

MINUTES

**UTAH
PHYSICIAN ASSISTANT
BOARD MEETING**

June 19, 2008

**Room 474 – 4th Floor – 8:30 A.M.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 8:36 A.M.

ADJOURNED: 10:46 A.m.

Bureau Manager:
Board Secretary:
Division Compliance Specialist:

Noel Taxin
Karen McCall
Connie Call

Board Members Present:

Dan Crouse, Chairperson
Dr. Larry Reimer
Dr. Kristen M. Ries
Dr. D. Wain Allen
Gordan L. Day

Board Members Absent:

Jeffrey Paul Clark
Maria K. Skedros

DOPL Staff Present:

David Stanley, Division Director
Kent Barnes, Senior Business Analyst
Julie Bolinder, Licensing Specialist

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

MINUTES:

The minutes from the March 20, 2008 Board meeting were read.

Dr. Reimer made a motion to approve the minutes with minor revisions. Mr. Day seconded the motion.
The Board vote was unanimous.

APPOINTMENTS:

8:50 am

Compliance Update

Connie Call updated the Board regarding the compliance or non-compliance of probationers.

Ms. Call reported that **Elmer G. Sisneros** is currently out of compliance as the required letter from his employer verifying the employer has read and understands the requirements in the Stipulation and Order and is willing to assist Mr. Sisneros in being successful in completing his probation has not been received. Ms. Call stated that she received the supervisor report this morning. Ms. Call stated that the letter from the employer is due immediately and all reports for Mr. Sisneros next appointment will be due August 20, 2008.

Ms. Taxin commented that Mr. Sisneros has made an effort to get his information submitted and she would recommend the Board consider him as being in compliance. She stated that the letter from the employer is still required.

Mr. Day requested Ms. Taxin to explain what sanctions the Board may invoke for non-compliance.

Ms. Taxin responded that the Board may recommend an Order to Show Cause for non-compliance with possible revocation.

Mr. Crouse asked if Mr. Sisneros's therapist has already been approved.

Ms. Taxin responded that the supervisor was previously approved.

Ms. Call reported that **David N. Dodd** holds a dual license as a Physician Assistant and a Radiology Technologist. She stated that Mr. Dodd is working as a Radiology Technologist only and is being monitored by the Radiology Board. Ms. Call explained that Mr. Dodd's probation time as a Physician Assistant has not

yet started as he is not currently employed as a Physician Assistant. Ms. Call stated that Mr. Dodd submitted the employer evaluation stating he is not working in the field.

Ms. Taxin stated that Mr. Dodd is in compliance with his Radiology Technology probation but has not completed any Physician Assistant (PA) probation requirements nor worked off any of the probation time. She stated that the Board should ask Mr. Dodd his intentions regarding the PA license and what his understanding is regarding the probation. Ms. Taxin stated that the Board has the option of letting Mr. Dodd remain on probation without doing anything, requiring him to work on the PA probation requirements, recommend an Order to Show Cause or suggest a non-disciplinary surrender until he locates employment as a PA and reapply for his PA license. She stated that Mr. Dodd has not met with the PA Board since 2006 and she recommended he meet today and if he is calling himself a PA then he should regularly meet with the PA Board.

Mr. Crouse commented that Weber State has a Radiology Physician Assistant program that is advanced training in specific procedures. He asked if that program would count toward Physician Assistant CE hours.

Ms. Taxin stated that it would be inappropriate to count the Radiology Technician CE hours for PA. Ms. Taxin stated the offering him the option of surrendering his PA license is a kind way of not having to monitor him and allowing him to be successful as a Radiology Technologist until he is able to start working as a PA again. She stated that if he agrees to surrender his license she could have an AG write up the surrender for him to review and sign.

Ms. Call reported that **Alan N. Bybee** will be meeting for his initial probationary interview with the Board. Ms. Call read the charges in his Stipulation and Order. She stated that she met with Mr. Bybee and he has some questions to ask the Board today.

Mr. Crouse noted that the Stipulation and Order refer to pain management and he stated that pain management is not part of the delegation of services. He stated that anyone can prescribe pain medication.

Ms. Taxin responded that she believes Mr. Bybee was treating patients for pain on his own, and that was not the practice of the supervising physician or part of their agreement and not following the model guidelines. She stated that Mr. Bybee was not following the delegation agreement.

9:00 am

Elmer G. Sisneros, Probationary Interview

Mr. Sisneros met for his probationary interview.

Mr. Day conducted the interview.

Mr. Day stated that Mr. Sisneros is lacking a letter from his supervisor verifying that the supervisor has read and understands the Stipulation and Order and is willing to assist Mr. Sisneros in being successful in completing the requirements of his probation.

Ms. Taxin stated that Mr. Sisneros's therapist must continue therapy and submit reports. She stated that the therapist may make a recommendation to terminate therapy and the Board could then recommend that Mr. Sisneros has completed that requirement and release him from therapy.

Dr. Allen stated that it is up to the therapist to determine how long therapy is required but it is the Board's responsibility to review the therapist's recommendation prior to termination of therapy.

The Board determined Mr. Sisneros is currently in compliance with his Stipulation and Order as the required reports have been submitted.

An appointment was made for Mr. Sisneros to meet again September 2, 2008.

Ms. Call requested Mr. Sisneros submit all reports

by August 20, 2008.

9:15 am

David Nelson Dodd, Probationary Interview

Mr. Dodd met for his probationary interview.

Board members and Division staff were introduced.

Mr. Day conducted the interview.

Mr. Day informed Mr. Dodd that in order for his probation time as a Physician Assistant (PA) to count he must be employed as a PA. He asked Mr. Day to explain to the Board his intentions regarding the PA license.

Mr. Dodd responded that he is currently working in Radiology for IHC. He explained that he is looking for employment as a PA but it is difficult without a DEA license. Mr. Dodd stated that he is trying to do PA work with the Radiologists. He stated that he works all over the hospital and would not mind continuing to work as a Radiology Technologist as a side job as he loves the work but could provide better for his family by working as a PA. He stated that he now has about 2 years on the Radiology Board probation and is hoping to complete that probation. Mr. Dodd submitted a letter of recommendation from Daryl L. Bell, Assistant AG, regarding his cooperation with the AG's office.

The Board read the letter from Daryl L. Bell, AG.

Mr. Day asked if Mr. Dodd has considered the sub-category of Radiology PA.

Mr. Dodd responded that he has considered the Radiology PA.

Mr. Day stated that the Board would like to offer Mr. Dodd the opportunity of a non-disciplinary surrender of his PA license. He explained that when Mr. Dodd gets back into the PA profession then he could reapply and go through the probation process at that time.

Mr. Dodd responded that he has some issues that need

to be resolved in order to approach the physician's he works with regarding employment at a PA. He stated that he would not be required to have a DEA prescriptive practice to work as a PA in radiology. Mr. Dodd stated that there were some areas of his Stipulation and Order that he did not agree with and asked if the document could be reviewed again.

Ms. Taxin clarified that Mr. Dodd believes that when he signed the document there were some areas that he did not agree with.

Mr. Dodd confirmed that Ms. Taxin was correct. He stated that he was never charged with wrong doing. He stated that he was a witness.

Ms. Taxin responded that Mr. Dodd did admit to some things. She read the Stipulation and Order regarding the areas Mr. Dodd admitted to. She stated that he signed that he agreed that the finding of facts were true. Ms. Taxin stated that she believed there was some question regarding appropriate supervision by his supervising physician.

Mr. Dodd commented that it would be helpful for him in finding employment as a PA if he had his controlled substance license.

Ms. Taxin suggested Mr. Dodd contact the DEA and get information regarding requirements to obtain his DEA license again and then call her with the information. She stated that upon receiving the information she will check into the options of reinstating his Utah Controlled Substance license.

Mr. Crouse stated that Mr. Dodd will be scheduled to meet quarterly with the PA Board regarding his PA probationary license.

Mr. Day asked if the Stipulation and Order could be amended to require the reports to be due quarterly at this time.

Ms. Taxin responded that the Order could be amended. She recommended Mr. Dodd try to

obtain a letter from Dr. Theodore regarding the inadequate supervision and that Mr. Dodd was not at fault. She stated that the information would be helpful in making decisions to amend the Order.

Dr. Allen requested Mr. Dodd to submit a proposal for the Board to review.

Mr. Day stated that the professional licenses should be protected and the licensee should follow the guidelines of the scope of practice for the license.

The Board determined Mr. Dodd is currently in compliance with his paperwork but out of compliance with the Stipulation and Order as he is not working in the field as a Physician Assistant.

An appointment was made for Mr. Dodd to meet again September 2, 2008.

9:45 am

Alan N. Bybee, Initial Probationary Interview

Mr. Bybee met for his initial probationary interview.

Division staff and Board members were introduced.

Dr. Reimer conducted the interview.

Dr. Reimer asked Mr. Bybee to briefly explain what brought him before the Board.

Mr. Bybee explained that when the investigator came into his office he had undocumented charts. He stated that he would approve the prescription and give the information to the medical assistant to enter into the computer. Mr. Bybee stated that the medical assistant was not entering the information into the charts. He stated that most patients were being seen for pain, work related injuries or other injuries. He stated that patients were waiting for appointments to be seen at the pain clinic. Mr. Bybee stated that he sees about 300 patients a month and of those about 10% receive controlled substance prescriptions.

Mr. Reimer commented that it appears that the supervising physician is not qualified for pain management.

Mr. Bybee did not respond.

Mr. Crouse commented that it appears that the investigator noticed excessive amounts on refills of prescriptions.

Mr. Bybee responded that there were times that some medications did not work and another prescription was given during that month for the patient. He expressed his frustration regarding the investigation and the Stipulation and Order facts.

Ms. Taxin and Mr. Reimer asked why he signed the Stipulation and Order if he did not agree with the allegations.

Mr. Bybee responded that he signed so he could move on. He stated that he has discussed the issue of retaining patient information in the computer system and also in a hard copy file. He stated that he now makes sure the pain management information is in the computer and then dictates the information for the file. He stated that the clinic has made some changes in their policies and procedures. Mr. Bybee stated that Dr. Burke will be submitting monthly supervision reports.

Mr. Crouse asked if the practice is primarily a general family practice and how many patients Mr. Bybee is seeing in a year.

Mr. Bybee responded that Mr. Crouse is correct in that the practice is primarily a general family practice. He stated that he usually sees less than 25 patients a month for family practice.

Ms. Taxin commented that the probation is primarily about the documentation. She stated that when an investigator is reviewing records or the supervisor is reviewing records they need to see the information in the file and should not have to hunt through several locations for the information.

Dr. Reimer reviewed the Stipulation and Order requirements with Mr. Bybee.

Ms. Taxin reminded Mr. Bybee that a letter from his supervisor is required documenting they have read the Stipulation and Order and understand the requirements and are willing to assist Mr. Bybee in being successful in his probation.

The Board determined Mr. Bybee is in compliance with his Stipulation and Order at this time.

An appointment was made for Mr. Bybee to meet again September 2, 2008.

10:15 am

Nancy Staible, Reinstatement Qualifications Review

Ms. Staible did not keep her appointment with the Board to discuss reinstatement qualifications.

Ms. Taxin explained that Ms. Staible's license expired in 2000 and she is now applying for reinstatement of that license. She stated that the education program was not accredited at the time of graduation but is now an accredited program. Ms. Taxin stated that the application is currently incomplete and Ms. Staible has been requested to submit additional information for a complete application.

Mr. Crouse stated that if Ms. Staible is NCCPA certified then NCCPA has accepted her education and Utah should also accept the education program.

Ms. Taxin agreed with Mr. Crouse.

Dr. Allen made a motion to approve the application for licensure upon receiving the additional information for a complete application.

Mr. Day seconded the motion.

The Board vote was unanimous.

DISCUSSION ITEMS:

Process for Chairperson Assignment

Ms. Taxin explained that there are two Board members who have served two terms and will be going off the Board. She stated that two names have

been submitted but have not yet been approved. Ms. Taxin explained that after July 1 each year the agenda will include chairperson for the Board to determine who will serve as the chair for the next year. She recommended the Board wait for the new Board members before deciding on a new chairperson.

New Board Appointee

This item was discussed in the process for chairperson.

Requiring NCCPA Certification with Renewal

Ms Taxin explained that someone called and asked why Utah does not require a current NCCPA certification. She asked the Board to respond.

Mr. Crouse responded that the NCCPA requires PA's to take the examination every 6 years to retain current certification and to use the "C" behind their name.

Board members asked if the Law would need to be changed to require current NCCPA certification.

Ms. Taxin responded that the Law would need to be changed.

Dr. Ries commented that the Board has had this discussion before and decided it was not worth opening the Law to make the change. She stated that the renewal of the license requires CME to renew.

Mr. Day responded that he does not believe an examination proves competence. He stated that as a profession they have fought credentialing as it limits their practice.

Ms. Taxin thanked the Board for their comments.

Mr. Crouse/Dr. Ries

Mr. Crouse and Dr. Ries commented that it has been a privilege to serve on the PA Board.

Board members and Division staff thanked Mr. Crouse and Dr. Ries for their service.

NEXT MEETING SCHEDULED FOR:

September 2, 2008

ADJOURN:

Motion to adjourn by Dr. Reimer. Mr. Day seconded

the motion. **The Board vote was unanimous.**

The time is 10:46 am and the Board meeting is adjourned.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

September 2, 2008
Date Approved

(ss) J. Paul Clark, MD
Chairperson, Utah Physician Assistant Licensing
Board

July 17, 2008
Date Approved

(ss) Noel Taxin
Bureau Manager, Division of Occupational &
Professional Licensing