

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, March 13, 2014
9:30 a.m.

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

AGENDA

Time	Item #	Item	Document(s)	Staff Contact(s)
9:30 a.m.	I.	Call to Order Determination of Quorum		
	II.	Approval of Agenda	Draft Agenda	
	III.	Approval of Minutes A. January 9, 2014 Regularly Scheduled Meeting	Draft Minutes	
	IV.	Adjudicatory Session None	None	
09:45 a.m.	V.	M.G.L. c. 112, § 65C Session	Closed Session	
10:00 a.m.	VI.	Executive Session (Roll call vote)	Closed Session	
	VII.	Initial License Application Review A. <u>Rawley, James</u> -Judgment and Settlement report from the National Practitioner DataBank B. <u>Status Update: Orsky Lee Ann</u> –Authorized PA Practice prior 1991 (approved for licensure on 2/19/14)	Application and related documents	

	VIII.	License Reactivation Application Review None	None	
	IX.	Staff Assignments None	None	
	X.	Complaints None	None	
	XI.	Post-Surrender Consent Agreement for Probation A. <u>PA-2010-003</u> <u>Delmonico, Nicole</u> <u>License No. PA1933t</u>	Post-Surrender Agreement document	
	XII.	Scope of Practice Inquiries A. <u>Email Inquiry</u> : Can a PA practice as a PA and a Chiropractor at the same facility?	Email Inquiry	IH
	XIII.	Other Business/Announcements A. <u>Update</u> : ARRT Fluoroscopy Examination B. <u>Update</u> : MAPA Action Alert: Proposed EHS regulations exclude PAs as Primary Care Providers C. Delegation of Authority to Executive Director, Mary Phillips 1. <u>Proposed Administrative Policy 11-01</u> : Delegation of Signature authority D. <u>Proposed Licensure Policy 11-02</u> : Staff Action to Identify Individual Registration Applications requiring Good Moral Character Evaluation	Verbal Report Policy 11-01 Hand-out Policy 11-02 Hand-out	IH VB VB
	XIV.	Flex Session A. Topics for April 10, 2014 agenda	Discussion	
12:00 p.m.	XV.	Adjournment		

COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION OF PHYSICIAN ASSISTANTS
BOARD MEETING

March 13, 2014
239 Causeway Street, Room 417
Boston, MA 02114

MINUTES

Board Members Present: Miguel Valdez, PA-C, Physician Assistant, Vice-Chair
Edward Glinski, MD, Physician
Laura Hilf, RN, MS, Public Member
Richard Baum, MD, Massachusetts Medical Society
Nicole Meregian, PA-C, Physician Assistant
Shannon Sheridan-Geldart, PA-C, Physician Assistant, Educator

Board Members Not Present: Dipu Patel-Junankar, PA-C, Physician Assistant, Chair
Jessica Britnell, PA-C, Physician Assistant

Staff Present: Mary Phillips, Executive Directory, DHPL
Ichelle Herbu, Assistant Executive Director, DHPL
Anson Chu, Office Support Specialist, DHPL
Vita Berg, Chief Board Counsel, Office of the General Counsel, DPH
Marjorie Campbell, Nursing Investigator Supervisor, Office of Public Protection, DHPL
Philip Beattie, Board Investigator, Office of Public Protection, DHPL
Karen Fishman, Probation Monitor, DHPL (Arrived at 10:19 a.m.; Departed at 11:12 a.m.)

- I. Call to Order – Determination of Quorum
A quorum of the Board was present. In the absence of the Chair, Mr. Valdez, Vice-Chair, called the meeting to order at 9:32 a.m.
- II. Approval of the Agenda
The Meeting Agenda was reviewed.

DISCUSSION: None

ACTION: Ms. Hilf made a motion to approve the agenda as presented; Dr. Glinski seconded the motion. The motion passed unanimously.

Document: March 13, 2014 Board Meeting Agenda

III. Approval of Minutes

Minutes of the January 9, 2014 Regularly Scheduled Board Meeting were reviewed

DISCUSSION: None

ACTION: Ms. Hilf made a motion to approve the Minutes as presented; Dr. Glinski seconded the motion. The motion passed unanimously.

Document: January 9, 2014 Regularly Scheduled Board Meeting Minutes

IV. Adjudicatory Session (closed session)

None

V. M.G.L. c. 112, § 65C Session (closed session)

Ms. Meregian made a motion to go into the § 65C Session at 9:38 a.m.; Ms. Hilf seconded the motion. The motion passed unanimously.

The Board adjourned the Section 65C Session at 9:51 a.m. and resumed its Regularly Scheduled Board Meeting.

VI. Executive Session (closed session)

At 10:42, Mr. Valdez announced that the Board will meet in Executive Session as authorized pursuant to M.G.L. c. 30A, §21(a)(1) for the purpose of discussing the reputation, character, physical condition or mental health, rather than the professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. Specifically, the Board will discuss and evaluate pending disciplinary complaints that involve patient records and treatment of patients. The Board will also review a petition for license reinstatement.

Ms. Hilf made a motion to enter into Executive Session at 10:43 a.m.; Ms. Sheridan-Geldart seconded the motion; motion passed by unanimous roll call vote; Mr. Miguel Valdez: yes, Dr. Edward Glinski: yes; Ms. Laura Hilf: yes; Dr. Richard Baum: yes; Ms. Nicole Meregian: yes; and Ms. Shannon Sheridan-Geldart: yes.

The Board adjourned the Section Executive Session at 11:08 a.m. and resumed its Regularly Scheduled Board Meeting.

VII. Initial License Application Review

C. Rawley, James-Judgment and Settlement report from the National Practitioner DataBank (“Databank”)

DISCUSSION: Ms. Herbu informed the Board that Mr. Rawley is applying for initial licensure in Massachusetts, and the self-query databank report indicated that on or about April 21, 1997, an insurance company reached a settlement and paid \$172, 500 for alleged

failure to diagnosis a complete tear of biceps muscle resulting in partial loss of use of arm. The insurance company informed Board staff the applicant's employer was their client, not the applicant. Further, the applicant and his current employer had another claim initiated in New York during and about 2010. The applicant's license in New York is in good standing. The Board deferred action on Mr. Rawley's application pending a written explanation from the applicant regarding the two claims.

ACTION: Ms. Meregian made a motion for Board staff to request a written statement from Mr. Rawley explaining the circumstances of the two incidents; Ms. Sheridan-Geldart seconded the motion. The motion passed unanimously.

D. Status Update: Orsky Lee Ann –Authorized PA Practice prior 1991 (approved for licensure on 2/19/14)

DISCUSSION: Ms. Berg informed the Board that Board staff approved Ms. Orsky's initial application after receiving a transcript from UMASS Amherst that the applicant had a bachelor's degree with a confer date of 2/1/14. However, during initial processing of her application, Ms. Orsky did not submit proof that she had a bachelor's degree, and informed Board staff that she had been previously authorized to practice as a PA in MA. Ms. Orsky supporting documents and archived application file indicated that Ms. Orsky was authorized to practice as a PA in MA on or about 1987; she moved to the state of Vermont before registering for a license in 1990; and had been practicing in the state of Vermont since 1990. Based on the PA statues governing registration that an individual practicing as a PA on January 1, 1990 are exempt from the BA degree requirement, Ms. Orsky may have been eligible for licensure without a transcript conferring the bachelor's degree.

ACTION: None

Documentation: Application form and supporting documentation

VIII. License Reactivation Application Review
None

IX. Staff Assignments
None

X. Complaints
None

XI. Post-Surrender Consent Agreement for Probation
A. PA-2010-003 Delmonico, Nicole License No. PA1933

DISCUSSION: Ms. Berg informed the Board that she had completed a draft of Ms. Delmonico's Post-Surrender Consent Agreement for the Board's review and required clarification on whether the Board wanted Ms. Delmonico to refrain from prescribing Schedule II controlled substances or all controlled substances until such time as the Board

modifies this restriction. Board members clarified the conditions for probations should include that Ms. Delmonico could not prescribe any controlled substances.

ACTION: Ms. Merejian made a motion to adopt the Post-Surrender Consent Agreement with the language amended to show that Ms. Delmonico cannot prescribe any controlled substances until such time as the Board modifies this restriction. Dr. Baum seconded the motion. The motion passed unanimously.

Documentation: Draft of Post-Surrender Consent Agreement

XII. Scope of Practice Inquiries

A. Email Inquiry: Can a PA practice as a PA and a Chiropractor at the same facility?

DISCUSSION: Ms. Herbu informed the Board that Board staff received the question via email. Board members noted that Board regulations do not prohibit a (PA) from practicing as a PA and a Chiropractor at the same facility. However, the Board cautions that a PA should maintain a clear and separate distinction between the PA's practice as a Physician Assistant and Chiropractor while treating patients.

ACTION: Dr. Glinski made a motion to answer the scope of practice with the description above; Dr. Baum seconded the motion. The motion passed unanimously.

Document: Email Inquiry

XIII. Other Business/Announcements

A. Update: ARRT Fluoroscopy Examination

Ms. Herbu informed the Board that Radiation Control Program ("RCP") staff reported that two PA had passed the American Registry of Radiologic Technologists ("ARRT") exam and another eight had signed up to take the exam. However, there have been no new applications filed from PAs for approval to take the exam.

DISCUSSION: None

ACTION: None

B. Update: MAPA Action Alert: Proposed EHS regulations exclude PAs as Primary Care Providers

DISCUSSION: Ms. Herbu noted that Ms. Heather Trafton informed Board staff via email that the Executive Office of Health and Human Services, Masshealth, did not adopt any language suggested by MAPA to amend 130 CMR 450.118 to include PAs as a Primary Care Clinician. The Board deferred action pending additional information. Board counsel will obtain comments from the December 3, 2014 public hearing for the Board review at the next scheduled Board meeting.

ACTION: None

Documents: Copy of 130 CMR 450.118, Primary Care Clinician Plan dated January 1, 2014

C. Proposed Administrative Policy 11-01: Delegation of Signature authority

DISCUSSION: Ms. Berg informed the Board that Policy 11-01 delegate's authority to the Executive Director to sign the documents listed in the policy on behalf of the Board.

ACTION: Dr. Glinski made a motion to adopt Policy 11-01 and delegate signature authority to Ms. Phillips, Executive Director as noted in the policy; Ms. Sheridan-Gerdart seconded the motion. The motion passed unanimously.

Document: Hand-out of Policy 11. 01

D. Proposed Licensure Policy 11-02: Staff Action to Identify Individual Registration Applications requiring Good Moral Character Evaluation

DISCUSSION: Ms. Berg informed the Board that the purpose of Policy 11.02 is to authorize Board staff to screen individual registration applications and identify those requiring evaluation by the full board to determine if the applicant meets the good moral character requirement for registration. Board members noted that in general the Board does not receive many applications with GMC issues per year. Dr. Glinski noted that currently applicants are to report minor violations for which a fine was imposed for \$100 or more. Board members noted that the fine should be increased to \$200.

ACTION: Ms. Sheridan-Geldart made a motion to increase the licensure requirements that an applicant is to report minor violations for which a fine of \$100 or less was imposed to \$200 or less; to amend the language of licensure applications to show the increase; not to adopt Policy 11-02. Ms. Hilf seconded the motion. The motion passed unanimously.

Document: Hand-out of Policy 11-02

XIV. Flex Session

A. Topics for April 10, 2014 agenda

Board members requested the following items to be added to the agenda of the next scheduled Board meeting: Update from a MAPA representative to include the bachelor's degree legislation and distribution of MAPA newsletter to Board members.

XV. Adjourn

There being no other business before the Board, Ms. Hilf made a motion to adjourn the Meeting; Dr. Baum seconded the motion. The motion passed unanimously. The Meeting adjourned at 11:14 a.m.

The next meeting of the Board of Registration of Physician Assistants will be held on Thursday, April 10, 2014, at 9:30 a.m. at 239 Causeway Street, Boston, Massachusetts.

Respectfully submitted:

Miguel Valdez, PA-C, Vice-Chair

Date