



Meeting Minutes

August 22, 2011

PHYSICIAN ASSISTANT COMMITTEE
2005 Evergreen Street – Hearing Room #1150
Sacramento, CA 95815
10:00 A.M. – 5:00 P.M.

1. Call to Order by Chairman

Chairman Klompus called the meeting to order at 9:57 a.m.

2. Roll Call

Staff called the roll. A quorum was present.

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

Staff Present: Elberta Portman, Executive Officer
Kurt Heppler, Senior Staff Counsel, Dept. of
Consumer Affairs (DCA)
Glenn Mitchell, Regulation/Lead Licensing
Analyst
Dianne Tincher, Enforcement Analyst
Lynn Forsyth, Staff Services Analyst

3. Approval of May 19, 2011 Meeting Minutes

The May 19, 2011 minutes were approved as written.
(m/Sachs, s/Schasa, motion passes)

4. Public Comment on Items not on the Agenda

There was no public comment at this time.

5. Reports

a. Chair's Report

No report provided.

b. Executive Officer's Report

Ms. Portman provided the Committee with a brief budget report.

Ms. Portman reported that the committee's fund condition and budget reports were in the member's packets for review noting that final accounting for the fiscal year 2010/2011 was also included. The Committee ended the fiscal year with end of year reversion of 6%.

Ms. Portman reported that at the May 19, 2011 meeting, it was brought to the committee's attention that there was inaccurate information on the PAC website regarding the CME requirements and the physician assistant application fee schedule. Ms. Portman reported that the information had been reviewed and the necessary corrections made.

Ms. Portman reported that California Code of Regulation Section 1399.547 was approved by OAL. This regulation requires that PAs post information regarding their license and contact information or have the information printed on letterhead or other documentation, indicating that they are licensed by the PAC.

Ms. Portman reported that the PAC staff vacancy rate created a critical backlog in PAC's licensing. The PAC has reported the vacancy and the every-increasing backlog to the administration, but still has not received authorization to fill the position. Ms. Portman also reported that within the last two months, a coordination of temporary but significant reassignment of staff and most of the backlog has been cleared, but not without consequences to other programs.

Ms. Portman also reported that a change in the application process has been made to notify applicants for licensure the status of their applications more quickly. Staff is now sending notifications to applicants via e-mail if an e-mail address is provided by the applicant. Ms. Portman also stated that if an e-mail address is not provided, the notifications will be mailed to the applicant.

Ms. Portman reported on AB 1424, which the Department of Consumer Affairs has not taken a position on. Ms. Portman reported that currently the Franchise Tax Board maintains a list of the highest California tax offenders and that this bill would allow the Franchise Tax Board to work with licensing boards to suspend licensees on this list.

Ms. Portman reported that SB 1441 uniform standards have been adopted by the Department and are available on our website. Ms. Portman stated that these standards were developed for use by all the health care licensing boards and provides common guidelines for participants who have alcohol or drug issues. Ms. Portman also requested that this topic be included in the November meeting in order to review draft regulatory language changes to the Model Disciplinary Guidelines to include the standards.

c. Licensing Program Activity Report

Between April 1, 2011 and August 1, 2011, 194 physician assistant licenses were issued. As of August 1, 2011, 8,179 physician assistant licenses are renewed and current. Currently there are a total of 157 California approved training programs approved by the Committee.

d. Diversion Program Activity Report

As of July 1, 2011, the Diversion Program has 26 participants, 6 self-referred participants and 20 Committee referrals. There have been 99 participants since program implementation in 1990.

e. Enforcement Program Activity Report

Between July 1, 2010 and June 30, 2011, 272 complaints were received, 71 pending complaints, 25 pending investigations, 40 current probationers and 23 cases are pending at the Office of the Attorney General.

f. Kurt Heppler , Senior Staff Counsel

Mr. Heppler provided the committee with a brief update on tasks that were assigned to him by the Committee at the last meeting.

The first request was that Mr. Heppler draft a letter to the Department of Health Care Services regarding Medi-Cal reimbursement for physical therapy services ordered by a physician assistant. Mr. Heppler stated that he received a call from the out-care reimbursement office requesting additional information. Mr. Heppler provided additional information and has not received any further correspondence as of today.

The second request was made during the public comment segment regarding the authority for charging different fingerprint processing fees for live scan and hard cards. Mr. Heppler reported that the PAC has sufficient legal authority to charge the different fees associated with fingerprinting.

6. 11:00 AM – Hearing
Petition for Reinstatement of Physician Assistant License – Bab Haya

CLOSED SESSION: Pursuant to Section 11126(c) (3) of the Government Code, the Committee moved into closed session to deliberate on the petition for reinstatement.

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

The Committee Returned to Open Session at 1:00 P.M.

7. Discussion and Consideration of Legal Memorandum Regarding Interpretation of Title 16 CCR §1399.541(i)(1) (Personal Presence)

After a lengthy discussion, a sub-committee was formed to address this issue consisting of Robert Sachs, PA-C, Roslynn Byous, PA-C, Eric Glassman, President of CAPA and Kimberly Kreifeldt, PA.

After discussion, the sub-committee agreed to conduct its first public meeting on Monday, October 3, 2011, in Sacramento.

8. Discussion Regarding Preparation of Sunset Review Report

Chairman Klompus explained that the Committee is scheduled in 2012 and is required to submit to the Legislature a Sunset Review Report by November 1, 2011. Chairman Klompus requested that he would like staff to work with a sub-committee to prepare the report. Chairman Klompus appointed Robert Sachs to the sub-committee since he has many years of experience working on past sunset review reports.

A portion of the report will address the possibility of changing the committee's name to a board, adding the 800 series reporting requirements, amending the Disciplinary Guidelines to include SB 1441 Uniform Standards.

After a brief discussion, it was decided that a teleconference committee meeting would be conducted to review and approve the Sunset Review Report prior to submittal to the Legislature in November 2011.

9. Overview and Presentation of Information Regarding the Physician Assessment and Clinical Education Program (PACE)

David Bazzo, M.D. and Peter Boal, B.S. from the UCSD Pace Program presented an overview of the PACE program.

Dr. Bazzo stated that the PACE program was founded in 1996 and provides competency assessment and remediation of deficiencies. He added that they have assessed more than 1300 physicians and 15 physician assistants. The

program also has a working relationship with 31 health care licensing boards representing 26 states.

Dr. Bazzo stated that their program is dedicated to the detection, evaluation, and remediation of deficiencies in the clinical performance of physicians and other healthcare professionals. PACE works to promote public protection, patient safety and the attainment of the highest possible quality of clinical care.

Dr. Bazzo also stated that PACE measures both competency and performance and that it reevaluates its assessment batteries continually and seeks constructive feedback from participating physicians, defense attorneys, deputy attorney generals, administrative law judges and medical board members and staff in an effort to improve the program.

Dr. Bazzo also stated that a Physician Assistant Assessment consists of review of practice profile. Chart review, oral clinical exam, written exams from PLAS, standardized patient encounters, independent physical and mental health screening, 3 days of clinical observation, completion of learning portfolio and evidence-based medicine project. The assessment is 5 full days in length and the cost is approximately \$6,500.

10. BreEZE Presentation

Debbie Balaam from the Department of Consumer Affairs provided an update on the BreEZE project. Ms. Balaam stated that BreEZE will integrate licensing, renewals and enforcement data bases. BreEZE will ultimately replace legacy licensing and enforcement systems, iLicensing, and CRIMS programs as it will also incorporate document image storage.

Ms. Balaam stated that the advantages for the customers, applicants and licensees would be self-service and single point of entry for initial licensure and renewals. Licenses will be able to submit electronic applications and renewals, and make electronic payments that will expedite processing.

Ms. Balaam stated that the PAC would be in the first phase of the project. Ms. Balaam also stated that there would be a \$5.67 charge per transaction, as well as, a 2% transaction fee for the use of credit cards. Ms. Balaam stated that a BCP has been prepared for the 2012/2013 fiscal year in order to cover these additional costs. The PAC does not currently have sufficient funds in its budget to cover the cost of the BreEZE project; therefore, a BCP will be necessary.

11. Discussion of 2 year PA Programs in California and Potential New Programs

Chairman Klompus stated that the two year physician assistant training programs should be retained in order to provide California with new graduates. It was stated that with the new healthcare reform there will be a growing need for PAs in order to keep up with the future demands in healthcare as new individuals gain access to health insurance.

Mr. Sachs stated that there are ongoing discussions with ARC-PA regarding mechanisms for two year programs to be able to facilitate transition and affiliate with universities offering Master's degrees. It was also stated that currently no new two year programs will be accredited by ARC-PA. Mr. Sachs also asked if the Committee really wants to approve physician assistant training programs not within the national certification because these graduates would only be able to be licensed and to practice in California.

It was also stated that the ARC-PA is a national accrediting body and have no input on licensing and regulation of PAs in California.

12. Update and Potential Consideration of Legislation of Interest to the Physician Assistant Committee

AB 30, AB 82, AB 92, AB 137, AB 138, SB 28, SB 69, SB 100, SB 161, SB 233, SB 541, SB 544, SB 943

The current status of each bill was reviewed:

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 (CHAPTERED 7/25/2011)

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 that will include physician assistants.

AB 92 – Blumenfield (Budget Bill)

An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California. This will take effect immediately.

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 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.

AB 138 – Beall

Elder Economic Planning Act of 2011.

The Mello-Granlund Older Californians Act creates the California Department of Aging, with prescribed duties, including the development of the state plan on aging. This bill would require, if specified conditions are met, the department to report data from the Elder Economic Security Standard Index (Elder Index), as defined, for each service area included in the state plan. The act also establishes area agencies on aging with specified duties, including creation of a plan for the agencies that considers available data and population trends, assesses the need for services, identifies sources of funding for services, and develops and implements a plan for the delivery of services based on the need.

SB 28 - Simitian

Existing law requires the Department of Motor Vehicles to examine applicants for specific driver's licenses. This bill would include a test of the applicant's understanding of cell use and text messaging while operating a vehicle.

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.

Existing law requires the Medical Board of California, in conjunction with the Board of Registered Nursing, and the Physician Assistant Committee and professionals in the field, to review issues and problems relating to the use of laser or intense light pulse devices for elective cosmetic procedures by their respective licensees.

This bill would require the Medical Board of California 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.

SB 233 - Pavley

Expands the definition of a medical professional providing consultation, care, treatment and surgery in an emergency department (ED) setting to include a physician assistant (PA) practicing in compliance with prescribed provisions.

SB 541 – Price (Support Letter by PAC) Chaptered September 26, 2011

Regulatory boards: expert consultants.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law, the Chiropractic Act, enacted by initiative, provides for the licensure and regulation of chiropractors by the State Board of Chiropractic Examiners. Existing law, the Osteopathic Act, requires the Osteopathic Medical Board of California to regulate osteopathic physicians and surgeons. Existing law generally requires applicants for a license to pass an examination and authorizes boards to take disciplinary action against licensees for violations of law. Existing law establishes standards relating to personal service contracts in state employment. This bill would authorize these boards to enter into an agreement with an expert consultant, subject to the standards regarding personal service contracts described above, to provide enforcement and examination assistance. The bill would require each board to establish policies and procedures for the selection and use of these consultants.

This bill would declare that it is to take effect immediately as an urgency statute.

SB 544 - Price

Enacts the Consumer Health Protection Enforcement Act that includes various provisions affecting the investigation and enforcement of disciplinary actions against licensees of healing arts boards.

SB 943 – Business, Professions and Economic Development

Makes several minor, non-substantive and technical changes to miscellaneous provisions pertaining to regulatory boards of the Department of Consumer Affairs and professions regulated primarily under the Business and Professions Code.

AB 92 and SB 69

Both bills are the budget bills and were not included in the packet due to their size; however, a copy can be provided if requested.

SB 161 - Huff

This bill would allow non-medical school personnel who undergo voluntary training to administer the drug Diastat to a pupil suffering an epileptic seizure.

13. Schedule of 2011 Meeting Dates and Locations

After a brief discussion, the Committee members agreed to leave the November meeting scheduled for Thursday, November 10, 2011 in Sacramento.

14. Agenda Items for Next Meeting

- a. Sub-committee Report Regarding Preparation of Sunset Review Report
- b. Sub-Committee Report on Legal Memorandum Regarding Interpretation of Title 16 CCR §1399.541(i)(1) (Personal Presence)
- c. Discussion of 2 year PA Programs in California and Potential New Programs
- d. Update and Potential Consideration of Legislation of Interest to the Physician Assistant Committee
- e. Nomination and Election of Physician Assistant Committee Officers
- f. Approval of Passing Score for PA Initial Licensing Examinations and 2011 Dates and Locations for PA Initial Licensing Examination
- g. Schedule of 2012 Meeting Dates and Locations
- h. Status Report on Appointments and Re-appointments to the Committee
- i. Update on SB 1441

15. Adjournment

The meeting adjourned at 2:37 p.m.