

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, April 10, 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. March 13, 2014 Regularly Scheduled Meeting	Draft Minutes	
	IV.	Meeting with the Massachusetts Association of Physician Assistants (MAPA) Representative A. <u>Proposed Amendment to M.G.L. c. 112, § 9I: Bill S.1009, An Act clarifying the minimum requirements for licensure of physician assistants</u> B. <u>Massachusetts Health Care Cost Containment: Section 112 of Chapter 224 of the Acts of 2012, issues related to prescriptions by PA</u> C. <u>Proposed EHS regulations, 103 CMR 450.118, Primary Care Clinician Plan: report from December 3, 2104 public hearing</u>	Copy of Chapter 112, section 9I; 263 CMR 3.02; Proposed changes to Chapter 112, section 9I; Letter from MAPA to Board regarding S. Bill 1009	

	V.	Initial License Application Review A. <u>Rawley, James</u> -Judgment and Settlement report from the National Practitioner DataBank	Application and related documents	MP/IH
	VI.	License Reactivation Application Review None	None	
	VII.	Staff Assignments None	None	
	VIII.	Complaints None	None	
	IX.	Scope of Practice Inquiries A. <u>Email Inquiry</u> : Can a PA working in a federal facility in MA have a supervising physician with an out-state physician license? B. <u>Email Inquiry</u> : Are PAs allowed to perform podiatric services under a podiatrist?	Email Inquiries	
	X.	Other Business A. <u>Update</u> : ARRT Fluoroscopy Examination B. <u>Update</u> : Posting on Board's website: Alert to Pharmacists and Changes to Frequently Asked Questions regarding Prescriptions by PA C. <u>Overview</u> : Conflict of Interest D. <u>Overview</u> : Sessions of Open Meeting Law E. <u>Discussion</u> : Proposed EHS regulations, 103 CMR 450.118, Primary Care Clinician Plan: December 3, 2104 public hearing F. <u>Discussion</u> : MAPA Newsletter	Verbal Copy of Alert and Frequently Asked Questions MAPA Newsletter	MP/IH VB VB VB
	XI.	Flex Session A. Topics for next agenda	None	
10:30 a.m.	XII.	Executive Session (Roll call vote)	Closed Session	
	XIII.	Adjudicatory Session None	None	
	XIV.	M.G.L. c. 112, § 65C Session (Closed Session)	Closed Session	
12:00 p.m.	XV.	Adjournment		

COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION OF PHYSICIAN ASSISTANTS

BOARD MEETING

April 10, 2014
239 Causeway Street, Room 417
Boston, MA 02114

MINUTES

Board Members

Present:

Dipu Patel-Junankar, PA-C, Physician Assistant 1, Chair
Miguel Valdez Physician Assistant 3, Vice-Chair
Edward Glinski, M.D., Physician
Laura Hilf, RN, MS, Public Member 1
Nicole Meregian, PA-C, Physician Assistant 2 (arrived at 9:40 a.m.)
Shannon Sheridan-Geldart, PA-C, Physician Assistant Educator (left at 11:59 a.m.)

Board Members

Not Present:

Richard Baum, M.D., Massachusetts Medical Society
Jessica Britnell, PA-C, Physician Assistant 4

Staff Present:

Mary Phillips, Executive Director, DHPL
Ichelle Herbu, Assistant Executive Director, DHPL
Vita Berg, Chief Board Counsel, Office of the General Counsel, DPH
David Murphy, Board Counsel, Office of General Counsel, DPH
Marjorie Campbell, Investigator Supervisor, Office of Public Protection, DHPL
Karen Fishman, Probation Monitor, DHPL

Guests:

Julie Purcell, President Elect, Massachusetts Association of Physician Assistants (MAPA)(arrived at 09:40 a.m.)
Diego M. Neira
Andrew Zeiberg, Attorney

- I. Call to Order – Determination of Quorum
A quorum of the Board was present. The Board Chair, Ms. Patel-Junankar, called the meeting to order at 9:34 a.m.

- II. Approval of the Agenda
The Meeting Agenda was reviewed.

DISCUSSION: None

ACTION: Ms. Patel-Junankar made a motion to approve the agenda as presented; Ms. Sheridan-Geldart seconded the motion; motion passed with Board members present and voting in favor unanimously.

Document: April 10, 2014 Board Meeting Agenda

III. Approval of Minutes

Minutes of the March 13, 2014 Regularly Scheduled Board Meeting were reviewed

DISCUSSION: None

ACTION: Dr. Glinski made a motion to approve the Minutes as presented; Ms. Sheridan-Geldart seconded the motion: motion passed with Board members present and voting in favor: Dr. Glinski, Ms. Sheridan-Geldart, Ms. Hilf, Ms. Meregian; Abstained: Ms. Patel-Junankar; Opposed: None; Recused: None

Document: March 13, 2014 Regularly Scheduled Board Meeting Minutes

IV. Meeting with the Massachusetts Association of Physician Assistants (“MAPA”) Representative

A. Proposed Amendment to M.G.L.c. 112 & 91: Bill S.1009 An Act clarifying the minimum requirements for licensure of physician assistants

DISCUSSION: Ms. Purcell informed the Board that the Bill had been filed, but at this time, there no other development and the bill was stopped in committee. Ms. Patel-Junankar wanted to know if it was possible to propose amendments to M.G.L.c.112 § 91. Ms. Purcell said if it is blocked they would have to file new legislation and could talk about revising the bill at that time. Ms. Purcell reports that she will obtain more information regarding the subject for the Board. Board members noted that an applicant for licensure should have at minimum the requirements of a Bachelor or Master’s Degree. Further, the “at least” language does not change the current requirements for MA licensure.

ACTION: None

Documents: Copy of Chapter 112 , section 91: 263 CMR 3:02: Proposed changes to Chapter 112, section 91: Letter from MAPA to Board regarding S. Bill 1009.

B. Massachusetts Health Care Cost Containment: Section 112 of Chapter 224 of the Acts of 2012, issues related to prescriptions by PA:

DISCUSSION: Ms. Herbu informed the Board that recently Board staff was informed that pharmacists and physician assistants practicing in the community were unclear of whether a supervising physician is required to co-sign prescriptions. To clarify the changes related to the Massachusetts Health Care Cost Containment, Board staff has posted an alert and changed the language of the Frequently Asked Questions on the Board's website.

ACTION: None

Documents: a copy of the previous and current language of the Board's Frequently Asked Questions and a copy of the language of the Alert.

C. Proposed EHS regulations, CMR 450,118, Primary Care Clinician Plan: report from December 3 ,2014 public hearing

DISCUSSION: Ms. Purcell informed the Board that MassHealth did not change the language of the regulations and Masshealth's regulation continues to exclude PAs as a primary care provider. Ms. Berg informed the Board that along with Ms. Phillips, she will discuss the Board's concerns regarding this matter with DHPL's Director and reach out to the DPH legislative liaison.

ACTION: None

Documents: None

V. Initial License Application Review

A. Rawley, James- Judgment and Settlement report from the National Practitioner Databank

DISCUSSION: Ms. Phillips reviewed the facts of this case, and informed the Board that as requested, Mr. Rawley submitted a letter of explanation regarding a pending insurance claim against him. The Board reviewed the applicant's letter detailing the status of the pending and previous insurance claims. The applicant's statement informed the Board that the second case is still pending and alleged that he has missed an acute cord compression. There are multiple parties involved in the case.

ACTION: Ms. Patel-Junankar made a motion to issue Mr. Rawley a license. Dr. Glinski seconded the motion; motion passed with Board members present and voting in favor unanimously.

VI. License Reactivation Application Review
None

VII. Staff Assignments
None.

VIII. Complaints
None

IX. Scope of Practice Inquiries

A. Email Inquiry: Can a PA working in a federal facility in Ma. Have a supervising physician with an out-of state-physician.

DISCUSSION: Board members noted that the licensee was a federal employee with a MA licensure, and it may be appropriate for her to have a supervising physician with an out-state license. Further, if the licensee is required to have a supervising physician that is licensed in MA, she may not be able to maintain her MA license and it may create a burden for the licensee. Ms. Berg advised the Board that the licensee has a MA license and according to the Board's regulations at 263 CMR 5.05 (1), the requirements are that a supervising physician is a full licensee of the Massachusetts Board of Registration of Medicine.

ACTION: Ms. Meregian made a motion to defer Board action pending additional information from the licensee to clarify the purpose of her inquiry and regarding case law on the matter; Dr. Glinski second the motion; motion passed with Board members present and voting in favor unanimously.

Document: Hand-out of Email Inquiry

B. Email Inquiry: Are PA's allowed to perform podiatric services under a podiatrist?

DISCUSSION: Ms. Berg informed the Board that the Board's regulations at 263 CMR 5.05, require a physician assistant to be supervised by a physician who is licensed by the Massachusetts Board of Registration of Medicine, 243 CMR 2.08. Board noted that it is unclear whether a podiatrist qualifies under the regulations and if the identified licensee is violating any regulations without additional information.

ACTION: Ms. Meregian made a motion that Board staff respond to the inquiry that a physician assistant must be supervised by a physician who is licensed by the Massachusetts Board of Registration of Medicine, 243 CMR 2.08; to open a formal investigations against the mentioned licensee; Dr. Glinski seconded the motion; motion passed with Board members present and voting in favor unanimously.

Document: Email inquiry

X. Executive Session (Roll call vote)

At 10:30 a.m., Ms. Patel-Junankar 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 of 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. The Board will resume Regular Session after the end of Executive Session.

Ms. Patel-Junankar made a motion to go into Executive Session at 10:30 a.m.; Mr. Valdez seconded the motion; the motion passed with members voting in favor: Ms. Patel-Junankar: yes, Mr. Valdez: yes, Dr. Glinski: yes, Ms. Sheridan-Geldart: yes, Ms. Hilf: yes, and Ms. Meregian: yes; Abstained: None Opposed: None; Recused: None

The Board adjourned the Section Executive Session at 11:52 a.m. and resumed its Regularly Scheduled Board Meeting.

XI. Other Business: Ms. Patel-Junankar made a motion to defer the items X/A, X/B, X/C, X/D, X/E, X/F and XIV on the agenda to the next regularly scheduled meeting, May 8, 2014; Mr. Valdez second the motion; motion passed with Board members present and voting in favor unanimously.

XII. Adjudicatory Session
None

XIII. Adjournment
There being no other business before the Board, Ms. Patel-Junankar made a motion to adjourn the meeting; Mr. Valdez second the motion; motion passed with Board members present and voting in favor unanimously. The meeting adjourned at 12:03pm.

The next meeting of the Board of Registration of Physician Assistants will be held on Thursday, May 8, 2014, at 9:30 a.m. at 239 Causeway Street, Boston, Massachusetts.

Respectfully submitted:

Ms. Dipu Patel-Junankar, Chair

Date