

# PHYSICIAN ASSISTANT COMMITTEE

## MINUTES

THURSDAY, March 23, 2006  
Greg Gorges Conference Room  
1424 Howe Avenue  
Sacramento, CA 95825

9:00 a.m.- 4:00 p.m.

**1. Call to Order by Chairman (Sachs)**

The meeting was called to order at 9:00 a.m. by Robert Sachs.

**2. Roll Call (Tincher)**

Staff called the roll. A quorum was present.

Committee members present: Robert Sachs, PA-C  
Rebecca Grisby  
Christina Diaz  
Laurie Gregg, M.D.  
Steve Klompus, PA  
Tina Melendrez-Meyer, PA-C  
Lorelei Sun, PA-C

Staff present: Richard L. Wallinder Jr., Executive Officer  
Kurt Heppler, Staff Counsel, Dept. of Consumer Affairs  
Dianne Tincher, Enforcement Analyst  
Glenn Mitchell, Licensing Analyst  
Terry Bogard, Staff Services Analyst

Guests Present: Gaye Breymen, CAPA  
Bryce Docherty, CAPA  
Antonette Sorrick, Deputy Director, Board Relations, Dept. of Consumer Affairs  
Kathy Klumpe, Budget Analyst, Department of Consumer Affairs

**3. Approval of Minutes – November 10, 2005**

Minutes of the November 10, 2005 meeting were approved as written.  
(m/Melendrez-Meyer, s/Grisby)

**4. Presentation – Charlene Zettel, Director, Department of Consumer Affairs**

Antonette Sorrick, Deputy Director, Board Relations, Department of Consumer Affairs introduced herself to committee members. She explained that DCA Director Zettel was unable to attend today's meeting.

Ms. Sorrick informed members that the Department had conducted a customer survey of the boards, bureaus, and committees within DCA. She explained that the survey reported how quickly phones

were answered and how well staff responded to a series of questions. She noted that the PAC had done extremely well.

**5. Proposed amendment to change Section 1399.541 (h) of Title 16 of the California Code of Regulations regarding chart co-signature as a result of the recent revision to Section 3502.1 (3) (e) of the California Business and Professions Code.**

Mr. Sachs explained that the purpose of the proposed amendment was to bring this section of regulation in-line with changes to Section 3502.1 of the California Business and Professions Code.

It was moved that staff prepare a rule-making file and issue a notice for a public hearing to make changes to Section 1399.541 (h) of Title 16 of the California Code of Regulations regarding chart co-signature. The hearing would be conducted at the next committee meeting scheduled for August 17, 2006 (m/Melendrez-Meyer, s/Sun, c).

**6. Proposed amendment to change Section 1399.540 of Title 16 of the California Code of Regulations regarding delegation of services agreement.**

Mr. Sachs explained that this regulation change is a corrective action to plug a loop-hole in existing regulation. He noted that current regulation does not require the signature of either the supervising physician nor the physician assistant. He added that this makes little sense for a legal document that defines what duties the supervising physician is delegating to a physician assistant.

Mr. Wallinder added that one other change to this regulation would also spell out the term “Delegation of Services Agreement” rather than duties that are delegated in writing. He noted that the term “Delegation of Services Agreement” has been used by physician assistants and supervising physicians for over 20 years.

It was moved that the committee direct staff to prepare a rule-making file and issue a notice for a public hearing to make changes concerning signature of both the supervising physician and the physician assistant to a document known as a Delegation of Services Agreement to Section 1399.540 of Title 16 of the California Code of Regulations (m/Gregg, s/Grisby, c).

**7. 9:30 AM**

Hearing on the petition for penalty relief – Alexis Nixon

CLOSED SESSION: Pursuant to Section 11126(c) (3) of the Government Code, the Committee will move into closed session to deliberate the petition for penalty relief.

**8. 11:00 AM**

Hearing on the petition for penalty relief – Veronica Selby

CLOSED SESSION: Pursuant to Section 11126 (c) (3) of the Government Code, the Committee will move into closed session to deliberate the petition for penalty relief.

**9. Reports**

a. Chair’s Report (Sachs)

Mr. Sachs said that while members had his written report, he wanted to share with them that AB 857 (Bass) did not make it out of the Assembly. He informed members that this bill would have expanded the settings in which physician assistants and nurse practitioners could supervise medical assistants when a supervising physician was not on site.

b. Executive Officer’s Report (Wallinder)

Mr. Wallinder introduced Kathy Klumpe, Budget Analyst, Department of Consumer Affairs, to members. He explained that he and committee staff work closely with Ms. Klumpe on all budgetary matters.

Mr. Wallinder then informed members that the committee had received quite a number of applications from individuals interested in filling the vacant licensing and administration positions. He added that he anticipated filling both positions within the next 60 days.

c. Licensing Program – (Mitchell)

Mr. Mitchell reported that 271 new licenses were issued from September 1, 2005 – January 31, 2005. He added that for the same time period, 28 interim approvals were issued as compared to 14 last year. He noted that as of January 31, 2006 there are 5,894 licensed physician assistants.

d. Diversion Program – (Mitchell)

Mr. Mitchell reported that as of February 6, 2006 there are five participants: three voluntary referrals and two committee referrals. He added that since the inception of the program, there have been 58 participants.

e. Enforcement Program – (Tincher)

Ms. Tincher reported as of December 31, 2005 the committee had:

- Received 73 complaints
- Closed 70 complaints (44 pending)
- Opened 24 investigation
- Closed 22 investigations (21 pending)

She also informed members that:

- There are 36 probationers
- There are 26 cases pending at the Attorney General
- Cost recovery ordered between July 1, 2005 and December 31, 2005 totaled \$34,733 and the Committee had received \$14,236

**10. Update re: Department of Health Services Project Re: first trimester abortions by nurse practitioners and physician assistants. (discussion) (Sachs, Gregg)**

Dr. Gregg informed members that the law allows waivers from existing law for a limited number of health-related projects if the goal of the project is to use experimental methods to increase access to care. Currently, the Office Of Statewide Health Planning and Development (OSHPD) is working with the University of California, San Francisco (UCSF) and Kaiser North on a project to prove that it is safe for PAs, Nurse Practitioners, and Certified Nurse Midwives to perform first trimester abortions. She added that legislation would be needed if this practice was to be performed on a regular basis outside of the confines of the current project.

Dr. Gregg added that she is the Medical Board of California liaison to this committee. She noted that while the committee has not met, the MBC and the California Medical Association have concerns with patient safety after hours and on weekends.

Mr. Sachs asked Mr. Heppler about a legal opinion from the Attorney General which said that PAs could not perform abortions.

Mr. Heppler responded, that there have been some revisions to the law since the original opinion was rendered. He added that while the opinion still says that PAs cannot perform abortions, legislative changes make the opinion infirm.

In response to a question from Mr. Sachs concerning the type of anesthesia that would be used, Dr. Gregg responded that about half of the patients would receive a local anesthetic injected into the cervix

while other patients would be given either oral or inter-muscular anti-inflammatory and/or valium-type products.

Mr. Sachs said that one of his concerns with the level of anesthesia that is being used is that physician assistant law is very clear: PAs may perform surgery under local anesthesia without the personal presence of a supervising physician. All other forms of anesthesia require the personal presence of the supervising physician.

Dr. Gregg reminded members that within the confines of the project, PAs would be allowed to work beyond normal existing requirements.

**11. Medi-Cal requirement for 100% chart countersignature imposing additional obligations on PAs and supervising physicians who treat Medi-Cal patients. Discussion of and possible inclusion in Physician Assistant Committee Sunset Review Legislation (action) (Sachs)**

Mr. Sachs explained that Medi-Cal had recently begun requiring a supervising physician sign 100% of the patient charts when the patient was seen by a physician assistant. He added that Medi-Cal does not hold Nurse Practitioners to the same requirement because of legislative language that was added to the Nursing Practice Act that states that only the Board of Registered Nursing can decide the scope of practice of a Nurse Practitioner.

Bryce Docherty, legislative advocate for the California Academy of Physician Assistants, then provided members with a brief history of countersignature requirements for physician assistants. He noted that because of Medi-Cal's countersignature requirement for physician assistants, both Kaiser Permanente and Planned Parenthood, were enacting the same requirement.

Mr. Heppler informed members that any entity is able to petition the Department of Health Services to change any of its requirements. He added that he also thought that the committee could request a meeting with Department of Health Services to try to resolve this issue.

After discussion, members directed staff to draft language similar to that drafted by the Board of Registered Nursing for inclusion in the Committee's Sunset Review.

**12. Public comment on Matters not on the Agenda.**

There was no public comment.

**13. Items for Next Meeting (Sachs)**

- Sunset Review
- Presentation by Department of Corrections (DOC) staff about the use of PA's in DOC facilities
- Discuss the costs and steps needed to create a written examination on PA laws and regulations that new licensees would be required to take.
- Up-date from Dr. Gregg on the OSHPOD First Trimester Abortion project
- Report from Chairman on his meeting with Department of Health Services and Medi-Cal.

**14. CLOSED SESSION: Pursuant to Section 11126 (c) (3) of the government Code, the committee will move into closed session to deliberate on disciplinary matters. (Sachs)**

**15. Adjournment (Sachs)**

The meeting was adjourned at 1:50 p.m.