



#### **4. Introduction of New Staff Members (Wallinder)**

Mr. Wallinder introduced new staff members to the committee. He informed members that Lynn Forsyth is the new staff services analyst who has replaced Terry Bogard. Ms. Forsyth most recently worked for the DCA Bureau of Automotive Repair. Prior to that assignment, she worked for the Medical Board of California Enforcement program.

Sabrina Peterburs replaces Roni Hoss as the licensing technician. Ms. Peterburs previously worked for the Department of Health Services.

#### **5. Presentation, Role of the Physician Assistant in Correctional Health Care System.**

Mr. Sachs explained that while physician assistant students could work in a Department of Corrections facility, until recently, graduates who were licensed could not. With the establishment of a Department of Corrections job description for physician assistants, physician assistants can now work in Department of Corrections facilities. He added that while PAC staff had tried to secure a presenter for this agenda item, the Department of Corrections was unable to provide one.

#### **6. Update on Medi-Cal Countersignature Requirements (Sachs)**

Mr. Sachs informed members that Medi-Cal had issued a bulletin to health care providers stating that all patients seen by physician assistants had to have their charts countersigned by a supervising physician for the provider to be reimbursed for the visit. Patients who were seen by nurse practitioners and certified nurse midwives did not have to have their charts countersigned. This requirement was in direct opposition to Medi-Cal regulations.

Mr. Sachs then stated that Mr. Wallinder drafted a letter to the Department of Health Services requesting a meeting to resolve this matter. He added that he and Mr. Wallinder met yesterday with Janelle Hiam with the Medi-Cal Benefits Branch.

Mr. Sachs reported that Ms. Hiam shared draft regulatory language that addressed all of the issues that were of concern. Mr. Sachs then explained that the draft DHS regulatory language is consistent with countersignature requirements in Physician Assistant regulations.

Mr. Sachs also reported that Ms. Hiam promised to send a bulletin correcting the previous error.

Mr. Wallinder informed members that Ms. Hiam anticipated that the earliest the DHS regulations would become effective is in two years.

#### **7. Reports**

##### **a. Chairman's Report (Sachs)**

Since his report to the committee members in June, Mr. Sachs commented that the most significant things he has done was give a presentation to the graduating class at the Riverside Community College Physician Assistant Training Program on physician assistant laws and regulations and also how to obtain licensure and stay licensed.

Mr. Sachs added that he was concerned with the lack of knowledge that the students had concerning basic practice requirements such as the Delegation of Services agreement.

Mr. Sachs then stated that he will also be giving a presentation with Bob Miller at the California Academy of Physician Assistants convention in Palm Springs on physician assistant committee laws and regulations.

Mr. Sachs then presented both Glenn Mitchell and Dianne Tincher plaques and letters for outstanding service to the Physician Assistant Committee.

**b. Executive Officer Report (Wallinder)**

Mr. Wallinder provided information on the following legislation: AB 2927, AB 2120, SB 1473, SB 1476

In response to a question concerning the committee's fund reserve, Mr. Wallinder said that he thought the committee had approximately 19 months reserve. He promised to forward members this information to members.

**c. Licensing Program (Peterburs)**

Ms. Peterburs reported that from January 1, 2006 to July 1, 2006, the committee issued 200 initial licenses, and 20 interim approvals. She added that there are currently 6,026 licensed physician assistants. She closed her report noting that the committee has approved 149 physician assistant training programs.

**d. Diversion Program (Mitchell)**

Mr. Mitchell reported that as of July 1, 2006, there are 6 participants: 4 voluntary and 2 committee referrals.

**e. Enforcement Program (Tincher)**

Dianne Tincher reported that for the last fiscal year, July 1, 2005 – June 30, 2006, the committee had received 144 complaints, closed 140 complaints, and as of July 1, 2006 had 49 complaints open.

She added that during this time period, committee staff opened 46 investigations and closed 47 investigations. She noted that as of July 1, 2006 there are 18 pending investigations.

**8. Discussion Concerning Hiring peace Officers for Physician Assistant Committee Complaint Investigations and Probation Monitoring (Sachs)**

Mr. Sachs explained that in examining the Physician Assistant Committee budget, he had noted that the Committee spends approximately \$124,000 a year to have Medical Board of California investigators investigate Physician Assistant Committee complaints.

While the service has been excellent, he had asked staff to determine if the committee might save money by hiring its own investigators. Staff determined that it would cost the committee significantly more money to hire its own investigators than to continue using Medical Board investigators to investigate complaints against physician assistants.

Mr. Wallinder added that staff also examined whether the committee could save money by hiring its own probation surveillance officers. He noted doing so would cost the committee significantly more than to continue using Medical Board investigators.

**11. Update on The Access through Primary Care (APC) Project (Dr. Gregg)**

Dr. Gregg provided a brief background about this project to members. She explained that there is a project that has been proposed by Planned Parenthood in conjunction with the University of California, San Francisco and Kaiser in which physician assistants, certified nurse midwives, and nurse practitioners would perform first trimester abortions and management of miscarriages. She added that she is the representative for the Medical Board of California for meetings with the Office of Statewide Health Planning and Development about this project. She also noted that there has been one public meeting and one liaison committee meeting.

## **12. Discussion – Laws and Regulations Examination for California PA Applicants and Cost of Creating Examination (Sachs)**

Mr. Sachs reminded members of a concern expressed at an earlier committee meeting with physician assistants not being familiar with California PA laws and regulations. He added that possibly requiring an examination might help this situation.

Mr. Wallinder directed members to his memo contained in their binder. He then explained the process that must be followed to create a written examination using the Office of Examination Resources within the Department of Consumer Affairs. He added that the initial cost of creating the examination would be approximately \$50,000 and that an additional \$25,000 - \$30,000 would be needed annually for ongoing costs.

## **13. Clean-up Legislation (SB 1438) regarding Section 125.3 (k) of the California Business and Professions Code clarifying that cost recovery for disciplinary actions by the Physician Assistant Committee is not prohibited.**

Laura Freedman explained that she and committee staff had recommended clean-up legislation for a portion of SB 1438 that, despite legislative history to the contrary, had been used to argue that the committee could not obtain cost recovery in enforcement actions against physician assistants.

A motion was made to direct staff to write a letter of support to the Governor in support of clean-up legislation in SB 1438 as it relates to Section 125.3 (k) (mDiaz/sKlompus/c).

## **14. Public Comment**

Gaye Breyman thanked the committee for their work with the Department of Health Services on countersignature requirements for physician assistants.

Antonette Sorrick informed members that the Department of Consumer Affairs will host a Senior Summit in May 2007 and that the Physician Assistant Committee will be involved in helping plan this meeting.

Ms. Sorrick added that the Department is also hosting a cyber safety summit on October 18, 2006 in Sacramento. Some of the topics that will be covered are: protection of children, on-line privacy, piracy, and pornography.

She then thanked committee members for their on-going service.

## **10. Regulation hearing to amend Section 1399.540 of Title 16 of the California Code of Regulations regarding delegation of services agreement.**

Mr. Sachs introduced himself as chairperson of the committee and noted that it was the time and place for the regulation hearing. The roll was called and quorum was present.

Mr. Sachs explained that the proposal would formally recognize that the writing which delegates the medical services to the physician assistant be known as a “Delegation of Services Agreement” and require that it now be signed and dated by both the supervising physician and physician assistant.

Mr. Sachs asked for any testimony concerning this regulation. There was no testimony.

Mr. Sachs then closed the hearing.

A motion was made to adopt the proposed amendments to Section 1399.540 of Title 16 of the California Code of Regulations as noticed. The committee also moved to authorize the executive officer to make non-substantive changes as may be required to finalize adoption of the regulation. (m/Dr. Gregg, s/Sun, carried).

**9. Regulation hearing to amend Section 1399.541 (h) of Title 16 of the California Code of Regulations regarding chart cosignature to conform to the revision of Section 3502.1 (e) of the California Business and Professions Code.**

Mr. Sachs noted that it was the time and place for the regulation hearing. The roll was called and quorum was present.

Mr. Sachs informed those present that the existing regulation requires that all medical records of patients cared for by a physician assistant for whom the physician’s prescription has been transmitted or carried out must be reviewed and countersigned and dated by a supervising physician within seven days.

He noted that Business and Professions Code Section 3502.1 limits this requirement to Schedule II drug orders only.

This proposal would amend regulation section 1399.541(h) to make it consistent with the law and require that all drug orders carried out on behalf of a supervising physician be in compliance with subdivisions (a) – (f) of Section 3502.1 of the Business and Professions Code.

The proposed change would also eliminate duplicative language to bring regulation Section 1399.541(h) into alignment with the provisions of Section 3502.1 of the Business and Professions Code.

Mr. Sachs then asked for any testimony concerning this regulation. There was no testimony.

Mr. Sachs then closed the hearing.

A motion was made to adopt amendments to Section 1399.541 (h) of Title 16 of the California Code of Regulation as noticed. The committee also moved to authorize the executive officer to make any non-substantive changes as may be necessary to finalize the regulation’s adoption. (m/Melendrez- Meyer, s/Diaz, carried).

At the conclusion of the regulation hearings, the open session meeting was adjourned and the Committee went into closed session Pursuant to Section 11126(c)(3) of the Government Code, to deliberate on disciplinary matters.

