

PAC UPDATE

PUBLISHED BY THE CALIFORNIA PHYSICIAN ASSISTANT COMMITTEE



Citation and Fine: An Alternative to an Accusation

The Physician Assistant Committee (PAC) receives a variety of complaints of physician assistant conduct ranging from dangerous practices to more technical violations of the law. Pursuing administrative action is very time consuming and extremely costly, with the cost of filing an accusation averaging \$10,000. Prior to 1996, the PAC only had the option of pursuing administrative action or criminal action for all types of violations. By not taking action for the minor violations, the PAC was unable to deter PAs from certain violations such as not having a delegation of services agreement, not signing medical records in a timely manner, or working on an expired license. The PAC believed there should be some middle ground to respond to these kinds of violations, thereby providing some measure of public protections, while also achieving a quick, less expensive resolution.

In 1996, pursuant to Business and Professions Code Section 125.9, the PAC established a system for the issuance of a citation and fine. The process is further described by regulations under Title 16, Section 1399.570. Section 1399.571 lists a table of citable offenses for which the Committee may issue a citation, with or without a fine.

When the Committee receives a complaint alleging a minor, technical violation, Committee staff contacts the reporting party to verify the information provided in the complaint and obtains any evidence which would establish a violation. If the complaint can be substantiated, staff will contact the physician assistant to obtain his or her written response to the complaint and ask the physician assistant to provide any explanation or mitigation which may impact the issuance of a citation. When all of the information is received, a citation may be issued. The citation is in writing and describes the nature of the violation including specific references to the section of law which have been violated. As appropriate, the citation may contain an order of abatement (correcting the violation), fixing a reasonable time to allow for abatement for the violation. Fines imposed may range from \$100 to \$2,500.

Citations are posted on the Committee's Web site upon issuance and will remain there for five years from the date of resolution. A citation is not considered formal discipline against the PA's license and is not reported to the Federation of State Medical Boards or the National Practitioner Data Bank. A PA who has been issued a citation may request either an informal conference (face-to-face or by telephone with PAC staff) as well as a formal hearing (held before an administrative law judge). Following either of these conferences, the citation can be withdrawn, the fine can be reduced, or the citation and fine can be upheld.

The citation and fine program, as described above was created to allow for a less onerous resolution to less serious complaints which otherwise would result in the filing of an accusation. Physician assistants are encouraged to respond to any correspondence from Committee staff, as such response may eliminate the need for a citation and fine. Typically, the Committee is tasked with educating physician assistants on various laws which relate to the practice of medicine, and compliance will often negate the need for a citation. The Committee's Web site – www.physicianassistant.ca.gov - "Laws and Regulations" contains the regulations governing the citation and fine process and lists the violations which are citable.

DISCIPLINARY REPORT

The following summary indicates the administrative actions taken against licensed physician assistants by the State of California from October 2004 through July 2005. 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 Physician Assistant Committee.

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 ext 2.

DAWSON, RAYNE PA 11108

22,66 2234 (b), (c);(d) 3527 BPC 1399.520, 1399.521(a)(e) CCR

Accusation Filed: July 8, 2004

Violations: Repeated Negligent Acts, Inadequate Records

Stipulated Decision: 2 Years probation with terms and conditions

Effective Date: September 16, 2005

GORDON, JOCELYN PA 15165

725, 2234 (a) (b), (c), (d), 226, 3502, 3502.1 (c), 3527 BPC 1399.520, 1399.521, 1399.541 CCR

Accusation Filed: March 5, 2004

Charges: Gross Negligence, Incompetence, Inadequate Record Keeping, Unprofessional Conduct, Practicing Without Adequate Supervision

Stipulated Decision: 5 Years probation with terms and conditions

Effective Date: September 5, 2005

REECE, LYDIA PA 10192

2234 (a),(e);2261; 2266; 3527(a) BPC 1399.521(a); 1399.540 CCR

Accusation Filed: November 17, 2003

Charges: Dishonesty, Practicing Without Physician Supervision, Failure to Maintain Adequate Records, Making False Statements

Stipulated Decision: 4 Years probation with terms and conditions

Effective Date: August 8, 2005

SAAVEDRA, DAVID PA 11688

2234 (c) BPC

Accusation Filed: April 22, 2003

Charges: Unprofessional Conduct

Stipulated Decision: 3 Years probation with terms and conditions

Effective Date: August 8, 2005

PHYSICIAN ASSISTANT COMMITTEE 2005 MEETING DATES AND LOCATIONS

<u>Date</u>	<u>Location</u>
March 23, 2005	Sacramento
August 17, 2005	Sacramento
November 9, 2005	Sacramento

**COMING SOON TO THE PHYSICIAN
ASSISTANT COMMITTEE WEB SITE!**

**UPDATED PHYSICIAN ASSISTANT LAWS
AND REGULATIONS**