

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, May 8, 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 A. May 8, 2014 Agenda	Draft Agenda	
	III.	Approval of Minutes A. April 10, 2014 Regularly Scheduled Meeting Minutes	Draft Minutes	
	IV.	Initial License Application Review A. Zhu, Jiaxuan-Bachelor of Medicine in another country-no proof of Bachelor's degree in the United States	Application and related documents	MP/IH
	V.	Staff Assignments None	None	
	VI.	Complaints None	None	
	VII.	Scope of Practice Inquiries A. <u>Email Inquiry/follow-up</u> : Can a PA working in a federal facility in MA have a supervising physician with an out-state physician license?	Email inquires and hand-outs	VB/DM

	VIII.	Other Business A. <u>Emergency Regulations</u> regarding Hydrocodone-Only Extended Release Medications that are not in an Abuse Deterrent Form B. <u>Overview:</u> Conflict of Interest C. <u>Announcement:</u> Presentation at Massachusetts College of Pharmacy and Health Science(MCPHS) and Northeastern University D. <u>Update:</u> ARRT Fluoroscopy Examination	Hand-outs Hand-out for Conflict of Interest Verbal Report	VB VB MP/IH
	IX.	Flex Session A. Topics for next agenda	None	
10:30 a.m.	X.	Executive Session (Roll call vote) 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 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. 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. Approval of prior executive session minutes in accordance with M.G.L. ch.30A, § 22(f) for sessions held during the September 10, 2013 and October 1, 2013 meetings.	Closed Session	
	XI.	Adjudicatory Session None	None	
10:45 a.m.	XII.	M.G.L. c. 112, § 65C Session (Closed Session)	Closed Session	
12:00 p.m.	XIII.	Adjournment		

COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION OF PHYSICIAN ASSISTANTS

BOARD MEETING

May 8, 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
Nicole Meregian, PA-C, Physician Assistant 2

Board Members Not Present: Edward Glinski, MD, Physician
Shannon Sheridan-Geldart, PA-C, Physician Assistant, Educator
Jessica Britnell, PA-C, Physician Assistant 4

Staff Present: Mary Phillips, Executive Director, DHPL
Ichelle Herbu, Assistant Executive Director, DHPL
Anson Chu, 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

- 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 9:37 a.m.
- II. Approval of the Agenda
The Meeting Agenda was reviewed.

DISCUSSION: None

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

Document: May 8, 2014 Board Meeting Agenda

- III. Approval of Minutes
Minutes of the April 10, 2014 Regularly Scheduled Board Meeting were reviewed.

DISCUSSION: Ms. Hilf noted that on page 5, her name was misspelled. Ms. Patel-Junankar noted that on page 2, it should be “development” instead of “develops”.

ACTION: Ms. Hilf made a motion to approve the Minutes as amended; Ms. Meregian seconded the motion. The motion passed with Board members present and voting in favor unanimously.

Document: April 10, 2014 Regularly Scheduled Board Meeting Minutes

IV. Initial License Application Review

B. Zhu, Jiakuan-Bachelor of Medicine in another country-no proof of Bachelor’s degree in the United States

DISCUSSION: Ms. Herbu informed the Board that Ms. Zhu applied for initial licensure. She has graduated from Massachusetts College of Pharmacy and Health Science (“MCPHS”)’s PA program and has two Master’s degrees. Ms. Zhu submitted a foreign education evaluation report (“Report”) that indicates Ms. Zhu graduated from Capital Medical University in Beijing China that shows she graduated with a Bachelor of Medicine degree which is the equivalent to a doctor of medicine degree from a regionally accredited college or university in United States. The Bachelor of Medicine is the first professional degree in medicine offered by universities in China and allows graduates to practice as physicians in that country. Ms. Berg updated the Board about the status of the current legislative amendment that changes the Bachelor’s degree requirement for licensure to a “bachelor or higher (e.g. masters and doctorate) degree. The Bill has been filed and accepted by the House Committee of Ways and Means. Ms. Berg suggested deferring action on this matter until next month. The Board reviewed all the supporting documentations and agreed, based on the report, that Ms. Zhu has academic credentials that encompassed the equivalent of a Bachelor’s degree and Ms. Zhu should be granted a license to practice as a physician assistant in MA.

ACTION: Ms. Hilf made a motion to approve Ms. Zhu’s application and issue her a license; Dr. Baum seconded the motion. The motion passed with Board members present and voting in favor unanimously.

V. Staff Assignments

None

VI. Complaints

None

VII. Scope of Practice Inquiries

A. Email Inquiry/follow-up: Can a PA working in a federal facility in MA have a supervising physician with an out-state physician license?

DISCUSSION: Ms. Berg informed the Board that the licensee inquired about either (1) changing her Massachusetts physician assistant license status to inactive, or (2) declaring a physician licensed in Maryland, but not Massachusetts as her supervising physician,

with the requests predicated on the fact that she is working in a federal facility. Currently, the Board does not have a mechanism for which a license can be placed on an “inactive” status. Also, the Board regulations at 263 CMR 5.05 (1) requires that a supervising physician be a full licensee of the Massachusetts Board of Registration in Medicine. Ms. Berg advised the Board that although this individual is permitted to practice as a physician assistant at a federal facility without a Massachusetts license, once she holds a Massachusetts license, she is subject to the same regulatory requirements as all other license holders. Ms. Berg noted that few courts have considered the issue of jurisdiction over a license issued by a state when the license holder is working in a federal enclave. However, two court decisions on point from Colorado and Maine held that a state licensing agency retains jurisdiction over the practice authorized by licensure by the license holder even when the license holder is working in a federal facility, inclusive of the authority to discipline the license if the holder does not adhere to state regulatory requirements.

ACTION: Mr. Valdez made a motion for Board staff to respond that the Board determined that the Board does not have a mechanism for which a physician assistant licensed in MA and not practicing can have an inactive license and all physician assistants licensed in MA must comply with the Board’s laws and regulations; Ms. Meregian seconded the motion. The motion passed with Board members present and voting in favor unanimously.

Document: Email Inquiry

VIII. Other Business/Announcements

A. Emergency Regulations regarding Hydrocodone-Only Extended Release Medications that are not in an Abuse Deterrent Form

DISCUSSION:

Ms. Berg introduced the proposed emergency regulations regarding 263 CMR 5.00 and its application to the practice of physician assistants and the purpose and goal of the emergency regulations. Ms. Berg reviewed the previously distributed proposed amendments to the Board's regulations and a supporting memorandum. Ms. Berg noted that if these emergency regulations are promulgated by the Board, physician assistants who seek to prescribe hydrocodone-only extended release medications that are not in an abuse deterrent formulation will be required to meet certain requirements. These include first undertaking a risk assessment of his/her patient and then entering into an agreement with the patient regarding the use of the prescribed medication. Also, Ms. Berg noted a physician assistants would be required to issue a “letter of medical necessity” that would be provided to the patient to bring to the pharmacist with the prescription. Ms. Berg noted that the Board of Registration in Medicine has already, on April 22, 2014, promulgated virtually identical emergency regulations to this effect. Further, Ms. Berg stated the Board of Registration in Pharmacy adopted corresponding regulations at its meeting on May 6, 2014 which require presentation of a letter of medical necessity before this medication may be dispensed. Finally, Ms. Berg noted DPH recommends the Board adopt the proposed

emergency regulations as part of a coordinated effort with the boards of registration in Medicine, Pharmacy, Dentistry, Nursing and Podiatry.

Ms. Berg reviewed and provided the context and rationale for promulgating the proposed amendments on an emergency basis at this time, based on the convergence of two factors: First, Massachusetts is facing a broadening epidemic of opioid abuse with an unprecedented rate of unintentional opioid related overdose deaths. Second, the FDA has recently approved a new opioid medication into the prescription drug market: hydrocodone-only extended release medications that are not in an abuse deterrent form. The FDA advisory committee commented in December 2012 that if this medication were approved, it would be associated with higher levels of abuse than hydrocodone combination products currently in the market.

Ms. Berg noted that the first of these two factors warrants broad action and described actions taken towards that end. The Governor declared a Public Health Emergency on March 27, 2014 empowering the Commissioner of DPH to take necessary actions to address the crisis. The Commissioner has convened a task force to review, from an interdisciplinary perspective, measures to appropriately address opioid abuse, misuse and overdose generally. However, in considering such measures, DPH is cognizant that abrupt changes applicable to the prescribing and dispensing of opioid medications on a general basis may have a disruptive impact on persons with therapeutic regimens already in place that include such medications. This disruption is why the second factor - the recent introduction of this particular medication - warrants emergency action now. Specifically, with the introduction of a new medication, there is a short window of opportunity to implement measures intended to reduce the potential for abuse, misuse and overdose *before* widespread initiation of therapy with this medication. The hope is that the Commonwealth would be able to proactively meet the anticipated impact of this addition to the prescription opioid market rather than react after the fact. Thus these measures are presented on an emergency basis, because unless the measures are set prior to broad based commencement of treatment with this medication, the opportunity would be lost, to the detriment of the public health, safety and welfare.

ACTION: Mr. Valdez made a motion to promulgate the regulation; Ms. Meregian seconded the motion. The motion passed with Board members present and voting in favor unanimously.

Documents: Memo to the Board from Chief Board Counsel; Tab A-Governor's Declaration of Emergency; Tab-B-Massachusetts Health Officials Issue Advisory To Public and Health Care Providers on Opiate Overdose; Tab C-Actions to Address the Public Health Emergency

B. Overview: Conflict of Interest

DISCUSSION: Ms. Berg reviewed the Conflict of Interest Law as it pertains to Board members and provided several examples of conflict of interest under the law and also the appearance of bias. If a Board member questions whether a conflict of interest or

appearance of a bias exists with an item on the agenda, Board members may contact the State Ethics Commission for advice. Board members should notify Board staff of the issue as soon as possible when they believe that a conflict or appearance of bias exists. Ms. Berg advised that in such circumstances, the best practice is for the member to recuse himself or herself from all discussion and voting on that matter, noting that recusal requires that they refrain from discussing the matter at any time with any Board member. Ms. Berg noted that in those instances where a board member's recusal results in a loss of quorum, the matter may need to be deferred to a subsequent meeting. If board membership is such that it is unlikely or impossible to achieve quorum with the particular board member's recusal, an alternative is to file a disclosure with the member's appointing authority (usually the Governor's Office), indicating whether the member believes that they can execute their duties impartially in the matter. The appointing authority would then determine whether the member can participate in the matter.

ACTION: None

C. Announcement: Presentation at MCPHS and Northeastern University

DISCUSSION: Ms. Herbu informed the Board that Ms. Phillips, Ms. Patel-Junankar, and Ms. Herbu spoke to MCPHS graduating class regarding the licensing process. Ms. Phillips, Ms. Patel-Junankar, and Ms. Herbu presented to the first year students at Northeastern University as well. They planned to present at Tufts University, but have not heard back from the staff.

ACTION: None

D. Update: American Registry of Radiologic Technologists ("ARRT") Fluoroscopy Examination

Ms. Herbu informed the Board that Radiation Control Program ("RCP") staff reported that they have received 20 applications for PAs to take the ARRT exam; all 20 are eligible to take the exam; and nine have not signed up for the exam. Dr. Baum noted that several of the PAs have passed the exam.

DISCUSSION: None

ACTION: None

IX. Flex Session

A. Topics for June 12, 2014 agenda

None

X. Executive Session (closed session)

At 10:40 a.m., Ms. Dipu 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 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 10:40 a.m.; Mr. Valdez seconded the motion; motion passed by unanimous roll call vote with Board members present and voting in favor: Ms. Dipu Patel-Junankar: yes; Mr. Miguel Valdez: yes, Ms. Laura Hilf: yes; Dr. Richard Baum: yes; and Ms. Nicole Meregian: yes Opposed: None Abstained: None Recused: None

The Board adjourned the Section Executive Session at 10:49 a.m. and resumed its Regularly Scheduled Board Meeting.

XI. Adjudicatory Session (closed session)
None

XII. M.G.L. c. 112, § 65C Session (closed session)
Ms. Hilf made a motion to go into the § 65C Session at 10:50 a.m.; Mr. Valdez seconded the motion. The motion passed with Board members present and voting in favor unanimously.

The Board adjourned the Section 65C Session at 10:53 a.m. and resumed its Regularly Scheduled Board Meeting.

XIII. Adjourn
There being no other business before the Board, Mr. Valdez made a motion to adjourn the Meeting; Ms. Hilf seconded the motion. The motion passed with Board members present and voting in favor unanimously. The Meeting adjourned at 10:57 a.m.

The next meeting of the Board of Registration of Physician Assistants will be held on Thursday, June 12, 2014, at 9:30 a.m. at 239 Causeway Street, Boston, Massachusetts.

Respectfully submitted:

Dipu Patel-Junankar, PA-C, Chair

Date