

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, September 11, 2014
9:30 a.m.**

**239 Causeway Street ~ 4th Floor ~ 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		
	II.	Approval of Agenda	Draft Agenda	
	III.	Approval of Minutes A. July 10, 2014 Regularly Scheduled Meeting	Draft Minutes	
	IV.	Proposed Policies A. Valor Act B. Proposed reactivation policy in response to individuals practicing on an expired license and the implications of insufficient continuing education.	Draft of Proposed Policy	

	V.	Application for Reactivation Licensure A. Modracek, Darryk PA1208 (Expired 3/1/05)	Reactivation file and Supporting Documents	IH
	VI.	Scope of Practice Inquiries A. Are supervising physicians required to review all data obtained by a physician assistant within a certain time frame, and what are the implications to electronic record keeping of any potential requirements?	Email inquiry	
	VII.	Legislative and Regulatory Updates A. M.G.L. ch112, s.9I (Bachelor's degree requirement) B. M.G.L. ch94C, s.7A(Automatic enrollment in PMP) C. M.G.L ch112, s. 264 (Domestic violence training requirement) D. 105 CMR 201.000 (Head injuries and concussions in extracurricular Athletic activities) E. 105 CMR 700.00 and 721.00 (PMP and prescription formats)	Handouts	VB/DM VB/DM VB/DM VB/DM VB/DM
	VIII.	Other Business/Announcements A. <u>Announcement</u> : Board members' state email addresses B. <u>Update</u> : Cases pending in Prosecution and Hearing Officer C. <u>Discussion</u> : Medical Marijuana and Physician Assistants D. <u>Discussion</u> : Individuals employed by the federal government with a MA license E. Inquiry regarding potential requirement imposed on residency programs to provide information to the Board	Verbal Email Inquiry	VB/DM
	IX.	Flex Session A. Topics for next agenda	None	

<p>10:30 a.m.</p>	<p>X.</p>	<p>Executive Session</p> <p>The Board will meet in Executive Session as authorized pursuant to M.G.L. c. 30A, § 21(a)(3) for the purpose of discussing strategy with respect to litigation because discussing in open session would have a detrimental effect on the litigating position of the board. Specifically, the Board will discuss pending litigation: Zogenix, Inc. v. Patrick, et. al., United States District Court, District of Massachusetts, 1:14-CV-11689-RWZ.</p> <p>The Board will also 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 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.</p> <ol style="list-style-type: none"> 1. Specifically, the Board will discuss and evaluate the <u>Good Moral Character</u> as required for registration for pending applicants. 2. Specifically, the Board will discuss and evaluate the reputation, character, physical condition or mental health, rather than professional competence, of licensees relevant to their petitions for license status change. 3. Specifically, the Board will discuss complaints or charges brought against Licensees. 4. Approval of prior executive session minutes in accordance with M.G.L. ch.30A, § 22(f) for sessions held during the July 10, 2014. 	<p>Closed Session</p>	
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	XI.	Adjudicatory Session (Closed Session) None	None	
	XII.	M.G.L. c. 112, § 65C Session (Closed Session) None	None	
12:00 p.m.	XIII.	Adjournment		

COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION OF PHYSICIAN ASSISTANTS

BOARD MEETING

September 11, 2014
239 Causeway Street, Room 417
Boston, MA 02114

MINUTES

Board Members Present: Dipu Patel-Junankar, PA-C, Physician Assistant 1, Chair
Miguel Valdez, PA-C, Physician Assistant 3, Vice-Chair
Laura Hilf, RN, MS, Public Member 1
Richard Baum, MD, Massachusetts Medical Society
Edward Glinski, MD, Physician
Shannon Sheridan-Geldart, PA-C, Physician Assistant, Educator (arrived at 10:54 a.m.)

Board Members Not Present: Nicole Meregian, PA-C, Physician Assistant 2

Staff Present: Mary Phillips, Executive Director, DHPL
Ichelle Herbu, Assistant Executive Director, DHPL
Rebecca Ferullo, Office Support Specialist, 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
Philip Beattie, Board Investigator, Office of Public Protection, DHPL

Staff Not Present: Anson Chu, Office Support Specialist, DHPL

Guest: Joshua Fink, Caitlin Springer, Maria Banar and her 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 9:28 a.m.

II. Approval of the Agenda

The meeting agenda was reviewed.

Action: Ms. Hilf made a motion to approve the agenda as presented: Mr. Valdez seconded the motion. The motion passed with Board members present and voting in favor unanimously.

Document: September 11, 2014 regularly scheduled Board meeting agenda.

III. Approval of Minutes:

A. Minutes of July 10, 2014 of the regularly scheduled Board meeting

The Board reviewed the July 10, 2014 regularly scheduled Board meeting minutes.

Action: Mr. Valdez made a motion to approve the minutes and Ms. Hilf seconded the motion. Motion passed with Board members present and voting in favor: Mr. Valdez, Ms. Hilf, Ms. Patel-Junankar, Dr. Baum; Opposed: None; Abstain: Dr. Glinski; Recused: None

Document: July 10, 2014 Regularly Scheduled Board meeting minutes.

IV. Proposed Policies

A. Valor Act

Discussion: Ms. Berg informed the Board of the implementation of the Valor Act. The purpose in adopting this policy is to facilitate the provisions of the Valor Act of 2012. The Board in adopting this policy authorizes the VAL (employee of the division who serves as a liaison) to facilitate the processing of applications submitted by active duty service members and military spouses. The Board authorizes the VAL:

- i. to direct the issuance of a license card for the current or next registration period to an Active Duty Service Member whose license is in good standing, and to waive any renewal and late fees, if: The license is “current” within the renewal window and the normal “expiration” date falls within the period of active duty, or; the license has “expired” but the “expiration” occurred” during the period of active duty. Further, the Board authorizes the VAL to waive the requirement that the individual complete continuing education requirements, if such requirements are imposed as a condition for license renewal.
- ii. to direct expediting the processing of Military Transfer spouse’s application for initial licensure or for reactivation.

Action: Dr. Glinski made a motion to adopt the Valor Act policy as presented; Mr. Valdez seconded the motion. The motion passed with Board members present and voting in favor unanimously.

Document: Valor Act Policy

B. Proposed reactivation policy in response to individuals practicing on an expired license and the implications of insufficient continuing education

Discussion: Mr. Murphy informed the Board that the purpose of the proposed policy is to govern the Board staff’s response and efficiently resolve instances when a registered PA has inadvertently allowed his or her registration to expire and relatively soon-there-after seeks to renew. The proposed policy contemplates instances situations in which a PA with

no continuing education deficiencies, history of Board discipline, and pending investigation/complaints/staff assignments allows his or her registration to expire and, after acknowledging his conduct, seeks to renew his registration. It would create a two-tiered system in which the Executive Director would be authorized to offer a Consent Agreement with Reprimand to PA engaged in unauthorized practice for more than 30 days, but less than the Board's renewal cycle of two years. A PA seeking renewal under these circumstances with a 30-day grace period subsequent to the registration's expiration would be subject to a complaint, dismissal, and advisory letter.

Action: Mr. Valdez made a motion to adopt the policy and Ms. Hilf seconded the motion. The motion passed with Board members present and voting in favor unanimously.

Document: Draft of Proposed Board Staff Disposition of Selected Complaints, Discipline Policy.

V. Application for Reactivation Licensure

A. Modracek, Darryk PA1208 (Expired 3/1/05)

Discussion: Ms. Herbu informed the Board that Mr. Modracek was requesting to reactivate his license which expired in 2005. Mr. Modracek was unable to provide the certificate of completion for Category I CEUs, but submitted his NCCPA record to indicate he completed more than the required CEUs. Mr. Modracek's resume indicated he is practicing as a PA in RI, and his RI license is in good standing. Mr. Modracek reported that he had a fire in his house and some of his records were destroyed regarding his CEU's. He submitted a letter from his Insurance Company confirming that he had a fire.

Action: Mr. Valdez made a motion to reactivate Mr. Modracek license; Dr. Glinski seconded the motion. Motion passed with Board members present and voting in favor unanimously.

Document: reactivation file and supporting documents.

VI. Scope of Practice Inquiries

A. Are supervising Physicians required to review all data obtained by a Physician Assistant within a certain time frame, and what are the implications to electronic record keeping of any potential requirements?

Discussion: Mr. Murphy noted that except for Schedule II controlled substance must be reviewed by the supervising physician within 96 hours after its issuance, the Board's regulation is silent regarding whether a supervising physician is required to review all data obtained by a PA. Board members noted that data review to include electronic records should be done and co-signed in a reasonable of time, but the frequency/manner in which the data is reviewed is to be determined by the employer. Further, this method many vary from agency/facility.

Action: Mr. Valdez made a motion to communicate to the Board that all data obtained by a physician assistant requires review by supervising physician in time mannerly, but the

frequency/manner for which the reviewed is completed is at the discretion of the agency/facility for which the PA is employed; Dr. Glinski seconded the motion. The motion passed with Board members present and voting in favor unanimously.

Document: Email inquiry

VII. Legislative and Regulatory Updates

- A. M.G.L. ch.112, s.91 (Bachelor's degree requirement): Ms. Berg reported to the Board that an applicant for a MA Physician Assistant license is no longer required to have a Bachelor's Degree. The new academic requirement is for a Bachelor or higher degree.
- B. M.G.L. ch94C, s.7A (Automatic enrollment in PMP): Ms. Berg reported to the Board that a practitioner who prescribes controlled substances shall automatically and without further action be registered as a participant in the prescription monitoring program. The Drug Control Program is working on implementing the law.
- C. M.G.L.ch112, s.264 (Domestic Violence training requirement): Ms. Berg reported to the Board that the law charges each Board to identify programs or courses of study which will be required on the issue of domestic violence and sexual violence. This requirement will take effect on July 1, 2015.
- D. 105 CMR 201.000 (Head Injuries and concussions in extracurricular Athletic activities): Ms. Berg reported to the Board that a duly licensed physician assistant under the supervision of a licensed physician may authorize a student to return to play.
- E. 105 CMR 700.00 and 721.00 (PMP and prescription formats): Ms. Berg informed the Board that the Department of Public Health held a public hearing regarding the amendments of the regulations and is anticipated to become final next month. The regulations were amended to (1) enhance utilization of the PMP by providing prescribers and dispensers with additional information that can inform clinical decision making; (2) permit delegate's to use the PMP; (3) permit physicians' to prescribe naloxone to a person other than the ultimate user; and (4) make the regulations consistent with the new rules regarding prescriptions issued by PAs, specifically that prescriptions issued by a PA shall also contain the name of the supervising physician.

Document: Copy of M.G.L. ch.112, s.91, M.G.L. ch94C, s.7A, M.G.L.ch112, s.264, 105 CMR 201.000, and 105 CMR 700.00 and 721.00

VIII. Other Business/Announcements

- A. Announcement: Board members state email addresses: Mr. Murphy informed the Board that each Board members were issued new email address. Board members can anticipate receiving emails regarding Board business via the email addresses in October if they choose to use the email addresses.

Action: None

Document: None

- B. Update: Cases pending in Prosecution and Hearing Officer: Ms. Herbu informed the Board that there is one case pending in prosecution and another with the Hearing Officer. The cases were referred to prosecution by the Board on November 20, 2012 and December 12, 2013.

Action: None

Document: None

- C. Discussion: Medical Marijuana and Physician Assistants: deferred to the next regularly scheduled Board meeting
- D. Discussion: Individuals employed by federal government with MA license: deferred to the next regularly scheduled Board meeting
- E. Inquiry regarding potential requirement imposed on residency programs to provide information to the board.

Discussion: the Board noted that at this time, the Board does not approve PA programs and do not have the resources require to approve PA programs, such as the ability to complete site visits. However, the Board has decided to defer accreditation of a program to the credentialing agencies. CT and NY states have residency program.

Action: Ms. Hilf made a motion to defer Item VII/E until more information is obtained regarding what other states require from residency programs; Mr. Valdez seconded the motion; Motion passed with Board members present and voting in favor.

Documents: Email inquiry

IX. Flex Session- None

X. Executive Session

The Board will meet in Executive Session as authorized pursuant to M.G.L. c. 30A, § 21(a)(3) for the purpose of discussing strategy with respect to litigation because discussing in open session would have a detrimental effect on the litigating position of the board. Specifically, the Board will discuss pending litigation: Zogenix, Inc. v. Patrick, et. al., United States District Court, District of Massachusetts, 1:14-CV-11689-RWZ.

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- i. Specifically, the Board will discuss and evaluate the Good Moral Character as required for registration for pending applicants.
- ii. Specifically, the Board will discuss and evaluate the reputation, character, physical condition or mental health, rather than professional competence, of licensees relevant to their petitions for license status change.
- iii. Specifically, the Board will discuss complaints or charges brought against Licensees.
- iv. Approval of prior executive session minutes in accordance with M.G.L. ch.30A, § 22(f) for sessions held during the July 10, 2014.

Ms. Patel-Junankar made a motion to enter into Executive session at 10:17a.m.: Mr. Valdez seconded the motion; Motion passed with Board members present and voting in favor: Mr. Valdez-yes, Ms. Hilf-yes, Ms. Patel-Junankar-yes, Dr. Baum-yes, Dr. Glinski-yes; Opposed: None; Abstain: None; Recused: None

XI. Adjudicatory Session (closed session): None

XII. M.G.L.c. 112 §65C Session (closed session): None

XIV. Adjourn

There being no other business before the Board, Ms. Patel-Junankar made a motion to adjourn the Meeting; Dr. Glinski seconded the motion. The motion passed with Board members present and voting in favor unanimously. The Meeting adjourned at 12:43pm.

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

Respectfully submitted:

Dipu Patel-Junankar, PA-C, Chair

Date