

# PHYSICIAN ASSISTANT COMMITTEE

## MINUTES

May 1, 2008

2005 Evergreen Street, Suite 1150  
Sacramento, CA 95815

8:30 a.m. - 4:00 p.m.

### 1. Call to Order by Chairman

Chairman Sachs called the meeting to order at 8:45 a.m.

### 2. Roll Call

Staff called the roll. A quorum was present.

Committee Members Present: Robert Sachs, PA  
Cristina Gomez-Vidal Diaz  
Steve Klompus, PA  
Shaquawn D. Schasa  
Shelia Young  
Reginald Low, M.D.  
Roslynn Byous, PA

Committee Members Absent: None

Staff Present: Elberta Portman, Executive Officer  
Kurt Heppler, Staff Counsel, Dept. of Consumer Affairs  
Dianne Tincher, Enforcement Analyst  
Glenn Mitchell, Regulation and Lead Licensing Analyst  
Lynn Forsyth, Analyst  
Linda Bronson, Licensing MST

### 3. Approved Controlled Substance Course Regulation Public Hearing

Mr. Sachs noted that it was the time and place for the regulation hearing. The roll was called and a quorum was present.

Mr. Sachs informed all present that current regulations require physician assistants to obtain patient specific authority from a supervising physician prior to writing drug orders for Schedule II – V controlled substances.

Assembly Bill 3 (Stats. 2007, Chapter 376:Bass) eliminated that requirement if a physician assistant completes an approved controlled substance education course and if delegated by a supervising physician.

This proposal would establish course requirements, responsibilities and reporting methods.

Mr. Sachs then asked for any testimony concerning the regulations. Kevin Schunke, Regulation Coordinator, Medical Board of California, brought to the Committee's attention several non-material technical issues with the proposed language. Current regulation language was inadvertently deleted. These non-substantive technical issues do not affect the scope of the regulatory change. Mr. Heppler suggested that the deleted language be added and that the new version be made available for the 15-day public comment period. Mr. Sachs also noted that an e-mail was received from Roy Guizado, Chair, Western University of Health Sciences Physician Assistant Program, concerning the regulatory proposal. The Committee considered Mr. Guizado's recommendations but elected not to accept them.

The California Academy of Physician Assistants provided oral and written support for this proposal. With no further testimony the hearing was closed.

A motion was made to accept the amendments to Section 1399.541 and 1399.510, make corrections to the language for a 15-day public comment period. The Committee also moved to authorize the Executive Officer to make non-substantive changes as may be necessary to finalize the regulation's adoption.  
(m/Young, s/Schasa, c/all.)

#### **8:55 A.M. – Citation and Fines**

Mr. Sachs noted this regulatory proposal will amend Section 1399.571 increasing the fine amount that the Committee may impose to \$5,000.00, specific circumstances under which the higher fine could be imposed, and make the other non-substantive changes.

The Committee also proposed to add to the list of Citable Offenses Business and Profession Code Section 119 (Misdemeanor pertaining to the use of license). With no public comment received the hearing was closed.

A motion to accept amendments to Section 1399.571 and to authorize the Executive Officer to make non-substantive changes as may be necessary to finalize the regulation's adoption. (m/Young, s/Schasa, c/all.)

#### **4. Introduction of Spencer Walker, Senior Advisor to the Director.**

Mr. Sachs welcomed Mr. Walker to the meeting. Mr. Walker noted that he was looking forward to working with the Committee.

#### **5. New Members Introduction and/or Oath to Returning Members**

Elberta Portman gave the Oath of Office to reappointed committee members Shaquawn Schasa and Steve Klompus.

**6. 9:30 AM – Hearing Petition for Reinstatement of Physician Assistant License of Bab Haya**

The members moved into closed session to discuss this matter at 10:34 a.m. and returned to open session at 11:15 a.m.

**7. Approval of Minutes – February 6, 2008 Meeting**

The February 6, 2008 minutes were approved as presented.  
(m/Klompus s/Schasa c/all)

**8. Reports**

a. Chair's Report

Mr. Sachs thanked Committee Member Rosslynn Byous, PA-C, for attending the legislative hearing on Assembly Bill 2482 as the representative from the Committee. Mr. Sachs reported that on April 10, 2008, he participated in a teleconference meeting with Ron Joseph, former Executive Director of the Medical Board, Lynn Morris, former Deputy Director of the Department of Consumer Affairs, and Elberta Portman of the PAC. Mr. Joseph and Ms. Morris are working on a project conducted by the Center for Public Interest Law at the University of San Diego School of Law and the Citizen Advocacy Center (CAC), a national nonprofit organization whose Mission is to enhance board performance through more effective public member participation. Each Board and Committee within DCA will be interviewed in a study regarding public members, their role, function, and contribution to the role of the Boards and Committees. The study is entitled "Strengthening the Committees Voice on California's Health Care License Boards" and the purpose of the study is to make improvement to public member participation and encourage community based organizations to take a more active role in recommending to appointing powers specific individuals who may wish to participate in DCA Boards. At the meeting Mr. Sachs reported that all members of the Committee are encouraged to participate, each new member is provided with an orientation manual when appointed, and the professional members have always been available to provide technical information about the profession. Mr. Sachs noted the Committee values the input and consumer perspective provided by public members. The meeting was the first one of several meetings that will be held and Mr. Sachs suggested that Christina Diaz consider participating in the future meetings.

b. Executive Officer's Report

Ms. Portman reported on the relocation of the Committee's office, noting that the move went well, especially because the staff worked on the weekend of the move to ensure that the office was fully functioning Monday morning.

Ms. Portman reported that the Committee's website continues to be updated with enhancements. She encouraged users to contact Committee staff to submit any suggestions for changes or improvements. Examples of the latest changes include the map and driving directions to the new office location, and the enforcement document and lookup buttons were modified.

Ms. Portman reported that the website's new public disclosure screens would provide more information to inquiries of licensing records, which contain disciplinary information.

Previously, the members had discussed developing of a voluntary self-use competency exam that could be taken on the website. The test would test knowledge on the laws and regulations. Ms. Portman met with Sonja Merold, Chief of Examination Resources for the Department of Consumer Affairs, regarding the concept. It was determined that this type of examination is feasible and the item will be put on the next agenda for discussion.

Robert Enos, of New Direction Services, is the contractor who was awarded the bid for producing the plastic pocket licenses. These new plastic licenses will replace the paper ones currently produced. Mr. Enos reported on the status on the printing, and provided a sample of the new license for the Committee's review.

Ms. Portman reported that in the fiscal year 2007/2008, there have been two major enforcement cases, which resulted in a reduction of the allotment for the line item for the Office of the Attorney General. Ms. Portman asked the Office of the Attorney General to continue to process cases set for hearing and will instruct them to process any cases that need to continue processing to protect consumers. The attorneys will limit work on cases not ready to be set for hearing, unless they deem it necessary. Additionally, Ms. Portman asked that all stipulated settlements be forwarded to the Committee for vote.

Ms. Portman reported that the Professionals Achieving Consumer Trust Summit will be held in Los Angeles at the Westin the week of November 17 – 21. The Committee participation will be on November 19<sup>th</sup> and 20<sup>th</sup>, with the 19<sup>th</sup> being set aside for members to participate in various training sessions, forums and networking sessions. The 20<sup>th</sup> will be the Committee meeting date.

c. Licensing Program - activity report

Ms. Bronson stated that between January 1, 2008 and March 1, 2008, 87 licenses were issued, and 4 interim approvals were issued. As of March 1, 2008, 6,746 licenses have been issued, with a total of 156 approved programs.

d. Diversion Program - activity report

As of March 1, 2008, the Diversion Program has 12 participants, four of whom are voluntary participants and 8 are PAC referrals. There have been 72 participants since implementation of the Diversion Program.

e. Enforcement Program - activity report

Ms. Tincher reported that between July 1, 2007 and March 31, 2008, there were 57 complaints pending, 39 pending investigations, 38 current probationers, and 24 pending cases at the Office of the Attorney General.

## **9. Strategic Plan Review**

Ms. Diaz reported that she and Elberta Portman met with Bev Augustine, Deputy Director, Strategic Planning and Organizational Development. Cindy Kanemoto, Chief, presented to Committee members information regarding strategic plans, management plans, goals and objectives. She emphasized that the Committee may wish to focus on how the Physician Assistant Committee fits into the Department's Strategic Plan. The Committee plans to complete a "SWOT" analysis for review by both the Departmental strategic planning team and the Committee's Subcommittee prior to the August Committee meeting.

The Subcommittee plans to present recommendations at the August meeting, during which time the Committee will then develop the Strategic Planning.

## **10. Consideration of Conceptual Regulatory Amendment to Section 1399.540 of Article 4 of Division 13.8, Title 16, California Code of Regulations.**

This proposal would require that all Delegation of Services Agreements be maintained for five years after the relationship of the supervising physician and the physician assistant has terminated.

Discussion ensued about the importance of requiring that the document be retained by the Physician Assistant for a specific period of time. The Committee moved to have both the Executive Officer and legal counsel research this topic and provide the Committee with feasible options at the next meeting.

## **11. Consideration of Petition Received on Physician Supervision relating to elective cosmetic medical procedures.**

It was reported that the requestor of this agenda item withdrew his request. Therefore, there was no need to discuss this item. A copy of the letter regarding this matter was provided to the members.

## **12. Report on Pending Legislation:**

Chairman Sachs reported on the status of bills AB 638, AB 2482, SB 1125 and SB 1526, noting that Committee's continuing education bill, AB 2482, was on consent and in the Senate.

Ms. Portman reported that a proposal to eliminate the Committee's interim approval language was forwarded to the Department for inclusion in the Department's omnibus bill.

## **13. Discussion regarding supervising physician and physician assistant relationship and sending letters to both the Medical Board and educational programs regarding the relationship.**

The Committee made changes to the draft letter addressed to the physician assistant educational programs and Medical Board. The revised draft letter will be placed on the agenda for review and approval at the August Committee meeting.

**14. Presentation by Medical Board on Processing Discipline Cases**

The Medical Board of California Discipline Coordination Unit handles the processing of the Committee's disciplinary cases, and Arlene Krysinski is the analyst assigned to the Committee. Ms. Krysinski introduced herself to the new members and presented information regarding her processing of the mail votes for proposed decisions and stipulations.

**15. Discussion Regarding Physician Assistant Committee 2008 Meeting Dates**

Carrie Lopez, Director of the Department of Consumer Affairs, is preparing to have an all-board Summit meeting in November 2008 entitled "Professionals Achieving Consumer Trust". To ensure that committee members are able to attend the summit meeting the Committee agreed to hold their August 14 meeting in Sacramento, then hold the November meeting in conjunction with the Summit meeting the week of November 17 – 21, 2008. The Committee meeting will be November 20, and the date of November 19 will be reserved for Summit breakout groups.

**16. Items for Next Meeting**

Strategic Plan 1-5 P.M.  
AB 3 Implementation Update  
CME Legislative Update  
Legislation update RE: Bills of Interest to the Committee  
Voluntary Competency Examination on website  
Letter to Supervising Physicians Requiring Supervision of PAs  
Report on Status of Plastic Licenses  
Strategic Plan  
November meeting planning  
Discussion on Retaining the DSA

**17. Public Comment on Items Not On The Agenda**

There was no public comment received.

**18. CLOSED SESSION:** Pursuant to Section 11126(c) (3) of the Government Code, the PAC moved into closed session to deliberate on disciplinary matters.

**19. Meeting adjourned at 4:40 P.M.**