



## Meeting Minutes

February 6, 2012

**PHYSICIAN ASSISTANT COMMITTEE**  
**2005 Evergreen Street – Hearing Room #1150**  
**Sacramento, CA 95815**  
**9:00 A.M. – 5:00 P.M.**

1. **Call to Order by Chairman**

Chairman Sachs called the meeting to order at 9:00 a.m

2. **Roll Call**

Staff called the roll. A quorum was present.

Committee Members Present: Robert Sachs, PA-C  
Cristina Gomez-Vidal Diaz  
Steve Klompus, PA  
Shaquawn D. Schasa  
Steven Stumpf, Ed.D.

Committee Members Absent: Reginald Low, M.D.

Staff Present: Elberta Portman, Executive Officer  
Kurt Heppler, Senior Staff Counsel, Dept. of  
Consumer Affairs (DCA)  
Dianne Tincher, Enforcement Analyst  
Lynn Forsyth, Staff Services Analyst  
Julie Caldwell, Licensing Analyst

3. **Approval of November 10, 2011 Meeting Minutes**

The November 10, 2011 minutes were approved as drafted.  
(m/Klompus, s/Schasa, motion passes)

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

There was no public comment at this time

5. **Reports**

a. **Chair's Report**

Chairman Sachs mentioned that as of December 31<sup>st</sup>, Rosslynn Byous, and Shelia Young of the Committee had not yet been re-appointed. Chairman Sachs also mentioned that the committee currently has six members, which could lead to a quorum problem in the future.

Chairman Sachs presented Steve Klompus with his engraved gravel for serving as Committee Chair for the past years. Chairman Sachs also mentioned that plaques were being presented to both Rosslynn Byous and Shelia Young for their service to the committee.

Chairman Sachs stated that there is a national move to change the name from physician assistants to physician associate. Chairman Sachs stated that this is something to keep a watch for but didn't believe that anything would come of it.

#### b. Executive Officer's Report

Ms. Portman reported that Julie Caldwell has joined the PAC as the new licensing technician. Ms. Portman stated that today is Julie's first day with the committee and that she previously has worked for Franchise Tax Board.

Ms. Portman reported that the licensing desk is current at this time and have been licensing approximately 10-15 licenses per week. Ms. Portman also stated that once Julie is fully trained, she will assume all duties of the licensing desk, some of which have been temporarily assigned to other staff while we had the vacancy. This position has been vacant for almost a one year period because of the inability to hire anyone because of the freeze.

Ms. Portman stated that later in the afternoon Tommy Nhan, the DPA budget analyst for the PAC will be providing an overview of our budget funding.

Ms. Portman stated that the sunset hearing is scheduled for Monday, March 19, and Chair Bob Sachs will attend this hearing.

Ms. Portman also stated that last month we provided a supplemental letter to the Sunset committee to provide them with an update on the status of implementing our SB 1441 uniform standards. The report noted that we are working on implementation; however, because of a legal opinion that was issued from the Legislative Counsel Bureau in October, the Department of Consumer Affairs' legal office asked the Office of the Attorney General for their opinion of this matter. At this time we are waiting for this new opinion to be issued.

Ms. Portman stated that AB 356 was signed into law on October 11, 2009. Ms. Portman also stated that the Department of Health is finalizing proposed regulations to implement this law. This law will impact the PAC because Pas will be able to obtain fluoroscopy

Ms. Portman stated that in the agenda packets under the enforcement area we have included enforcement Performance Measures. The reports note that we are meeting our target goals in areas of complaints, intake, investigation, discipline, probation intake, and probation violation areas.

#### c. Licensing Program Activity Report

Between November 1, 2011 and January 1, 2012, 70 physician assistant licenses were issued. As of January 1, 2012, 8,352 physician assistant licenses are renewed and current. Currently there are a total of 157 California approved training programs approved by the Committee.

d. Diversion Program Activity Report

As of January 1, 2012, the Diversion Program has 26 participants, 6 self-referred participants and 20 Committee referrals. There have been 102 participants since program implementation in 1990.

e. Enforcement Program Activity Report

Between July 1, 2011 and December 31, 2011, 128 complaints were received; there are 78 pending complaints, 19 pending investigations, 42 current probationers and 23 cases awaiting administrative adjudication at the Office of the Attorney General.

6. **10:00 AM – Regulatory Hearing**  
**Proposal to Amend Section 1399.536 of Title 16 of California Code of Regulations Relating to the Requirements for Preceptors in Physician Assistant Training Programs**

After discussion from the committee members, public comment was received from the following:

Scott Clark, California Medical Association expressed concern with the way language is worded. His concern is that a PA would be trained without the supervising physician clinical experience. Mr. Clark indicated he would submit proposed language changes at a later date.

Michael de Rosa of Samuel Merritt University stated that he supports the proposal. He indicated that the regulations bring the National Accreditation standards into compliance. Mr. De Rosa stated that the regulations will now reflect what is required in all of the United States.

Tracey DelNero of Touro University stated that she is also in support of the proposed regulations.

Tracy Anderson, California Academy of Physician Assistants also stated that CAPA is in support of the regulations.

Motion to adopt language for fifteen day notice. The following corrections were included to section (A): last line, add or after psychologist and before a licensed psychologist.

In the absence of any adverse comments the executive officer will complete the rule making file and transmit it to the Office of Administrative Law.

(m/Klompus, s/Schasa, motion passes)

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

### **RETURN TO OPEN SESSION**

8. **Presentation by Budget Staff on the Physician Assistant Committee report for Loan Reserve and Expenditures.**

Taylor Schick and Tommy Nhan from the Department of Consumer Affairs Budget Office, provided the committee with an update on the current budget. Mr. Nhan stated that the departments will be involved in a pilot study and could possibly have a zero based budget/performance based budget next year.

9. **BreEZE Update**

Cindy Kanemoto and Brandon Rutschmann provided the committee with an update on the BreEZE project. Mr. Rutschmann stated that the PAC is in the first release, and the anticipated start date will be September of this year. He also stated that:

- a. Development, testing and production servers are due to be delivered;
- b. System configuration interviews for enforcement functions in Release 1 boards are on-going;
- c. Existing data from Release 1 boards' work-around databases has been loaded and is being tested to see if the data will convert into the new system accurately; and
- d. Training needs have been assessed and a training plan is being developed, as well as training materials.

10. **Discussion of Subcommittee Report; Consideration of Proposal to Amend Title 16 CCR §1399.541(i)(1) CCR §1399.545 (Personal Presence)**

Following a lengthy discussion regarding the proposed amendments to Section 1399.541 of title 16 of the California Code of Regulations. The committee agreed to change item (i) (1) as follows: strike item (B), rename (C) to (B) to read: General Anesthesia. A physician assistant may perform surgical procedures, including the closure of surgical wounds to all layers of the skin and fascia upon a patient sedated to a level of general anesthesia without the physical presence of a supervising physician and surgeon in the operating room or suite provided that the supervising physician and surgeon is immediately available and the licensed health care practitioner administering the anesthetic(s) is physically present in the operating room. For the purposes of this section, "immediately available" means that the supervising physician and surgeon remains located on the same floor and within the same operating complex in the event assistance is requested.

Also, discussed was to define general anesthesia as it relates to B&P code 2216.

A motion was made for a recommendation to send to the Medical Board to set regulations for consideration at the May meeting. If the Medical Board adopts, then a formal hearing would be set at the PAC August meeting.

(m/Diaz, s/Klompus, motion passes)

11. **Discussion and Consideration of Regulatory Proposal to Implement Assembly Bill 2699 Health Care Events – Requirements for Exemption, as required by Business and Professions Code Section 901**

Kurt Heppler, Senior Staff Counsel, Dept. of Consumer Affairs provided the members with a brief overview of Business and Professions Code Section 901. Section 901 allows out of state licenses to perform their professions for a limited time in case of an emergency. It was discussed that (1) PA's need to have a Delegation of Services Agreement (DSA), (2) that the DSA would be signed by the PA coming to California along with the physician coming to California, (3) the DSA must be signed by a physician in California or home state and (4) when submitting application for license the out of state PA would have to show the signed that a signed DSA was in place.

During the discussion it was mentioned that the PAs from out-of-state need to adhere to California's laws and regulations.

Chairman Sachs directed Staff Counsel to prepare regulations and present them at the next meeting.

12. **Update and Potential Consideration of Legislation of Interest to the Physician Assistant Committee**

Following a brief discussion the committee members decided to follow AB 1548 and AB 137. AB 1548 is for the practice of medicine: cosmetic surgery: employment of physicians and surgeons. AB 137 pertains to Health care coverage: mammographics.

13. **Schedule of 2012 Meeting Dates and Locations**

The Committee members agreed to the following dates and tentative locations as follows:

May 7th (Monday) in Sacramento  
August 6<sup>th</sup> (Monday) in Sacramento  
October 29<sup>th</sup> (Monday) in Sacramento

14. **Agenda Items for Next Meeting**

- a. Update on Sexual Misconduct and Disciplinary Guidelines
- b. Update on the Sunset Report
- c. Current Legislation
- d. Personal Presence Regulation
- e. Regulations for Ground of Revocation of License
- f. Update on Budget Report
- g. Regulations for Proposal on Health Care Events

15. **Adjournment**

The meeting adjourned at 2:00 p.m.