance to constitute a quorum.

Conflict of Interest

The conflict of interest policy was reviewed with the Committee.

Election of Officers

Jonathan White made a motion to nominate Glen Alexander for Chairman, Ms. Johnny Nowlin seconded the motion. The motion passed unanimously. Jonathan White made a motion to nominate Ms. Johnny Nowlin for Secretary and Anne Arney seconded the motion. The motion passed unanimously.

Approval of Minutes

Jonathan White made a motion to approve the minutes of the January 18, 2008 meeting. Anne Arney seconded the motion. The motion passed unanimously.

Financial Report

Rosemarie Otto, Executive Director of the Board of Medical Examiners, reviewed the Committee's 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 three licensees currently being monitored and in compliance. Three licensees have been revoked for noncompliance.

Investigations Report

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

Manager's Report

Marsha Arnold reported on the activities in the administrative office between January 1, 2008 and March 31, 2008 concerning Physician Assistants. The report read as follows:

19 new applications, 18 new licenses, 111 mailed out renewals and 4 licensure reinstatements. The benchmark for processing renewals has been set for 14 days. The actual processing time of renewals in our office is 4.4 days. The benchmark for processing new applications has been set for 100 days. The actual processing time for new applications in our office is 61.6 days. The number of active licensees as of March 31, 2008 is 979 and the total number of active licensees with a Tennessee mailing address is 863. The total number of active licensees with a Tennessee practice address is 635.

Ratification of New Licenses, Temporary Permits Reinstatements and Failure to Renew

Jonathan White made a motion to ratify the new licenses, temporary permits, retirements and failures to renew. Anne Arney seconded the motion. The motion passed unanimously.

Tennessee Professional Assistant Program (TNPAP)

Mr. Mike Harkreader discussed the TNPAP report with the Committee. For the period of July 1, 2007 through March 30, 2008 TNPAP had a total of nine (9) participants in which six (6) are being monitored and three (3) were referred from different sources and one (1) had been discharged with no monitoring necessary.

OGC Report

Ms. Mona Jean-Baptiste, Assistant General Counsel, informed the Committee that the Office of General Counsel currently has two open files in the office. There are no pending contested cases at this time however, one matter was presented to the Committee at this meeting.

Rules

Ms. Mona Jean-Baptiste asked the Committee to conduct a roll call vote to adopt the amendments for, the rule making hearing held February 20, 2008 regarding Physician Assistants Rule 0880-3-.03, Necessity of license; Rule 0880-3-.07, Application Review, Approval and Denial; Rule 0880-3-.15, Disciplinary Grounds, Actions and Civil Penalties; and also regarding Orthopedic Physician Assistants Rule 0880-10-.03, Necessity of License and Rule 0880-10-.15, Disciplinary Grounds, Actions and Civil Penalties. Ms. Jean-Baptiste reported no one attended the rule making hearing and no comments were received. Jonathan White made a motion to adopt the final rules and Anne Arney seconded the motion. The vote carried unanimously.

General Discussion

The Committee voted to approve continuation of the contract with the TN Nurses Foundation (Physician Assistants) for an additional year. William Blalock made a motion to renew the contract and Ms. Johnny Nowlin seconded the motion. The motion carried unanimously.

In the absence of Penny Gaillard, Executive Director of Tennessee Academy of Physician Assistants, Rosemarie Otto informed the Committee that the Tennessee Allied Health Commission had not developed any detailed goals or objectives for the Committee to review. Ms. Gaillard submitted a letter for the Committee to review in which she stated that TAPA was making the following recommendations for the Committee: (1) Advise COPA commitment to this

project as a worthy endeavor by requiring PA representation on the Commission. (2) Advise COPA withhold authorization of funds until assurance of PA representation is received. (3) Appoint a representative to serve on task force for development of Allied Health Commission. TAPA's Executive Director is willing to serve in this capacity if recommended by COPA. The Committee made a decision not to participate with the Tennessee Allied Health Commission unless and until further information is provided.

Consent Order

James G. King, PA- Mr. King was neither present nor represented by legal counsel. Ms. Mona Jean-Baptiste represented the State. The Consent Order stipulated that between January 2005 and January 2007 Mr. King engaged in a pattern of continuing or repeated malpractice and unprofessional conduct by prescribing controlled substances to six (6) patients while failing to enter into a physician assistant/patient relationships; documenting medical histories; conducting physical examinations making diagnoses based upon the examination of the patients; formulating a written treatment plan, tailored to the individual needs of the patients; documenting periodic review at reasonable intervals; and maintain complete and accurate records. Mr. King between January 2005 and January 2007 to the same six patients issued controlled substances in the quantity, duration and method where the persons would become addicted to the habit of taking controlled substances if they weren't already addicted and/or failed and/or neglected to document counseling; and/or failed and/or neglected to document making a bona fide effort to cure the habit of such patients. Mr. King agreed that his Physician Assistant license be revoked effective on the date that the Consent Order is ratified by the Board. The Revocation shall remain in place for at least two (2) years. Mr. King will be eligible for reinstatement upon the following conditions: (a) Mr. King must submit evidence satisfactory to the Committee of completion of a substance abuse treatment program and proof of continuous compliance with any required aftercare program; and (b) Mr. King must also provide evidence satisfactory to the Committee of at least two (2) years of continuous sobriety. Mr. King is ordered to immediately surrender his Drug Enforcement Agency certificate. Mr. King is prohibited from writing any prescriptions during the period of Revocation. This revocation is a formal disciplinary action and will be reported to the Health Integrity and Protection Data Bank (HIPDB). Mr. King shall pay all reasonable and actual costs of this action, which shall not exceed \$4500.00. This fee is to be paid within thirty (30) days from the filing of the Affidavit of Cost and to the extent allowed by law, execution may issue for payment of these costs for all or any portion thereof that remain unpaid for one (1) year after the Order becomes final. Jonathan White made the motion to accept the Consent Order as written and Anne Arney seconded the motion. The motion passed unanimously.

“Noteworthy” on the Internet

The Committee did not designate anything new to be placed on noteworthy, but did direct that future newsletters should be both mailed and placed on the internet.

This meeting adjourned at 9:45 a.m. The next meeting is July 18, 2008 at 9:00 a.m. at 227 French Landing, Heritage Place Metro Center, Nashville, Tennessee

Ratified by the Committee July 18, 2008.