

# Physician Assistant Committee

## MINUTES

May 14, 2009

2005 Evergreen Street, Hearing Room  
Sacramento, California 95815

10:00 a.m. – 5:00 p.m.

1. **Call to Order by Chairman**

Chairman Klompus called the meeting to order at 10:11 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  
Dianne Tincher, Enforcement Analyst  
Glenn Mitchell, Regulation and Lead Licensing Analyst  
Lynn Forsyth, Analyst  
Linda Bronson, Licensing MST

3. **Approval of Minutes of February 26, 2009 meeting**

The February 26, 2009 minutes were approved as written.  
(m/Young, s/Dr. Low, c/all)

4. **Reports**

a. **Chair's Report**

Chairman Klompus reported on the CME task force teleconference conducted on April 27, 2009. Chairman Klompus thanked Shelia Young, Rosslynn Byous, Bob Miller from CAPA, PAC Executive Officer Elberta Portman, Ann Davis and Laura Freedman, Staff Counsel, for their participation. Chairman Klompus informed the members that draft CME language to implement the provisions of AB 2482 was finalized and would be discussed during the meeting.

Chairman Klompus also reported that on April 15<sup>th</sup>, a Healing Arts Roundtable was conducted in Sacramento by the Department of Consumer Affairs, and Chairman Klompus, Elberta Portman, and Shelia Young attended the conference.

All the DCA health boards participated in a number of workshops. Committee Member Cristina Gomez-Vidal Diaz led one of the workshops on the topic of health care in underserved communities.

#### Executive Officer's Report

Ms. Portman reported that our probation monitors are performing background investigations on probationers who are petitioning the Committee for modification or early termination of their probation. This process should result in cost savings to the Committee. Additionally, the reports should be completed and submitted to the Committee on a more timely basis. Two petitioners are currently being processed.

Ms. Portman reported that the urine testing contract for the probation program was awarded to First Lab.

Ms. Portman reported that a new probation monitor was hired to replace Tom Campbell, who resigned.

Ms. Portman reported that for the past three years the budget line item for the Diversion Program has exceeded the amount budgeted. This is due to the increased number of Diversion Program participants over the past several years. Ms. Portman also stated that after a meeting with Sean Cogan and Michael Wells, from the department's budget office, a budget change proposal in the amount of \$50,000 was submitted to increase the Diversion Program line item.

Ms. Portman reported that Linda Bronson recently spoke to the students at Riverside College regarding the licensing application process.

Ms. Portman reported that on April 15<sup>th</sup>, a Health Boards Roundtable was conducted by the Department of Consumer Affairs and was well attended and well received. Topics discussed included underserved communities, the need for more practitioners in all areas of health care, and impaired professionals. Ms. Portman also stated that Committee Member Cristina Gomez-Vidal Diaz was one of the presenters during the meeting.

Ms. Portman reported that a request has been submitted to the Governor's office for approval to hold the DCA sponsored Professionals Achieving Consumer Trust Summit (PACT) in July 2010 in Sacramento. One more Health Roundtable is planned to be held in January 2010, and the results of the roundtable will be presented to the PACT Summit.

Ms. Portman reported that the file prepping portion of the scanning project is approximately 90 percent complete.

Ms. Portman also stated that Linda Bronson has resigned the half time position she previously held. This position will not be refilled resulting in salary savings to the Committee.

Ms. Portman reported that SB 1441 requires all DCA executive officers to form a Substance Abuse Coordination Committee to create uniform standards applicable to healing arts substance abusing licensees. Currently staff from the healing arts boards, including the PAC, are working on developing standards to be presented to the full Committee for consideration and their approval.

b. Licensing Program - activity report

Ms. Bronson stated that between January 1, 2009 and April 1, 2009, 122 licenses were issued and 6 interim approvals were issued. As of April 1, 2009, 7,163 licenses have been issued, with a total of 156 approved training programs.

d. Diversion Program - activity report

As of April 1, 2009, The Diversion Program has 19 participants, 7 of whom are voluntary participants and 12 are Committee referrals. There have been 84 participants since the implementation of the Diversion Program in 1990.

e. Enforcement Program - activity report

Ms. Tincher reported that between July 1, 2008 and March 31, 2009, there were 76 complaints pending, 30 pending investigations, 40 current probationers and 25 pending cases at the Office of the Attorney General.

5. **10:30 AM - Hearing**

Petition for reinstatement of physician assistant license of Megan Lini.

**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**

6. **Review and Possible Approval of Draft Regulations Regarding Continuing Medical Education Requirements (AB 2482)**

After a brief discussion the draft language was approved as written. A motion was made to formally notice the proposed regulations and set the matter for public hearing.  
(m/Dr. Low, s/Klompus, c/all)

7. **Approval of a Physician Assistant Committee Logo**

Executive Officer Elberta Portman asked the members to review a selection of logos contained in their meeting packets for their discussion and possible selection. The Department's design team developed the logos and is supplying this service to all DCA Boards and Bureaus so each can have its own distinct logo. After a brief discussion a motion was made by Shaquawn Schasa and seconded by Rosslynn Byous to select the first logo presented. Motion was carried.  
(m/Schasa, s/Byous, c/all)

**8. Pending Legislation of Interest to the Committee: AB 120, AB 356, AB 1310, SB 43, SB 171, SB 374, SB 389, SB 599, SB 638, SB 819**

Chairman Klompus stated that most of the pending legislation listed above does not have a direct impact on the Committee or PAs. Two of the bills are sponsored by California Association for Physician Assistants (CAPA) and have been discussed at prior meetings. Chairman Klompus also stated that he has spoken with Elberta Portman, Executive Officer regarding the Committee's stance on legislation. It was decided that the Committee will not take a position on legislation unless it has an impact on the Committee.

**9. Discussion Of Diversion Costs To Participant And Committee**

Chairman Klompus stated the Diversion Program budget line item has been overspent due to our increase in the number of participants. A Budget Change Proposal (BCP) was recently submitted to augment the fund by \$50,000.00. Currently participants are being charged a \$100.00 fee.

After a lengthy discussion the Committee directed the Executive Officer to the following:

- A. Review the Committee's disciplinary guidelines to see if it's possible that if someone is ordered into Diversion that the participant pays the full amount charged.
- B. Research establishing regulations for incorporation of re-payment by participants. If necessary do more research and wait for new Diversion contract to be finalized.

Dr. Low inquired if it is possible, that the Committee send out a notice to all of the PAs stating that there is an issue with Diversion and to give them an option to assist with funding. Staff along with legal counsel will look at this inquiry and relay results to the Committee at a future meeting.

Motion made to direct staff to prepare options that Committee can discuss regarding amendment to disciplinary guidelines.  
(m/Young, s/Byous, c/all)

**10. Discussion of Title 16 CCR Section 1399.536(a)(4) Ratio of Preceptors to Preceptees**

Section 1399.536(a)(4) states that a preceptor may not supervise more than one preceptee at a time. Right now in California there are ten PA programs that use clinical rotation sites. Physicians who supervise students in clinical rotation sites are called preceptors. At present, it is believed that the customary practice is that preceptors are assigned to more than one preceptee. Committee Member Byous suggested that it should be left up to the discretion of the site as to how many preceptees they feel they can supervise and not to the Committee to make that determination.

Legal Counsel Kurt Heppler informed the committee that they could instruct staff to:

- a. Come back with regulatory proposal to remove the limitation;
- b. Come back with a regulatory proposal to put some number other than number 1 in its place;
- c. Come back with a regulatory proposal to say not be assigned not more preceptees than is reasonable to accomplish the preceptor function at the discretion of the facility.

The Committee members directed staff to research the various options for Title 16 1399.536(a)(4) and prepare for discussion at the next meeting.

**11. Possible Changes in Meeting Dates**

Executive Officer Elberta Portman, informed the Committee that currently the DCA sponsored PACT Summit Meeting will be held in July 2010, subject to approval by the Governor. Ms. Portman indicated there is no need to change the Committee's 2009 proposed meeting dates to accommodate the summit.

**12. Items for Next Meeting**

1. Hearing for Draft Regulations Regarding Continuing Medical Education Requirements;
2. Options that Committee can discuss regarding amendment to disciplinary guidelines relating to Diversion.
3. Roundtable discussion of workforce issues requested from the Healing Arts Roundtable Meeting
4. Continuation of Strategic Planning.
5. Section 1399.5369a)(4) Ratio: Preceptors to Preceptees

**13. Public Comment on Items not on the Agenda**

No public comment was received for this item.

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

15. **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**

**16. Strategic Planning Session**

Development/Revisions to the Committee's Strategic Plan was deferred until the August meeting, due to the extended length of the Committee meeting and petitioner hearing

**17. Adjournment.**

The meeting was adjourned at 2:30 P.M.