

PAC UPDATE

PUBLISHED BY THE CALIFORNIA PHYSICIAN ASSISTANT COMMITTEE



PHYSICIAN ASSISTANT SUPERVISION

A change to the law has made it easier for a physician to work with a physician assistant (PA). Medical Board approval to supervise a PA is no longer necessary. While the supervisory approval requirement has changed, the duties and responsibilities of supervising a PA have not changed.

Supervisory Requirements

Listed below are some of the PA supervisory requirements.

- According to California law, all care provided to a patient by a physician assistant is the ultimate responsibility of the supervising physician.
- Current law limits a physician to supervising no more than two physician assistants (PAs) at any moment in time. *(Physicians who work in designated medically underserved areas may supervise up to four PAs. Please call the PAC office at (916) 561-8780 for information concerning this program.)*
- According to regulations, the physician must be in the same facility with the PA or be immediately available by electronic communications.
- Before authorizing a PA to perform any medical procedure, the physician is responsible for evaluating the PA's education, experience, knowledge, and ability to perform the procedure safely and competently. In addition, the physician should verify that a PA has a current California license issued by the Physician Assistant Committee (PAC) (This information is available on the PAC Web site: www.physicianassistant.ca.gov)
- PAs may not own a medical practice. (Please see Section 13400 and following of the Corporations Code.)
- PAs may not hire their supervisors. PAs are dependent practitioners who act as agents on behalf of a supervising physician.

Physicians who plan to supervise PAs should carefully review Section 1399.545 of Title 16 of the California Code of Regulations for a complete listing of supervision requirements. This information is available on the Physician Assistant Committee Web site www.physicianassistant.ca.gov.

There are four methods for providing the supervision required by Section 1399.545 of the Physician Assistant Regulations:

1. The physician sees the patients the same day that they are treated by the PA.
2. The physician reviews, signs and dates the medical record of every patient treated by the physician assistant within thirty days of the treatment.
3. The physician adopts written protocols, which specifically guide the actions of the PA. The physician must select, review, sign and date at least 10% of the medical records of patients treated by the physician assistant according to those protocols within 30 days.
4. Or, in special circumstances, the physician provides supervision through additional methods, which must be approved in advance by the PAC.

To fulfill the required supervisor obligation, the physician must utilize one or a combination of the four authorized supervision methods.

Delegation of Services Agreement

For the mutual benefit and protection of patients, physicians and their PAs, the PA regulations require the physician to delegate in writing, for each supervised physician assistant, those medical services which the PA may provide. That document is often referred to as a Delegation of Services Agreement (available on the PAC Web site www.physicianassistant.ca.gov). Medical tasks, which are delegated by a supervising physician, may only be those that are usual and customary to the physician's personal practice.

Drug Orders

- Pharmacy Law (Business and Professions Code Section 4000 et seq.) authorizes licensed pharmacists to dispense drugs or devices based on a PA's "drug order". Current law also allow PAs to obtain their own DEA numbers for use when writing prescription drug orders for controlled medications.
- Current law permits physician assistants to write and sign prescription drug orders when authorized to do so by their supervising physicians for Schedule II-IV medication.
- A PA may only administer, provide, or transmit a drug order for Schedule II through Schedule V controlled substances with the advance approval by a supervising physician for a specific patient.
- In order to ensure that a PA's actions involving the prescribing, administration or dispensing of drugs is in strict accordance with the directions of the physician, every time a PA administers or dispenses a drug or transmits a drug order, the physician supervisor must sign and date the patient's medical record or drug chart within seven (7) days.

For physicians interested in utilizing physician assistants and who would like to know more about the benefits and requirements, several publications are available from the PAC, including:

- Physician Assistant Laws and Regulations
- Guidelines for Delegation of Services Agreements
- *Drug Orders by Physician Assistants* (information bulletin)
- *What is a PA?* (patient information brochure - English & Spanish)

To request publications or to verify physician assistant licensing information, contact:

Physician Assistant Committee
1424 Howe Avenue, Suite 35
Sacramento, CA 95825-3237

Telephone: (916) 561-8780 (800) 555-8038 FAX: (916) 263-2671
Web site: www.physicianassistant.ca.gov

This article has highlighted many of the key responsibilities a physician assumes when approved to utilize physician assistants. It does not cover all the requirements of law. This is not a declaratory opinion of the Physician Assistant Committee or the Medical Board of California.

More To Being a Physician Assistant Than Practicing Medicine

Hossein Salaami, Ph.D., Public Member, Physician Assistant Committee

While serving as a member of the Physician Assistant Committee, I have found that people who become physician assistants come from many different walks of life. I have also discovered that while they may not share the same backgrounds, they do share the same reasons for becoming PAs: they want to be part of the health care team and serve others.

Unfortunately, while almost all of the PAs licensed in California practice safely, there are a few who do not. These individuals may be dishonest, use drugs improperly, commit sexual misconduct, or provide incompetent or negligent care to patients.

In these instances, it is the Physician Assistant Committee's (PAC's) responsibility to take action. The PAC is composed of 9 members – 4 Physician Assistant members, 4 public members and 1 physician member of the Medical Board of California. Its mandate is to provide consumer protection. This is accomplished through its Licensing Program (licensing only those individuals who meet all legal requirements for licensure) and an aggressive Enforcement Program.

Consumers who have complaints with the care that a PA has provided must complete a written Consumer Complaint form and send it to the PAC. (The Consumer Complaint form is available on the PAC Web site – www.physicianassistant.ca.gov). The PAC, in partnership with the Medical Board of California, received 133 complaints during fiscal year 2002-03.

The complaints are reviewed to determine if there is a violation of law. Complaints may also be reviewed by practicing PAs serving as expert reviewers for the PAC. These individuals review complaints to determine if the PA provided substandard care. Not all complaints proceed to investigation. During FY 02-03, 150 complaints were closed. However, 47 cases were referred to the Medical Board of California for investigation. Additionally, after investigation, 21 cases were forwarded to the Office of the Attorney General for filing of an accusation to revoke the PAs' license. During this period, 21 cases were either heard by an Administrative Law Judge (ALJ), or stipulated (out-of-court settlement).

Members of the Physician Assistant Committee review an ALJ's proposed disciplinary decision and may decide to adopt it or make our own disciplinary decision after reviewing a transcript of the hearing. Members also may vote to adopt or non-adopt a stipulated disciplinary decision. In FY 2002-03, committee members decided 16 cases.

The Physician Assistant Committee meets 3-4 times a year. The meetings are always open to the public to attend. Please view the PAC Web site (www.physicianassistant.ca.gov) for the date of the next meeting. We welcome your attendance and invite you to see that there is more to being a PA than practicing medicine!

DISCIPLINARY REPORT

The following summary indicates the administrative actions taken against licensed physician assistants by the State of California from January through October 2003. Section numbers cited refer to California Business and Professions Code (BPC); Title 16 of the California Code of Regulations (CCR), Division 13.8; Health and Safety Code (HSC); Welfare and Institutions Code (WIC). This summary does not reflect criminal and civil actions that may also have been brought separately against the licensee, as those actions are not within the jurisdiction of the PAC.

Although every effort is made to ensure that the following information is correct, before making any decision based upon this information, check with the Physician Assistant Committee to substantiate the accuracy of this listing. Specific information on these violations may be obtained by contacting the Physician Assistant Committee at 916/561-8780, extension 204.

MCKININ, MICHAEL PA 13460
2238, 2241.5, 3502.1 BPC 11154, 11157, 11170 H&S
Accusation filed: 10/23/02
Violation: Writing forged prescriptions
Default Decision: Revoked
Effective Date: February 10, 2003

STUTZMAN, LAURIE PA 13014
2238, 2241.5, 3502.1 BPC 11154, 11157, 11170 H&S
Accusation filed: 10/23/02
Violation: Writing forged prescriptions
Default Decision: Revoked
Effective Date: February 10, 2003

LINI, MEGAN PA 14080
Surrender of License during Probation
Effective Date: March 28, 2003

NIXON, ALEXIS PA 14878
2234(b) (c), 3527(a), 3502.1 BPC
Accusation filed: 9/16/02
Violations: Gross negligence, Unauthorized Issuance of Drug Order, Issuance of Drug Order Without Advance Approval
Stipulated Decision: Revoked, Stayed, 5 years probation with terms and conditions
Effective Date: May 15, 2003

KUEHL, AARON PA 14224
2234(e), 2239, 2280 BPC
Accusation filed: 7/11/02
Violations: Unlawful Use or Prescribing, Dishonesty
Stipulated Decision: Revoked, Stayed, 7 years probation with terms and conditions
Effective Date: May 16, 2003

DANIELS, FRANK (petitioner)
Petition for Reinstatement of a Revoked License
Decision: Denied
Effective date: May 30, 2003

MONDRAGON, SHARON PA 11400
Stipulated Decision: Surrender of License and Section 822 Order
Effective Date: July 9, 2003

FUENTES, JESUS PA 13121
2234 (e) (f), 2238, 2239 (a), BPC, 11351, 11383(c)(1) HSC
Accusation filed: 1/16/03
Violations: Fraud, Dishonesty, Violation of State and Federal Drug Statues
Stipulated Decision: Surrender
Effective Date: July 21, 2003

HADFIELD, GREGORY PA 16311
2234 (e) 2239 (a) BPC
Petition to Revoke Probation and Accusation filed: 12/30/02
Charges: Use of Controlled Substance, Dishonesty, Violation of Probation
Stipulated Decision: Surrender
Effective Date: August 4, 2003

PLAMBECK, SHERI PA 14104
2234 (a), (e) 3527 (a) BPC
Accusation filed: 2/26/02
Violations: Unprofessional Conduct, Violation of a Drug Statute, Dishonesty
Stipulated Decision: Revoked, Stayed, 5 years probation with terms and conditions
Effective Date: August 25, 2003

FREEMAN, TIMOTHY PA 10991
821, 3531 BPC
Accusation filed: 2/11/03
Violations: Criminal Conviction, Failure to Comply with Order of Examination
Decision: Revoked
Effective Date: September 2, 2003

STRUBE, ROSEMARY PA 11906
2234(b), 3502, 3502.1, 3527 (b) BPC
Accusation filed: 11/13/02
Charges: Exceeding Authority as Physician Assistant, Gross Negligence, Administering Excessive Medication; Unprofessional Conduct, Incompetence
Stipulated Decision: Revoked, Stayed, 2 years probation with terms and conditions
Effective Date: September 15, 2003

HAYA, BAB PA 13074
810, 2052, 2054, 2234, (b), (c), (d), (e), 2238, 2242, 2261, 2261, 2263, 2264, 2286, 2400 et seq, 3502, 3502.1, 3527
Accusation filed: 5/29/03
Violations: Unlicensed Practice of Medicine, Aid and Abett Unlicensed Practice, Dishonesty, Insurance Fraud, Creation of False Medical Records, False Representation as a Physician, Gross Negligence, Repeated Negligent Acts, Incompetence,
Violation of Drug Statutes
Stipulated Decision: Surrender of License
Effective Date: October 9, 2003

HASHIMY-ALEXANDER, DAVID PA 14525
480(a)(2), 2234(e), (f), 2236, 3527, 3531 BPC
Accusation filed: 4/21/03
Violations: Unprofessional Conduct, Conviction of a Crime, Dishonesty
Stipulated Decision: Revoked, Stayed, 3 years probation with terms and conditions
Effective Date: October 9, 2003

PHYSICIAN ASSISTANT COMMITTEE 2003 MEETING DATES AND LOCATIONS

<u>Date</u>	<u>Location</u>
November 20, 2003	Sacramento