



TEXAS PHYSICIAN ASSISTANT BOARD

LICENSURE COMMITTEE MEETING MINUTES

November 2, 2018

The meeting was called to order at 9:33 a.m. by the Chair, Teralea Jones, PA-C. Committee members present were Karrie L. Crosby, PA-C, Jennifer L. Clarner, PA-C, Victor Ho, M.D., and Michael D. Reis, M.D.

Agenda Item 2 – Discussion, recommendation, and possible action regarding applicants appearing concerning eligibility.

Applicant #2259 appeared before the Committee on referral by the Executive Director. The applicant presented a brief summary and the Committee members asked questions. Following discussion, **Ms. Crosby moved to recommend to the full Board that the applicant be granted a Texas physician assistant license. Dr. Reis seconded the motion. All voted in favor. The motion passed.**

Applicant #2260 appeared before the Committee, with counsel Louis Leichter and Andre D’Souza, on referral by the Executive Director. The applicant presented a brief summary and the Committee members asked questions.

Dr. Ho moved, Ms. Crosby seconded that the Committee close the meeting to the public and continue in Executive Session for deliberations concerning Applicant #2260. The motion passed. Ms. Jones announced that the meeting would be closed for deliberations at 10:24 a.m. concerning licensure applications and the character and fitness of applicants under the authority of Chapter 204, Section 204.0585, Occupations Code, and that while in executive session, the Board would not take any action, make any decision, or vote with regard to any matter that may be considered or discussed. A certified agenda of any executive session will be made.

The Executive Session ended at 10:41

Following discussion, **Dr. Ho moved to recommend to the full Board that the applicant:**

- **Receive a private referral to the Texas Physician's Health program (TPHP) for evaluation and compliance with all requirements and recommendations by the program and**
- **Upon receipt of resolution with the TPHP, the applicant be granted an unrestricted license.**

This recommendation is due to applicant's criminal history. **Ms. Clarner seconded the motion. All voted in favor. The motion passed.**

Applicant #2258 appeared before the Committee on referral by the Executive Director. The applicant presented a brief summary and the Committee members asked questions.

Dr. Reis moved, Ms. Crosby seconded that the Committee close the meeting to the public and continue in Executive Session for deliberations concerning Applicant #2258. The motion passed. **Ms. Jones** announced that the meeting would be closed for deliberations at 11:01 a.m. concerning licensure applications and the character and fitness of applicants under the authority of Chapter 204, Section 204.0585, Occupations Code, and that while in executive session, the Board would not take any action, make any decision, or vote with regard to any matter that may be considered or discussed. A certified agenda of any executive session will be made.

The Executive Session ended at 11:17 A.M.

Following discussion, **Dr. Reis moved to recommend to the full Board that the committee recommend to the full Board that the applicant be determined ineligible for reinstatement of their license.** This recommendation is due to the applicant's prior disciplinary history with the Board leading to revocation of their Texas Physician Assistant license relating to a pattern of non-therapeutic prescribing while employed in clinics operating as "pill mills," and time out of

professional practice of medicine. **Ms. Crosby seconded the motion. All voted in favor. The motion passed.**

Agenda Item 3 – Proposed Orders Offered by the Executive Director. There are none.

Agenda Item 4 – Report on physician assistant licenses issued by Board Staff. Ms. Johnston reported that staff had issued 330 licenses since the last Committee meeting on July 13, 2018.

Agenda Item 5 - Report on physician assistant licensure process statistics. Ms. Johnston reported that 252 physician assistant licenses were issued in the first quarter of Fiscal Year 2018 in an average of 22 days. There were a total of 809 of physician assistant licenses issued in in an average of 27 days in Fiscal Year 2018. In the first quarter of Fiscal Year 2019, as of 10/24/2018, 198 physician assistant licenses were issued in an average of 14 days.

Agenda Item 6 - Discussion, recommendation, and possible action regarding Board Rules.

Ms. Tuthill presented the proposed rule amendments.

**a. Chapter 185 Physician Assistants
§185.28 Retired License**

Ms. Crosby moved to recommend to the full Board that the proposed amendments to the rules as presented be published in the Texas Register for public comment. Ms. Clarner seconded. All voted in favor. The motion passed.

**b. Chapter 185 Physician Assistants
§185.4 Procedural Rules for Licensure Applicants**

Dr. Reis moved to recommend to the full Board that the proposed amendments to the rules as presented be published in the Texas Register for public comment. Ms. Crosby seconded. All voted in favor. The motion passed.

**c. Chapter 185 Physician Assistants
§185.6 Biennial renewal of License**

Ms. Crosby moved to recommend to the full Board that the proposed amendments to the rules as presented be published in the Texas Register for public comment. Dr. Ho seconded. All voted in favor. The motion passed.

Agenda Item 7 - There being no further business, Ms. Crosby moved to adjourn the meeting at 11:28 a.m. Dr. Ho seconded the motion. All voted in favor and the motion passed.

The registration fee shall not apply to retired physician assistants.

(1) To become exempt from the registration fee due to retirement:

(A) the physician assistant's current license must not be under an investigation or order with the board or otherwise have a restricted license; and

(B) the physician assistant must request in writing on a form prescribed by the board for his or her license to be placed on official retired status.

(2) The following restrictions shall apply to physician assistants whose licenses are on official retired status:

(A) the physician assistant must not engage in clinical activities or practice medicine in any state;

(B) the physician assistant may not prescribe or administer drugs to anyone, nor may the physician assistant possess a Drug Enforcement Agency or Texas controlled substances registration; and

(C) the physician assistant's license may not be endorsed to any other state.

(3) A physician assistant may return to active status by applying to the board, paying an application fee equal to an application fee for a physician assistant license, complying with the requirements for license renewal under the Act, demonstrating current certification by NCCPA, and ~~[submitting professional evaluations from each employment held before the license was placed on retired status.]~~ and complying with paragraph (4) of this section.

(4) The request of a physician assistant seeking a return to active status whose license has been placed on official retired status for two years or longer shall be submitted to the Licensure Committee of the board for consideration and a recommendation to the full board for approval or denial of the request. After consideration of the request and the recommendation of the Licensure Committee, the board shall grant or deny the request. If the request is granted, it may be granted without conditions or subject to such conditions which the board determines are necessary to adequately protect the public including but not limited to:

(A) current certification by the National Commission on the Certification of Physician Assistants;

(B) completion of specified continuing medical education hours approved for Category 1 credits by a CME sponsor approved by the American Academy of Physician Assistants;

(C) limitation and/or exclusion of the practice of the applicant to specified activities of the practice as a physician assistant;

(D) remedial education; and/or

(E) such other remedial or restrictive conditions or requirements which, in the discretion of the board are necessary to ensure protection of the public and minimal competency of the applicant to safely practice as a physician assistant.

(5) The request of a physician assistant seeking a return to active status whose license has been placed on official retired status for less than two years may be approved by the executive director of the board or submitted by the executive director to the Licensure Committee for consideration and a recommendation to the full board for approval or denial of the request. In those instances in which the executive director submits the request to the Licensure Committee of the board, the Licensure Committee shall make a recommendation to the full board for approval or denial. After consideration of the request and the recommendation of the Licensure

Committee, the board shall grant or deny the request subject to such conditions which the board determines are necessary to adequately protect the public including but not limited to those options provided in paragraph (4)(A) - (E) of this section.

(6) In evaluating a request to return to active status, the Licensure Committee or the full board may require a personal appearance by the requesting physician assistant at the offices of the board, and may also require a physical or mental examination by one or more physicians or other health care providers approved in advance in writing by the executive director, the secretary-treasurer, the Licensure Committee, or other designee(s) determined by majority vote of the board.

(7) A physician assistant applying for retired status under paragraphs (1) and (2) of this section may be approved for emeritus retired status, a subgroup of "official retired status," provided that the physician assistant has:

(A) never received a remedial plan or been the subject of disciplinary action by the Texas Physician Assistant Board;

(B) no criminal history, including pending charges, indictment, conviction and/or deferred adjudication in Texas; and

(C) never held a license, registration or certification that has been restricted for cause, canceled for cause, suspended for cause, revoked or subject to another form of discipline in a state, or territory of the United States, a province of Canada, a uniformed service of the United States or other regulatory agency.

(a) Except as otherwise provided in this section, an individual shall be licensed by the board before the individual may function as a physician assistant. A license shall be granted to an applicant who:

- (1) submits an application on forms approved by the board;
- (2) pays the appropriate application fee as prescribed by the board;
- (3) has successfully completed an educational program for physician assistants accredited by the Accreditation Review Commission on Education for the Physician Assistant, Inc. (ARC-PA), or by that committee's predecessor or successor entities, and holds a valid and current certificate issued by the National Commission on Certification of Physician Assistants ("NCCPA");
- (4) certifies that the applicant is mentally and physically able to function safely as a physician assistant;
- (5) does not have a license, certification, or registration as a physician assistant in this state or from any other licensing authority that is currently revoked or on suspension or the applicant is not subject to probation or other disciplinary action for cause resulting from the applicant's acts as a physician assistant, unless the board takes that fact into consideration in determining whether to issue the license;
- (6) is of good professional character as defined under §185.2(8) of this title (relating to Definitions);
- (7) submits to the board any other information the board considers necessary to evaluate the applicant's qualifications;
- (8) meets any other requirement established by rules adopted by the board;
- (9) must pass the national licensing examination required for NCCPA certification within no more than six attempts; and
- (10) must pass the jurisprudence examination ("JP exam"), which shall be conducted on the licensing requirements and other laws, rules, or regulations applicable to the physician assistant profession in this state. The jurisprudence examination shall be developed and administered as follows:
 - (A) The staff of the Medical Board shall prepare questions for the JP exam and provide a facility by which applicants can take the examination.
 - (B) Applicants must pass the JP exam with a score of 75 or better [~~within three attempts~~].

(C) An examinee shall not be permitted to bring medical books, compends, notes, medical journals, calculators or other help into the examination room, nor be allowed to communicate by word or sign with another examinee while the examination is in progress without permission of the presiding examiner, nor be allowed to leave the examination room except when so permitted by the presiding examiner.

(D) Irregularities during an examination such as giving or obtaining unauthorized information or aid as evidenced by observation or subsequent statistical analysis of answer sheets, shall be sufficient cause to terminate an applicant's participation in an examination, invalidate the applicant's examination results, or take other appropriate action.

~~[(E) An applicant who is unable to pass the JP exam within three attempts must appear before a committee of the board to address the applicant's inability to pass the examination and to re-~~

~~evaluate the applicant's eligibility for licensure. It is at the discretion of the committee to allow an applicant additional attempts to take the JP exam.]~~

(E) ~~[(F)]~~ A person who has passed the JP Exam shall not be required to retake the Exam for relicensure, except as a specific requirement of the board as part of an agreed order.

Remainder of rule is unchanged

(a) Physician assistants licensed under the Physician Assistant Licensing Act shall register biennially and pay a fee. A physician assistant may, on notification from the board, renew an unexpired license by submitting the required form and documents and by paying the required renewal fee to the board on or before the expiration date of the permit. The fee shall accompany the required form which legibly sets forth the licensee's name, mailing address, business address, and other necessary information prescribed by the board.

(b) The following documentation shall be submitted as part of the renewal process:

(1) Continuing Medical Education. As a prerequisite to the biennial registration of a physician assistant's license, 40 hours of continuing medical education (CME) are required to be completed in the following categories:

(A) at least one-half of the hours are to be from formal courses:

(i) that are designated for Category I credit by a CME sponsor approved by the American Academy of Physician Assistants; or

(ii) approved by the board for course credit.

(B) The remaining hours may be from Category II composed of informal self-study, attendance at hospital lectures, grand rounds, case conferences, or by providing volunteer medical services at a site serving a medically underserved population, other than at a site that is the primary practice site of the license holder, and shall be recorded in a manner that can be easily transmitted to the board upon request.

(C) A physician assistant shall receive one credit of continuing medical education for each hour of time spent up to 6 hours per year, as required by subparagraph (A) of this paragraph based on participation in a program sponsored by the board and approved for CME credit for the evaluation of a physician assistant's competency or practice monitoring.

(2) A physician assistant must report on the biennial registration form if she or he has completed the required continuing medical education during the previous year. A licensee may carry forward CME credit hours earned prior to registration which are in excess of the 40 hour biennial requirement and such excess hours may be applied to the following years' requirements. A maximum of 80 total excess credit hours may be carried forward and shall be reported according to whether the hours are Category I and/or Category II. Excess CME credit hours of any type may not be carried forward or applied to a report of CME more than two years beyond the date of the biennial registration following the period during which the hours were earned.

(3) A physician assistant may request in writing an exemption for the following reasons:

(A) catastrophic illness;

(B) military service of longer than one year's duration outside the United States;

(C) residence of longer than one year's duration outside the United States; or

(D) good cause shown on written application of the licensee that gives satisfactory evidence to the board that the licensee is unable to comply with the requirement for continuing medical education.

(4) Exemptions are subject to the approval of the licensure committee of the board.

(5) A temporary exception under paragraph (4) of this subsection may not exceed two years but may be renewed biennially, subject to the approval of the board.

(6) This section does not prevent the board from taking disciplinary action with respect to a licensee or an applicant for a license by requiring additional hours of continuing medical education or of specific course subjects.

(7) The board may require written verification of both formal and informal credits from any licensee within 30 days of request. Failure to provide such verification may result in disciplinary action by the board.

(8) Unless exempted under the terms of this section, a physician assistant licensee's apparent failure to obtain and timely report the 40 hours of CME as required and provided for in this section shall result in nonrenewal of the license until such time as the physician assistant obtains and reports the required CME hours; however, the executive director of the board may issue to such a physician assistant a temporary license numbered so as to correspond to the nonrenewed license. Such a temporary license shall be issued at the direction of the executive director for a period of no longer than 90 days. A temporary license issued pursuant to this subsection may be issued to allow the physician assistant who has not obtained or timely reported the required number of hours an opportunity to correct any deficiency so as not to require termination of ongoing patient care.

(9) A physician assistant, who is a military service member, may request an extension of time, not to exceed two years, to complete any CME requirements.

(10) A physician assistant must provide a complete and legible set of fingerprints to the board, unless fingerprints were already submitted with their initial license application or a previous renewal request.

(c) Falsification of an affidavit or submission of false information to obtain renewal of a license shall subject a physician assistant to denial of the renewal and/or to discipline pursuant to the Act, §§204.301-.303.

(d) If the renewal fee and completed application form are not received on or before the expiration date of the permit, the fees set forth in Chapter 175 of this title (relating to Fees and Penalties) shall apply.

(e) The board shall not waive fees or penalties.

(f) The board shall stagger biennial registration of physician assistants proportionally on a periodic basis.

(g) Practicing as a physician assistant as defined in the Act without a biennial registration permit for the current year as provided for in the board rules has the same force and effect as and is subject to all penalties of practicing as a physician assistant without a license.

~~[(h) Physician assistants shall inform the board of address changes within two weeks of the effective date of the address change.]~~

(i) Expired Biennial Registration Permits.

(1) If a physician assistant's registration permit has been expired for less than one year, the physician assistant may obtain a new permit by submitting to the board a completed permit application, the registration fee, as defined in §175.2(2) of this title (relating to Registration and Renewal Fees) and the penalty fee, as defined in §175.3(2) of this title (relating to Penalties).

(2) If a physician assistant's registration permit has been expired for one year or longer, the physician assistant's license is automatically canceled, unless an investigation is pending, and the physician assistant may not obtain a new permit.

(3) A person whose license has expired may not engage in activities that require a license until the licensed has been renewed. Practicing as a physician assistant after a physician assistant's permit has expired under subsection (a) of this section without obtaining a new registration

permit for the current registration period has the same effect as, and is subject to all penalties of, practicing as a physician assistant without a license. The Board interprets §204.156 of the Act to provide the exclusive sanction that may be imposed by the board for practicing medicine after the expiration of the permit.

(j) A military service member who holds a physician assistant license in Texas is entitled to two years of additional time to complete any other requirement related to the renewal of the military service member's license.

(k) The physician assistant board may refuse to renew a license if the licensee is in violation of a physician assistant board order.