

**Tennessee Board of Medical Examiners’
Committee on Physician Assistants
October 12, 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; Gary Tauxe, OPA; and William Blalock, PA

Staff Present: LaTonya Shelton, Administrator; Marsha Arnold, Unit Manager; Rosemarie Otto Executive Director; Jerry Kosten, Rules Coordinator and Matthew Scanlan, Deputy General Counsel

Members Absent: Johnny Presley, PA, and Anne Arney, Consumer Member

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.

Approval of Minutes

Jonathan White made a motion to approve the minutes of the July 6, 2007 meeting. Mrs. Johnny Nowlin seconded the motion. The motion passed unanimously.

Financial Report

Rosemarie Otto, Executive Director of the Medical Board, reviewed the Committee’s financial statement in the absence of Lisa Tittle and 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 nineteen open complaints in the Bureau of Investigations regarding physician assistants. Ms. Stone was asked if the number of complaints have increased over the years. She stated she would provide the Committee with a report at the next meeting.

Manager's Report

Marsha Arnold reported on the activities that have transpired in the administrative office between June 1, 2007 and September 30, 2007 concerning Physician Assistants. The report read as follows:

58 new applications, 38 new licenses, 139 mailed out renewals and 3 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 September 30, 2007 is 928 and the total number of active licensees with a Tennessee mailing address is 839.

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)

In the absences of Mr. Mike Harkreader, Ms. Rosemarie Otto discussed the TNPAP report with the Committee. For the period of July 1, 2006 through June 30, 2007 TNPAP had a total of six (6) participants being monitored that were referred from different sources and one (1) had been discharged for unnecessary monitoring and two (2) had been referred to the Department of Health for processing. Ms. Otto also informed the Committee that two (2) participants were discharged for successful completion.

OGC Report

Mr. Matthew Scanlan, Deputy Assistant General Counsel, informed the Committee that the Office of General Counsel had four open disciplinary cases against physician assistants. Two of those cases were scheduled for hearings at this meeting.

Mr. Scanlan also asked the Committee to review and make recommendations regarding four (4) letters from physicians relative to the scope of practice of physician assistants. The Committee could not make recommendations on the letters because Mr. Jonathan White, a Committee member, had to recuse himself because one of the letters mentions him by name. Without his vote the Committee would not have a quorum. The Committee agreed to review the letters and make recommendations at the January 18, 2008 meeting.

Rules

Mr. Jerry Kosten asked the Committee to consider authorizing a rulemaking hearing regarding use of titles, conditions imposed upon disciplined licensees and removing temporary license language no longer needed. The Committee authorized the rulemaking hearing which will be held on December 19, 2007. The vote carried unanimously.

General Discussion

Ms. Anita Kline-Connor applied to reinstate her PA license at the July, 2007 meeting after her license was revoked by the Committee in 1999. At the July, 2007 meeting the Committee recommended Ms. Kline-Connor go through a re-training program and that Ms. Otto would be contacting her in regards to Trevecca providing the re-training. Trevecca made the following recommendations to the Committee:(1) During the Spring semester of 2008 the candidate will enroll in PAS 5141 Clinical Medicine II and PAS 5151 Clinical Therapeutics I, (2) During the Summer semester of 2008 the candidate will enroll in PAS 5241 Clinical Medicine III and PAS 5156 Clinical Therapeutics II, (3) During the Fall semester of 2008 the candidate will complete three rotations in Family Medicine, Pediatrics, and Internal Medicine. Ms. Kline-Connor's requirements during this portion is that she maintains a passing score in each assigned course, maintain a satisfactory attendance record and fulfill all requirements of the courses as related to the Physician Assistant program. Ms. Kline-Connor's requirements for each clinical rotation are as follows: (1) report to clinic site each weekday and evaluate by taking history and

performing a physical exam on at least 10 patients each day and report pertinent findings along with treatment plan to the clinical preceptor. (2) Complete assigned readings in medicine. (3) Complete a SOAP note to be evaluated by the physician assistant program faculty. (4) Prepare a complete history and physical exam for evaluation by the physician assistant program faculty. (5) Successfully pass an end of rotation examination appropriate to the field of medicine being studied during the rotation. (6) Attend and participate in the end of rotation seminar after each rotation. In addition to these requirements, Ms. Kline-Connor will be evaluated by a member of the PA program faculty through a site visit during each rotation. The subcommittee proposes that completion of the above requirements would be a strong indication to the members of the State Committee on Physician Assistants and Board of Medical Examiners that Ms. Kline-Connor is clinically competent to practice as a Physician Assistant. The Committee accepted the recommendations without any changes. Ms. Kline-Connor's reinstatement application will remain open.

Discuss and vote on a policy regarding unreadable fingerprints designation received on second reading of the Criminal Background Check. Mr. William Blalock made a motion to accept option 2 for applicants whether they are licensed in another jurisdiction or not, that they come to Tennessee and submit their FBI/TBI fingerprints for scanning through an approved vendor. Mr. Jonathan White seconded the motion. The vote passed unanimously.

Applicant Interview

Michelle Dowd, PA was present. Mrs. Dowd allowed her license to lapse in April, 2004 and is applying to reinstate her license. Mrs. Dowd stated the reason for her lapsed license was that she started working as an account manager selling medical equipment. The Consultants for both the Committee and the Board of Medical Examiners recommended that the applicant come in for an interview because she had not worked in the clinical field in over 4 or 5 years. They recommended a refresher clinical rotation course or a full review type course or both before re-licensing her. Mr. Jonathan White made a motion that the applicant complete one clinical rotation at Trevecca in Family or Internal Medicine and to keep the applicant's reinstatement file open. Ms. Johnny Nowlin seconded the motion. Mr. Glen Alexander opposed. The motion passed

Break 10:40 to 10:50

Allen Powell, PA was present. In his application for licensure Mr. Powell 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 a Dr. Robert Reeves that indicated that Mr. Powell was working with him as his Physician Assistant. After several questions and comments the Committee agreed that

Mr. Powell must get a letter a 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. Mr. Powell will return to the Committee to continue his interview on January 18, 2008 and that the application file remain open. Mr. Jonathan White made the motion to accept the Committees' recommendation and Mrs. Johnny Nowlin seconded.

Consent Order

Stephen Bateman, PA- Mr. Bateman was neither present nor represented by legal counsel. Mr. Shiva Bozarth represented the State. The Consent Order stipulated that Mr. Bateman prescribed controlled substances to his wife and failed to maintain a patient medical record and he also self-prescribed Temazepam and Darvocet for himself on multiple occasions. Mr. Bateman was also impaired at work on January 5, 2007. The Consent Order states that Mr. Bateman's license be placed on probation for a period not less than (3) years and for so long as he has a TNPAP contract. Mr. Bateman shall have TNPAP issue quarterly reports documenting advocacy to the Committee and is ordered to pay the cost of four thousand dollars (\$4,000.00) which shall be paid within thirty (30) days from the filing of the Affidavit of Costs. Mr. William Blalock made a motion to accept the proposed Consent Order and Mr. Jonathan White seconded the motion. The motion passed.

Agreed Order

Randall Dixon, PA- Mr. Dixon was neither present nor represented by legal counsel. Mr. Shiva Bozarth represented the state. The Agreed Order stipulated that approximately from August 2005 to August 21, 2006, Mr. Dixon claimed that Dr. James Morgan (Dr. Morgan) was his supervising physician. Dr. Morgan ceased to be the supervising physician no later than December 2005 nor did Dr. Morgan visit the office or sign any charts as the supervising physician during 2006. Mr. Dixon ordered home health services for a patient, signing Dr. Morgan's name dated from August 26, 2005 until August 14, 2006 and Dr. Morgan did not place any orders requesting home health care for this patient. Mr. Dixon prescribed phentermine over the phone for a patient on August 15, 2006 and November 6, 2006 and had not previously examined or seen this person as a patient. The Agreed Order requires Mr. Dixon's license to be suspended for six (6) months or until he has completed twenty (20) hours of Category I continuing medical education or pass a college level medical ethics course pre- approved by the Committee's consultant. Mr. Dixon shall pay two (2) Type A civil penalties in the amount of one thousand dollars(\$1,000.00) each, for a total amount of two thousand dollars (\$2,000.00) for the prescriptions written on August 15, 2006 and November 6, 2006 within ninety days of the entry of this order. Mr. Dixon is also responsible for costs in an amount not to

exceed two thousand dollars (\$2,000.00) which must be paid within ninety days of the receipt of the Affidavit of Costs. Mr. Dixon shall appear before the Committee for an interview prior to the granting of an Order of Compliance once he completes the requirements for this order. Once Mr. Dixon obtains the Order of Compliance his license shall then be placed on probation for five (5) years which in that time he shall enroll in and complete the three (3) day medical course entitled Prescribing Controlled Drugs which shall be completed within twelve months of the license being placed on probation. Mr. Dixon shall complete five hours of Type I CME in the area of professional ethics or pass a college level medical ethics course pre-approved by the Committee consultant per year while on probation. Mr. Dixon shall immediately amend his protocol to include the following information: (1) list the types of patients which he will be providing medical care; (2) the types of injuries, illnesses, or diseases the he will be treating; and, (3) categories of medications that will be prescribed. Mr. Dixon shall submit the protocol to the Committee's consultant prior to treating patients. Mr. Jonathan White made a motion to accept the proposed Agreed Order and Mr. William Blalock seconded. The motion passed.

Anthony Loope, PA- Mr. Loope was neither present nor represented by legal counsel. Mr. Shiva Bozarth represented the state. The Agreed Order stipulated that approximately from March 2004 until January 2005 Mr. Loope practiced without the required supervision while treating twenty-three patients. The Agreed Order requires that Mr. Loope's license be placed on probation for four (4) years and he must enroll in and complete a medical course entitled Prescribing Controlled Drugs and Medical Record Keeping. These courses must be completed within twelve (12) months of the entry of this Agreed Order. Mr. Loope shall pay nine (9) Type A Civil Penalties in the amount of five hundred dollars (\$500.00) each totaling four thousand five hundred dollars (\$4,500.00). Mr. Loope shall pay twenty-three (23) Type B Civil Penalties in the amount of fifty dollars (\$50.00) each for the total amount of one thousand one hundred fifty dollars (\$1,150.00). The total amount of Civil Penalties is five thousand six hundred fifty dollars (\$5,650.00) which are due within twelve (12) months. Mr. Loope is assessed costs in an amount not to exceed for eight thousand five hundred dollars which must be paid within twelve (12) months from filing the Affidavit of Costs. Mr. Jonathan White made a motion to accept the proposed Agreed Order and Mrs. Johnny Nowlin seconded the motion. The motion passed.

“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 January 18, 2008 at 9:00 a.m. at 227 French Landing, Heritage Place Metro Center, Nashville, Tennessee

**Ratified by the Board of Medical Examiners’ Committee on Physician Assistants
January 18, 2008.**