

TEXAS PHYSICIAN ASSISTANT BOARD
LICENSURE COMMITTEE MEETING MINUTES

December 3, 2010

The meeting was called to order at 8:33 a.m. by Chair, Teralea Jones, PA-C. Committee members present were Michael A. Mitchell, D.O. and Edward Zwanziger, PA-C.

Agenda Item 3 Discussion, recommendation, and possible action regarding licensure applicants referred to the Licensure Committee by the Executive Director for determination of eligibility of licensure.

Applicant #1038 appeared before the Committee, with counsel, after referral by the Executive Director. **Dr. Mitchell moved to recommend to the full Board that the applicant be granted a temporary license for one year with reappearance before the Licensure Committee at the end of the year. No one seconded the motion. Dr. Mitchell withdrew the motion. Dr. Mitchell moved to recommend to the full Board that the applicants license be reissued subject to the following conditions: a public reprimand and an administrative penalty in the amount of \$2000.** This recommendation was due to the applicant practicing without a license. **Mr. Zwanziger seconded the motion. All voted in favor and the motion passed.**

Continuation of Agenda Item 3 was postponed.

Agenda Item 2 Discussion, recommendation, and possible action regarding the Physician Associate Program of Our Lady of the Lake College, Baton Rouge, Louisiana. Sandra Harper, Ph.D., President of Our Lady of the Lake College (OLOLC) and John Allgood, Academic Coordinator and Assistant Professor at OLOLC appeared before the Committee to discuss the voluntary surrender of accreditation with the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) by OLOLC in 2009, and its effect on the OLOLC curriculum. Applicants for licensure scheduled to appear before the Committee matriculated at OLOLC while OLOLC was provisionally accredited and graduated after the loss

of accreditation. Statute and board rule state that an applicant must have successfully completed an educational program for physician assistants accredited by the appropriate accrediting body, which is currently the ARC-PA. **Dr. Mitchell moved to recommend that the Committee refer this issue to the full Board for a determination during review of the Committee minutes.** **Mr. Zwanziger seconded the motion. All voted in favor and the motion passed.** **Note: The full Board discussed the issue and the three individual applications at the December 3, 2010 meeting. At the full board meeting, Dr. Mitchell moved that the Board continue to interpret the statute and board rule to mean that a program must be accredited at the time of the applicants graduation in order for an applicant to be eligible for licensure, and thus the three applicants who appeared before the Licensure Committee and are graduates of OLOLC do not currently meet eligibility criteria for a Texas Physician Assistant license . Ms. Chapman seconded. All voted in favor and the motion passed.**

Agenda Item 3 was resumed.

Applicant #1049 appeared before the Committee, with counsel, after referral by the Executive Director. **Dr. Mitchell moved to recommend that the Committee grant a 6 month temporary license. No one seconded the motion and the motion failed. Dr. Mitchell then moved to refer the application for a Physician Assistant license to the full Board for a determination of eligibility.** This recommendation was due to the applicants completion of a physician assistant educational program that was not accredited at the time of graduation. **Mr. Zwanziger seconded the motion. All voted in favor. The motion passed.** **Note: The full Board discussed the issue and the three individual applications at the December 3, 2010 meeting. At the full board meeting, Dr. Mitchell moved that the Board continue to interpret the statute and board rule to mean that a program must be accredited at the time of the applicants graduation in order for an applicant to be eligible for licensure, and thus the three applicants who appeared before the Licensure Committee and are graduates of OLOLC do not currently meet eligibility criteria for a Texas Physician Assistant license . Ms. Chapman seconded. All voted in favor and the motion passed.**

Applicant #1019 appeared before the Committee, with counsel, after referral by the Executive Director. **Mr. Zwanziger moved to refer the application for a Physician Assistant license to the full Board for a determination of eligibility.** This recommendation is due to the applicants completion of a physician assistant educational program that was not accredited at the time of graduation. **Dr. Mitchell seconded the motion. All voted in favor. The motion passed. Note: The full Board discussed the issue and the three individual applications at the December 3, 2010 meeting. At the full board meeting, Dr. Mitchell moved that the Board continue to interpret the statute and board rule to mean that a program must be accredited at the time of the applicants graduation in order for an applicant to be eligible for licensure, and thus the three applicants who appeared before the Licensure Committee and are graduates of OLOLC do not currently meet eligibility criteria for a Texas Physician Assistant license . Ms. Chapman seconded. All voted in favor and the motion passed.**

Applicant #1050 appeared before the Committee, with counsel, after referral by the Executive Director. **Mr. Zwanziger moved to refer the application for a Physician Assistant license to the full Board for a determination of eligibility.** This recommendation is due to the applicants completion of a physician assistant educational program that was not accredited at the time of graduation. **Dr. Mitchell seconded the motion. All voted in favor. The motion passed. Note: The full Board discussed the issue and the three individual applications at the December 3, 2010 meeting. At the full board meeting, Dr. Mitchell moved that the Board continue to interpret the statute and board rule to mean that a program must be accredited at the time of the applicants graduation in order for an applicant to be eligible for licensure, and thus the three applicants who appeared before the Licensure Committee and are graduates of OLOLC do not currently meet eligibility criteria for a Texas Physician Assistant license . Ms. Chapman seconded. All voted in favor and the motion passed.**

The Committee recessed at 10:27 a.m. to allow the full Board to convene for a scheduled agenda item.

The Committee reconvened at 12:05 p.m.

Applicant #1000 appeared before the Committee, after referral by the Executive Director. **Mr. Zwanziger** moved to recommend to the full Board that if the Office of the Attorney General lifts the May 2010 denial of renewal and permits the applicant to obtain PA licensure, the applicant is to be granted a Texas physician assistant temporary license with an expiration date that will allow the applicant to obtain at least twelve months of supervised practice, subject to the following restrictions: that the applicant work full time, only in a setting that provides continuous full-time, on-site physician supervision; the applicant be restricted from prescribing controlled substances; the supervising physician shall submit, one month prior to the temporary license expiring, a log showing time worked and an evaluation regarding the applicants work performance; if the evaluation is unsatisfactory, the applicant will be required to appear at the following Board meeting for reconsideration of the application; if the evaluation is favorable, the applicant may be granted a Texas Physicians Assistant license subject to the following condition: payment of an administrative penalty of \$2000. **Dr. Mitchell** seconded the motion. This recommendation is due to prior disciplinary action by Board including suspension of applicants license in 1999 based on a court order related to applicants failure to pay child support, applicants current non-compliance with child support requirements that has led to the suspension of the applicants drivers license and denial of renewal of any license by the Office of the Attorney General, and the applicants time out of active practice since 1999. **All voted in favor. The motion passed.**

Applicant #988 reappeared before the Committee following an appearance at the July 9, 2010 Board meeting, subsequent to a referral back to the Texas Physician Assistant Board from the Texas Physicians Health Program for reconsideration. **Dr. Mitchell** moved to recommend to the full Board that the applicant be required to obtain an independent forensic psychiatric examination from a psychiatrist approved by the Executive Director, and follow all treatment recommendations, and that the applicant be granted a Texas physician assistant temporary license with an expiration date that will allow the applicant to obtain at least six months of supervised practice, subject to the following restrictions: that the applicant work full time, only in a setting that provides continuous full-time, on-site physician supervision;

the applicant be restricted from prescribing controlled substances; the supervising physician shall submit, one month prior to the temporary license expiring, a log showing time worked and an evaluation regarding the applicants work performance; if the evaluation is unsatisfactory, the applicant will be required to appear at the following Board meeting for reconsideration of the application; if the evaluation is favorable, the applicant may be granted a Texas Physicians Assistant license subject to the following condition: payment of an administrative penalty of \$2000. This recommendation is due to the history of mental impairment, prior restrictions on clinical practice unrelated to professional concerns, falsification of the licensure application and the Committees determination that the falsification was intentional. Mr. Zwanziger seconded the motion. All voted in favor. The motion passed. Note: This motion was amended by the full Board at their meeting on December 3, 2010, to read as follows: Move that the applicant be required to obtain an independent forensic psychiatric examination from a psychiatrist approved by the Executive Director, and follow all treatment recommendations, and that the applicant be granted a Texas physician assistant temporary license with an expiration date that will allow the applicant to obtain at least six months of supervised practice, subject to the following restrictions: that the applicant work full time, only in a setting that provides continuous full-time, on-site physician supervision; the applicant be restricted from prescribing controlled substances; the supervising physician shall submit, one month prior to the temporary license expiring, a log showing time worked and an evaluation regarding the applicants work performance; if the evaluation is unsatisfactory, and/or if the independent forensic psychiatric examination results in any treatment recommendations, the applicant will be required to appear at the following Board meeting for reconsideration of the application; if the evaluation is favorable, and the independent forensic psychiatric examination does not result in any treatment recommendations, the applicant may be granted a Texas Physicians Assistant license subject to the following condition: payment of an administrative penalty of \$2000.

Applicant #1039 appeared before the Committee after referral by the Executive Director. **Dr. Mitchell** moved to recommend to the full Board that the applicant be granted an

unrestricted Texas Physician Assistant license. Mr. Zwanziger seconded the motion. All voted in favor. The motion passed.

Applicant #1063 appeared before the Committee after referral by the Executive Director. **Dr. Mitchell** moved to granted a Texas physician assistant temporary license with an expiration date that will allow the applicant to obtain at least twelve months of supervised practice, subject to the following restrictions: that the applicant work full time, only in a setting that provides continuous full-time, on-site physician supervision; the applicant be restricted from prescribing controlled substances; the supervising physician shall submit, one month prior to the temporary license expiring, a log showing time worked and an evaluation regarding the applicants work performance; if the evaluation is unsatisfactory, the applicant will be required to appear at the following Board meeting for reconsideration of the application; if the evaluation is favorable, the applicant may be granted a Texas Physicians Assistant license. This recommendation is due to the applicant not having practiced as a Physician Assistant since the applicants graduation in 2003. **Ms. Jones** seconded the motion. All voted in favor and the motion passed.

Applicant #1056 appeared before the Committee to appeal an administrative penalty order offered by the Executive Director. **Dr. Mitchell** moved to recommend to the full Board that the applicant be granted an unrestricted license. **Mr. Zwanziger** seconded the motion. All voted in favor. The motion passed.

Agenda Item 4 - Discussion, recommendation, and possible action regarding applicant appearing for rehearing regarding eligibility. There were none.

Agenda Item 5 - Discussion, recommendation, and possible action regarding review of physician assistant applications for permanent licensure. There were 210 applicants and 4 relicensure applicants who met all requirements to be considered for permanent licensure by the full Board. **Dr. Mitchell** moved to recommend to the full board that all 210 applicants and 4

relicensure applicants be approved for permanent licensure. Mr. Zwanziger seconded the motion. All voted in favor. The motion passed.

Agenda Item 6 Discussion, recommendation and possible action regarding proposed orders offered by the Executive Director. Ms. Garanflo reported on two orders offered by the Executive Director. **Mr. Zwanziger moved to recommend to the full Board that all the orders be approved as written. Dr. Mitchell seconded the motion. All voted in favor and the motion passed.**

Agenda Item 7 Report on physician assistant licensure process statistics Ms. Garanflo reported that the applicants licensed at this meeting were completed in an estimated average of 14 days.

Agenda Item 8 Discussion, recommendation and possible action regarding licensure application and accompanying instructions. The Committee reviewed and discussed the licensure application and accompanying instructions.

Agenda Item 9 Discussion, recommendation and possible action regarding documents released to applicants. Ms. Garanflo presented a proposed policy for provision of licensure file information to certain applicants. Following discussion, the Committee directed staff to institute a policy where, prior to the Committee meeting, applicants appearing before the Committee are provided a more detailed summary of the issues to be addressed.

Agenda Item 10 - There being no further business, the meeting adjourned at 1:10 p.m.