

MINUTES

**UTAH
PHYSICIAN ASSISTANT
LICENSING BOARD
MEETING**

January 23, 2012

**Room 210 – 2nd Floor – 8:00 A.M.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 8:00 A.M.

ADJOURNED: 10:11 A.M.

Bureau Manager:
Board Secretary:
Compliance Assistant:

Noël Taxin
Karen McCall
Susan Higgs

Board Members Present:

Jeffrey M. Coursey, Chairperson
J. David Schmitz, MD
Larry Reimer, MD
Shari Bloom, PA-C

Board Members Absent:

J. Paul Clark, MD
Lori G. Buhler
Kyle Harmer, PA-C

Guests:

Bob Bunnell, UAPA

DOPL Staff Present:

Karl Perry, Assistant Attorney General

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Board Chairperson

Mr. Coursey voiced interest in serving as the Board Chairperson.

Dr. Schmitz made a motion for Mr. Coursey to be the Board Chairperson. Dr. Reimer seconded the motion.
The Board vote was unanimous.

MINUTES:

The minutes from the March 14, 2011 Board meeting were read.

Ms. Bloom made a motion to approve the minutes as read. Dr. Reimer seconded the motion. **The Board vote was unanimous.**

APPOINTMENTS:

8:15 am

Susan Higgs, Compliance Update

Ms. Higgs updated the Board regarding the compliance or non-compliance of the probationer.

Ms. Higgs reported **Mr. David Pontious** she has not declared Mr. Pontious in compliance or out of compliance with his Stipulation and Order. She stated Mr. Pontious has not been working but has sent monthly supervisor reports in groups saying he is not currently employed. She stated March 2011 was the last report submitted from a supervisor. Ms. Higgs reported December was the due date for completion of the PACE program and to date she has not received and documentation of his completing that requirement.

Ms. Taxin stated she requested the proposed supervisor for Mr. Pontious to attend the meeting today to discuss the Board's competency concerns. She stated Mr. Pontious is aware of the concerns.

Dr. Schmitz commented the environment Mr. Pontious was in was not well supervised and he was essentially working without any supervision. He stated if Mr. Pontious is starting a new position the Board should inform the proposed supervisor that he or she is responsible for Mr. Pontious and should set the guidelines to be sure Mr. Pontious is practicing appropriately.

Ms. Taxin stated MD Diet offered Mr. Pontious to return and he called her for advice. She stated she explained he would be doing more of what got him in trouble and he needs to work where he is an extension of the Physician. She stated she recommended he continue to try to find another position and then he got the offer with Granite Peaks Gastroenterology (gastro) which offers surgical medical weight loss and nutrition services. Ms. Taxin stated she received a phone call from Granite Peaks and informed them if Mr. Pontious

is properly supervised and has the right training she believed he could work well with them. She informed the proposed supervisor he would need to fill out the Delegation of Services agreement and submit it for review. Ms. Taxin stated the first agreement submitted there were some comments which concerned her so she requested an amended one and it has been submitted for the Board to review. She stated Dr. Robert Barnett will be the primary supervisor with Dr. Andrew Heiner as one of the substitute supervisors with Dr. Barnett reviewing 20% of his charts and 100% of all prescribed controlled substances.

Ms. Bloom asked if Mr. Pontious will be practicing weight loss or gastroentology.

Ms. Taxin responded the Board will need to ask.

Mr. Coursey stated from the comments and the Delegation of Services it appears Mr. Pontious will be practicing weight loss independently.

Ms. Taxin stated the Board can ask for the Delegation of Services to be amended if necessary. She recommended the Board interview the proposed supervisor.

Dr. Schmitz commented if the supervisors are signing 100% of the prescribed weight loss medications Mr. Pontious should be ok but he needs to practice under a licensed Physician and in the same scope of practice. He stated if the supervisors are doing bariatric practice then Mr. Pontious may need training to work under them.

Ms. Taxin stated Mr. Pontious will also need to submit a revised practice plan to be approved. She stated these Physicians have never supervised a PA before.

Dr. Reimer asked if a Gastro practitioner could also do weight loss.

Ms. Taxin responded Utah does not license by specialty so she believes they could if they have the

training. She stated the position of the Division and Board are to protect the public and her goal is to be sure Mr. Pontious has the education and provides the services appropriately. She asked Mr. Perry if he had any concerns.

Mr. Perry read the Law and voiced no concerns.

Ms. Bloom asked if Mr. Pontious would be submitting a practice plan today.

Ms. Taxin responded she did not believe so but the Board should discuss it with him and one should be submitted within the next few days prior to starting work. She stated he would then be able to incorporate what is discussed today into his plan.

Ms. Bloom asked if there is rule on using a specific drug for weight loss.

Ms. Taxin responded there is specific criteria in the Controlled Substance Act and Phentermine is commonly used. She suggested the Board ask the supervisor and Mr. Pontious and also ask about the population he will be treating, the location of the clinic, the expectations of his duties, how many patients they believe he will see in a day and an explanation of the supervision plan.

8:45

David E. Pontious, Probationary Interview

Mr. Pontious and Dr. Heiner met with the Board.

Board members and Division staff were introduced.

Mr. Pontius introduced Dr. Heiner and stated Dr. Heiner is one of five Physicians at Granite Peaks.

Ms. Bloom conducted the interview.

Ms. Taxin stated the goal is for Dr. Heiner and the other Physicians who will be supervising to understand the expectations of supervising Mr. Pontious and have support from the Division/Board.

Ms. Bloom stated the Board reviewed the

Delegation of Services document. She asked if Dr. Heiner had any questions regarding supervising a Physician Assistant (PA).

Dr. Reimer questioned if this will be the first PA he and his partners have supervised in their 20 years of practice.

Dr. Heiner stated Dr. Barnett has supervised before but all five practitioners plan to keep a close eye on Mr. Pontious and all Physicians are onsite with at least two onsite for the full ten hour day.

Ms. Bloom asked if there is a protocol in place regarding supervision guidelines.

Dr. Heiner responded there is a structured program with protocols in place as the weight loss clinic is part of a program out of New York with about 400 clinics across the country. He stated Dr. Barnett, himself and Mr. Pontious have been to program conference and learned their protocol in order to start their program. He stated none of the five practitioners have ever had prior experience with weight loss or prescribing for weight loss. Dr. Heiner explained their clinic has been a 100% gastro practice. He stated the weight loss clinic will be in a separate unit of their building, right next door to their clinic and will be called a weight loss clinic. Dr. Heiner explained many of their patients have gastro problems which are related to obesity and weight problems and they are trying to provide a medically sound program for their patients and others who may be interested.

Dr. Reimer asked if Granite Peaks has been a referral practice.

Dr. Heiner responded yes.

Dr. Reimer asked if the weight loss clinic will be more of a primary care practice.

Dr. Heiner responded no. He stated it will be a relationship with the Primary Care Physicians. He stated Physicians are unable to see their patients on a weekly basis as may be necessary when patients are

doing a rapid weight loss program. He stated the five Physicians at the main practice will be managing the basic aspect of the primary care; i.e. the medications, diabetes changes, the weight checks, etc. but otherwise referring to the Primary Care Physician.

Dr. Schmitz asked if the practitioners envision patients being referred or coming on their own.

Dr. Heiner responded they anticipate both. He stated they have started preparing their patients by informing them that they will be offering the weight loss service and have been taking their names in order to call them when it is in place. Dr. Heiner stated right now about 100% of the patients will be from their current practice and about half of their fifteen employees are waiting to start in the program.

Dr. Schmitz voiced the concern that Mr. Pontious has had his own practice without supervision. He stated Mr. Pontious will need adequate feedback and monitoring. He asked if Dr. Heiner anticipates new patients being seen by any Physician in his practice at any point during their weight loss care. He voiced concern regarding the patients who are not responding to treatment and requested the practice plan include information on a protocol such as if they are not responding to treatment they must see one of the five practitioners at Granite Peaks or they must see their primary Physician.

Ms. Taxin stated the patients will be patients of Granite Peaks and will be referred to Mr. Pontious as an extension of the practitioners.

Dr. Heiner responded the Physicians at the clinic are willing to follow the recommendations of the Board. He stated again that they have not supervised a PA or a Nurse Practitioner and they are very anal regarding who they want to be responsible for the patients. He stated it has been a challenge for all of them to consider using a PA. Dr. Heiner stated it will take some time for the Physician supervisors to delegate and all patients will probably been seen by one of the practitioners at first.

Dr. Reimer asked how Mr. Pontious will be incorporated with the possessiveness of patients.

Dr. Heiner responded initially the relationship will be with Dr. Barnett and himself but as the practice grows more of the practitioners will become involved. He stated he did not envision seeing each patient for every visit with the PA but will probably see the patients about every six to eight weeks. He stated the practitioners would want to be more involved with patients who are on medications that require being weaned off or down. He stated they have not made the decision to supervise a PA lightly and believe weight loss is a problem in medicine that has not been addressed and they want to give the program a chance.

Mr. Coursey asked if Mr. Pontious will be managing chronic diseases, diabetes etc.

Dr. Heiner responded the protocol is outlined quite well on how to decrease dosages and what to look for. He stated yes, Mr. Pontious will be managing those diagnosed and will work with the primary care practitioners and supervisors.

Ms. Taxin asked if Dr. Heiner and Dr. Barnett will be monitoring Mr. Pontious closely in regard to decreasing medications.

Dr. Heiner responded yes, Mr. Pontious will be very closely watched and monitored as will need to earn the trust of the practitioners. He stated they have discussed their concerns regarding hiring Mr. Pontious with his baggage and problems.

Ms. Taxin suggested they start with tighter supervision and maybe later loosen up as they determine his competency level as the Board has had questions regarding Mr. Pontious's competence.

Dr. Heiner responded he believes Mr. Pontious has knowledge on the weight loss specialty that most providers do not have. He stated they also have concerns regarding his reprimand but they have agreed to supervise Mr. Pontious and will their best to give

him assistance in being a better PA and meeting his probationary conditions.

Dr. Schmitz suggested Mr. Pontious be given specific instruction to notify his supervisors of any patients with specific types of conditions. He stated maybe they set a gradation and review those who might be more at risk with weight loss.

Ms. Bloom asked if all patients will have a Primary Care Physician or will the Granite Peaks clinic be taking over the primary care and is there a protocol for screening for health issues.

Dr. Heiner responded if a younger patient comes in with no medical problems they might see the patient but if someone over 50 comes in they will be required to have a primary care Physician. He stated they will not be conducting comprehensive tests for prostate cancer or auto-immune disease but anything related to the weight loss will be screened and all others will be referred to their primary care practitioner. He stated the goal is to be of service for the primary care practitioner and they would like to see most of their referrals come from primary care practitioners.

Ms. Bloom asked what the protocol will be for the weight loss as there is a specific criteria in the Controlled Substance Law and Rule which needs to be met.

Dr. Heiner responded they will not be prescribing any narcotics for pain. He stated they will be prescribing Phentermine for weight loss.

Ms. Taxin requested Dr. Heiner and his partners to review the Laws and Rules for Physicians and PA's to be sure the program meets the requirements. She stated they should have the information written in the agreement regarding every patient prescribed who has a specific medication prescribed will need to see one of the Physicians at the clinic.

Dr. Heiner responded they have included it in the Delegation of Services agreement. He then asked

what requirements the Board has for Mr. Pontious.

Ms. Taxin explained Mr. Pontious needs to be under supervision and monitoring of a Physician as he was at a disadvantage by not having any supervision or peer review. She stated she and the Board believe he can learn to be a good PA but will need guidance. She stated the Board/Division need to know the appropriate care is there for patients.

Dr. Heiner thanked Ms. Taxin and stated no one of the five practitioners at Granite Peaks has a blemish of any type of their record and never had a law suit against them. He stated they want to give Mr. Pontious a chance but he will have to follow their direction completely or he will not be working with them. He stated they are never more than 20 feet away and will give Mr. Pontious the support and supervision he will need even though it is separate from the Gastro practice.

Mr. Coursey asked about how many patients Mr. Pontious would see each day.

Dr. Heiner responded initially he will probably see about ten to twenty patients each day and then it will hopefully increase later. He stated the group is envisioning bringing on additional practitioners and they would also be referring patients to the weight loss clinic.

Dr. Schmitz asked the expected length of time it will take for a complete assessment and for the follow up appointment.

Dr. Heiner responded initially about an hour and about 15 minutes for follow up appointments. He stated they have education material to present to each patient and the medical assistant will do the body measurements, etc for the PA. He stated each patient should be in the clinic about an hour total.

Dr. Reimer asked Mr. Pontious how this clinic will be different from his prior employment.

Mr. Pontious voiced excitement with the program as it

is a Physician sponsored program. He stated the Physician who started the program has been doing it for about ten years. Mr. Pontious stated initially the supervising Physicians will be in the room with him to see the patients and watch what he is doing to make sure he does everything appropriately. He stated there is also IM messaging for the Physicians to review information until they reach a point they are comfortable with him seeing patients on his own.

Ms. Taxin asked if Mr. Pontious and his supervisor have any treatment meetings set up.

Mr. Pontious responded the Physicians will need to set up those meetings as it is their practice.

Mr. Coursey commented he still has concerns about new patients who are overweight. He stated it is helpful and important to set up a relationship with the Primary Care Physician. He also stated it is important for the supervising Physicians to give Mr. Pontious careful supervision especially if Mr. Pontious is going to be the Primary Care practitioner.

Dr. Heiner responded the supervising Physicians would be seeing the patients and will require them to obtain a primary care provider.

Ms. Taxin asked if Mr. Pontious would see the patient, document there is no primary care provider and that he recommended they find one.

Dr. Heiner responded yes.

Dr. Schmitz asked about payment for the weight loss clinic as many insurance programs will not pay for weight loss treatments.

Dr. Heiner responded Medicare is now covering some weight loss treatment programs. He stated he believes they are recognizing it is a real problem but a reimbursement structure is not yet in place so most will be cash payments.

Ms. Taxin stated she believes there were patients at

the previous clinic that liked Mr. Pontious and may want to see him. She requested the Practice Plan address that the patients will be the doctors and not Mr. Pontious's. She stated once the Board/Division, Mr. Pontious and the supervising Physicians understand the expectations the probation, monitoring and reporting will not be difficult. She stated Dr. Heiner is not required to meet with Mr. Pontious at each appointment but is always welcome. She stated the discussion today is to get everything on the table so the employment of Mr. Pontious will work out well for both parties.

Ms. Bloom stated the Delegation of Services Agreement should address Mr. Pontious schedule and describe what he will be doing to be sure he follows requirements of the Law.

Ms. Taxin stated the Delegation of Services Agreement should be a working document for the Physicians and Mr. Pontious to protect them and him in the practice. She suggested they review what was written and expand on it or attach a job description. She stated the supervisors should write the agreement so it is clear what duties the PA will be performing and then review it with the PA. She stated the expectations should be clear whether the PA is on probation or not.

Mr. Coursey requested clarification regarding Dr. Heiner having stated 20% of the charts would be cosigned. He stated initially the supervisors may want to review and cosign more and maybe back off later when they are more comfortable with Mr. Pontious.

Dr. Heiner clarified the supervisors will be reviewing and cosigning 100% of the controlled substances (CS) Mr. Pontious writes.

Ms. Taxin responded 100% review and cosign is required by Law on all CS's. She stated there are supervision forms to be completed and if Dr. Heiner and Dr. Barnett want to develop something more complete they may but they need to address what Mr. Pontious is doing, how he follows

direction, what they discuss with him, etc., as they are they eyes for the Board. She stated the reports will be due monthly for the first six months and then Mr. Pontious may request they be due quarterly if all information is in compliance.

Mr. Pontious stated the clinic has electronic prescriptions. He asked how he will submit a triplicate copy as required by his Order.

Ms. Taxin responded he may either obtain triplicate prescriptions or print a copy when he prints the prescription for the patient from the electronic system and mail them all in monthly. She stated he will need a drug contract with each patient and will need to check the DOPL CS database on his patients to make sure they are following the protocol for the treatment the clinic offers.

Dr. Heiner stated it would be easier to retain a log on their electronic file as Mr. Pontious would be able to pull up the whole patient list and log.

Mr. Pontious asked if the hard copy of the prescription was to be retained by him or EMR.

Ms. Taxin responded the patient receives a copy, a copy goes in the electronic file and a copy to the Division. She stated the Board and Mr. Pontious need to review the prescriptions to be sure they match with the database.

Ms. Bloom asked if Mr. Pontious will be reviewing any lab work or EKG interpretation.

Dr. Heiner responded Mr. Pontious would be interpreting lab work results but not the EKG itself.

Ms. Taxin requested Dr. Heiner to consider the comments and questions from today's meeting. She stated as soon as the practice plan and revised Delegation of Services Agreement have been received and reviewed then Mr. Pontious will be able to start working as a PA with Granite Peaks clinic. She stated Mr. Pontious will be expected to

meet quarterly with the Board but may be requested to meet more frequently if necessary. She requested Dr. Heiner and Mr. Pontious not to assume but to ask questions when they need to.

Ms. Bloom asked if Mr. Pontious completed the PACE program.

Mr. Pontious responded yes. He stated he received a certificate of completion.

Ms. Higgs requested he send a copy of the certificate for his file.

Ms. Taxin requested Mr. Pontious to share with the Board at the next meeting what he learned.

Ms. Bloom made a motion to approve Dr. Barnett and Dr. Heiner as supervisors for Mr. Pontious.

Dr. Schmitz seconded the motion.

The Board vote was unanimous.

Dr. Reimer made a motion to have Ms. Taxin review and approve the revised practice plan and delegation of services agreement when they are submitted if they are appropriate.

Ms. Bloom seconded the motion.

The Board vote was unanimous.

The Board could not determine compliance or non-compliance today as Mr. Pontious has not yet started his position working as a PA.

An appointment was made for Mr. Pontious to meet again March 5, 2012.

Board members voiced concern with Mr. Pontious's history and competency.

Ms. Taxin stated once Mr. Pontious is established perhaps one of the Board members could go to the clinic to observe to be sure he is practicing

appropriately and to standard of care.

DISCUSSION ITEMS:

Dr. Schmitz Question

Dr. Schmitz asked about a concern from several months ago regarding inappropriate supervision of another PA.

Ms. Taxin responded the issue will not be coming before the Board as it was resolved. She stated she will have an investigator meet with the Board at the next meeting to report general information on investigations. She stated she has been trying to get the older open cases closed and knows there are some PA cases open but does not have any specifics.

Requirement for Proof of Education -
Transcript or Letter of Completion From
Course Director

Ms. Taxin explained all other professions require an official transcript with the degree posted to verify completion of education requirements. She stated she has revised the verification of education form but the issue has come up again and if there is no good reason to require a letter from the course director then maybe we could move to requiring the transcript with the degree posted to be more consistent with all other professions.

The Board requested the Division require official transcripts with the degree posted.

Review Continuing Education (CE) Rule
regarding CPR Recertification Counting for
CE

Ms. Taxin explained that the Rule does not specifically allow for teaching courses or CPR, BCLS or ACLS recertification to count for CE. She suggested the Rule be amended to allow up to 10 hours to count for teaching.

Mr. Bunnell responded for national certification PA's are allowed to count category 2 hours and CPR, BCLS or ACLS recertification is in category 2.

Mr. Coursey responded clinical teaching will count for category 2 hours.

Mr. Bunnell volunteered assistance to Ms. Taxin in developing language to make a change in the Rule

for the next renewal period.

Annual Board Member Training

Ms. Taxin suggested the Board member training be postponed until Mr. Harmer and Ms. Buhler are in attendance.

Board members agreed.

2012 Board Meeting Schedule

The Board noted the following dates for the 2012 Board meeting schedule: March 5, May 21, October 29 and December 10, 2012

NEXT MEETING SCHEDULED FOR:

March 5, 2012

ADJOURN:

The time is 10:11 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.

March 5, 2012
Date Approved

(ss) Jeffrey M. Coursey, Chairperson
Chairperson, Utah Physician Assistant Licensing Board

February 9, 2012
Date Approved

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