Ms. Van Atta announced that pursuant to ORS 192.660(2)(f) and ORS 192.660(2)(L), the Physician Assistant Committee of the Oregon Medical Board (OMB) may convene in Executive Session to consider information or records that are exempt by law from public inspection or information obtained as part of an investigation, including information received in confidence by the Board and Physician Assistant Committee, information of a personal nature the disclosure of which would constitute an invasion of privacy, and records which are otherwise confidential under Oregon law. The Physician Assistant Committee will reconvene in Public Session prior to taking any final action. Members of the news media may remain in the room during the Executive Session, but are directed not to report on the specific information discussed during the Executive Session.

Committee Members:
Jennifer Van Atta, PA-C, Chair  
Bruce Carlson, MD  
Melissa Peng, PA-C  
Ian M. Hartman, PA-C  
George Koval, MD (teleconference)

Staff Members:
Kathleen Haley, JD, Executive Director  
Joseph Thaler, MD, Medical Director  
Eric Brown, Chief Investigator  
Netia N. Miles, Licensing Manager

Guests:
Katherine Sandstrom, FNP, Zoom+Care (10:09 am – 11:30 am)  
Len Bergstein, Zoom+ Care (10:09 am – 11:30 am)  
Brett White, MD, Zoom+ Care (10:09 am – 11:30 am)  
Albert DiPierio, MD, Zoom+ Care (10:09 am – 11:30 am)  
Saje Davis-Risen, PA-C, Oregon Society of Physician Assistants (10:09 am – 11:44 am)  
Eric Schuman, PA-C, Oregon Society of Physician Assistants (10:09 am – 11:44 am)  
Elizabeth Remley, Oregon Society of Physician Assistants (10:09 am – 11:44 am)  
Gwen Dayton, JD, Northwest Permanente (10:09 am – 11:30 am)  
Mark Bonnano, JD, MPH, Oregon Medical Association (10:09 am – 11: 30 am)

Ms. Van Atta called the meeting to order at: 9:31 am
EXECUTIVE SESSION

Update on Physician Assistants Currently Under Board Investigation
Eric Brown, Chief Investigator

Eric Brown, Chief Investigator updated the Committee on licensees currently under Board investigation. No action taken.

APPLICANT REVIEW

Exec Session ORS 192.502(2)

The Committee acknowledged the applicant’s shadowing activities. However, they had concerns regarding the applicant’s length of time out of practice, lack of independent practice and lack of independent decision making. As a result, it was agreed that issuing a Consent Agreement was on par with the Board’s current standard.

COMMITTEE RECOMMENDATION: In order to further discuss some of the Committee’s concerns, it is recommended that the file be forwarded to the Investigative Committee for additional review. In the interim, the applicant should engage in live continuing medical education courses relative to primary care. As a suggestion, the Committee recommends a week-long course provided by Oregon Health & Science University. Prior to the full Board meeting in January 2016, the Executive Director and Medical Director will meet with the applicant for orientation regarding the Board’s policies.

Forward to the Board for review.

PUBLIC SESSION

OREGON ADMINISTRATIVE RULES (OAR)

OAR 847-050-0010; 847-050-0027; 847-050-0036; 847-050-0037; 847-050-0040: Supervising Physician Organizations

Chair Van Atta gave an overview of the rule, reviewed pre-submitted comments received from stakeholders and opened the floor for public comment.

*Mark Bonnano, JD, with the Oregon Medical Association stated they took issue with the terminology “list of settings and licensed facilities” versus “practice locations” as well as “attest” versus “acknowledge. They would like to see the rule language reflect statute. In addition, they had concerns about the use of the word “synchronous” as it may limit how a physician assistant gets in touch with their supervising physician under the definition of general supervision and suggested a simpler term such as
“two-way communication.” Finally, they feel the requirement to have every supervising physician within a Supervising Physician Organization (SPO) become Board-approved isn’t necessarily a cost issue, rather an administrative burden. The concern is that due to the administrative burden, physician assistants may not be viewed as a reasonable form of a practitioner to deliver care.

*Chair Van Atta asked Mr. Bonanno to clarify what was the administrative burden. He again stated that cost was not necessarily the issue, but that having the primary supervising physician make sure that all the “I’s were dotted and T’s were crossed” in trying to ensure other members of the SPO became Board-approved was. He stated that another example was the fact that free clinics may not want to deal with the administrative burden for having to make sure practitioners were Board-approved; therefore, they may turn to other providers such as nurse practitioners.

*Dr. Carlson asked if Mr. Bonnano had any suggestions for a compromise. Mr. Bonnano stated that the way the rule is currently structured works as it is the primary supervising physician’s administrative burden to make sure that all of the members of the SPO were compliant with organizational rules. He pointed out that the Board has oversight to determine if administrative requirements aren’t being met within a SPO and if they are not then the Board has the ability to revoke SPO status. He suggested the Board gather stakeholders for discussion if the Board feels that the current rule is not working.

*Dr. Thaler asked Mr. Bonnano how can a supervising physician supervise a physician assistant if one doesn’t know their responsibilities. Mr. Bonnano stated that it is the primary supervising physician’s responsibility to make sure that those in the SPO know what their obligations are.

*Chair Van Atta stated that the proposed rule would actually appear to relieve primary supervising physicians of administrative burden and shift it to the Board. She pointed out that this new rule appropriately sets up supervising physicians within the SPO to be familiar with the responsibilities and liabilities of their duties.

*Netia N. Miles, Licensing Manager reminded everyone that the required examination to become a Board-approved supervising physician was a one-time exam that once passed was good for the length of a physician’s career. She stated that the Board was not requiring those currently in a SPO to take the examination unless they left the SPO or entered into an individual supervision agreement.

*Gwen Dayton, JD with NW Permanente stated they felt the word “synchronous,” as it is inserted in the definition of general supervision, requires instant communication between the supervising physician and the physician assistant. When asked if she had any suggested language, she reiterated that there needs to be clarification regarding what “synchronous” means. She expressed it shouldn’t mean instantaneous, rather it should reflect a reasonable response time.

*Eric Brown, Chief Investigator pointed out that the language reads “but must be available for direct communication,” not “but must be immediately be available for direct communication.” He inquired how Ms. Dayton was interpreting the rule to mean “instantaneous.” She stated that she didn’t think the rule meant “instant” communication, but felt there is ambiguity in the wording and would like clarification or a definition as to what synchronous means. In addition, Ms. Dayton requested the eight (8) hours of supervision portion of the rule to reflect the ability of supervising physicians within a SPO to spread the supervising time amongst all members.
*Elizabeth Remley with the OR Society of Physician Assistants reiterated concerns about the term “synchronous” but acknowledged there had been a robust discussion about it at today’s meeting. Therefore, she presented concerns about the financial implications of the rule. She inquired as to what a reasonable cost for setting up a SPO would be. As they don’t agree with the $100.00 fee being charged for approving an individual Supervising Physician, they proposed looking at the cost for setting up a SPO. In addition, the concerns voiced regarding administrative and cost burdens placed on free clinics as a result of the proposed rule was reiterated. The association feels clinics may be discouraged from hiring providers due to the perceived notation that having to find a Board-approved supervising physician, or pay the $100 fee to have a Supervising Physician become approved, is burdensome.

*Kathleen Haley, JD, Executive Director suggested we reduce fees for those volunteering in medically underserved clinics and for non-profit organizations.

**COMMITTEE RECOMMENDATION:** There were several pre-submitted comments, in addition to the comments heard at the meeting, which voiced concerns about requiring all supervising physicians within a Supervising Physician Organization (SPO) to become Board-approved. The Committee clarified that the recommendation to add this provision was to have assurance that supervising physicians have a thorough understanding regarding their responsibility to supervise physician assistants, both medically and legally. As a result, the Committee recommends this portion of the rule change move forward as written.

The Committee requests clarification in the language regarding the ability to allow distribution of the eight (8) hour supervision requirement for a physician assistant among all members of a SPO.

The Committee agreed that rule language regarding “list of practice settings” versus “practice locations” as well as “attestation” versus “acknowledge” should remain consistent with the existing statute.

As there were concerns about the use of the word “synchronous,” the Committee recommends defining “synchronous” to more clearly articulate the expectation.

Finally, the Committee is in support of reducing fees for those volunteering in free clinics, medically underserved facilities and non-profit organizations. As a result, they propose broadly defining fee reduction within the rule.

Forward to the full Board for review.
**DISCUSSION ITEMS**

5 | Zoom + Request for Exemption of OAR 847-050-0037 (3)(c): Eight (8) Hour On-site Supervision Requirement | Van Atta

Albert DiPerio, MD, Chief Medical Officer, Katherine Sandstrom, FNP, Brett White, MD, and Len Bergstein from Zoom+ provided a proposal requesting exemption of the eight (8) hour on-site supervision requirement. He stated they would like to use three hours of attendance at their Zoom University program to count towards the eight (8) hour requirement. He explained that Zoom University is a required three hour program for physician assistants on a monthly basis. He stated the program consists of intense coaching, mentoring, teaching, counseling, chart reviews and case reviews by supervising physicians, who are all present at the facility.

**COMMITTEE RECOMMENDATION:** As it was clarified that all of the supervising physicians are connected to a Supervising Physician Organization, it was determined that there was no need for Zoom+ to request exemption of the eight (8) hour requirement. The Committee agreed that Zoom+ is meeting the requirements of the rule and that three of those hours may be met by participating in Zoom University. Forward to the full Board for approval.

6 | Peak Risk Adjustment Solutions Request for Exemption of OAR 847-050-0037 (3)(c): Eight (8) hour On-site Supervision Requirement | Van Atta

The Committee reviewed a new proposal request from Peak Risk Adjustment Solutions for exemption from the eight (8) hour supervision requirement. Their request contained information that there would be no on-site supervision; only telephone review of written medical records and chart audits mostly conducted by registered nurses.

**COMMITTEE RECOMMENDATION:** The Committee requires Peak Risk Adjustment Solutions to adhere to the eight (8) hour on-site supervision requirement as stipulated in OAR 847-050-0037 (3)(c). Forwarding to full Board for approval.
**Clinic Ownership by Physician Assistants**

**COMMITTEE RECOMMENDATION:** The Committee agrees that this practice is legal, but cautions that this may be a conflict of interest. Dr. Carlson will help write a Statement of Philosophy for the Board regarding its position. Forward to the full Board for review.

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**Summary of Board Meeting, October 8-9, 2015 and Board Discussion of OAR 847-050-0037: Supervision**

**COMMITTEE RECOMMENDATION:** Dr. Koval provided a summary from the prior Board meeting. The Committee reiterated its position regarding Supervising Physician Organizations (SPO). No action taken.

**INFORMATIONAL ITEMS - NO ACTION REQUIRED**

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**September 10, 2015, PA Committee Meeting Minutes**

**Approved by the Full Board on October 10, 2015**

No action taken.

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**PA Committee Farewell**

Dr. Carlson stated that since serving on the Committee he has become more aware of his personal role as a supervising physician. All agreed that it has been a pleasure participating on the Committee and acknowledged everyone’s service.

Kathleen Haley, JD presented plaques to members of the Committee for their service and presented a cake honoring 40 years of the Committee’s existence. She thanked everyone for their time and wisdom and noted that their contributions have enhanced patient safety and the profession as a whole.

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**Public Comment**

No public comment.

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**Ms. Van Atta adjourned the meeting at 11:44 a.m.**