

COMMONWEALTH OF MASSACHUSETTS

BOARD OF REGISTRATION OF PHYSICIAN ASSISTANTS

THIS AGENDA CONSTITUTES NOTICE OF THE REGULARLY SCHEDULED
MEETING OF THE
BOARD OF REGISTRATION OF PHYSICIAN ASSISTANTS
IN COMPLIANCE WITH THE OPEN MEETING LAW, M.G.L. c. 30A, § 20

Thursday, November 14, 2019
9:30 a.m.

239 Causeway Street, 4th Floor, Conference Room 417 A/B
Boston, Massachusetts 02114

AGENDA

Time	Item #	Item	Documents	Staff Contact
9:30 a.m.	I	Call to Order Determination of Quorum Notice of Electronic Recording		Board Chair
	II	Approval of Agenda Conflict of Interest	Draft Agenda	Board Chair
	III	Approval of Minutes A. Regularly Scheduled Meeting: October 10, 2019	Draft Minutes	Board Chair
	IV	Investigations: N/A <u>Triage: None</u> <u>Staff Assignment(s): None</u> <u>Complaint(s): None</u>	N/A	

If you need reasonable accommodations in order to participate in the meeting, contact the DPH ADA Coordinator Yulanda Kiner, Phone: 617-624-5848 in advance of the meeting. While the Board will do its best to accommodate you, certain accommodations may require distinctive requests or the hiring of outside contractors and may not be available if requested immediately before the meeting.

	V	Flex Session A. Announcements 1. Board Meeting Schedule CY2020 B. Topics for future agenda	Memo	RC
	VI	Executive Session: 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 discuss and evaluate the necessity of modifying probation conditions for a Licensee. 2. Specifically, the Board will discuss complaints or charges brought against a Licensee or Licensees. 3. Finally, 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. The Board will not reconvene in public session subsequent to the closed session(s).		Board Chair
	VII	65C Session:	N/A	
	VIII	Adjudicatory Session: N/A	N/A	
12:00 p.m.	IX	Adjournment - Next Board meeting scheduled for December 12, 2019.		

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**Commonwealth Of Massachusetts
Department Of Public Health
Bureau of Health Professions Licensure
Board of Registration of Physician Assistants
239 Causeway Street | Suite 500, 5th Floor
Boston, MA 02114**

MEETING MINUTES

**REGULAR SESSION
(OPEN SESSION)**

October 10, 2019

Meeting Held on 4th Floor, Room 417 of the above address

Board Members

Present:

Paul Crehan, PA-C, Physician Assistant 4, Secretary
Mary Kuzmeski PA-C, Physician Assistant 2
Alithia C. Monroe, PA-C, Physician Assistant 3
Richard Baum, MD, Massachusetts Medical Society
Robert Baginski, MD, Physician

Board Members

Not Present:

Educator,

Dipu Patel, PA-C, Physician Assistant 1, Chair
Shannon Sheridan-Geldart, PA-C, Physician Assistant
Vice-Chair

Staff Present:

Boards

Counsel

Counsel

Roberlyne Cherfils, Executive Director, Multi-Boards
Karen Geoghegan, Assistant Executive Director, Multi-Boards
Mary Strachan, Board Counsel, Office of the General
Vita Berg, Chief Board Counsel, Office of the General
Lisa Seeley-Murphy, Compliance Officer, Multi-Boards
Lauren B. Nelson, Director of Policy and Regulatory Affairs,
Bureau of Health Professions Licensure
Jonane Nicolas, Office Support Specialist, Multi-Boards
Sophia Glemaud, Office Support Specialist (Temp), Multi-Boards

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

Mr. Crehan, Board secretary, called the Regular Session meeting of the Board of Registration of Physician Assistants to order at 9:40 a.m. Board members stated their name for the record. A quorum of the Board was determined. Mr. Crehan noted that the meeting was being recorded.

II. Conflict of Interest | Approval of Agenda

The regular meeting agenda was reviewed for approval. Board members were asked to disclose any conflicts of interested with the present agenda.

Discussion: NONE

Action: Dr. Baginski made a motion to approve the agenda. Ms. Kuzmeski seconded the motion. The motion passed unanimously.

Document: October 10, 2019 PA Regular Session Draft Meeting Agenda

Ms. Strachan entered the room at 9:42 a.m.

III. Approval of Minutes

Board members reviewed the September 12, 2019 PA Regular Session Draft Meeting Minutes for approval.

Discussion: Ms. Monroe requested an edit on the last page, a correction to the date for the next meeting of the agenda which should be Thursday, October 10, 2019 instead of October 11.

Action: Dr. Baginski made a motion to approve the September 12, 2019 PA Regular Session Draft Meeting Minutes. Ms. Monroe seconded the motion. The motion passed unanimously.

Document: September 12, 2019 PA Regular Session Draft Meeting Minutes

Mr. Lavery entered the room at 9:46 a.m.

IV. ePrescribing Regulation

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Lauren Nelson, Director of Policy and Regulatory Affairs for the Bureau of Health Professions Licensure, presented the new ePrescribing regulations which will be promulgated in the state of Massachusetts pursuant to the Care act (Chapter 208 of Acts of 2018). The regulations require that all prescriptions be processed electronically, with some exceptions.

Ms. Nelson provided an overview of the changes that the policy will bring, including the prescribing of substances in emergency situations, as well as in nursing homes. She noted that the regulations also affect the role of pharmacist in filling prescriptions.

. The regulations will go into effect January 1, 2020, with a grace period on the implementation of the new policy available until January 1, 2021. She noted that the Bureau expected the complete implementation of CMS-mandated switch to NCPDP SCRIPT Versions 2017071, which will facilitate the prescribing process, and for the program to be fully operational by March 1, 2020.

Ms. Nelson explained to the Board members the process by which prescribers could request a waiver for the implementation of the new ePrescribing regulations.

An overview of the controlled substance schedules was provided to the Board members, with Ms. Nelson highlighting the differences between the federal controlled substance schedules, and the Massachusetts controlled substance schedules. She explained how the new regulations attempted to reconcile the differences between the two.

Additional details were provided to Board members regarding procedures and systems used to comply with the new regulations.

Discussion: Board members inquired about processes and waivers for certain medications and scenarios, with Ms. Nelson elaborating on the necessary steps and options available to prescribers to comply with the new regulations.

Action: NONE

Document: Presentation

V. Templates for Fines

Ms. Berg provided Board members with an overview of the new template for fines drafted by the Office of General Counsel. She noted that the Boards within the Bureau have the authority to impose civil administrative fines for unlicensed practice, pursuant

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to M.G.L. c. 112 §65(a) and M.G.L. c. 112 §65(b). She elaborated on scenarios where the fines would be imposed.

She added that the Boards within the Bureau have rarely imposed fines in the past because of the difficulty in collecting fines, in particular for individuals who do not pursue a license in the state after the imposition of the fine. Ms. Berg explained that the Bureau was considering the scenario where the fining authority of the Boards within the Bureau would have expanded, in the case of future legislative reform. Additionally, she highlighted that the fines were already subject to statutory caps.

Ms. Berg recommended that the Board members adopt the templates as drafted.

Discussion: NONE

Action: Dr. Baum made a motion to approve the templates for fines and the statutory amounts. Dr. Baginski seconded the motion. The motion passed unanimously.

Document: Memo

VI. Telemedicine/Telehealth

Ms. Fishman entered the room at 10:17 a.m.

Ms. Strachan reminded the Board members that Ms. Patel had requested this item be added to the agenda at a previous Board meeting. She explained that no changes had been made in Massachusetts law regarding telemedicine since they had last discussed the matter.

Board members were provided with the Federation of State Boards of Medicine model policy on telemedicine for their review.

Ms. Cherfils noted that the last time the Board members had discussed the matter, Board staff had indicated that Lauren Nelson, Director of Policy and Regulatory Affairs, would be monitoring this policy at the Bureau level so that all the Boards within the Bureau will not be implementing individual policies regarding telemedicine once legislation has been passed on the matter, in order to ensure consistency.

Discussion: Board members noted that they were interested in understanding how policy would be implemented based on the location of the practitioner and/or the location of the patient in the telemedicine context.

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Ms. Kuzmeski commented that there is coordination and an effort within the profession to discuss the state line issue within telemedicine, and to come up with a consistent policy for any practitioner engaged in telemedicine.

Dr. Baum added that in other professions, the practice of telemedicine could also cross international lines, not only state lines, and thus the topic could be viewed from a broader sense. Mr. Crehan echoed this same concern, noting that it is difficult at this point to assess medical decisions if there is no clarity regarding the licensing process and requirements as they relate to telemedicine.

Ms. Kuzmeski restated that the profession was interested in having a consistent standard or standards that could be implemented regardless of location of the practitioner, at least so that there is progress, even if these standards are not perfect.

Ms. Cherfils added that the Bureau had been notified by the Federation of State Medical Boards that they had received federal funding to look at the topic of telehealth, specifically to look at license portability, and that they will have their first meeting on the topic on November 21, 2019 in Washington D.C. She informed the members that she was hoping to obtain approval to attend the meeting on behalf of the Bureau.

Ms. Kuzmeski explained that several institutions within Massachusetts have bylaws about telehealth that are stricter than the current state regulations with institutions having telemedicine practitioners go through thorough training and obtaining Massachusetts licensing.

Ms. Strachan added that the members of the Board had also previously expressed their interest in knowing how medical malpractice insurance and carriers viewed telemedicine, and that she was not able to find any information regarding what is covered under various policies.

Ms. Cherfils explained that the Bureau staff would continue monitoring the discussion on telehealth /telemedicine.

Action: NONE

Document: Memo

VII. New BORiM Regulations
Informed Consent

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Ms. Cherfils explained that the Board members had expressed interest in discussing the new Massachusetts Board of Registration in Medicine (BORiM) regulations, specifically concerning what they say about informed consent.

Discussion: Dr. Baum explained that he was interested in adding this topic to the agenda as it affected physician assistants. He noted that his institution had not found an effective solution to comply with the new regulations, though he understood that higher level institutions were attempting to address how to best implement them.

He added that the difficulty was with the documentation of procedural consent, and knowing in advance who is going to be in a procedure. Procedures could involve residents, physician assistants, and physicians, who often worked in fluid environments where they would not know, in some cases, who would be needed in the procedure until the day of the procedure. He requested that in the future, Board members share how their institutions were complying with this new requirement.

Ms. Cherfils commented that the Board packets provided to the Board members at the beginning of the meeting contained BORiM's F.A.Q.'s regarding the new regulations. She recommended that the Board add an alert on the website for the Board of Registration of Physician Assistants prompting PAs to look at the new regulations and the F.A.Q.s, since the PA Board cannot provide interpretation of another board's (i.e., BORiM's) regulations. Note BORiM's email address for general inquiries.

Dr. Baum noted that the F.A.Q.s do not provide clarification on implementation.

Ms. Monroe commented that she viewed the regulations as "a good idea" for a patient's experience, in particular, having a resident introduce themselves to the patient in the clinical setting before a procedure. Dr. Baum agreed, but also highlighted that often times, PAs are working within a fluid environment where they may be pulled into a specific situation depending on the staff available.

Ms. Cherfils explained that she would share the Board members' concerns with BORiM, in particular, in relation to implementation of the policies, to see if BORiM could provide institutions with more guidance in regards to implementation.

Action: NONE

Document: Memo

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VIII. Investigations: N/A

IX. Flex Session

A. Announcements

MAPA Update

Ms. Cherfils informed the Board members that the Massachusetts Association of Physician Assistants (MAPA) meets with the Bureau of Health Professions Licensure annually, which provides the Bureau with the opportunity to learn more about what the association is currently working on, concerns they may have, and items on their legislative agenda. She added that she met with MAPA earlier this month (October). She wanted to let Board members know that the Bureau is still fostering their relationship with MAPA, and that they have been great partners when it comes to getting alerts out the Board's general audience.

Discussion: Dr. Baum inquired about what MAPA currently has on their legislative agenda. Ms. Cherfils answered that the association has two bills filed with the Massachusetts Legislature, which will be reviewed and tracked by the Bureau's Director of Policy and Regulatory Affairs, and that additional details will be provided in the future to the Board members.

Dr. Baum noted the importance of understanding what is coming from the regulatory point of view, and that the partnership is a great help for the Board.

Action: NONE

Document: None

B. Topics for Next Agenda

Simultaneous Surgery Regulations

Ms. Geoghegan noted that this topic has been on the agenda for a while, and is a placeholder for research and future discussion.

Board members noted that this topic was related to the previous discussion of informed consent.

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Dr. Baum and Ms. Kuzmeski added that this topic is related to a lawsuit that gave rise in part, to the new regulations on informed consent, and that the topic had already been covered in the discussion of BORiM's new regulations.

X. Executive Session

At 10:32 a.m., Mr. Crehan announced that the Board will meet in Executive Session as authorized pursuant to M.G.L. c. 30A, § 21(a) (1) and (3) 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, and to discuss strategy with respect to litigation as a public discussion may have a detrimental effect on the Board's position.

1. Specifically, the Board will discuss and evaluate the necessity of modifying probation conditions for a Licensee.
2. Specifically, the Board will discuss complaints or charges brought against a Licensee or Licensees.
3. Specifically, the Board will discuss pending litigation: Williams vs. Board of Registration of Physician Assistants, Suffolk Superior Court, C.A. No. 2019-02764-D.
4. Finally, 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.

The Board will not reconvene in public session subsequent to the closed session(s).

The next meeting of the Board of Registration of Physician Assistants is scheduled for **Thursday, February 13, 2020 at 9:30 a.m.** at 239 Causeway Street, 4th floor, Boston, MA 02114.

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Respectfully Submitted:

Dipu Patel, PA-C, Chair

Date

Paul Crehan, Secretary

Date

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