

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF HEALTH PROFESSION LICENSURE
BOARD OF REGISTRATION OF PHYSICIAN ASSISTANTS**

**250 Washington Street
Boston, MA 02108**

**MEETING MINUTES
GENERAL SESSION
(OPEN SESSION)
March 19th, 2024
Via WebEx**

Board Members

Present:

Mary Kuzmeski, PA-C, Physician Assistant 1, Chair
Dr. Richard Baum, MD, Physician Member
Dr. Julie Hurley, DSc PAS, MS, PA-C, Physician Assistant 4
Jaime Jaronko, PA-C, Physician Assistant 2, Secretary
Hannah Nolan, MPAS PAC, Physician Assistant 3

Board Members

Not Present:

None

Staff Present:

Steven Joubert, Executive Director, Multi-Boards, DPH
Tracy Tam, Assistant Executive Director, Multi-Boards, DPH
Kayla Mikalauski, Management Analyst, Multi-Boards, DPH
Carol Larkin, Office Support Specialist, Multi-Boards, DPH
Jonathan Dillon, Director of Policy, DPH
Gillian Coffey, Health Communications Manager, DPH
Heather Engman, Chief Board Counsel, Office of the General Counsel, DPH
Rebecca Barros, Board Counsel, Office of the General Counsel, DPH
Lauren McShane, Chief Investigator, DPH
Matvei Arefev, Temp, Multi-Boards, DPH

Staff Not Present:

None

Public Member:

Dr. Dipu Patel
Mike Stewart

I. Call to Order | Determination of Quorum | Notice of Electronic Recording

Ms. Mary Kuzmeski, Board Chair, called the General Session of the Board of Registration of Physician Assistants meeting to order at 9:01am. Ms. Kuzmeski reminded Board members the meeting was being recorded and asked for a roll call vote to determine quorum.

Roll-call as follows: Mary Kuzmeski: present; Dr. Richard Baum: present; Dr. Julie Hurley: present; Jaime Jaronko: present; Hannah Nolan: present.
Absent: None. Recused: None. Abstained: None.

II. Conflict of Interest | Approval of General Session Agenda

DISCUSSION:

Ms. Mary Kuzmeski asked Board members to review the March 19th, 2024, General Session Agenda and make a motion to approve when ready. Board members were asked to disclose any recusals with the agenda.

ACTION:

Motion to approve the March 19th, 2024, General Session Agenda was made by Ms. Hannah Nolan, seconded by Dr. Julie Hurley, and unanimously passed by roll-call vote as follows: Mary Kuzmeski: approve; Dr. Richard Baum: approve; Dr. Julie Hurley: approve; Jaime Jaronko: approve; Hannah Nolan: approve.
Absent: None. Recused: None. Abstained: None.

Document: March 19th, 2024, General Session Agenda

III. Approval of February 08th, 2024, General Session Minutes

DISCUSSION:

Ms. Mary Kuzmeski asked Board members to review the February 08th, 2024, General Session Minutes and make a motion to approve when ready.

ACTION:

Motion to approve the February 08th, 2024, General Session Minutes was made by Ms. Jaime Jaronko, seconded by Ms. Hannah Nolan, and passed by roll-call vote as follows: Mary Kuzmeski: approve; Dr. Richard Baum: approve; Dr. Julie Hurley: approve; Jaime Jaronko: approve; Hannah Nolan: approve.
Absent: None. Recused: None.

Document: February 08th, 2023, General Session Minutes

IV. Conflict of Interest Overview

DISCUSSION:

Ms. Heather Engman provided a presentation on Conflicts of Interest Law. Ms. Engman stated the following:

“The Conflict of Interest law is meant to prevent conflicts and appearances of conflict between a state employee’s private interests and his or her public duties. Board members are considered special state employees and are subject to the COI law. The COI law is complex and the State Ethics Commission attorneys are available through the “Attorney of the Day” program to provide confidential advice/guidance on how the COI law applies to you in a particular situation. Asking for and taking bribes is prohibited, asking for or accepting a gift because of your official position is prohibited, using your official position to get something you are not entitled to or to get someone else something they are not entitled to is also prohibited.

The one that comes up most frequently for Board members is participating as a state employee in a matter in which you, your immediate family, your business organization, or your future employer has a financial interest is prohibited. Acting in a manner that would make a reasonable person think you can be improperly influenced is also prohibited. A couple of common situations where this may come up is if the Licensee/Applicant and Board member have the same employer, if the conduct in question occurred at a Board member’s place of employment or facility, if the Licensee and Board member have a close personal relationship, if the Board member taught, mentored, or employed licensee in the recent past, or if there is a patient or business referral relationship between the Board member and the Licensee/Applicant. If any of these situations exist that does not mean the Board member automatically has to recuse, it just means we need to take a closer look at whether or not there is a financial interest in the situation. A couple of examples to be aware of is if there is a close working relationship, a significant adverse patient outcome, pending medical malpractice action, applying for the same promotion or position, and a patient referral relationship.

Please notify Board Counsels of the common potential conflicts and potential appearances of conflicts prior to the board meeting. Board Counsels can advise on whether recusal is necessary and/or whether appearance of a conflict can be dispelled with a disclosure form. Board Counsel may advise a Board member to contact Ethics Commission attorney for more detailed guidance. In the event a Board member has an appearance of a conflict of interest, the appearance may be dispelled by filling a disclosure form with the Governor’s Office. The disclosure forms should be completed by the Board member and submitted to the Governor’s Office at least one week prior to the board meeting; Board Counsel will assist the Board members in drafting and filing the form.”

Dr. Richard Baum stated this Board has trouble meeting quorum so a conflict would result in a case being delayed for an unknown period of time. Dr. Baum stated the Board needs more members to serve the role and conflicts should be discussed during the agenda but once the agenda has been approved the conflict should not be discussed after a Licensee has joined the meeting otherwise it would be unprofessional.

Ms. Engman stated she agrees. Ms. Mary Kuzmeski requested a copy of the presentation to be sent to Board members.

V. Investigations:

Triage(s): N/A

Complaint(s): N/A

Staff Assignment(s): N/A

VI. Flex Session

DISCUSSION:

Mr. Steven Joubert there is ongoing active recruitment for Board members and two candidates have been submitted, one for the public seat and one for the physician assistant seat. Mr. Joubert stated the process is to recruit and then the candidate is referred to the Commissioner's Office, which then goes to the Governor's Office for appointment. Dr. Baum stated there is still a vacant physician seat. Mr. Joubert stated he has identified a candidate for that seat. Ms. Jaime Jaronko asked what vacant seats are on the Board right now. Mr. Joubert answered there are candidates identified for one physician assistant, one public member, and one physician, so if they all go through there is only a public seat left to fill. Ms. Jaronko asked if there is a candidate for the remaining public seat yet. Mr. Joubert answered there is not. Ms. Kuzmeski asked what kind of stipulations are required for the public seat. Ms. Heather Engman answered the public member shall be general representatives of the public and does not ask for any other qualifications.

Mr. Steven Joubert stated he would like to take a moment to thank Dr. Dipu Patel's for her hard work. Mr. Joubert stated the Massachusetts Department of Public Health recognizes Dipu Patel for her dedication and commitment for over 10 years of public service to the Board of Registration of Physician Assistants and to the residents of the Commonwealth. Mr. Joubert presents a commendation signed by Commissioner Robert Goldstein. Dr. Dipu Patel stated she would like to thank everyone and it was an honor to serve the state in this capacity. Dr. Patel stated she hoped the Board had collectively made an impact on this profession for the state. Dr. Patel stated she would like to thank all the members and she looks forward to further accomplishments from the Board. Dr. Baum stated he has learned a lot from her and expresses his gratefulness for all the work she had put in. Dr. Dipu Patel stated she would also like to thank

all the past members who are no longer with the Board, Dr. Robert Baginski and Dr. Shannon Sheridan-Geldart, who also served on the Board for a long time.

Dr. Richard Baum asked why Dipu Patel had to leave the Board because there is a problem with quorum. Mr. Joubert stated the Governor's Office makes decisions on who sits on the Board and who rotates, so when there are holdovers the Governor's Office would replace that seat. Ms. Jaime Jaronko asked if there is a contact for the Governor's Office to express concern over quorum issues because the vacancies are not being filled fast enough. Mr. Joubert stated there is a liaison who works with the Board as a contact to the Governor's Office. Ms. Jaime Jaronko asked if the contact can be shared so Board members can directly contact the liaison. Mr. Steven Joubert stated he can contact the liaison on the Board's behalf. Dr. Baum stated if Board members can contact the Commissioner, it can amplify the necessity to fill the seats and explain their need. Mr. Steven Joubert suggested Board members to send him an e-mail with their concerns and he will forward those concerns to the liaison which would go straight to the Governor's Office, and Board members can be cc-ed in on the e-mail.

Ms. Mary Kuzmeski asked for the attendance at the next Board meeting scheduled for April 11th, 2024. Dr. Richard Baum stated he would not be able to attend which would result in a loss of quorum. Dr. Julie Hurley stated that date would also be difficult for her to attend. Mr. Joubert stated he will look for an alternative date, otherwise, the April meeting will be cancelled.

Mr. Steven Joubert introduced Matvei Arevef, an intern, who conducted research on compact licensure for Physician Assistants. Mr. Arevef presented the following:
"After seven states have enacted the compact model legislation, the compact will be activated and begin the process to operationalize the compact and be able to give out privileges to practice. Eligible PAs can then complete a single application to receive a compact privilege (which is equivalent to a license) from each compact state in which they intend to practice.
In 2023, three states – Delaware, Utah, and Wisconsin – enacted the PA Compact model legislation.

In Oklahoma, (H.B. 3781/SB 1654) companion bills passed both of their respective chambers of origin and move on to the next chamber for further action.

In Virginia, (H.B. 324) was signed by leaders of the House and the Senate and is now eligible to go to the governor.

In West Virginia, (S.B. 667) passed both chambers and is now eligible to go to the governor.

In Washington, (H.B. 1917) passed both chambers and is now eligible to go to the governor.

Legislation is also currently pending in 11 other states: Tennessee (H.B. 1862), Colorado (S.B. 24-018), Maine (L.D. 2043), Michigan (H.B. 5117), Minnesota (H.F. 2623 / S.F. 2394), Nebraska (L.B. 823), New Hampshire (S.B. 486), New York (S.B. 7711 / A.B. 8172), Ohio (S.B. 28), Rhode Island (H.B. 7083), Vermont (H.B. 572)."

Ms. Kuzmeski stated the compact licensure will probably not be introduced to the state of Massachusetts until the next legislative session which is either next year or the year after. Ms. Kuzmeski also stated most of the Northeastern states are headed in this direction and is looking forward to updates on this topic around every six months.

Mr. Matvei Arefev also presented on Telehealth for Physician Assistants as follows: “As of the latest update, North Dakota, Wyoming, and Utah are the states where Physician Assistants (PAs) experience the most autonomy, making them unique in the degree of independence they allow PAs. These states have made legislative changes to eliminate the requirement for a PA to have a specific supervisory relationship with a physician or other healthcare provider, paving the way for more independent practice environments for PAs.”

Ms. Kuzmeski clarified that current state laws require physician assistant to be licensed in the same state as the patient.

Mr. Matvei Arefev also presented on the Physician Associate name change as follows: “On March 6, the Oregon State Legislature passed a bill that included a variety of healthcare provisions, including officially changing the title of “physician assistants” to “physician associates.” The bill is now headed to Governor Tina Kotek’s desk for signature. Until the bill becomes effective, once signed by Gov. Kotek and effective 91 days after adjournment of the 2024 legislative session adjourns, Oregon PAs will continue to practice as physician assistants. According to the official Oregon state website, this change will give PAs more opportunities to practice independently and be treated not as assistants, but more as separate medical professionals.”

Ms. Kuzmeski thanked Mr. Arefev for his research. Ms. Kuzmeski stated Massachusetts is not close to moving in this direction at this point in time and the AAPA legal counsel discourages physician assistants from identifying as physician associates in clinical settings or with patient directions until their jurisdiction formally adapt the title. Ms. Kuzmeski also stated the wording might start appearing nationally as “physician assistant (physician associate)”, but physician assistants in Massachusetts should refrain from that title so there is no legal or medical discrepancy.

Mr. Steven Joubert introduced Mr. Jonathon Dillon, Director of Policy, to the Board. Mr. Jonathan Dillon greeted the Board and stated he is here to provide an update on two bills that are currently active in the legislative session: H2135- An act relative to removing barriers of care and H.2217-An act relative to limited-service clinics. Mr. Dillon stated H2135 is a joint bill with S.1354 which was founded by House Representative Christine Barber and Senator Harriette Chandler jointly. Mr. Dillon also stated the Baker administration had issued a temporary executive order during the pandemic for a period of three months that allowed PAs to practice
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without filing a supervising physician within the Commonwealth and this bill in effect would make the circumstances of that temporary order permanent. Mr. Dillon stated that advocates have stated that removing the additional filing requirement would enable physician assistants to more efficiently be deployed to other areas of hospitals or healthcare centers to treat patients which would increase access to care which was evident during the temporary executive order. Mr. Dillon reported that S.1354/H2135 were received favorably and is moving through the legislative process for readings and possibly amendments.

Mr. Dillon stated H.2217 was filed by House Representative Kay Khan to clarify the definition of a limited service clinic which would allow physician assistants to work in these clinics. Mr. Dillon also stated advocates have argued that the clarification to enable limited service clinics to hire physician assistants can provide a boost to the healthcare system and allow these clinics to fill a gap in the healthcare system. Mr. Dillon also stated advocates have pointed out physician assistants receive similar training to nurse practitioners by performing 2,000 hours of clinical rotations but are not allowed to work in these low-cost, easy to access clinics. Mr. Dillon reported that this bill is currently under a study order which authorizes the committee to sit during recess and study this measure further to produce a narrative order on its findings, so it is unlikely to see any progress during this study. Mr. Dillon stated the formal legislative session for this year ends on July 31st, surviving bills such as S.1354/H2135 still have to go through the House and the Senate as well as Governor approval before the session ends. Mr. Dillon also stated there are ongoing consults on a biweekly basis with the legislative team to share our feedback with lawmakers.

Ms. Kuzmeski thanked Mr. Dillon for his updates and stated she is in full support of H.2135. Ms. Jaime Jaronko also stated she supports the bill. Ms. Hannah Nolan stated she is in support of both bills. Dr. Julie Hurley also stated she is in support of both bills. Dr. Baum stated he would like to advise the Board to read the bill first. Ms. Kuzmeski requested a copy of both bills in their official legislative writing to be sent to all members of the Board.

Mr. Joubert stated the Board had previously decided to take some time to go through all the rules and regulations to identify any areas or language that needs revision. Mr. Joubert stated any changes would first need to go to the Commissioner's Office for approval. Mr. Joubert proposed holding a sub-committee meeting every two or three months to review the rules and regulations to create a proposal to the Commissioner's Office. Ms. Kuzmeski stated the sub-committee meetings should be held off until after July 31st to see what moves forward during this legislative session so it can be incorporated into the rules and regulations draft.

Mr. Steven Joubert introduced Ms. Gillian Coffey, Health Communications Manager, to provide an update on the process of death pronouncement. Ms. Gilliam Coffey stated a notice will be sent out to Licensees on the new Massachusetts Vital Records Information Collaborative (MAVRIC) system which will replace the old death pronouncement system. Ms. Coffey stated the notice is being sent out to all relevant personnel to inform them how to sign up, take part in training, and access quick-start guides and webinars. Ms. Coffey also stated the training system is already

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active and encourages everyone to sign up as soon as possible because the system will go into effect in April 2024.

Ms. Mary Kuzmeski asked if this system will replace Virtual Gateway or whether there will be an overlap between the two systems for a period of time. Ms. Coffey stated this is the system that will be used starting April 2024 for electronic death registration and eventually it will be built upon to include birth registration.

VI. Executive Session:

DISCUSSION:

Ms. Mary Kuzmeski, Board Chair, read the Executive Session Statement as follows: “The Board will meet in Executive Session as authorized pursuant to M.G.L. c. 30A, § 21(a)(1) for the purposes of discussing the reputation, character, physical condition, or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against an individual. 1. Specifically, the Board will consider approving prior executive session minutes in accordance with M.G.L. ch.30A, § 22(a) for previous executive sessions of the Board. 2. Specifically, the Board will discuss complaints or charges brought against a Licensee or Licensees. The Board will not reconvene in public session subsequent to the closed session(s)”.

ACTION:

Motion to move to the Executive Session was made by Ms. Jaime Jaronko, seconded by Dr. Julie Hurley, and unanimously passed by roll-call vote as follows: Mary Kuzmeski: approve; Dr. Richard Baum: approve; Dr. Julie Hurley: approve; Jaime Jaronko: approve; Hannah Nolan: approve.

Absent: None. Recused: None. Abstained: None.

VII. 65C Session:

N/A

VIII. Adjudicatory Session:

N/A

IX. Adjournment:

Motion to adjourn to the General Session was made by Ms. Jaime Jaronko, seconded by Dr. Richard Baum, and unanimously passed by roll-call vote as follows: Mary Kuzmeski: approve; Dr. Richard Baum: approve; Dr. Julie Hurley: approve; Jaime Jaronko: approve; Hannah Nolan: approve.

Absent: None. Recused: None. Abstained: None.

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Let the record show that the meeting was adjourned at 9:56am.

The next meeting of the Board of Registration of Physician Assistants is scheduled for Thursday, May 09th, 2024, at 9:00am. remotely on WebEx.

Respectfully Submitted:

The Board of Registration of Physician Assistants