



PHYSICIAN ASSISTANT BOARD

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MEETING MINUTES

December 9, 2013

**PHYSICIAN ASSISTANT BOARD
2005 Evergreen Street – Hearing Room #1150
Sacramento, CA 95815**

1. Call to Order by President

President Sachs called the meeting to order at 8:00 a.m.

2. Roll Call

Staff called the roll. A quorum was present.

Board Members Present: Robert Sachs, PA-C
Charles Alexander, Ph.D.
Michael Bishop, M.D.
Sonya Earley, PA
Jed Grant, PA-C
Rosalee Shorter, PA-C

Board Members Absent: Cristina Gomez-Vidal Diaz
Catherine Hazelton

Staff Present: Glenn Mitchell, Executive Officer
Laura Freedman, Senior Staff Counsel,
Department of Consumer Affairs (DCA)
Kristy Shellans, Senior Staff Counsel,
Department of Consumer Affairs (DCA)
Dianne Tincher, Enforcement Analyst
Lynn Forsyth, Staff Services Analyst
Julie Caldwell, Licensing Technician

3. Approval of August 26, 2013 Meeting Minutes

The August 26, 2013 meeting minutes were approved as drafted.
(m/Grant, s/Earley, motion passes)

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

The board may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide whether to place the matter on the agenda for a future meeting. (Government Code Sections 11125, 11125.7(a))

There was no public comment at this time.

5. **Reports**

a. **President's Report**

Mr. Sachs introduced Kristy Shellans, Attorney III with the Department of Consumer Affairs who has worked for the department since March 2000. Ms. Shellans has been assigned as legal counsel for the board. She will replace Laura Freedman.

She has represented the following agencies within the Department of Consumer Affairs (DCA): Bureau for Private Postsecondary and Vocational Education, Board of Behavioral Sciences, California State Board of Pharmacy, Dental Board of California, Bureau of Automotive Repair, Bureau of Electronic and Appliance Repair, Bureau of Home Furnishings and Thermal Insulation, the Cemetery and Funeral Bureau, the California Board of Accountancy, and the State Board of Chiropractic Examiners.

Prior to coming to DCA, she worked in the private sector as a corporate counsel for both a large national and small local insurance company, specializing in the health insurance line of business. She has also worked as a litigator in the private sector, practicing in the areas of construction defect, environmental law, land use planning, probate, bankruptcy, family law, and criminal defense.

Mr. Sachs introduced Judith Alvarado. Ms. Alvarado was recently appointed as the board's Liaison Deputy Attorney General.

Ms. Alvarado has been practicing law for over 21 years. She was in private practice for 16 years specializing in medical malpractice defense. She has been with the Department of Justice since 2007, in the Health Quality Enforcement Section. She was appointed to the position of Supervising Deputy Attorney General in October 2013.

Mr. Sachs informed the board that liaison duties include:

- Communicating board policies and procedures to other DAGs.
- Acting as an advisory role on licensing issues.
- Assisting assigned DAGs to ensure successful prosecution of assigned cases.
- Periodically reviewing case load to ensure cases are handled efficiently

- Keeping abreast of board legislative proposals, changes to laws and regulations.
- Interfacing with board legal counsel to assure coordinated and consistent legal advice.

Mr. Sachs stated that he attended the California Academy of Physician Assistants (CAPA) annual conference in October 2013. Mr. Sachs reported that he and board member Jed Grant, PA, staffed the Physician Assistant Board information booth at the conference. Both members provided assistance and answered questions concerning physician assistant licensure, physician assistant scope of practice and laws and regulations to conference attendees.

Mr. Sachs also stated that he attended a physician assistant advisory board meeting at Marshall B. Ketchum University. The School of Physician Assistant Studies Program at Marshall B. Ketchum University is currently in the accreditation process and is scheduled to begin classes during Fall 2014.

Mr. Sachs also stated that he and board member, Dr. Bishop, represented the board at the Medical Board of California's meeting in October 2013 to discuss the regulatory proposal concerning amendments to California Code of Regulations Section 1399.541 – Medical Services Performable. Mr. Sachs stated that the Medical Board approved the regulation change and will proceed with scheduling a hearing in this matter at their February 2014 board meeting.

Mr. Sachs also informed the board that he gave a presentation to the physician assistant students at San Joaquin Valley College Physician Assistant Program concerning physician assistant licensure and laws and regulations. Mr. Sachs learned that approximately 30% of the students at this program are veterans.

b. Executive Officer's Report

CURES Update

Mr. Mitchell explained that CURES (Controlled Substance Utilization Review and Evaluation System) is a data base that contains records of controlled substance drugs dispensed in California. He added that CURES is a useful tool when investigating complaints concerning dispensing or use of controlled substances by licensees.

Mr. Mitchell also indicated that budget cuts have resulted in insufficient funding to support CURES. He also indicated that Governor Brown signed SB 809 that will address the funding issue and allow for updates to the system.

One aspect of SB 809 is the creation of the CURES Fund which requires an annual fee of \$6 to be assessed to licensees, including physician assistants, to support an enhanced CURES system. These fees will assist in providing sufficient funds to enhance, operate, and maintain the system.

Physician Assistant Board Investigative Services

Governor Brown signed SB 304, which among other things will move Medical Board of California investigators to the Department of Consumer Affairs Division of Investigation and Enforcement effective July 1, 2014.

Since the Physician Assistant Board utilizes the services of the Medical Board of California investigators, the board will be impacted by the transfer. Board staff will be working with Division of Investigation and Enforcement staff to ensure a smooth transition.

c. Licensing Program Activity Report

Between August 1, 2013 and November 1, 2013, 264 physician assistant licenses were issued. As of November 1, 2013, 9,579 physician assistant licenses are renewed and current.

d. Diversion Program Activity Report

As of November 1, 2013, the board's Diversion Program has 14 participants, of which includes 2 self-referral participant and 12 Board-referral participants. A total of 112 participants have participated in the program since implementation in 1990.

e. Enforcement Program Activity Report

Between July 1, 2013 and September 30, 2013, 87 complaints were received; 120 complaints are pending; 64 investigations are pending; 46 probationers, and 33 cases awaiting administrative adjudication at the Office of the Attorney General.

6. Department of Consumer Affairs

a. Director's Update

Corrine Fishman, on behalf of Christine Lally, Deputy Director, Board and Bureau Relations, stated that there were no new updates from the Department of Consumer Affairs at this time.

7. Nomination and Election of Physician Assistant Board Officers

Business and Professions Code Section 3509.5 states that, "the board shall elect annually a chairperson and vice chairperson from among its members.

Mr. Grant nominated Robert Sachs as Physician Assistant Board President for 2014. No other nominations were received.

Motion was carried to elect Mr. Sachs as President for 2014.

Mr. Sachs nominated Charles Alexander as Physician Assistant Board Vice-President for 2014. No other nominations were received.

Motion was carried to elect Mr. Alexander as Vice-President for 2014.

8. **Approval of Passing Score for PA Initial Licensing Examinations and 2014 Dates and Locations for PA Initial Licensing Examination**

Business and Professions Code section 3517 provides in pertinent part:

“The board shall, however, establish a passing score for each examination.”

A motion was made and seconded to approve the passing score for the physician assistant initial licensing examination for 2014 as established by the National Commission on Certification of Physician Assistants (NCCPA).
(m/Grant, s/Earley, motion passes)

Business and Professions Code section 3517 provides in pertinent part:

“The time and place of examination shall be fixed by the board.”

A motion was made and seconded to approve the dates and locations for the physician assistant initial licensing examination for 2014. The examination is given on a year-round basis at the Pearson VUE Professional Testing Centers.
(m/Bishop, s/Earley, motion passes)

9. **Schedule of 2014 Board Meeting Dates and Locations**

Board members discussed the following dates and meeting locations for 2014:

February 24, 2014 - Monday in Sacramento.

May 12 or 19, 2014 - Monday in Sacramento.

August 11 or 18, 2014 - Monday in Sacramento.

November 3 or 17, 2014 - Monday in Sacramento.

Following a brief discussion, a motion was made to only approve the February 2014 meeting date and location and to approve the remaining meeting dates at the February 2014 meeting when all board members would be present.
(m/Bishop, s/Grant, motion passes)

10. **Update on Current Budget**

Ms. Tincher reviewed the latest Calstars budget report with board members. Ms. Tincher stated that the report provided fiscal data through October 31, 2013. She added that the current budget and fund condition were fiscally sound and indicated that 63% of the budget remains for the current fiscal year.

Ms. Tincher also briefly discussed the five year budget projections. She added that the 1.5 million dollar loan to the state's general fund is still outstanding, but, if needed, funds would be made available to ensure that funding would be adequate for continued board operations.

11. **Update on BreEZe Implementation**

Mr. Mitchell indicated that BreEZe is a new Department-sponsored computer system designed to replace two legacy computer systems (ATS and CAS) which impacts our licensing, verification, and enforcement processes.

Mr. Mitchell stated that user acceptance testing has been completed and the system went live on October 8, 2014.

He indicated that currently we do not yet have online capability for applicants or for renewals. These features are being rolled out in BreEZe on a phased implementation basis. Mr. Mitchell stated that the board is scheduled for online applications in April 2014 and online renewals for August 2014.

Mr. Mitchell also thanked staff for their dedication and efforts during the BreEZe testing and roll out phases. He also thanked BreEZe staff in working with the board and providing guidance during the development and implementation on this important project.

12. **Mandatory Reporting Requirements for Physician Assistants**

Mr. Grant stated that there are various laws that require self and patient reporting. He added that often these reporting requirements are not known or understood by licensees.

Mr. Grant stated that some of the self-reporting requirements are for:

- a. Change of address
- b. Report of settlement of arbitration award
- c. Report of charge of felony or conviction of felony or misdemeanor

Mr. Grant also indicated that there are reporting requirements for patient conditions such as:

- a. Pesticide exposure and poisoning
- a. Child, elder, and dependent adults abuse
- b. Injuries by firearms

A motion was made to have staff to develop a fact sheet and update the board's website regarding mandatory self reporting and patient reporting requirements for physician assistants.

(m/Grant, s/Shorter, motion passes)

13. **Discussion regarding current voluntary exam about Physician Assistant Laws and Regulations available on Board's website**

Mr. Sachs reported that the current on-line voluntary regulation exam contains ten questions. He explained that these questions have not been changed since the exam was first placed on the website several years ago.

Mr. Sachs stated that board staff has spoken to representatives of the Department of Consumer Affairs Office of Professional Examination Services (OPE) and that they have identified approximately twenty additional questions that have been developed.

Mr. Sachs indicated that OPE has proposed that three new sets of test patterns be developed which would incorporate the new questions and also including the currently used questions within the three new exams.

Following a discussion, the board directed staff to review the questions and answers that have been developed to ensure that they are accurate. Additionally, it was requested that other physician assistant board members also review the questions and answers.

14. **Update on Regulations**

a. Title 16, California Code of Regulations, Section 1399.541 Medical Services Performable

Mr. Mitchell stated the Medical Board of California has regulatory authority over physician assistant scope of practice regulations. He further explained that at the Medical Board's October 24, 2013 meeting, the members reviewed, and considered the proposed language adopted by the Physician Assistant Board at the August 23, 2013 meeting and voted to begin the rulemaking process.

Mr. Mitchell added that he would be working with the Medical Board staff to develop the rulemaking file and that this matter and would be heard at the Medical Board meeting on February 7, 2014.

b. Title 16, California Code of Regulations, Section 1399.523 Disciplinary Guidelines

Mr. Mitchell indicated that Title 16, California Code of Regulations, Section 1399.523 Disciplinary Guidelines continue to be work on developing a rulemaking file for this proposal.

c. Title 16, California Code of Regulations, Section 1399.620, 1399.621, 1399.622 and 1399.623 Regarding Sponsored Free Health Care Events

Mr. Mitchell stated that Title 16, California Code of Regulations, Section 1399.620, 1399.621, 1399.622 and 1399.623 regarding Sponsored Free Health Care Events was approved by the Office of Administrative Law on August 7, 2013 and became effective October 1, 2013.

The board's laws and regulations book and website will be updated to reflect this new regulatory requirement.

15. **The Legislative Committee**

a. Report from Adhoc Legislative Sub-Committee

There were no updates from the Adhoc Legislative Sub-Committee at this time.

b. Legislation of Interest to the Physician Assistant Board

AB 154, AB 186, SB 304, SB 352, SB 491, SB 492, SB 493, SB 494, SB 809, and other bills impacting the board identified by staff after publication of the agenda

Ms. Earley updated the board on the following legislative bills being tracked by the board.

1. AB 154 (Atkins): Abortion. NO POSITION. Chaptered by Secretary of State: Ch. 662, Stats of 2013.

2. AB 186 (Maienschein/Hagegman) SUPPORT. Temporary and expedited license for military applications. In Senate Business, Professions and Economic Development Committee. This is a two year bill.

3. SB 304 (Lieu): NO POSITION. Moves MBC investigators to DOI. Chaptered by Secretary of State Ch. 286, Stats of 2013.

4. SB 352 (Pavley): SUPPORT. Medical Assistant Supervision. Chaptered by Secretary of State, Ch. 286, Stats of 2013. A letter of support was sent to author of the bill.

5. SB 494 (Monning) SUPPORT. Health care plan enrollees, Chaptered by Secretary of State. Ch. 684 Stats of 2013.

6 SB 809 (DeSaulnier): NO POSITION. CURES Fund. Chaptered by Secretary of State, Ch. 400, Stats of 2013

SB 491, SB 492, SB 493 are no longer being tracked by the board.

Ms. Earley stated that currently there is no new legislation of interest that impacts physician assistant or the board.

16. **Review and Discussion of the Board's Strategic Plan**

Mr. Sachs stated that the board's current Strategic Plan was last updated in November 2009. The department has encouraged boards that haven't updated their plans recently to review and update them.

Mr. Sachs indicated that staff recently met with Terrie Meduri and Dennis Zanchi from the DCA SOLID Training Solutions office to discuss the board's current plan and to review the recently completed Environmental Scan and Trends Analysis.

Ms. Meduri and Mr. Zanchi presented and discussed the proposed draft plan with board members, staff, legal counsel, and other interested parties. Emphasis was placed on the board's future goals. The draft plan was updated to reflect input from discussion participants.

Ms. Meduri indicated that the proposed updates would be incorporated in the proposed plan and resubmitted to board members prior to the February 24, 2014 board meeting. At the February meeting, members, and interested others would again have an opportunity to review, discuss, and provide input for the proposed plan. Ms. Meduri added that at the February 2014 board meeting the emphasis would be placed on reviewing and possibly updating the board's vision, mission and values.

17. **1:00 PM – Hearings on Petitions**

A. Petition for Termination of Probation

1. Robert Lucas, PA 15947
2. Michele Burns, PA 16023

B. Petition for Reinstatement of Physician Assistant License

1. Jeffrey Hamlin, PA 16524, License Surrendered

18. **CLOSED SESSION:**

- a. Pursuant to Section 11126(c)(3) of the Government Code, the Board moved into closed session to deliberate on disciplinary matters, including petitions
- b. Pursuant to Section 11126(a) (1) of the Government Code, the Board moved into closed session to conduct the annual evaluation of the Executive Officer

RETURN TO OPEN SESSION

19. **Agenda Items for Next Meeting**

- a. Meeting dates and locations for calendar year 2014
- b. Continued discussion, review, and approval of the board's Strategic Plan
- c. Additional information concerning the National Commission on Certification of Physician Assistant Initial Licensing Examination: Exam Development and Scoring – Handout
- d. Presentation from the Department of Consumer Affairs, Division of Investigation regarding SB 304 (Transition of Medical Board Investigators to the Division of Investigation)
- e. Presentation on Services Provided By The Health Quality Enforcement Section of the Office of the Attorney General

20. **Adjournment**

The meeting adjourned at 4:50 P.M.
(m/Bishop, s/Earley, motion passes)