

**Tennessee Board of Medical Examiners'
Committee on Physician Assistants
October 9, 2009**

Minutes

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

Members Present: Glen Alexander, PA-C; Johnny Nowlin, PA-C; James Montag, PA-C ; Johnny Presley, PA-C ;Jonathan White, PA-C; Gary Tauxe, OPA and Anne Arney, Public Member

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

Mr. Jonathan White, Committee Chairman called the meeting to order at 9:07 a.m. The Chairman determined that a sufficient number of members were in attendance to constitute a quorum.

Conflict of Interest

The Committee reviewed the conflict of interest policy with Ms. Mona Jean-Baptiste.

Approval of Minutes

Mr. Johnny Presley made a motion to approve the minutes of the July 31, 2009 meeting and Mr. James Montag seconded the motion. Mr. Johnny Presley also made a motion to approve the minutes from the September 18, 2009 Teleconference and Mr. James Montag seconded the motion. The motion passed unanimously.

Disciplinary Report

The Committee reviewed the disciplinary report submitted by Ms. Juanita Stone, Disciplinary Coordinator which informed the Committee that nine licensees are currently being monitored on probation. One (1) license is currently suspended and five (5) are currently revoked or under some form of board order.

Investigations Report

Ms. Juanita Stone, Disciplinary Coordinator informed the Committee that there were five (5) new open complaints relative to physician assistants. There are no open complaints against orthopedic physician assistants in the Office of Investigations.

Manager's Report

Ms. Marsha Arnold reported on the activities in the administrative office between July 1, 2009 and September 30, 2009 concerning Physician Assistants. The report reads as follows:

69 new applications, 36 new licenses, 93 mailed out renewals and 1 licensure reinstatement. The number of active licensees as of September 30, 2009 is 1,114 and the total number of active licensees with a Tennessee mailing address is 979. The total number of active licensees with a Tennessee practice address is 676.

At the July 2009 meeting, Mr. White had ask for a report on the number of Physician Assistants with a Tennessee practice address spanning a ten (10) year Ms. Arnold was able to compile a report, but due to the limitations of the State's computer system was able to provide a report dating back to 2003.

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

Mr. Johnny Presley made a motion to ratify the new licenses, temporary permits, retirements and failures to renew. Mr. Glen Alexander 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, 2008 through September 18, 2009, TNPAP had a total of seven (7) participants being monitored, two (2) were referrals and one (1) has been discharged for noncompliance and was reported to the Committee.

OGC Report

Ms. Mona Jean-Baptiste, Assistant General Counsel, informed the Committee that the Office of General Counsel currently has five (5) open files of which one (1) contested case will be heard today.

Rules

Ms. Mona Jean-Baptiste informed the committee that the rules relative to the amendments for 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 are currently at the Attorney General's Office and are still under review.

Ms. Mona Jean-Baptiste also informed the Committee of a Notice for Rule Making Hearing relative to the amendments to Rule 0880-3-.06, Fees; Rule 0880-3-.15, Disciplinary Grounds, Actions, and Civil Penalties; Rule 0880-10-.06, Fees and Rule 0880-10-.15, Disciplinary Grounds, Actions, and Civil Penalties requires the Committee's review and approval.

Mr. Glen Alexander made a motion to authorize a rule making hearing concerning the Rule 0880-3-.06, Fees; amendment to Rule 0880-3-.15, Disciplinary Grounds, Actions, and Civil Penalties; Rule 0880-10-.06 Fees, amendment to Rule 0880-10-.15 Disciplinary Grounds, Actions, and Civil Penalties and revoked licensees' application process for licensure and criminal convictions of a misdemeanor or felony. Ms. Jean-Baptiste informed the Committee that additional changes were made due to grammatical errors to the Rules 0880-3-.15 and 0880-10-.15. Mr. Johnny Presley seconded the motion. The motion passed unanimously.

CME Audit Office

Ms. Otto informed the Committee that Physician Assistants have a ninety-three percent (93%) compliance rate and the Orthopedic Physician Assistants have a one hundred percent (100%) for the audit period of January 2009 through June 2009. The Health Related Boards Audit Office conducts random audits on five percent (5%) of renewals each month.

Applicant Interview

Ms. Mickie Wilkerson, PA, Franklin, TN was present to discuss her initial licensure application. The Consultants for both the Committee and the Board of Medical Examiners recommended that Ms. Wilkerson come before the Committee for an interview because she has not practiced in a clinical setting for six (6) years. Both Consultants recommended a six (6) week clinical refresher course. After discussion Ms. Anne Arney made a motion to accept the recommendation from both Consultants recommending a six (6) week clinical rotation refresher course at Trevecca in family medicine and upon successful completion, Ms. Wilkerson will be issued a license administratively. The Committee requested to keep the applicant's application file open. Mr. James Montag seconded the motion. Mr. Glen Alexander opposed. The motion passed.

Mr. Anthony Loope, PA, New Tazewell, TN was present to discuss his reinstatement application. The Consultants for both the Committee and the Board of Medical Examiners recommended that Mr. Loope come before the Committee for an interview because information provided in his reinstatement application indicated that he worked on a lapsed license. Mr. Loope's license was

placed on PROBATION effective November 6, 2007 pursuant to a previous agreed order that within one year of the effective date of that order Mr. Loope would pay costs and civil penalties; enroll in and complete Vanderbilt's medical course entitled Prescribing Controlled Drugs and enroll in and complete a medical records' keeping course at Vanderbilt entitled Medical Record Keeping. Mr. Loope has paid his costs and civil penalties, enrolled in the Prescribing Controlled Drugs course in July 2009 that is set to begin on October 28, 2009 and enrolled in a similar course at the Cleveland Clinic for Medical Record Keeping on November 12-13, 2009. Mr. Loope's license went into failed to renew status in March 31, 2009. Mr. Johnny Presley made a motion to DENY the reinstatement application. Ms. Johnny Nowlin seconded. Mr. Glen Alexander opposed. The motion passed. Ms. Jean-Baptiste informed Mr. Loope that he will need to apply for a new license if he wishes to be licensed in Tennessee again.

Mr. Thomas Clark, PA, Maynardville, TN was present to discuss his initial licensure application. The Consultants for both the Committee and the Board of Medical Examiners recommended that Mr. Clark appear before the Committee for an interview because his application indicates that he is currently under a five year contract with Alabama Physician Health Program. The contract was entered into September 4, 2008 following treatment for opioid dependence at Bradford. Mr. Clark also has a current obligation to the "Drug Court" in Etowah County, AL. He was referred to that program in May 2009 and is scheduled to continue in that program for 18-24 months. Mr. Clark has been accused of drug related crimes regarding obtaining controlled substances by fraud. Mr. Clark HAS NOT been convicted and will not be so long as he continues and completes the program and the Committee should not consider him convicted of any crimes. Both Consultants made the following recommendation: upon the Committee granting Mr. Clark a conditional license where that (1) Mr. Clark must enter a five year contract with TNPAP and maintain advocacy for the duration of that contract and have TNPAP to file quarterly reports on his compliance with the Department's disciplinary coordinator and (2) Mr. Clark continue his relationship with the "Drug Court" in Etowah County, Alabama until successful completion and this successful completion of this program is a condition of his license. Mr. Johnny Presley made a motion to grant Mr. Clark a license conditioned as follows: Mr. Clark's license will be conditioned upon obtaining and maintaining the advocacy of Tennessee Professional Assistance Program (TNPAP) and strict compliance with a TNPAP aftercare contract for five years. Mr. Clark must continue his relationship with the "Drug Court" in Etowah County, Alabama until such time that he is successfully released from that program. Additionally, he must not hold a Drug Enforcement Administration Registration for one year from the effective date of this order. After one year from the effective date of this order, he may petition the Committee for an Order of Compliance to request that he be permitted to seek a DEA registration. When he has successfully completed his five year contract with TNPAP, he may likewise petition the Committee to have this condition removed from his license. Mr. James Montag seconded the motion. The motion passed unanimously.

Once the Committee's administrative office is in receipt of Mr. Clark's TNAP contract and he has signed and returned a letter memorializing these conditions, staff is instructed to issue Mr. Clark a license.

General Discussion

The Committee discussed the closure of Mr. Joel Burnett's reinstatement application. Ms. Otto informed the Committee that Mr. Burnett has been unable to enroll in a clinical rotation and has lost advocacy of the Tennessee Professional Assistant Program (TNAP) as of September 9, 2009 reported by Mr. Allen at TNAP. Mr. Glen Alexander made a motion to close Mr. Burnett's application and Mr. Johnny Presley seconded the motion. The motion carried unanimously.

The Committee discussed delegating the authority to staff to access Edison, for the State's accounting software the purposes of entering travel claims of members. After discussion the Committee agreed to grant staff permission to enter information into the Edison on their behalf for reimbursement of travel.

The Committee reviewed and discussed the draft policy regarding the Position Statement on competence and re-entry training to the active practice of medicine as a physician assistant. After discussion the Committee members agreed to re-draft the policy and bring it back to the Committee at the January 8, 2010 meeting for review and approval.

A discussion was held concerning using or adopting the Agreed Citation format as a remedy for a lapsed license. Mr. Johnny Presley made a motion to adopt the Agreed Citation format as a mechanism to enforce the lapsed license policy as it is written. Mr. James Montag seconded the motion. The motion carried unanimously.

Ms. Otto also informed the Committee that we can no longer send applications for licensure review through email but they will be sent through Microsoft Office. The Committee was given a tutorial after the meeting was adjourned.

This meeting adjourned at 11:29 a.m. The next meeting is January 8, 2010 at 9:00 a.m. at 227 French Landing, Heritage Place Metro Center, Nashville, Tennessee

These minutes were ratified by the Committee March 19, 2010.