

Physician Assistant Committee

2005 Evergreen Street, Suite 1100, Sacramento, CA 95815

Telephone: (916) 561-8780 FAX: (916) 263-2671

Web site: www.pac.ca.gov/ Email: pacommittee@mbc.ca.gov



Meeting Minutes

February 18, 2010

Physician Assistant Committee
2005 Evergreen Street – Hearing Room 1150
Sacramento, CA 95815
9:30 A.M. – 5:00 P.M.

1. Call to Order by Chairman

Chairman Klompus called the meeting to order at 9:35 a.m.

2. Roll Call

Staff called the roll. A quorum was present.

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

Staff Present: Elberta Portman, Executive Officer
Claire Yazigi, Staff Counsel, Dept. of Consumer Affairs
Glenn Mitchell, Regulation and Lead Licensing Analyst
Lynn Forsyth, Staff Services Analyst

Committee Member Shelia Young arrived at 10:15 a.m.

3. Approval of Minutes of November 5, 2009 Meeting

The November 5, 2009 minutes were approved with the following amendment:

“Staff called the roll. A full quorum was present at 9:50 a.m. with the arrival of Committee Member Steven Stumpf, Ph.D.
(m/Low, s/Stumpf, c/all)”

4. Reports

- a. Staff Counsel Claire Yazigi read a statement from Laura Freedman, Staff Counsel, regarding her departure as the Committee's counsel.

Chairman Klompus introduced Linda Whitney, Interim Executive Director of the Medical Board of California. Ms. Whitney was appointed as Interim Executive Director to replace Barbara Johnson who has accepted a position in the private sector. Ms. Whitney has worked for the Medical Board since 1994 in a variety of capacities, including administrative management, and most recently, as Chief of Legislation. Ms. Whitney spoke briefly and offered her support to the Committee.

- b. Executive Officer's Report

Ms. Portman reported that all boards/committees within the Department of Consumer Affairs (Department) were asked to revert 5% from the personnel services line item to offset the budget deficiencies. Ms. Portman stated that in this fiscal year the .5 MST Limited Term (LT) position was not filled, and in the 2010/2011 we are looking at alternatives to meet the reversion.

Ms. Portman reported that all Executive Officers within the Department are reviewing their enforcement procedures and policies to improve and enhance processing of complaints and actions. Ms. Portman reported that the PAC has already made several enforcement enhancements including checking applicants for prior unlicensed activity and clearing applicants through the National Practitioner Data Base to determine if disciplinary action has been taken against healing arts licenses in other states.

Ms. Portman also reported on several enhancements made to the PAC application forms. The changes include adding specific questions regarding prior criminal convictions and requiring the applicant to sign and initial a statement that all information is true. Additionally, the PA training program certificate page has been enhanced to require the training programs to disclose student disciplinary actions if taken.

Ms. Portman reported that SB 1441 required the creation of uniform standards to deal with substance-abusing licensees. Some of the standards will be implemented through additional legislation, and others will be implemented through the regulatory rulemaking process. Standards that do not require legislative or regulatory changes will be implemented immediately, such as an increase in the minimum random body fluid test threshold, and requiring all probation drug tests to be observed. Participants in the Committee's diversion program have always been subject to observed drug testing. Ms. Portman stated that staff will work with legal counsel to develop regulatory packages to fully implement the standards established by SB 1441.

- c. Licensing Program - activity report

Between October 1, 2009 and February 1, 2010, 228 licenses were issued. As of February 1, 2010, 7,495 licenses are renewed and current, and there are a total of 157 California approved training programs.

d. Diversion Program - activity report

As of January 1, 2010, the Diversion Program has 20 participants, 7 voluntary participants and 13 Committee referrals. There have been 90 participants since program implementation in 1990.

e. Enforcement Program - activity report

Between July 1, 2009 and December 31, 2009 there were 64 pending complaints, 34 pending investigations, 40 current probationers and 24 pending cases at the Office of the Attorney General

5a. **10:00 AM - Hearing**

Petition for reinstatement of physician assistant license - Harry Murray

5b. **11:00 AM - Hearing**

Petition for early termination of probation - Tuan Le

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

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

6. **1:00 PM Regulations Public Hearing**

Amend Section 1399.557 of Title 16 of the California Code of Regulations. This proposal would require that licensees mandated to participate in the Diversion Program as a condition of probation pay the full amount of the monthly participation fee charged by the contractor. Licensees voluntarily enrolled in the program would be required to pay 75% of the monthly participation fee charged by the contractor. Participation fees would be paid directly to the contractor.

The regulatory hearing was called to order at 2:10 p.m. by Chairman Klompus. A full quorum was present. There was no oral testimony received. The hearing was closed at 2:20 p.m.

A written comment was received via e-mail. A suggestion was made regarding Section 1399.557(c). The section currently reads, "this section shall apply to licensees who enter or re-enter diversion on or after its effective date". It was suggested that Section 1399.557(c) be modified to read, "this section shall apply to licensees who enter or re-enter diversion on or after the effective date of this section."

A brief discussion ensued.

A motion was made to modify the language in Section 1399.557 (c) to read, "This section shall apply to licensees who enter or re-enter diversion on or after the effective date of this section."

(m/Young, s/Schasa, motion not voted upon)

A second motion was made to amend and adopt the language in Section 1399.557(c) to read "This section shall apply to licensees who enter or re-enter diversion on or after the effective date of this section." In addition, if no adverse comments are received, staff is instructed to issue a fifteen day notice with the modified language and delegate authority to the Executive Officer to make non-substantive changes as maybe required by the Department of Consumer Affairs or Office of Administrative Law.

(m/Byous, s/Schasa, vote passed as follows: 4 ayes, 1 opposed, 1 abstained)

7. Presentation on the Diversion Program from Maximus

Ms. Portman introduced Anita M. Mireles, RN, CNOR, Maximus Clinical Case Manager. Maximus is the contractor providing diversion program services on behalf of the PAC. Ms. Mireles gave a brief presentation about the diversion program. She described the goals of the program, responsibilities of the program, monitoring of participants and components of addiction and drug dependency.

8. Report on Program Accreditation Task Force

Discussion of proposed language regarding program accreditation regulations and preceptor/preceptee ratios, currently Sections 1399.530 through 1399.536 of Title 16 of the California Code of Regulations.

Committee Member Roslynn Byous acknowledged both Robert Sachs and Les Howard for their participation and work on the Task Force. Ms. Byous briefly discussed the ARC-PA accreditation draft accreditation standards which basically state that all PA programs must be in institutions that grant Master's Degree by the year 2021. ARC-PA will discuss this topic at a meeting in April 2010. Ms. Byous also stated that currently in California there are ten PA programs, five of which in institutions that currently do not grant Master's Degrees. Ms. Byous also stated that the ARC-PA is the accrediting body.

Ms. Byous presented a draft questionnaire developed by members of the Task Force. It was proposed that the questionnaire be sent to the programs for their input regarding this topic.

Staff was instructed to send the proposed draft letter to the five schools for their response. Staff was also requested to schedule a Task Force teleconference meeting after April 15th to discuss the responses to the survey and to discuss the results of the April ARC-PA meeting.

Motion to accept the draft as written and send to the various PA Programs for their responses.

(m/Young, s/Diaz c/all)

Ms. Yazigi clarified Business and Professions Code Section 3513 of the Physician Assistant Practice Act that provides that the Committee shall recognize the approval of training programs for PAs approved by a national accreditation organization. PA training programs accredited by a national accreditation agency approved by the Committee shall be deemed approved under this section.

Staff was instructed to obtain sample regulatory language from other states regarding preceptor/preceptee ratios. The results are to be discussed at the next meeting of the PAC.

9. Report on Consumer Protection Enforcement Initiative and SB 1441

Ms. Portman briefly described the enforcement process under which all boards and committees are working toward improving the adjudication of cases. The Department of Consumer Affairs is working with all the boards and bureaus on its Consumer Protection Enforcement Initiative (CPEI). This initiative will ensure that cases are completed in a timelier manner, with an average of twelve to eighteen months.

Ms. Portman also briefly reported on the status of the SB 1441 working group.

10. Department of Consumer Affairs Update

Chairman Klompus introduced Kim Kirchmeyer, Deputy Director for Board Relations, from the Department of Consumer Affairs. Ms. Kirchmeyer spoke to the members about recent issues affecting the Department such as the recent legislation regarding the enforcement protection initiative. She encouraged the members to offer support for the legislation.

Ms. Kirchmeyer informed the Committee of the mandated restrictions on certain purchases and on travel costs. Ms. Kirchmeyer also stated that the Department is recommending that future meetings be webcast to ensure broader consumer participation.

11. Discussion and Possible action to Change the Name of the Physician Assistant Committee to Physician Assistant Board

Discussion ensued about a proposal to change the Committee's name to "Board". At one time, all allied health programs including physician assistants were regulated by the Medical Board of California, who established the allied health committees to regulate those professions. Through the years most of the allied health committees sought legislation to become boards. The PAC maintains a close, cooperative relationship with the MBC because physician assistants are unable to practice without physician supervision.

The name change would more correctly reflect the Committee's role in providing consumer protection through its licensure and enforcement roles. The PAC would continue to maintain a close relation with the MBC including a shared services agreement to provide investigation, legal desk, and data processing and cashiering functions.

A motion was made to direct staff to explore what it would take to change the name from the Physician Assistant Committee to Physician Assistant Board.
(m/Low, s/Schasa, c/all)

12. Discussion of Requirements for Licensure under Business & Professions Code 3519(a)(2)

Ms. Yazigi stated that this item was brought about following the interest of an individual who graduated from a U.S. medical school and is a California licensed MD. This individual has inquired about also becoming licensed as a PA. Section 3519 of the Business and Professions code states that the Committee shall issue under the name of the Medical Board of California a license to all PA applicants who meet all of the following requirements. Subsection (a) discusses evidence of either successful completion of a medical program or Subsection (2) successful completion of a medical school program. Ms. Yazigi also stated that the second requirement under 3519 is that he or she pass an examination under section 3517. It was also stated that per the regulations, the examination for licensure admission be administered by the National Commission on Certification of Physician Assistants, (PANCE) exam.

13. Pending Legislation of Interest to the Committee: SB 389, AB 1310

Ms. Portman reported on the pending legislation. The two legislative bills are SB 389 and AB 1310. SB 389 would require the applicants for licensure and petitioners for reinstatement to successfully complete the state and federal level criminal record information search. This bill would also require licensees that have not previously submitted fingerprints to complete the process necessary for the state and federal criminal offender search.

Ms Portman reported that AB 1310 would require certain boards, including the Committee, to collect specified information from licensees and would require the boards within DCA to work with the Office of Statewide Health Planning and Development (OSHPD) to transfer this data to OSHPD. This bill would also require OSHPD to submit a written report to the legislature.

14. Agenda Items for next meeting

1. Status of SB 1441
2. Discussion of malpractice insurance for PAs on probation
3. Proposed name change
4. Current Legislation
5. Sample language from other states regarding preceptor/preceptee for the next meeting.
6. Discussion of Requirements for Licensure under Business & Professions Code 3519(a)(2)
7. Status of SB 1111
8. Accreditation Task Force Update

15. Items Discussed not on the Agenda

1. Committee meeting to be held on May 20, 2010

A motion was made to cancel the May meeting to conserve the budget.
(m/Diaz, s/Byous, c/all)

16. Public Comment on Items not on the Agenda

Gaye Breyman of the California Association for Physician Assistant (CAPA) spoke about SB 1069 (Pavley), CAPA's new legislation. The bill would allow PAs to sign any and all forms for which a physician can sign if it is delegated to them in their Delegation of Services Agreement. The bill will also allow them to order durable medical equipment, to certify disability and to order home health care. The bill will also bring a statute of limitations for PAs that will be in line with all other medical professions.

17. Adjournment

The meeting adjourned at 4:10 p.m.