

Physician Assistant Committee

MINUTES

February 26, 2009

2005 Evergreen Street, Hearing Room
Sacramento, California 95815

8:30 a.m. – 12:00 p.m.

1. **Call to Order by Chairman**

Chairman Klompus called the meeting to order at 8:40 a.m.

2. **Roll Call**

Staff called the roll. A quorum was present.

Committee Members Present: Steve Klompus, PA
Rosslynn Byous, PA
Cristina Gomez-Vidal Diaz
Reginald Low, M.D.
Shaquawn D. Schasa
Shelia Young

Staff Present: Elberta Portman, Executive Officer
Kurt Heppler, Staff Counsel, Dept. of Consumer Affairs
Laura Freedman Eidson, Staff Counsel, DCA
Dianne Tincher, Enforcement Analyst
Glenn Mitchell, Regulation and Lead Licensing Analyst
Lynn Forsyth, Analyst
Linda Bronson, Licensing MST

3. **Approval of Minutes of November 20, 2008 meeting**

The November 20, 2008 minutes were approved as written.
(m/Dr. Low, s/Young, c/all)

4. **Reports**

a. **Chair's Report**

Mr. Klompus reported that on December 31st he spoke with out-going Chairman Robert Sachs regarding a conference call conducted that afternoon with all Executive Officers and Chairs regarding state budget concerns and a request that each Board/Committee review their business functions and curtail expenses wherever possible. Mr. Klompus reported that the Physician Assistant Committee then discussed and implemented numerous cost saving measures.

Mr. Klompus reported that on January 15, 2009 he chaired the AB 2482 CME Task Force meeting conducted in Sacramento. Additionally, a teleconference meeting was conducted on February 1, 2009 to review and revise proposed regulation language.

Mr. Klompus reported that the Committee currently has three vacancies. Two are Physician Assistant vacancies and one is a public member vacancy. It is anticipated that these vacancies will be filled in the foreseeable future.

Mr. Klompus reported that California Association for Physician Assistants (CAPA) has offered five courses related to the controlled substance education required per § Section 3502.1(c)(2). Approximately 11,000 PAs have enrolled in and completed the classes.

Mr. Klompus also reported that the new on-line self test for physician assistants is now on the website.

b. Executive Officer's Report

Ms. Portman reported that an on-line address feature has been added to the Committee website. Also available is an on-line ten-question quiz for PA's regarding knowledge of the PA laws and regulations. Several other boards within the Department of Consumer Affairs have shown an interest in obtaining or creating a similar test for their licensees.

Ms. Portman reported that the budget projection was available in the Committee packets. Ms. Portman stated that the enforcement budget will be increased next year by \$54,000 due to a Budget Change Proposal to increase that budget line item. Ms. Portman reported that due to increased enforcement costs a BCP was necessary.

Ms. Portman reported that the Delegation of Services Agreement available on the website has been updated to reflect recent changes to the PA laws and regulations.

Ms. Portman reported that she has asked by DCA Executive Office to be the Chief of Planning for the next PACT Summit. This DCA sponsored consumer forum is scheduled to be held in 2010.

Ms. Portman reported that the Committee is seeking the legislative authority to eliminate interim approval. This legislation will become part of the department's omnibus bill.

c. Licensing Program - activity report

Ms. Bronson stated that between October 1, 2008 and December 31, 2008, 165 licenses were issued and 3 interim approvals were issued. As of December 31, 2008, 7,059 licenses have been issued, with a total of 157 approved training programs.

d. Diversion Program - activity report

As of February 1, 2009, The Diversion Program has 17 participants, 5 of whom are voluntary participants and 12 are Committee referrals. There have been 80 participants since the implementation of the Diversion Program in 1990.

e. Enforcement Program - activity report

Ms. Tincher reported that between July 1, 2008 and December 31, 2008, there were 66 complaints pending, 30 pending investigations, 40 current probationers and 27 pending cases at the Office of the Attorney General.

5. 9:00 AM Regulations Public Hearing

Amend Section 1399.514 of Title 16 of the California Code of Regulations.

This proposal would adopt section 1399.514. This proposal would require that licensees respond to a question included on the renewal form which asks if the licensee, since the last renewal, has had any license disciplined by a government agency or other disciplinary body, or, been convicted of any crime in any state, the USA and its territories, military court, or a foreign county. Convictions for infractions with a fine of less than \$300 would not need to be reported unless the infraction involved alcohol or controlled substances. It would also provide that a licensee could not renew his or her license without responding to the questions.

There was no public comment received during the hearing. The hearing was closed.

Board Discussion: The initially proposed language was developed by legal counsel prior to his knowledge of similar language developed by the Department of Consumer Affairs (DCA). The Committee reviewed the language and legal counsel recommended that the Committee adopt the modified language developed by DCA to ensure standardized and consistency of regulatory language used by other boards within the department.

A motion was made to adopt the modified text as presented by legal counsel and to delegate to the Executive Officer the authority to make non-substantive changes.
(m/Young, s/Diaz, c/all)

There was no public comment received during the hearing.

6. 9:30 AM - Hearing

Petition for Reinstatement of physician assistant license of Kendall Heath.

CLOSED SESSION: Pursuant to Section 11126(c) (3) of the Government Code, the Committee moved into closed session to deliberate the petition for reinstatement.

RETURN TO OPEN SESSION

7. **Discussion regarding Accreditation process and possibility of development of state examination**

Committee Member Byous inquired about the cost for development of a state examination, and inquired if this could be a five year plan. It was determined that a needs assessment should be completed. The Committee discussed and agreed to revisit this issue at a later time and to ask a task force to review and make a recommendation.

8. **Discussion and consideration of regulatory amendments to Title 16, Sections 1399.571 and 1399.573 relating to the issuance of citations for unlicensed practice.**

Legal counsel explained that the Committee does have the authority to issue citations for unlicensed practice. Legal counsel further presented clarifying suggestions for the regulation language. A motion was made to approve the clarifying suggestions presented by counsel and to set the regulations for public hearing.
(m/Dr. Low, s/Diaz, c/all)

9. **Discussion and consideration of regulatory amendment to relating to the fingerprinting of existing licensees.**

The proposed regulatory language was discussed that would require that every licensee who was licensed prior to January 1, 1999 be reprinted at the Department of Justice. Alternatively, the language could state that "As a condition of renewal for license that expires on or after June 1, 2010 a licensee for whom an electronic record no longer exists."

The Committee reviewed subdivision (a) of the Retroactive Fingerprinting and Disclosure Model Regulations dated February 10, 2009. A motion was made to adopt the language, "as of July 1 2010, a licensee for whom a record of submission of fingerprints no longer exists."
(m/Young, s/Klompus, c/all)

A second motion was made to set the regulations for public hearing with approved modifications.
(m/Byous, s/Diaz, c/all)

10. **Discussion and report on issuing citations for Criminal Convictions**

After discussion and review by legal counsel, it was determined the Executive Officer is the most qualified individual to determine if a citation should be issued regarding criminal convictions. No further action was required.

11. **Presentation on Budget Fund Condition**

Michael Wells, Manager, from the Department of Consumer Affairs Budget Office provided the Committee with an update on the Committee's budget. Mr. Wells stated that the 2009/2010 budget has been approved. He also stated that a BCP for \$54,000 was approved in order for the enforcement program to be fully funded during the entire year. Mr. Wells updated the Committee on upcoming deadlines.

12. Discussion Consideration of Possible Budget Change Proposals (BCPs) for Enforcement Program and Diversion Program

Mr. Wells and Ms. Portman discussed the Committee's budget with regard to the diversion program funding. A brief discussion was conducted stating that the Executive Officer would keep a close watch on expenditures and if needed a BCP would be submitted for diversion. It was suggested that due to continued over spending with this line item, a BCP may be necessary.

13. Discussion and Consideration of Regulations Regarding the Implementation of Continuing Medical Education Requirements (AB 2482)

The Committee discussed the draft regulations and how the continuing medical education requirements would be implemented, via regulations and what steps would be taken if a licensee did not obtain the required units. An inactive license status was discussed and it was recommended that an inactive status be created. These suggestions will be incorporated in the proposed language and finalized at another meeting of the CE Task Force. The finalized language will be presented to the full Committee at the next Committee meeting.

14 Report on Pending Legislation of Interest to the Committee: AB 120, SB 43

An overview of the bills were provided. The Department of Consumer Affairs has not taken a position on these legislative bills at this time. Ms. Portman will provide the Committee with an update at the next meeting.

CAPA provided the Committee with an overview of SB 171 and AB 376.

15. Update on Obtaining a Physician Assistant Committee Logo.

Due to the length of the meeting this item was postponed until the next meeting.

16. Discussion of Providing a Mentorship for New Committee Members

A brief discussion was conducted regarding mentorship of new Committee members. The Medical Board of California has a very formal orientation for its new members but the Committee agreed that they wanted a "welcome wagon approach" instead of something more formal. Vice Chair Young has agreed to oversee the project and will implement the mentorship once new members are appointed.

17. Presentation on E-Prescribing Changes by Board of Pharmacy

A representative of the California Board of Pharmacy was unable to attend this meeting and has requested to reschedule for a future meeting.

18. Schedule of Meeting Dates

The Committee will keep the 2009 meeting dates as follows: May 14th, August 13th, and November 5th. All meetings will be conducted in Sacramento.

19. Items for Next Meeting

Update on Obtaining a Physician Assistant Committee Logo
Continuing Medical Education Requirements (AB 2482)
The Creation of a Proceptorship Task Force
Legislation update

20. Public Comment on Items not on the Agenda

No public comment was received for this item.

21. CLOSED SESSION: Pursuant to Section 11126(c) (3) of the Government Code, the Committee moved into closed session to deliberate on disciplinary matters.

22. CLOSED SESSION: Pursuant to Section 11126(e)(2)(A) of the Government Code, the Committee moved into closed session to discuss pending litigation. (*McCartney v. Physician Assistant Committee, Sacramento Superior Court, Case No.06CS01440*)

RETURN TO OPEN SESSION

12:30 PM to 5 PM – Strategic Planning Session – Lake Tahoe Room #1290A
Development/revisions to the Committee’s Strategic Plan

23. Adjournment.