



February 3, 2011

**Physician Assistant Committee
UC Davis Medical Campus
4610 "X" Street, Room 1204
Sacramento, CA 95817
9:15 A.M. – 5:00 P.M.
Meeting Minutes**

1. Call to Order by Chairman

Chairman Klompus called the meeting to order at 9:17 a.m.

2. Roll Call

Staff called the roll. A quorum was present.

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

Staff Present: Elberta Portman, Executive Officer
Kurt Heppler, Staff Counsel, Dept. of
Consumer Affairs (DCA)
Dianne Tincher, Enforcement Analyst
Lynn Forsyth, Staff Services Analyst

3. Approval of November 18, 2010 Meeting Minutes

The November 18, 2010 minutes were approved as written.
(m/Byous, s/Dr. Low, motion passes)

4. Public Comment on Items not on the Agenda

There were no comments received from the public on this agenda item.

5. Reports

a. Chair's Report

Chairman Klompus expressed his gratitude to Dr. Low and Wendy, of his staff, for hosting the PAC meeting at U.C. Davis, and he thanked them for all their work in preparing for the meeting.

Chairman Klompus welcomed Mr. Robert Sachs back as a PAC member. Mr. Sachs previously served on the PAC from 1993 to 2008. Chairman Klompus then congratulated Cristina Gomez-Vidal Diaz for her PAC re-appointment and Rosslynn Byous for her appointment to the California Healthcare Workforce Policy Commission.

b. Executive Officer's Report

Ms. Portman briefly discussed the current travel guidelines for the PAC.

Ms. Portman reported that staff submitted a budget change proposal to increase the enforcement reimbursement from \$25,000 to \$50,000 due an increase in the reimbursements received from probationers for the costs of probation monitoring. The number of probationers has grown from 20 to 35 so the PAC receives an average of \$35,000 per year from probationers for reimbursements for their probation monitoring in addition to cost recovery.

Ms. Portman reported that since July 2010 the PAC has issued several Interim Suspension Orders, which require extensive investigation and Attorney General hours. Due to these and other enforcement cases, the PAC enforcement budget for the Office of the Attorney General is almost depleted since \$200,000 has been spent.

Ms. Portman reported that a hiring freeze is still in effect so we are unable to fill the .5 position from the Consumer Protection Enforcement Initiative (CPEI).

Ms. Portman reported that the licensing scanning project was completed. All existing license files were scanned and indexed and new license files are scanned weekly.

Ms. Portman reported on the Executive Order from Governor Brown regarding the reduction of cell phones. The PAC has three cell phones, one for the Executive Officer and two for the probation monitors, which will not need to be relinquished.

Ms. Portman reported that since the last meeting staff presented at both Stanford and UC Davis, providing students with information regarding applications, enforcement and the laws and regulations.

Ms. Portman reported that the internet team will soon be placing information on the website regarding "inactive" licenses.

Ms. Portman reported that currently we have two regulations in process. One is for the notification to consumers per SB 139 and it is being prepared for submission to DCA. The other regulation will implement enhanced enforcement processes and includes several provisions from SB 1111.

Ms. Portman also reported that there are three legislative proposals submitted to the Department. The proposals involve reporting requirements, eliminating section 2 of Section 3519 of the Business and Professions Code, and the elimination of the international graduate program.

c. Licensing Program Activity Report

Between October 1, 2010 and December 1, 2010, 126 physician assistant licenses were issued. As of December 1, 2010, 7,988 physician assistant licenses are renewed and current. Currently there are a total of 157 California approved training programs.

d. Diversion Program Activity Report

As of February 1, 2011, the Diversion Program has 25 participants, 5 self-referred participants and 20 Committee referrals. There have been 98 participants since program implementation in 1990.

e. Enforcement Program Activity Report

Between July 1, 2010 and December 1, 2010, 142 complaints were received, 69 pending complaints, 31 pending investigations, 42 current probationers and 22 cases are pending at the Office of the Attorney General.

6. Department of Consumer Affairs' Report

Ms. Cindy Kanemoto provided a brief update from Department's Executive Office. Ms. Kanemoto stated that the hiring freeze is still in effect but noted that internal transfers are allowed. She also reported that the Department has almost met the goal of reducing cellular telephones by 50%, as directed by the Governor.

Ms. Kanemoto explained that there is a new process for expert consultants which requires boards and committees to contract for expert services. Discussion ensued. Staff was directed to investigate seeking an exemption from obtaining these contracts and to report back at the next meeting.

7. Report on the Physician Assistant Education and Training Subcommittee

Mr. Heppler reported that the Subcommittee held a meeting on January 19, 2011, and discussed many topics, including the right of the PAC to choose another program if necessary.

Mr. Heppler stated that a portion of the discussion focused on the fact that preceptors shall be licensed physicians engaged in the practice of medicine whose practice is sufficient to adequately expose preceptees to a full range of experience. Additionally, a preceptor shall not be assigned to supervise more than one preceptee at a time.

A motion was made to direct the Subcommittee to focus on the education aspect, the preceptor to preceptee ratio, and to define who can be a preceptor.
(m/Klompus, s/Young, motion passes)

8. Update on Health Care Reform

Ms. Portman reported that the California Healthcare Foundation was unable to provide a speaker for today's meeting. However, they did provide some written material for review.

Ms. Portman reported that under the reform, the primary and most direct impact on California government will be on health and insurance related agencies, such as the Department of Health Care Services, Department of Insurance and managed Health Care. Ms Portman also reported that it is anticipated that an increase in patients will result in an increase in the need for health providers.

9. Update on Enforcement Actions/Disciplinary Process

Mr. Heppler gave a presentation involving due process, consumer protection, statutes and regulations, including explaining the role of DCA legal counsel regarding conflict, communication and consumer protection.

10. Maximus Presentation regarding the Diversion Program

Linda Ryan, MFT, Maximus' Clinical Case Manager and Ginny Matthews, RN, Project Manager, provided an overview of the Physician Assistant Diversion Program.

Ms. Ryan stated that the primary purpose of the Diversion Program was to protect the health and safety of California's healthcare consumers. The program is designed to allow impaired professionals to be counseled, guided to appropriate treatment and returned to practice in a manner which will not endanger public health or safety.

11. Legislation of Interest to the Physician Assistant Committee

The current status of the following bills was discussed:

AB 30 - Hayashi

Under existing law, the State Department of Public Health licenses and regulates hospitals. Existing law requires hospitals to conduct a security and safety assessment and develop a security plan to protect hospital personnel (including physician assistants), patients, and visitors from aggressive or violent behavior.

AB 82 - Jeffries

Existing law regulates the operation of firefighting equipment, and permits a firefighter or volunteer firefighter to operate firefighting equipment only if the person holds a class A, B, or C license.

The examination for a class A or B driver's license shall also include a report of a medical examination of the applicant given by a health care professional. Health care professionals will include physician assistants.

AB 136 - Beall

Existing law requires the administration of the state's universal service programs, including the deaf and disabled programs. This bill would make technical, non-substantive changes to provisions of law relating to the deaf and disabled universal service program.

This bill would also allow a physician assistant to certify the needs of an individual diagnosed by a physician and surgeon as being deaf or hearing impaired to participate in the program after reviewing medical records or copies of the medical records containing that diagnosis.

AB 137 - Portantino

Health care coverage: mammograms.

The Knox-Keene Health Care Service Plan Act of 1975 provides for the licensure and regulation of health care service plans by the Department of Managed Health Care.

This bill would provide that health care service plan contracts and individual or group policies of health insurance issued, amended, delivered, or renewed on or after July 1, 2012, shall be deemed to provide coverage for mammograms for screening or diagnostic purposes upon referral of a participating nurse practitioner, participating certified nurse-midwife, participating physician assistant, or participating physician.

SB 28 - Simitian

Existing law requires the Department of Motor Vehicles to examine applicants and includes a medical examination report given by a health care professional. Health care professionals will include physician assistants.

SB 100 - Price

This bill would require certain healing arts licensees to include in advertisements, as defined, certain words or designations following their names indicating the particular educational degree they hold or healing art they practice.

This bill would require the board to adopt regulations by January 1, 2013, regarding the appropriate level of physician availability needed within clinics or

other settings using certain laser or intense pulse light devices for elective cosmetic procedures.

AB 92 and SB 68

These bills are current budget bills.

12. Agenda Items for Next Meeting

- a. Report on Maximus' participant success from 2003 to present
- b. Report on current fund condition
- c. Update on discussion on changing committee to board
- d. Update on obtaining a legislative exception for the Expert Consultant Contract issue

13. The Committee moved into closed session.

14. Adjournment

The meeting adjourned at 2:40 p.m.