

**Tennessee Board of Medical Examiners’
Committee on Physician Assistants
July 6, 2007**

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; Janet Johnson, OPA; and Anne Arney,
Consumer Member

Staff Present: LaTonya Shelton, Administrator; Marsha Arnold, Unit Manager;
Robert Kraemer, Deputy General Counsel and Jerry Kosten, Rules
Coordinator

Members Absent: William Blalock, PA; Johnny Presley, PA and Rosemarie Otto,
Executive Director

Glen Alexander, Committee Chairman called the meeting to order at 9:06 a.m. The Chairman determined that a sufficient number of members were in attendance to constitute a quorum.

Approval of Minutes

Jonathan White made a motion to approve the minutes of the April 20, 2007 meeting. Janet Johnson seconded the motion. The motion passed unanimously.

Financial Report

Marsha Arnold, Unit Manager of the Medical Board, stated that the financial report indicated a surplus of \$234,626.80.

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 nine open complaints in the Bureau of Investigations regarding physician assistants.

Manager's Report

Marsha Arnold reported on the activities that have transpired in the administrative office between April 1, 2007 and May 31, 2007 concerning Physician Assistants. The report read as follows:

10 new applications, 7 new licenses, 50 mailed out renewals and 1 licensure reinstatements. The actual processing time of renewals in our office is 4.4 days. The actual processing time for new applications in our office is 61.6 days. The number of active licensees as of May 31, 2007 is 900.

Ratification of New Licenses, Temporary Permits and Reinstatements

Mr. Jonathan White made a motion to ratify the new licenses, temporary permits, and retirements. Mrs. Johnny Nowlin 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, 2006 through May 31, 2007 TNPAP had a total of five (5) participants referred from different sources and one (1) has been referred to the Department of Health for processing. Mr. Harkreader also informed the Committee that one participant was discharged for successful completion.

OGC Report

Mr. Robert Kraemer, Deputy Assistant General Counsel, informed the Committee that the Stays, Reconsideration and PLLC & PC Amendments- (05-1529) went to rulemaking hearing on December 20, 2005. The amendments were adopted by the Committee on January 13, 2006 and the Board of Medical Examiners on January 24, 2006, and were sent to the Attorney General on January 27, 2006. All but the PLLC and MPC portions were approved by the Attorney General and subsequently filed with the Secretary of State on April 17, 2007. They became effective on July 1, 2007. Prescribing Continuing Education- (06-1422) amendments went to rulemaking hearing on December 18, 2006. The amendments were adopted by the Committee on January 12, 2007 and the Board of Medical Examiners on January 25, 2007, and were sent to the Attorney General on January 29, 2007. It was signed by the Attorney General and subsequently filed with the Secretary of State on May 18, 2007. It will become effective on August 1, 2007. Mr. Kraemer also stated that there were four disciplinary cases for presentation to the Committee and Board of Medical Examiners. Mr. Kraemer also informed the Committee of the Attorney General opinion about physician assistant forming PLLC and PC which provides that physician assistants cannot practice medicine on their own so they cannot form an individual business corporation at this time but they can form a PLLC with their supervising physician.

Mr. Kraemer also discussed the following Legislation: Public Chapters 69, 117, 182, 196, 265, 365, 373, 391, 410, 446, 458, 464, 487, and 498.

Applicant Interview

James Womack, PA was present. Mr. Womack allowed his license to lapse in December 2006 and is applying to reinstate his license. Mr. Womack stated the reason for his lapsed license was that the administrative staff failed to renew his license and he did not make sure the task had been completed. The Consultants for both the Committee and the Board of Medical Examiners recommend that the applicant come in for an interview because he answered YES to question #8 on the reinstatement application indicating he was convicted of a felony or a misdemeanor other than a minor traffic offense. Mr. Womack was convicted of a DUI on February 25, 2007. The Consultants for both the Committee and the Board of Medical Examiners recommended to the Committee that Mr. Womack have an assessment done through Tennessee Professional Assistance Program (TNPAP) to determine if he has a substance abuse issue. Ms. Anne Arney made a motion to follow the Consultant's recommendation to require the TNPAP evaluation and amend the recommendation to include receipt of a favorable report from TNPAP. Ms. Johnny Nowlin seconded the motion. The motion was withdrawn by Ms. Anne Arney as was the second by Ms. Johnny Nowlin. Ms. Johnny Nowlin then made a motion to follow the

Consultant's recommendations and amend the motion to allow licensure contingent upon receipt of a favorable report from TNPAP and receipt of two (2) letters of recommendation from health professionals attesting to his character. Ms. Anne Arney seconded the motion. The motion passed unanimously.

Anita Kline- Connor, PA was present. Ms. Kline-Connor's Tennessee physician assistant license was revoked on July 28, 1999 for a variety of violations of the practice act including but not limited to unprofessional conduct, habitual intoxication or the personal misuse of drugs in such a manner as to adversely affect her ability to safely practice, violation of various committee rules and criminal statutes relative to the illegal dispensing, prescribing and distributing controlled substances, and disciplinary action in another state. The order stated Ms. Kline-Connor may apply for reinstatement after one year and with consultation and advocacy of the Tennessee Medical Foundation.

Presently Ms. Kline-Connor has the advocacy of the Tennessee Professional Assistance Program (TNPAP). Mike Harkreader, Executive Director for Tennessee Professional Assistance Program was there on her behalf. Mr. Harkreader informed the Committee that Ms. Kline-Connor signed a five year contract with TNPAP in September 1996 which requires her to comply with therapy, submit to random drug screens, attend 12-step meetings, and peer group meetings and also report to TNPAP. Mr. Harkreader informed the Committee that Ms. Kline-Connor was in compliance. The Consultants for both the Committee and the Board of Medical Examiners recommend that the applicant go through a re-training program and obtain and maintain lifetime advocacy with TNPAP along with quarterly reports to the Committee from TNPAP regarding her compliance with her contract. If the applicant's license is ultimately granted, no DEA or permission to prescribe controlled substances for the first two years of practicing as a physician assistant will be permitted. Ms. Arnold informed the Committee that Ms. Otto would contact Ms. Kline-Connor in regards to a contact at Trevecca concerning a re-training program. This program is for physician assistants that have been out of practice for some time. Ms. Johnny Nowlin made a motion to follow the Consultants recommendations and amended the motion to allow the reinstatement application to remain open for one (1) year and to successfully recertify with the National Commission on Certification of Physician Assistants (NCCPA). Mr. Jonathan White seconded the motion. The motion passed unanimously.

Contested Case

Joel Burnett, PA was not present. Mr. Shiva Bozarth of the Office of General Counsel represented the state. The Honorable Mattielyn B. Williams Administrative Law Judge presided. Counsel for the state made a motion pursuant to Tenn. Code Ann. § 4-5-309 finding Mr. Burnett in default. In support of their motion, the state introduced the

affidavit of Ectory Lawless a paralegal for the state. Having considered the testimony of the witnesses and the entire record in the matter, the Administrative Law Judge advised the Committee that the state's mailing of the Notice of Charges to Mr. Burnett's addresses of record was legally sufficient to find Mr. Burnett in default. Mr. Bozarth presented his witness. Ms. Juanita Stone testified that Mr. Burnett was not in compliance with his original Order. After considering the evidence presented, the Committee pursuant to a motion by Jonathan White, seconded by Anne Arney, adopted sufficient findings of fact and conclusions of law to order that the license of Mr. Burnett be revoked. Further, the Committee assessed costs in the amount not to exceed four thousand (\$4,000) dollars. Mr. Jonathan White made a motion to accept the Order as is with the changes of the license number 655 to 255 in paragraph five (5) and delete paragraph five (5) under Finding of Facts. Ms. Anne Arney seconded the motion. The motion passed unanimously.

“Noteworthy” on the Internet.

Nothing to report at this time.

This meeting adjourned at 11:25 a.m. The next meeting is October 12, 2007 at 9:00 a.m. at 227 French Landing, Heritage Place Metro Center, Nashville, Tennessee

Approved this 12th day of October, 2007 by the Committee on Physician Assistants