ADMINISTRATIVE AFFAIRS COMMITTEE
June 13, 2018
5 P.M.
BOARD OFFICE/WORKING DINNER

MINUTES - AAC

MEMBERS PRESENT:
Melissa Peng, PA-C, Chair
K. Dean Gubler, DO (5:30 p.m. – 6:33 p.m.)
Katherine Fisher, DO
James Lace, MD (via GoToMeeting)
Andrew Schink, DPM

STAFF PRESENT:
Kathleen Haley, JD, Executive Director
Joseph Thaler, MD, Medical Director
Nicole Krishnaswami, JD, Operations and Policy Analyst
Netia N. Miles, Licensing Manager
Meagan Provinsal, Licensing Assistant
Nicole Burke, Legal Extern
Carol Brandt, Business Manager (5:12 p.m. – 5:23 p.m.)

GUESTS:
George Koval, MD, Emeritus Board Member (5:12 p.m. – 7:22 p.m.)
Mark Bonanno, Oregon Medical Association (6:20 p.m. – 7:22 p.m.)
Sage Davis-Risen, PA-C, President, Oregon Society of Physician Assistants (6:20 p.m. – 7:22 p.m.)
Barbara Martin, PA-C, Oregon Society of Physician Assistants (6:20 p.m. – 7:22 p.m.)
Brandy Pestka, PA-C, Pacific University (6:20 p.m. – 7:22 p.m.)
John Tardiff, PA-C, Director at Large, Oregon Society of Physician Assistants (6:20 p.m. – 7:22 p.m.)

Meeting opened: 5:12 p.m.
Meeting adjourned: 7:22 p.m.

Pursuant to ORS 192.660(2)(f) and ORS 192.660(2)(L), the Administrative Affairs 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 Administrative Affairs, 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 Administrative Affairs 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.
Carol Brandt, Business Manager, provided an update regarding how the agency protects stored information. Additionally, she explained that the agency has a software monitoring tool that is reviewed regularly, in addition to the state’s monitoring report, which reflects that the Board is doing better than other state agencies as a whole when it comes to securing the agency’s data. She further explained that a penetration test through a third party consultant is periodically performed. The third party will try to “hack” our systems and process through various mechanisms. The latest report provided some feedback about things that could be improved; however, it was found that overall, the agency does a really good job managing security.

**RECOMMENDATION:** Informational item only; no action taken. Forward to the full Board for review.

Carol Brandt, Business Manager, provided an overview of the requested budget for the 2019-2021 biennium. The policy package requests include:

- A temporary registration/renewal fee reduction of 10% for the next two calendar years.
- The Board Membership Package, which would add another public member to the Board.
- The Physician Wellness Package, which proposes continued support by providing $175,000 to the program.
- The Communications Resource Package adds a public affairs specialist position.
- The Office Security Package will implement physical security measures, such as badge/card locks, rekeying doors and installing security cameras at the front door.

**RECOMMENDATION:** The Committee recommends supporting the policy packages as listed, to include $175,000 to the Physician Wellness program. Forward to the full Board for approval.

Carol Brandt, Business Manager provided an update regarding the agency’s customer satisfaction survey results for the current fiscal year. The results received indicate that the agency is meeting the target (80% satisfaction) with a 95% satisfaction mark, or greater, indicated in all categories.

**RECOMMENDATION:** Informational item only; no action taken. Forward to the full Board for review.
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<th>Exec Session ORS 192.502 (2)</th>
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<td>4</td>
<td>Exec Session ORS 192.502 (2)</td>
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<td>Gubler</td>
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<td>Exec Session ORS 192.502 (2)</td>
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**RECOMMENDATION:**

4. The Committee recommended forwarding the file to the Investigative Committee for additional review. Forward to the full Board for review.

5. The Committee recommended allowing the application to expire, unless the requested employment verification is received prior to Board review. Forward to the full Board for review.

6. The Committee recommended issuance of an unlimited license contingent upon receipt of all requested verifications, absent any derogatory information. Additionally, applicant meets requirements for a waiver of the Special Purpose Examination. Forward to the full Board for review.

7. The Committee recommended issuance of an unlimited license contingent upon a successful Executive Director/Medical Director interview. Forward to the full Board for review.

8. The Committee recommended tabling the application until the file becomes complete. Forward to the full Board for review.
RECOMMENDATION: The Committee recommended issuance of an unlimited license contingent upon receipt of all requested verifications, absent any derogatory information. Forward to the full Board for review.

OREGON ADMINISTRATIVE RULES (OAR)

Please review the Fiscal Impact memo prior to conducting a First Review of rules.

10 OAR 847-001-0045: Approval of Consent Agreements for Re-entry to Practice

FIRST REVIEW 243 AS

RECOMMENDATION: The Committee recommended forwarding the rule as written. Forward to the full Board for review.

11 OAR 847-010-0064; 847-050-0023; 847-070-0057: Limited Licenses, Pending Examinations

FIRST REVIEW 245 KF

RECOMMENDATION: The Committee recommended forwarding the rules as written. Forward to the full Board for review.

12 OAR 847-050-0060: Physician Assistant Student (Preceptorships)

FINAL REVIEW 249 MP

Sage Davis-Risen, President, Oregon Society of Physician Assistants, thanked the Committee for all of the work that went into the rule. She further stated that the stakeholders appreciated the Committee and Board’s willingness to hear testimony regarding the process that schools put into vetting preceptors. She again, thanked the Committee for recognizing the struggle in finding preceptors, and for working with the community to ensure that there weren’t any barriers in achieving this task.

RECOMMENDATION: The Committee recommended forwarding the rule as written. Forward to the full Board for approval.

PUBLIC SESSION – 10 MINUTES

13 Public Comment 284 MP

In regard to the Physician Assistant Workgroup Recommendation Matrix, the following public comments were made:
George Koval, MD, Emeritus Board Member, stated the monthly meeting requirements are more specific than those in the standard rule language. He raised the possibility of adding the rule language which states that failure to comply with any section of the rule is grounds for $195 fine and possible further disciplinary action.

Jon Tardiff, PA-C, Virginia Garcia, Oregon Society of Physician Assistants, Director at Large, felt initially opposed to moving forward with the matrix and instead favored additional deliberation. He advised against passing a matrix that isn’t endorsed by the associations and the societies. He stated that all practitioners work in teams at his facility and that he enjoys daily consults with his physician colleagues; therefore, the waiver wouldn’t affect him. He stated the importance of the waiver is to allow physician assistants to work in rural settings. He claimed that nurse practitioners are being hired at a much more preferential rate than physician assistants due to the Board’s administrative rules being restrictive and too complex. He further claimed that physician assistants have twice the training that nurse practitioners and doctors of nurse practitioners have. As a result, he asked for an even playing field.

Barbara Martin, PA-C, Central City Concern, thanked the Committee for allowing comments about the issue. However, she felt that the matrix as proposed is restrictive. She challenged the assumption that on-site or in-person supervision is better. She felt this is an antiquated belief, and she was surprised that this is still an issue.

Sage Davis-Risen, PA-C, Oregon Society of Physician Assistants, President, appreciated the opportunity to provide testimony and all of the work that was done to put a waiver in place. She cited the case of Asante Health not renewing the existing contracts for all of the physician assistants due to hiring nurse practitioners as a reason that the Board regulations are too burdensome. She stated that 12 months of an established relationship is too long, as 8 hours of supervision is a full day of lost patient care time. She agreed with the two years of experience, but she didn’t feel that the certification requirement is necessary.

### DISCUSSION ITEMS

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<th>PA Workgroup Recommendation</th>
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<td>Matrix to Evaluate Requests for Waiver of 8-Hours On-Site Supervision Requirement</td>
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Ms. Peng stated that the waiver form was originally reviewed by the Board in April 2018. She presented the following concerns from the full Board regarding the matrix:

- **Concern**: Six months of a physician/physician assistant supervisory relationship is an insufficient amount of time in practice to be approved by Board staff.
  - **Proposed Solution**: The Matrix would require at least 12 months of a supervisory relationship and would be a sufficient amount of time in practice to be approved by Board staff.

- **Concern**: Monthly meeting by synchronous communication did not provide enough structure for a quality meeting between the physician and the physician assistant.
  - **Proposed Solution**: Recommended an approval letter addressing the need for meetings to be thorough and address practice relevant clinical issues and quality improvement measures. Letter will state that the physician document virtual meetings with the physician assistant.

- **Concern**: Must be clear that the waiver doesn’t waive requirement for chart review and oversight of the physician assistant’s medical services.
  - **Proposed Solution**: The second paragraph of the approval letter should state that the supervising physician is responsible for direction, supervision and regular review of the physician assistant’s
medical services including chart review. The physician is responsible for ensuring that the physician assistant is competent to perform delegated duties.

Dr. Gubler stated that he is interested in getting the matrix approved. While the debate can go back and forth for a long time, he believes that forcing a vote on the Board level won’t be productive for physician assistants. He agreed that the submitted concerns are reasonable concerns; however, they’re just a different perspective. He pointed out that nothing in the matrix states a physician assistant couldn’t be approved at six months, it’s just that the request avoids the streamlining of the approval process, meaning we have to have more discussion.

Dr. Gubler further clarified that there is some security in the letter being sent to the supervising physician, which puts them on notice. Physicians should appreciate the reminder of their obligation and they shouldn’t take offense. If this matrix is approved with the amendments, it would benefit a lot of physician assistants. He suggested that the matrix can be revisited for possible amendments after 24 months of experiencing how it’s working. Dr. Gubler stated that the Committee should accept the changes, get it approved, and avoid another lengthy discussion at the Board that may in the long run hurt the process, instead of helping it.

Nicole Krishnaswami, JD, clarified that once the waiver request has been approved by staff, a letter would go out reminding physicians of chart review requirements, which is not tied to the waiver. The letter serves to remind the supervising physician of the rules and expectations. She additionally suggested that the Committee could move the matrix forward as amended, while providing a copy of the revisions to the Oregon Society of Physician Assistants for review, as they have not yet seen the revised version. This would allow them time to review and provide comment before the Board meeting in July.

RECOMMENDATION: The Committee recommended moving the amended matrix forward to the Board for review. In the interim, a copy of the amended matrix will be provided to the Oregon Society of Physician Assistants, and present interested parties, for review.

15 NW Permanente Request to Supervise More than Four Physician Assistants, Memo from Netia N. Miles, Licensing Manager 304 MP

RECOMMENDATION: The Committee recommended not approving the request until clarification has been received regarding the supervising physician’s current and future practice plans. Forward to the full Board for review.

16 Investigations of Complaints or Reports, Memo from Nicole Krishnaswami, Operations & Policy Analyst 309 KDG

RECOMMENDATION: The Committee deferred to the Investigative Committee. No action taken at this time. Not forwarded to the Board for review.

17 Australian Study on Chaperones as a Discipline Compliance Requirement, Update from Kathleen Haley, JD, Executive Director 311 AS

RECOMMENDATION: Informational item only. No action taken. Forward to full Board for review.
### Federation of State Medical Boards Report on Regulating Stem Cell and Regenerative Therapies

**RECOMMENDATION:** Forward to the full Board for discussion.

### Federation of State Medical Boards Report on Physician Wellness and Burnout/Oregon Medical Board’s Personal History Questions, Category II

**RECOMMENDATION:** The Committee recommended reducing the period of review for current impairment questions from five years to two years on initial license applications (renewals will remain at two years). Forward to the full Board for approval.

### Federation of State Medical Boards Report on Prescription Drug Monitoring Programs

**RECOMMENDATION:** Informational item only. No action taken. Forward to full Board for review.

### Federation of State Medical Boards Honorary Fellow Category, Memo from Kathleen Haley, Executive Director

**RECOMMENDATION:** The Committee recommended Kathleen Haley, JD serve on the Federation’s Finance Committee as an Honorary Fellow. Forward to the full Board for approval.

### Federation of State Medical Boards Annual Meeting Update, April 26, 2018, Charlotte, NC

**RECOMMENDATION:** Forward to the full Board for discussion.

### INFORMATIONAL ITEMS

#### Common Credentialing Program Update, Memo from Nicole Krishnaswami, Legislative & Policy Analyst

Nicole Krishnaswami, JD, provided an update regarding the Common Credentialing Program, by notifying the Committee that the timeline for implementation has been delayed. At this time, concerns from Board members have not yet been addressed by the Oregon Health Authority.

**RECOMMENDATION:** Informational item only. No action taken. Forward to full Board for review.
Dr. Fisher praised the booklet and stated that everyone should read it. The booklet is on-line and copies are available upon request.

**RECOMMENDATION:** The Committee recognized the positive feedback that has been received regarding the booklet to include national and international recognition. Informational item only. No action taken. Forward to full Board for review.

Dr. Schink stated that it was very impressive that one of our own received the award. He also complimented the leadership of the agency and the Licensing Section for their guidance.

**RECOMMENDATION:** Informational item only. No action taken. Forward to full Board for review.

**ADJOURN**