



PHYSICIAN ASSISTANT BOARD
2005 Evergreen Street, Suite 1100, Sacramento, CA 95815
P (916) 561-8780 Fax(916) 263-2671 web www.pac.ca.gov

MEETING MINUTES

February 24, 2014

PHYSICIAN ASSISTANT BOARD
2005 Evergreen Street – Hearing Room #1150
Sacramento, CA 95815
9:00 A.M. – 5:00 P.M.

1. **Call to Order by President**

President Sachs called the meeting to order at 9:05 a.m.

2. **Roll Call**

Staff called the roll. A quorum was present.

Board Members Present: Robert Sachs, PA-C
 Charles Alexander, Ph.D.
 Michael Bishop, M.D.
 Cristina Gomez-Vidal Diaz
 Sonya Earley, PA
 Jed Grant, PA-C
 Xavier Martinez
 Rosalee Shorter, PA-C

Board Members Absent: Catherine Hazelton

Staff Present: Glenn Mitchell, Executive Officer
 Laura Freedman, Senior Staff Counsel,
 Department of Consumer Affairs (DCA)
 Kristy Shellans, Senior Staff Counsel,
 Department of Consumer Affairs (DCA)
 Dianne Tincher, Enforcement Analyst
 Lynn Forsyth, Staff Services Analyst
 Julie Caldwell, Licensing Technician

3. **Approval of December 9, 2013 Meeting Minutes**

Following a brief discussion, a change was made to Item 10, Update on Current Budget, paragraph two. The loan amount stated in the draft was incorrect and should state \$1.5 million and not \$5 million.

The December 9, 2013 meeting minutes were approved as amended.
(m/Grant, s/Earley, motion passes)

4. **Public Comment on Items not on the Agenda (Sachs)**

There was no public comment at this time.

5. **Reports**

a. **President's Report**

President Sachs informed the members that on February 25, 2014, he would be providing a physician assistant laws and regulations, licensing, and enforcement presentation to the senior year students at the University of Southern California Physician Assistant Program.

President Sachs introduced Xavier Martinez, who was recently appointed to the board.

Mr. Martinez has been the owner of Martinez and Associates Inc. since 1995. He was a temporary tax preparer at Jassoy Graff and Douglas from 1993 to 1994 and temporary staff member at Security Pacific Financial from 1992 to 1994. Martinez was a tax manager at McDonnell Douglas Computer Systems from 1989 to 1991 and at USA Petroleum from 1987 to 1988. He was director of taxes at the Wickes Corporation from 1973 to 1987. Martinez earned a Master of Science degree in taxation from Golden Gate University.

b. **Executive Officer's Report**

Mr. Mitchell stated that on October 8, 2013 the board's licensing, verifications and enforcement functions were converted to the Department of Consumer Affairs BreEZe system. Mr. Mitchell stated that we continue to work with the BreEZe team on production stabilization issues.

He added that the board is scheduled to implement on line physician assistant applications during April 2014. Additionally, the board is scheduled to implement on line physician assistant license renewals during August 2014.

Mr. Mitchell stated that the CURES system (Controlled Substance Utilization Review and Evaluation System) is a data base that contains records of controlled substance drugs dispensed in California.

Mr. Mitchell informed the board that the CURES data is useful in investigating complaints concerning dispensing or use of controlled substances by physician assistants. Mr. Mitchell also stated that Governor Brown signed into law SB 809, which will address CURES funding issues and allow for enhancements to the system to better meet the needs of the users of this information.

Mr. Mitchell stated that the Medical Board of California held a regulatory hearing on February 7, 2014 for Title 16, California Code of Regulations, Section 1399.541 Medical Services Performable.

He added that following a discussion it was proposed to delete “or” from the language. Mr. Mitchell also stated that due to the change there would be a 15 day public comment period.

A motion was made to support the revised language deleting the word, “or.” The board directed Mr. Mitchell to write a letter to the Medical Board of California in support of the proposed change.
(m/Grant, s/Shorter, motion passes)

c. Licensing Program Activity Report

Between November 1, 2013 and February 1, 2014, 144 physician assistant licenses were issued.

As of February 1, 2014, 8,822 physician assistant licenses are renewed and current.

d. Diversion Program Activity Report

As of January 1, 2014, the board’s Diversion Program has 17 participants, which includes 2 self-referral participants and 15 board-referral participants.

A total of 118 participants have participated in the program since implementation in 1990.

e. Enforcement Program Activity Report

Between July 1, 2013 and December 31, 2013, 11 accusations were filed; 2 statement of issues were filed; 7 probationary licenses were issued, and there are currently 47 probationers.

6. Department of Consumer Affairs

Christine Lally, Deputy Director, Board and Bureau Relations for the Department of Consumer Affairs, informed members that the Department of Consumer Affairs has recently revised their Strategic Plan and that it is now available on the department’s website.

Ms. Lally also reminded the board members that the Form 700 required by the Fair Political Practices Commission must to be submitted by April 1, 2014 to comply with the Commission’s requirements concerning conflict of interest.

On behalf of the Director, Ms. Lally congratulated Mr. Xavier Martinez on his recent appointment to the board.

Ms. Lally informed the board that the next Board Member Orientation Training is scheduled for April 2, 2014 in Sacramento. She added that all new board members are required to attend this training.

7. **Schedule of Board Meeting Dates and Locations for the Remainder of 2014**

Board members discussed the following proposed dates and meeting locations for 2014:

May 12 or 19, 2014 - Monday in Sacramento.
August 11 or 18, 2014 - Monday in Sacramento.
November 3 or 17, 2014 - Monday in Sacramento.

By consensus, the following meeting dates and meeting locations for the remainder of 2014 were established:

May 19, 2014 – Monday in Sacramento
August 18, 2014 – Monday in Sacramento
November 3, 2014 – Monday in Sacramento

8. **Budget Update**

Ms. Tincher indicated that as of December 31, 2013 Calstars projected 51% of our current budget remains. Ms. Tincher also stated that budget projections indicate a 13% surplus for the year.

9. **Discussion of National Commission on Certification of Physician Assistant Initial Licensing Examination: Exam Development and Scoring**

Title 16, California Code of Regulations Section 1399.507 states, in part, that the physician assistant licensing examination is that administered by the National Commission on Certification of Physician Assistants (NCCPA).

At the December 9, 2013 meeting, members expressed an interest in learning more about the NCCPA's Physician Assistant National Certifying Examination (PANCE) development and scoring process.

Mr. Mitchell stated that a detailed description of PANCE development and scoring process has been included in the agenda packet materials.

Briefly, Mr. Mitchell stated that PANCE questions are developed by a NCCPA committee comprising of physician assistants and physicians. The test committee write questions and then each question goes through a review process.

A mathematically based procedure is employed to score the exam. The minimum reported score is 200 and the maximum score is 800.

Mr. Mitchell stated that it is his understanding that this process is typically employed by the examination community as standard practice.

10. **Presentation from the Department of Consumer Affairs, Division of Investigation Regarding - SB 304**

Mr. Michael Gomez, Deputy Director, Division of Investigation and Enforcement for the Department of Consumer Affairs, informed the board that SB 304 will transfer the Medical Board of California investigators to the department's Division of Investigation and Enforcement. A Health Quality Unit will be formed incorporating the former Medical Board of California investigators. This transfer will take place July 1, 2014.

As the board utilizes the services of Medical Board investigators to conduct investigations regarding physician assistant complaints, the board will be impacted by this reorganization.

Mr. Gomez assured the board that the transfer will be seamless and will not impact how the board investigates complaints as physician assistant investigations will be handled by the new Health Quality Unit which will incorporate former Medical Board of California investigators who are already familiar with physician assistant laws and regulations.

11. **Presentation on Services Provided By The Health Quality Enforcement Section of the Office of the Attorney General**

Judith Alvarado has been with the Department of Justice since 2007, in the Health Quality Enforcement Section. She was appointed to the position of Supervising Deputy Attorney General in October 2013. Ms. Alvarez currently serves as the board's Liaison Deputy Attorney General.

Ms. Alvarado gave a presentation about her role as the board's Liaison Deputy Attorney General and her role of the Health Quality Enforcement Section of the Office of the Attorney General.

Ms. Alvarado described some of the legal service liaison duties that she provides to the board, including:

- Communicating board policies and procedures to other DAGs.
- Assisting board staff on physician assistant application and licensing issues.
- Periodically reviewing board case loads to ensure cases are handled efficiently.
- Being aware of board legislative proposals, changes to laws and regulations.
- Working with the board's legal counsel to assure coordinated and consistent legal advice.

Ms. Alvarado also briefly described the Vertical Enforcement and Prosecution Model which is sometimes utilized with physician assistant disciplinary cases. With this model, the trial attorney and board investigator are assigned as a team to handle a case as soon as a formal investigation is opened.

12. **Discussion of Possible Legislation Regarding Physician Assistants Signing Disability Forms.**

Mr. Sachs stated that currently physician assistants are may not legally sign disability insurance forms, However, he added, physicians and nurse practitioners may sign these forms.

Mr. Sachs also informed the board that SB 1083 (Pavley), sponsored by the California Academy of Physician Assistants, was recently introduced which would permit physician assistants to sign disability insurance forms.

13. **The Legislative Committee**

a. **Report from Adhoc Legislative Sub-Committee**

Mr. Grant indicated that originally this sub-committee was formed to review legislation of interest to the board and possibly seek legislation for proposed legislation. Mr. Grant added that since the California Academy of Physician Assistants already seeks legislation concerning physician assistants, the sub-committee's purpose is duplicative of that of the California Academy of Physician Assistants.

Because of the duplicative function, Mr. Grant recommended dissolving the Adhoc Legislative Sub-Committee.

Following a brief discussion a motion was made to dissolve the Adhoc Legislative Sub-Committee.

(m/Grant, s/Earley, motion passes)

b. **Legislation of Interest to the Physician Assistant Board**

Ms. Earley indicated that SB 500 (Medical Practice: Pain Management) would require the Medical Board of California, on or before July 1, 2015 to update their pain management standards. Ms. Earley also stated that SB 500 would require the Medical Board of California to convene a task force to develop and recommend the updates standards to the board.

Dr. Bishop pointed out to members that the Medical Board of California is currently holding meetings to obtain public input to revise their current pain management guidelines to ensure that they are relevant in today's medical community.

At this time, there was no other legislation of interest to the board.

14. A brief lunch break was taken.

15. **CLOSED SESSION:**

a. Pursuant to Section 11126(c)(3) of the Government Code, the Board moved into closed session to deliberate on disciplinary matters.

RETURN TO OPEN SESSION

16. **Review and Discussion of the Board's Strategic Plan**

Terrie Meduri and Dennis Zanchi from the Department of Consumer Affairs, provided the members with a draft copy of the board's Strategic Plan for their review.

Following a discussion a motion was made to adopt the proposed Strategic Plan for 2014 to 2018.

(m/Grant, s/Earley, motion passes)

17. **Agenda Items for Next Meeting**

A. Regulations update:

Proposed amendments to title 16, California Code of Regulations, Section 1399.541 Medical Services Performable.

B. Legislation Report of bills of interest to the board.

C. Presentation by legal counsel on Ethical Decision Making for Board Members.

D. Medical Board of California Activities.

E. Medical Board of California: Prescribing Task Force: update.

18. **Adjournment**

With no further business, the meeting adjourned at 2:00 P.M.