



**PHYSICIAN ASSISTANT BOARD**  
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## **MEETING MINUTES**

**November 3, 2014**

**PHYSICIAN ASSISTANT BOARD**  
**2005 Evergreen Street – Hearing Room #1150**  
**Sacramento, CA 95815**  
**8:00 A.M. – 5:00 P.M.**

### **1. Call to Order by President**

President Sachs called the meeting to order at 8:00 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.
- Jed Grant, PA-C
- Catherine Hazelton
- Rosalee Shorter, PA-C
- Cristina Gomez-Vidal Diaz
- Sonya Earley, PA-C
- Xavier Martinez

Staff Present:

- Glenn L. Mitchell, Jr., Executive Officer
- Kristy Schieldge, Senior Staff Counsel, Department of Consumer Affairs (DCA)
- Dianne Tincher, Enforcement Analyst
- Lynn Forsyth, Licensing Analyst
- Anita Winslow, Administration Analyst

### **3. Approval of August 18, 2014 Meeting Minutes**

The August 18, 2014 meeting minutes were approved as amended.

Mr. Grant noted that agenda item 16 incorrectly identified the California Academy of Physician Assistants (CAPA) as the California County of Physician Assistants (CCPA). Mr. Grant requested that the minutes be amended to state the correct title.

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

#### **4. Public Comment on items not on the Agenda**

There was no public comment at this time.

#### **5. Reports**

##### **a. President's Report**

- 1) President Sachs reported that he attended the California Academy of Physician Assistant (CAPA) annual conference with Board member Jed Grant. Mr. Sachs stated that it was a well-attended and successful conference. Fifty copies of the Laws and Regulations Relating to the Practice of Physician Assistants brought to the conference were distributed and the supply was depleted within 45 minutes. Mr. Sachs noted that he had some very good questions regarding physician assistant scope of practice and laws and regulations. Mr. Sachs also stated that the conference was a good opportunity to discuss and educate physician assistants about the laws and regulations and also to inform physician assistants that our board meetings are webcasted. He encouraged physician assistants to participate at the Board's meetings.
- 2) President Sachs also reported on the program status of the California two year PA Training Programs. He was notified that San Joaquin Valley College was not reaccredited by ARC-PA. Mr. Sachs also noted that Moreno Valley College (formally Riverside) also did not receive reaccreditation, but officials at the program will appeal the decision.

##### **b. Executive Officer's Report**

###### **1) Update on BreEZe Implementation**

Mr. Mitchell stated that Board staff continues to work with the BreEZe team on implementing BreEZe. The main issues continue to be with the enforcement and cashiering aspects of system, and the generation of reports in BreEZe. Staff is working with the BreEZe team to address these concerns.

The licensing aspect of BreEZe continues to function and the Board is not experiencing any delays in processing and issuing physician assistant licenses.

Mr. Mitchell reported that he was informed that our online license renewal system is now scheduled for spring 2015 because the renewal process is not yet fully ready for the rollout.

Additionally he reported that Board staff will be required to modify our online application and renewal documents to capture demographic data (location of practice, race/optional, languages spoken, educational background, classification of primary practice) as required by AB 2102.

The Board staff continues to attend licensing and enforcement user group meetings. Attending these meetings and discussing issues with other Department of Consumer Affairs (DCA) board representatives is greatly assisting in resolving some of the issues with BreEZe that the Board is encountering.

Mr. Mitchell also thanked the staff of the Medical Board's Information Systems Branch for their continued assistance in helping us implement BreEZe. Their professionalism and expertise in helping us learn and make corrections to the system is very much appreciated. The Board and its staff are very grateful for their continued support and assistance.

Mr. Mitchell also thanked the staff for their dedication and commitment during this transition to BreEZe. He appreciates everyone's efforts. He also thanked the BreEZe staff in assisting us in addressing our concerns and making corrections to the system.

Again, Mr. Mitchell also thanked all our applicants, licensees and consumers for their patience during this transition.

## 2) Cures Update

Mr. Mitchell reported that Joint Application Design (JAD) sessions took place between representatives of the Department of Consumer Affairs (DCA) and the Department of Justice (DOJ) for updates to the Controlled Substance Utilization Review and Evaluation System (CURES). These sessions were recently completed. The purpose of these sessions was to facilitate development of aspects of the new system. Information is obtained and validated by session participants to ensure that the system developed will meet the impacted Board's business needs.

Mr. Mitchell stated that he was informed that DOJ is also in the process of finalizing the necessary project plans with the vendor and upon completion will be submitted to the DCA Board representatives for review and approval.

Staff at the Physician Assistant Board (PAB) does not query the system as this is performed by the Medical Board of California (MBC) complaint staff; therefore, they are representing PAB in these sessions. Ms. Tincher and Mr. Mitchell have met with a representative of the MBC to discuss features the Board would like included in the system to ensure that the Board's system requirements will be met. Thankfully, our requirements are similar to those of the MBC. MBC staff has been very helpful in ensuring that our requirements are included in the system and the Board appreciates their assistance.

Mr. Mitchell noted the estimated project milestones as:

Testing: May/June 2015

Training: June 2015

Implementation: early summer 2015

c. Licensing Program Activity Report

Between August 1, 2014 and October 1, 2014, 189 physician assistant licenses were issued. As of October 1, 2014, 9,729 physician assistant licenses are renewed and current.

d. Diversion Program Activity Report

As of October 1, 2014, the Board's Diversion Program has 16 participants, which includes 3 self-referral participants and 13 board-referral participants.

A total of 128 participants have participated in the program since implementation in 1990.

e. Enforcement Program Activity Report

Between July 1, 2014 and September 30, 2014, 1 accusation was filed; 1 Statement of Issues was filed; 3 probationary licenses were issued, and there are currently 45 probationers.

## 6. **Who May Call Themselves a Physician Assistant in California**

Ms. Schieldge referenced Business and Professional Code Section 3501(a)(4), which states:

““Physician Assistant” means a person who meets the requirements of this chapter and is licensed by the board.”

She added that Business and Professions Code Section 3503 states:

“No person other than one who has been licensed to practice as a physician assistant shall practice as a physician assistant or in a similar capacity to a physician and surgeon or podiatrist or hold himself or herself out as a “physician assistant,” or shall use any other term indicating or implying that he or she is a physician assistant.”

Ms. Schieldge stated that these sections of law require that an individual be licensed by the Board to legally use the title “Physician Assistant.”

On another regulatory note, Ms. Schieldge stated that during her review of the laws and regulations regarding this agenda item, she discovered that Title 16, California Code of Regulations, Section 1399.573 does not authorize the Board's Executive Officer to issue citations for unlicensed practice unless the person is

practicing with a delinquent license. She suggested that the Board may wish to seek a regulatory change to address the issue.

Mr. Martinez asked if a physician assistant not meeting their Continuing Medical Education (CME) requirement is related to this discussion, thus, would they be practicing without a license.

Ms. Schieldge responded that CME compliance is a condition of renewal, and these conditions must be met to continue licensure as a physician assistant. Mr. Mitchell informed the Board that licensee's self-certify compliance with CME during the renewal process.

Ms. Shorter asked if the Board audits CME compliance. Mr. Mitchell indicated that the Board has legal authority to audit licensees to determine compliance with the CME requirements.

A motion was made for staff to audit licensees to determine CME compliance.

(m/Bishop s/Grant motion passes)

Public Comment: Teresa Anderson – California Academy of Physician Assistants (CAPA), asked if being a faculty member of a physician assistant training program and using the title physician assistant was the same as practicing as a physician assistant and using the title, “physician assistant.”

Ms. Schieldge responded that not being a California licensed individual and using the P.A. title and thus holding themselves out as a physician assistant whether as a teaching faculty member or not is misleading to the public and could be considered a violation of physician assistant laws and regulations.

## **7. Department of Consumer Affairs**

The new Director of the Department of Consumer Affairs (DCA) Awet Kidane, introduced himself to the Board.

Mr. Kidane stated that he has been attending Board meetings to meet members to discuss his vision of the Department, and how the Department can work with the Boards to improve the services the Department and Boards provide.

He congratulated the Board staff for their hard work and dedication to the implementation of BreEZe and commented on Mr. Mitchell's leadership and interaction with the Department during the implementation of the BreEZe system. He commented that there are 10 Boards in production with scheduled design and testing builds. He noted that BreEZe reports were the biggest hurdle to overcome and that the reports, especially enforcement should be able to provide valid data in the November build and implementation.

Mr. Kidane stated that he was holding internal divisions within the Department, such as Division of Investigations, Human Resources, Contracting and Business Services, accountable to establish a baseline matrix. He is looking for

consistency throughout all of the Boards especially to maintain integrity and consistency in licensing and enforcement.

Ms. Earley asked Mr. Kidane what security measures are being incorporated in the BreEZe system. Mr. Kidane responded there are multi-level check points for security and that additional security provisions are being added.

Dr. Bishop made the comment that Boards are dependent on their experts and he was wondering about the review process for the quality of BreEZe experts. Mr. Kidane thought this was a good point to address in the future.

Ms. Hazelton asked about sharing information between the Department and the Boards and Mr. Kidane stated that frequent Executive Officer meetings are held and are a good method to accomplish information sharing.

## **8. Nomination and Election of Physician Assistant Board Officers**

Business and Professions Code Section 3509.5 states:

“The Board shall elect annually a chairperson and vice chairperson from among its members.”

Mr. Mitchell called for nominations for Chairperson for 2015.

Mr. Grant nominated Mr. Robert Sachs, second by Dr. Bishop, passed unanimously.

Mr. Mitchell called for nominations for Vice-Chairperson for 2015.

Mr. Alexander nominated Mr. Jed Grant, second by Dr. Bishop, passed unanimously.

## **9. Approval of Passing Score for 2015 Physician Assistant Initial Licensing Examination and 2015 Locations for Physician Assistant Initial Licensing Examination**

Business and Professions Code Section 3517 provides in pertinent part:

“The Board shall, however, establish a passing score for each examination.”

A motion was made to approve the passing score for the physician assistant initial licensing examination for the year 2015 as established by the National Commission on Certification of Physician Assistants.

(m/Grant s/Bishop motion passes unanimously)

Business and Professions Code Section 3517 provides in pertinent part:

“The time and place of examination shall be fixed by the Board.”

A motion was made to approve the dates and locations for the physician assistant initial licensing examination for the year 2015. The examination is given on a year-round basis at the Pearson VUE Professional Testing Centers.

(m/Grant s/Bishop motion passes unanimously)

## **10. Schedule of 2015 Board Meeting Dates and Locations**

The following 2015 Board meeting dates were proposed:

Monday, February 9, 2015  
Monday, May 4, 2015  
Monday, August 3, 2015  
Monday, November 16, 2015

All Board meetings to be held at:  
Hearing Room  
2005 Evergreen Street  
Sacramento, CA 95815.

A motion was made to approve the 2015 meeting dates and location as noted.

(m/Bishop s/Grant motion passes unanimously)

## **11. Regulations**

### **a. Title 16, California Code of Regulations, Section 1399.545 Medical Services Performable**

This regulatory package was submitted by the Medical Board of California (MBC) to the Department of Consumer Affairs (DCA) for their review. The DCA Director recently signed off on the package and it was sent to the Business, Consumer Services, and Housing Agency (Agency) for their review. The package was approved by Agency and returned to the MBC who will file it with the Office of Administrative Law (OAL). Upon receipt, OAL has 30 days to review and approve the file.

The Board has been monitoring and working closely with DCA and MBC staff to ensure that the package is moving through the process.

## **12. Petition Hearings**

The following petition hearings were held before the Board:

- a. Petition for Termination of Probation – Joseph Gregory, PA 19779
- b. Petition for Reinstatement of Physician Assistant License – Michael Anthony Cancilla, Jr., PA 15366 License Revoked.

**13. Closed Session:**

- a. Pursuant to Section 11126(c)(3) of the Government Code, the Board moved into closed session to deliberate on disciplinary matters, including petitions.
- b. Pursuant to Section 11126(a) (1) of the Government Code, the Board moved into closed session to conduct the annual evaluation of the Executive Officer.

**RETURN TO OPEN SESSION**

**14. A lunch break was taken.**

**15. Physician Assistant Board Policy Manual**

- a. New policy – Board Member Reporting: Knowledge of Violations of Physician Assistant Laws and Regulations.

Mr. Grant stated that he requested the Board consider drafting a policy to give the Board members some guidance as to their responsibility to report possible violations of physician assistant laws and regulations.

Ms. Schieldge noted that the proposed policy to address this matter was drafted by staff.

After reviewing the policy, she suggested the following amendment:

“the Board member is encouraged to report this information to the Executive Officer and is also ~~encouraged~~ expected to cooperate with the Executive Officer”

A motion was made to adopt the policy as amended.

(m/Grant s/Alexander motion passes unanimously)

**16. Discussion on Accredited Physician Assistant Programs in California: Accreditation Process**

President Sachs reported that the Mr. Mitchell sent a letter to ARC-PA on the Board’s behalf inviting the Executive Director or a representative to attend a Board meeting to discuss the accreditation process and how the Board may work cooperatively with ARC-PA to better facilitate the development, accreditation, and approval of additional physician assistant training programs to address the need for additional physician assistants in the health care delivery system. Mr. Sachs reported that ARC-PA did not respond to the request.

The Board has directed staff to reach out again to ARC-PA with a follow-up telephone call and send another letter to express the Board’s interest in engaging in a dialogue about this important topic. Mr. Sachs requested that Awet Kidane,

Director of the Department of Consumer Affairs, be “cc’d” on the letter. Mr. Sachs asked legal counsel what options the Board had available to address this issue.

Ms. Schieldge referenced Business and Professions Code Section 3513, in pertinent part:

“The Board shall recognize the approval of training programs for physician assistants approved by a national accrediting organization.”

Ms. Schieldge stated that more research needs to be done to explore the Board’s options.

President Sachs proposed that the Board also contact the Commission on Accreditation of Allied Health Education Programs (CAAHEP) to determine if there could be another avenue for national accreditation. He also directed staff to contact the National Commission on Certification of Physician Assistants (NCCPA) for clarification on whether CAAHEP could be used as an additional training program accreditation body which would allow individuals to take the Physician Assistant National Certifying Examination (PANCE). The Board utilizes the PANCE as its licensing examination.

#### Public Comment

Christine Lally, Deputy Director, Department of Consumer Affairs (DCA), agreed that a follow-up letter to ARC-PA should be sent copying the DCA director, as well as a possible phone call to them. This creates due diligence on the Boards part, which puts the Board in the best position possible with regard to this issue.

Teresa Anderson, California Academy of Physician Assistants (CAPA), noted that CAPA sent a letter of support to the ARC-PA. She noted that they contacted the Legislature and Senator Fuller was able to speak with ARC-PA and voiced the concerns that California is experiencing a shortage of physician assistants.

### **17. Telehealth**

- a. Telehealth for the physician assistant in California – discussion and presentation by Cama Lock, PA, San Mateo Medical Center

Ms. Lock introduced to the Board a Telehealth website/app that she is associated with. She noted that it may be useful for consumers who would like to use this method of patient care. The website focuses on availability of medical consultation services when doctor’s offices are closed, allowing patients to have general health related questions answered in a timely manner. Questions relating to diagnosis or treatment are patient specific and addressed by a supervising physician. Ms. Lock stated that medical providers on the site do not prescribe any medications. She added that a detailed electronic patient record meeting HIPPA requirements is also maintained.

Ms. Lock ended her presentation noting that the website users who wish to use the Telehealth site must be California residents. Typical users are in the 20-30 years age.

## **18. Medical Board of California Activities**

Dr. Bishop reported on several items that were discussed at the Medical Board of California's (MBC) quarterly board meeting held in San Diego on October 23 and 24, 2014.

The Board approved their "Guidelines for Prescribing Controlled Substances for Pain." The finalized document is one that can be used by physicians for guidance in prescribing practices for patient pain management. The document is posted on the Medical Board of California's website.

The MBC also approved changing its current policy regarding the expert reviews of pain management cases. The previous policy required the Board to send these cases to two experts, one in pain management and one in the specialty of the physician performing the services. Since pain management training has been received the policy has been revised to send cases to only one expert in the same specialty as the physician performing the prescribing.

The Board updated its policy statement on recommending marijuana for medical purposes. The document used the term, "medical marijuana," which is not an actual term as there is no such thing as "medical marijuana." It is marijuana recommended for medical purposes. In addition, the policy stated that the first examination must be in-person, however, this statement does not comport with current law due to the Telehealth laws. Therefore, the Board changed the policy to state the examination had to be an appropriate prior examination.

The Medical Board members also began an overview of policies to assist staff in analyzing proposed legislation. Three policies were approved relating to scope of practice, continuing medical education, and funding for physician education.

The Board also reviewed its current committees and eliminated those committees that had either finalized their work or it was determined the committee no longer needed to continue. MBC streamlined its committees down to its mandated committees and four standing committees.

The MBC will be reviewing and analyzing a new Interstate Compact developed by the Federation of State Medical Boards. This compact would allow physicians who meet certain requirements to be licensed in multiple states at the same time.

The Board is finalizing regulations to allow the Board's Executive Director or his or her designee to issue citations. With the movement of the Board's Investigative Unit to the Department of Consumer Affairs (DCA) in July 2014, the Board could no longer issue citations and fines due to specific language in the Board's regulations that only allowed the Chief, Deputy Chief, or Supervising Investigator IIs to issue these citations. With these former MBC staff moving to DCA, they could no longer perform these services for the Board.

The Board is also drafting regulations and will be going through the regulatory process to allow physicians to use their Maintenance of Certification continuing medical education in order to meet the Board's continuing education requirements.

In closing, Dr. Bishop reported that the MBC was notified that its regulations pertaining to Senate Bill 1441 regarding the Uniform Standards for Substance Abusing Licensees were disapproved by the Office of Administrative Law (OAL). The Board will hold an interim meeting in order to meet the 120-day deadline to make the requested changes and meet the requirements of the OAL, which will hopefully lead to OAL's approval of the regulatory package.

## **19. Budget Update**

- a. Ms. Tincher reported that there were no changes from the previous report given at the August 2014 Board meeting.
- b. Wilbert Rumbaoa, Department of Consumer Affairs Budget Analyst, reported to the Board on the developmental process of the Board's budget.

Mr. Rumbaoa stated that the budget summary is defined as all changes to the current and budget year appropriations. The summary identifies base funding levels and specific funding adjustments needed to provide final budget detail. This process is used for building the budget for the next fiscal year.

Mr. Rumbaoa then defined the expenditure projection as itemizing the Board's budget on a line-by-line basis. Items include the actual expenditures which were spent last fiscal year, the budget stone which is the budget for the current fiscal year and the current year expenditures which is what was spent in the current fiscal year.

Mr. Rumbaoa noted that the most important thing for the budget is the "bottom line." He ensures that funds are available and the Board does not over spend its budget as the Board's Executive Officer is financially liable for overspending the budget. Additionally Mr. Rumbaoa added that he closely monitors revenues and expenditures.

## **20. The Legislative Committee**

Ms. Hazelton reported that the Legislature concluded all business at the end of August and noted that all bills sent to the Governor were either signed into law or vetoed. She then discussed the outcome of three bills that were of interest to the Board.

AB 1841 (Mullin) – Allows medical assistants to furnish labeled and prepackaged prescription drugs, other than controlled substances, to a patient, if so ordered by a licensed physician, licensed doctor of podiatric medicine, a physician assistant, a nurse practitioner or a certified nurse midwife.

Ms. Schieldge clarified that this law is effective only in certain practice settings licensed by the California Board of Pharmacy such as ambulatory surgical centers, nonprofit community clinics, free clinics, and student health centers at colleges.

AB 1841 was signed into law by the Governor on September 15, 2014.

AB 2058 (Wilk) – This legislation would modify the definition of “state body” within the Bagley-Keene Open Meeting Act, to exclude advisory bodies with less than three individuals, except for certain standing committees.

AB 2058 was vetoed by the Governor on September 27, 2014.

SB 1083 (Pavley) – This bill authorizes a physician assistant to certify disability, after performance of a physical examination by the physician assistant under the supervision of a physician, and would correspondingly expand the definition of practitioner to include a physician assistant.

SB 1083 was signed into law by the Governor on September 18, 2014.

Ms. Schieldge also reported on additional legislation that will impact the Board.

AB 2102 (Ting) – This legislation would require the Board of Registered Nursing, the Physician Assistant Board, the Respiratory Care Board and the Board of Vocational Nursing and Psychiatric Technicians to annually collect and report licensee demographic data to the Office of Statewide Health Planning and Development.

Ms. Schieldge noted that this information would be collected on the initial licensees and renewals.

AB 2102 was signed into law by the Governor on September 15, 2014.

AB 2396 (Bonta) – This legislation would provide that a person may not be denied licensure solely based upon a conviction that has been dismissed following rehabilitation.

Ms. Schieldge reported that the current law allows the Board to deny a license on a criminal conviction even if it has been expunged. If an individual has completed the terms and conditions of their probation they may be eligible to apply to the court to have the record of their conviction dismissed. After January 1, 2015 a Board, including the Physician Assistant Board, may not deny a license solely based upon an expunged conviction.

The Board would have to re-prove any underlying misconduct or find other grounds for denial.

AB 2396 was signed into law by the Governor on September 28, 2014.

SB-1159 (Lara) – This bill prohibits licensing boards under the Department of Consumer Affairs (DCA) from denying licensure to an applicant based on his or her citizenship or immigration status, and requires a licensing board and the State Bar to require by January 1, 2016, that an applicant for licensure provide his or her individual taxpayer identification number (ITIN) or a social security number (SSN) for an initial or renewal license.

Ms. Schieldge reported that the greatest impact of this legislation is that the Board will need to update forms and processes to allow applicants to submit a taxpayer identification number in lieu of a social security number.

**21. Agenda Items for the Next Meeting**

- a. Possible amendments to Title 16, California Code of Regulations Section 1399.573
- b. Report on ARC-PA: update
- c. Regulatory hearing to implement the provisions of SB 1441.

**22. Adjournment**

With no further business, the meeting was adjourned at 6:00 P.M.