

Sunset Public Hearing Questions for
Board of Medical Examiners' Committee on Physician Assistants
Created by Section 63-19-103, *Tennessee Code Annotated*
(Sunset Termination June 2017)

1. Provide a brief introduction to the Board of Medical Examiners' Committee on Physician Assistants, including information about its purpose, statutory duties, staff, and administrative attachment.

The Tennessee Committee on Physician Assistants (hereinafter "the Committee") was established by the Tennessee General Assembly in 1985 to assist the Tennessee Board of Medical Examiners in licensing individuals actively engaged in the practice of medicine as physician assistants. Licensed physician assistants are authorized to provide selected medical/surgical services as outlined in a written protocol according to Tenn. Code Ann. § 63-19-106, and when such services are within the PA's skills.

In 1995, the Physicians Assistants Act was revised to require licensure for orthopedic physician assistants (OPAs) and to bring licensed OPAs under the jurisdiction of the Committee. OPAs, like PAs, are authorized to provide selected medical/surgical services as outline in a written protocol; however, OPAs may only provide services within the specialty of orthopedic medicine.

Though the Committee originally consisted of five (5) PA members, subsequent revisions to the Physician Assistants Act added an (1) OPA and one (1) consumer member. All seven (7) members of the Committee are appointed by the Governor and serve four (4) year terms. The Committee is administratively attached to the Board of Medical Examiners ("the BME"), and shares staff with other professions the unit including an administrator and the BME's administrative director and executive director. Three licensing technicians support the unit, which consists of 10 professions.

The Committee, working with the Board of Medical Examiners, interprets its laws, rules, and regulations to determine the appropriate standards of practice to ensure the highest degree of professional conduct. The Committee is authorized to issue licenses to qualified candidates who have completed appropriate education and successfully completed required examinations. The Committee, with the Board's approval, sets fees, determines the appropriate standard of care, investigates alleged violations of laws and rules, and disciplines licensees who are found guilty of such violations.

2. Provide a list of current committee members and explain how membership complies with Section 63-19-103, *Tennessee Code Annotated*. Are there any vacancies on the committee and, if so, what is being done to fill those vacancies?

Four Committee members' terms have expired; however, Tenn. Code Ann. § 63-19-103(b) provides that each member shall serve on the Committee until a successor is

appointed. The appropriate Health Related Boards (“HRB”) personnel have been notified of these expired terms.

Member	Representation	Exp. of Term	Race/Gender	60+ years old
Omar Nava	PA	6/30/2014	Hispanic/male	
Benjamin Hux	OPA	5/31/2015	Caucasian/female	
Bret Reeves	PA	5/31/2017	African American/male	
Donna Lynch	PA	5/31/2017	Caucasian/female	*
Barbara Thornton	Consumer member	5/31/2020	Caucasian/female	*
James Montag, Jr.	PA	7/31/2016	Caucasian/female	
Beverly Gardner	PA	5/31/2015	Caucasian/female	

3. Does the committee’s membership include public/citizen members? Female members? Members of racial minorities? Members who are 60 years of age or older at the time of appointment?

Yes. The Committee’s membership includes a consumer member. There are 5 female members. There are 2 racial minority members. There are 2 members who are over 60 years of age.

4. Have any members of the committee served more than two terms and if so, who, and how many terms have been served?

No. While no member has been reappointed to a third term, one of the Committee’s members, James Montag, Jr., continues to serve in accordance with § 63-19-103, though his second term has expired.

5. How many times did the committee meet in the last two fiscal years?

**FY 2014 – the Committee met for four regularly scheduled meetings
 FY 2015 – the Committee met for four regularly scheduled meetings, one specially convened meeting and one emergency meeting**

6. What per diem or travel reimbursements do committee members receive? How much was paid to committee members in the last two fiscal years?

Pursuant to TENN. CODE ANN. § 63-19-103, Committee members are reimbursed for all necessary expenses incident to conducting the business of the Committee as well as a per diem of \$100 for each day’s service spent conducting Committee business.

FY 2014 per diem paid: \$1,700

FY 2014 travel reimbursed: \$4,613.72
FY 2015 per diem paid: \$2,400.00
FY 2015 travel reimbursed: \$4,994.03

7. What were the committee's revenues (by source) and expenditures (by object) for fiscal years 2014 and 2015? Does the committee carry a reserve fund balance and, if so, what is the total of that reserve fund balance?

Please see the attached financial report.

8. Is the committee subject to Sunshine law requirements (per Section 8-44-101, *Tennessee Code Annotated*) for public notice of meetings, prompt and full recording of minutes, and public access to minutes? If so, what procedures does the committee have for informing the public of its meetings and making its minutes available to the public?

Yes, the Committee is subject to the Sunshine law requirements of TENN. CODE ANN. 8-44-101 et seq. To inform the public of upcoming meetings, a public meeting notice announcing each meeting is posted to the Committee's web site by the 15th day of the month preceding the month of the meeting date. The meeting is also published on the Public Participation Calendar. The Committee's administrative staff attends all meetings and takes minutes. Those minutes are then prepared for review and ratification by the Committee at its next regularly scheduled meeting. After the minutes are ratified, they are published to the Committee's web site. As of January 1, 2015, each meeting is streamed live so the public can view the meeting as it is actually occurring. A video recording of the meeting is available on the Department's web site for one month following the meeting. An audio recording of the meeting is available on demand from the website, and by CD upon request.

9. What policies and procedures does the committee have in place to address potential conflicts of interest by committee members, staff and employees?

All Committee members are educated on the Department of Health's Conflict of Interest Policy and reminded during the course of each meeting of the obligation to strictly adhere to the policy. Committee members are required to sign a conflict of interest statement upon appointment or as soon as practical and annually thereafter. It is the responsibility of the administrator to ensure that the Conflict of Interest Statement is properly and timely signed. The Committee's administrative office keeps signed copies on file in the Central Office of Health Related Boards.

10. Has the committee promulgated rules as authorized in Section 63-19-104(a)(1), *Tennessee Code Annotated*?

Yes. The Committee has promulgated rules for:

0880-03 General Rules Governing the Practice of Physician Assistant

0880-10 General Rules Governing the Practice of Orthopedic Physician Assistant

11. How many total licensees has the committee had in each of the last two fiscal years? If necessary, please differentiate by type.

<u>FY 2014</u>	
PA licenses issued	216
Total number of licensees as of 6/30/14	1,569
OPA licenses issued	1
Total number of OPA licensees as of 6/30/14	18
<u>FY 2015</u>	
PA licenses issued	230
Total number of licensees as of 6/30/15	1,799
OPA licenses issued	1
Total number of OPA licensees as of 6/30/15	19

12. How many new applications for licenses has the committee received in the last two fiscal years? If necessary, please differentiate by type.

<u>FY 2014</u>	
PA applications received	245
OPA applications received	1
<u>FY 2015</u>	
PA applications received	242
OPA applications received	3

13. What is the cost for each type of license issued by the committee? Are there any additional fees in addition to licensure fees? If yes, please list those as well.

PA licensure fee	\$335
Biennial renewal fee	\$175
Late renewal fee	\$50
Replacement license fee	\$25
Temporary license fee	\$50
OPA licensure fee	\$335
Biennial renewal fee	\$175
Late renewal fee	\$50
Replacement license fee	\$25

14. What was the total number of complaints received by the committee in each of the last two fiscal years? If available, please also provide information on the number of consumer complaints as well as the number of administrative complaints.

FY 2014 – 24 (source of complaint unknown)
FY 2015 – 21 (source of complaint unknown)

15. What was the total amount, by year, of civil penalties collected by the committee in the last two fiscal years?

FY 2014 – \$0
FY 2015 – \$700

16. What was the total number of hearings held by the committee, by year, for the past two fiscal years?

FY 2014 – 1 contested case hearing
FY 2015 – 1 contested case hearing

17. Please explain what method(s) the committee uses to determine the amount of civil penalties assessed. Does the committee offer agreed citations, letters of warning, or alternate dispute resolutions?

The Committee is guided by TENN. CODE ANN. § 63-1-134 and TENN. COMP. R. & REGS. 0880-03-.15(5) which identifies the grounds and sets the parameters for discipline. The Committee does offer agreed citations, letters of warning and alternate dispute resolution (ADR). The Committee offers ADR in the form of screening panels and settlement offers are extended in the form of agreed and consent orders.

18. Does the committee have a website? What type of outreach or communication is done to educate the public, consumers, and licensees about the committee?

The Committee's website is <http://tn.gov/health/topic/PA-board>.

Information regarding meeting dates, board members, meeting minutes, applications, statutes, rules and policies, legislation, complaints, peer assistance, and licensure and educational information is provided on this web site as well as links to other Department of Health information.

The board publishes a yearly newsletter which is published on the website and a link to the newsletter is sent to all licensees who have opted-in to receive email notifications. Further, push notifications are periodically sent to licensees who have opted-in to receive these notifications regarding topics of importance such as rulemaking hearings, change in fees, and other changes in regarding licensure.

19. Describe any items related to the committee that require legislative attention and your proposed legislative changes.

Not at this time.

20. Should the committee be continued? To what extent and in what ways would the absence of the committee affect the public health, safety, or welfare?

Yes, the Committee should be continued. Absent the existence of the Committee, members of the public who receive medical services from PAs and OPAs would be uncertain that their healthcare provider is fully qualified to practice his/her profession in a safe and ethical manner that meets or exceeds the current standard of care for a PA or OPA in the state of Tennessee.

21. Has the committee developed and implemented quantitative performance measures for ensuring it is meeting its goals? (Please answer either yes or no). If the committee has developed and implemented quantitative performance measures, answer questions 21 through 29. If the committee has not developed quantitative performance measures, proceed directly to question 30.

Yes.

22. What are your key performance measures for ensuring the committee is meeting its goals? Describe so that someone unfamiliar with the program can understand what you are trying to measure and why it is important to the operation of your program.

In order to uphold the mission of the Department of Health, which is to protect, promote and improve the health and prosperity of the people in Tennessee, the Health Related Boards' insure that only qualified practitioners provide healthcare services in the state. In order to balance that obligation with our desire to provide excellent customer service to healthcare providers, the Health Related Boards has established benchmarks to assure that applications for licensure are received, processed and reviewed in a timely manner. The application benchmark for initial applications is one hundred (100) days from the date the application is received in the administrative office to issuance of the license. The application benchmark for renewal applications is fourteen (14) days from receipt of application to issuance of the license. Twice yearly, a benchmark report is prepared and reviewed to determine if board staffs are meeting those benchmarks.

The benchmark is important to the operation of our program because it is an accurate measure of how effectively and efficiently our staff and internal completes one of its primary responsibilities: issuing certifications to qualified applicants. The certification process itself is crucial because it is the process by which the Committee ensures that PAs and OPAs who seek to become licensed in our state are properly qualified to provide services to Tennessee patients.

23. What aspect[s] of the program are you measuring?

We are measuring whether or not board administrative staff is processing applications and renewals in a timely manner within the established benchmark timeframes. In addition to application benchmark data, the Administrative Office collects data regarding the number of new licenses issued, licenses renewed and total number of licensees.

24. Who collects relevant data and how is this data collected (e.g., what types information systems and/or software programs are used) and how often is the data collected? List the specific resources (e.g., report, other document, database, customer survey) of the raw data used for the performance measure.

All data is collected electronically using HRB's computerized licensure system (LARS). As applications are received and processed, they are logged into the LARS system by the Committee administrator. The of the application is noted in the system, as well as the date a decision was made to either approve or deny the application. The data is entered into the system as it is received in the administrative office, so it is collected in near real-time.

The licensure statistics are also captured by the LARS system which can be queried on an as-needed basis. The HRB director generates these reports at least twice annually. Statistical licensure data is presented to the Committee at each Committee meeting.

25. How is the actual performance measure calculated? If a specific mathematical formula is used, provide it. If possible, provide the calculations and supporting documentation detailing your process for arriving at the actual performance measure.

The HRB director requests that a semi-annual application processing report be prepared (January 1 through June 30 and July 1 through December 31). The report is generated through LARS and identifies all applications which fell outside the processing benchmarks within the six-month time frame selected. Once these files are identified, the Committee administrator reviews each outlier file to determine the cause of the application delay. All files are reviewed and then categorized based on the cause of the delay. A summary is prepared and presented to the executive director and the director of HRB for review. The purpose of the report and review is to determine whether staff and/or internal processes are working efficiently and effectively or whether changes are needed.

Statistical licensure data reports are generated monthly by the administrative director and collected in an effort to identify trends in licensure and renewal.

26. Is the reported performance measure result a real number or an estimate? If an estimate, explain why it is necessary to use an estimate. If an estimate, is the performance measure result recalculated, revised, and formally reported once the data for an actual calculation is available?

The reported performance measure is a real number.

27. Who reviews the performance measures and associated data/calculations? Describe any process to verify that the measure and calculations are appropriate and accurate.

The benchmark report is reviewed by the Director of the Health Related Boards and forwarded to the Assistant Commissioner for the Health Related Boards.

28. Are there written procedures related to collecting the data or calculating and reviewing/verifying the performance measure? Provide copies of any procedures.

Yes. Please see attached document from the Health Related Boards Administrative Policies and Procedures Manual.

29. Describe any concerns about the committee's performance measures and any changes or improvements you think need to be made in the process.

There are no concerns at this time.

30. Please list all committee programs or activities that receive federal financial assistance and, therefore are required to comply with Title VI of the Civil Rights Act of 1964. Include the amount of federal funding received by program/activity.

This Committee does not receive federal financial assistance.

If the committee does receive federal assistance, please answer questions 31 through 38. If the committee does not receive federal assistance, proceed directly to question 37.

31. Does your committee prepare a Title VI plan? If yes, please provide a copy of the most recent plan.

32. Does your committee have a Title VI coordinator? If yes, please provide the Title VI coordinator's name and phone number and a brief description of his/her duties. If not, provide the name and phone number of the person responsible for dealing with Title VI issues.

33. To which state or federal agency (if any) does your committee report concerning Title VI? Please describe the information your committee submits to the state or federal government and/or provide a copy of the most recent report submitted.

34. Describe your committee's actions to ensure that committee staff and clients/program participants understand the requirements of Title VI.

35. Describe your committee's actions to ensure it is meeting Title VI requirements. Specifically, describe any committee monitoring or tracking activities related to Title VI, and how frequently these activities occur.

36. Please describe the committee's procedures for handling Title VI complaints. Has your committee received any Title VI-related complaints during the past two years? If yes, please describe each complaint, how each complaint was investigated, and how each complaint was resolved (or, if not yet resolved, the complaint's current status).

37. Please provide a breakdown of current committee staff by title, ethnicity, and gender.

Title	Race	Gender
Executive Director	Caucasian	Female
Administrative Director	Caucasian	Female
Medical Consultant	African American	Female
Administrator	African American	Female
Licensing Technician	African American	Male
Licensing Technician	African American	Female
Licensing Technician	Hispanic	Female

38. Please list all committee contracts, detailing each contractor, the services provided, the amount of the contract, and the ethnicity of the contractor/business owner.

The Committee contracts annually with the Tennessee Nurses Foundation, Inc. d/b/a Tennessee Professional Assistance Program (TnPAP). The cost of this annual contract is \$17,000. TnPAP is a nonprofit organization and the organization is NOT owned/controlled by a minority or member of a disadvantaged class.

**Tennessee Committee on Physician Assistants
Actual Revenue and Expenditures
for Fiscal Year ending June 30, 2015**

<u>Acct. Code</u>	<u>Description</u>	<u>FY 2015</u>	<u>FY 2014</u>
701	Salaries & Wages	\$7,997.11	\$17,586.17
70102	Longevity	\$0.00	\$0.00
70104	Overtime	\$0.00	\$0.00
702	Employee Benefits	<u>\$2,746.50</u>	<u>\$6,899.88</u>
Payroll Expenditures (701-702)		\$10,743.61	\$24,486.05
703	Travel	\$5,517.97	\$6,054.58
704	Printing & Duplicating	\$0.00	\$0.00
705	Utilities & Fuel	\$0.00	\$0.00
706	Communications	\$1,724.38	\$2,392.66
707	Maintenance & Repairs	\$0.00	\$0.00
708	Prof. Svc. & Dues	\$4,770.97	\$3,405.36
709	Supplies & Materials	\$0.00	\$0.00
710	Rentals & Insurance	\$0.00	\$0.00
711	Motor Vehicle Ops.	\$0.00	\$0.00
712	Awards & Indemnities	\$0.00	\$0.00
713	Grants & Subsidies	\$19,672.08	\$13,991.38
714	Unclassified	\$0.00	\$0.00
715	Stores for Resale	\$0.00	\$0.00
716	Equipment	\$0.00	\$0.00
717	Land	\$0.00	\$0.00
718	Buildings	\$0.00	\$0.00
721	Training of State Employees	\$0.00	\$0.00
722	Computer Related Items	\$0.00	\$0.00
725	State Prof. Svcs.	<u>\$3,502.96</u>	<u>\$5,756.58</u>
Total Other Expenditures (703-725)		\$35,188.36	\$31,600.56
Total Direct Expenditures		\$45,931.97	\$56,086.61
Allocated Expenditures			
	Administration	\$44,767.66	\$50,819.41
	Investigations	\$15,682.27	\$23,740.20
	Legal	\$9,027.78	\$18,515.86
	Cash Office	<u>\$1,361.45</u>	<u>\$1,268.80</u>
Total Allocated Expenditures		\$70,839.16	\$94,344.27
Total Expenditures		\$116,771.13	\$150,430.88
Board Fee Revenue		\$252,261.57	\$233,830.74
Current Year Net		\$135,490.44	\$83,399.86
Cumulative Carryover		\$602,830.11	\$467,339.67

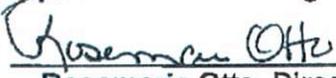


State of Tennessee Department of Health

**Division of Health Related Boards
Administrative Policies and Procedures**

Subject: Application Processing Benchmarks

File No: 106.04

Approved by: 
Rosemarie Otto, Director

Effective Date: May 31, 2013

PURPOSE: To establish fair benchmarks that measures the timeliness of application processing (both initial and renewal) by board administrative staff and, consistency in reviewing and retaining reports relative thereto.

POLICY: It is the policy that staff effectiveness in achieving benchmarks be reviewed on a semi-annual basis. A report shall be prepared by the Director of Health Related Boards and transmitted to the Assistant Commissioner for the Division of Health Licensure and Regulation. Said report shall be retained in the Office of the Director for Health Related Boards for ten (10) years.

PROCEDURES:

A. **Frequency of Report:** Each Unit director shall request that a semi-annual report be prepared twice a year (January 1 through June 30 and July 1 through December 31) the purpose of which is to evaluate the effectiveness of board staff in achieving the benchmarks for application processing set forth below.

B. **Timeliness of Report:** The report must be requested not more than thirty (30) days following the conclusion of the reporting period above.

C. **Content of Report:** Each Unit director must review the report and identify those applications whose processing times exceed the established benchmarks and provide an explanation for application processing times in excess of established benchmarks. The Unit director may utilize administrators for the purpose of preparing a report to the Director of Health Related Boards relative to those applications exceeding established benchmarks.

D. **Reporting Time Frames.** For the *period January 1 through June 30*, the report must be available to the Director of Health Related Boards on or before August 15 and transmitted to the Assistant Commissioner for the Division of Health Licensure and Regulation on or before August 31. For the period *July 1 through December 31*, the report must be available to the Director of Health Related Boards on or before February 15 and transmitted to the Assistant Commissioner for the Division of Health Related Boards on or before February 28.

E. **Form of Reports:** Computer-generated reports will be prepared for initial and renewal applications. The first report will be prepared by the director of health related boards or his/her designee and contain the profession number and name, the duration of time the application was pending, the number of initial applications over the benchmark and the total number of application approved during the reporting period. The second report, prepared by directors and/or managers, will be in the form of an excel spreadsheet containing the license number, type of application, and a hand-generated note stating the reason for not meeting the established benchmark, when applicable.

F. **Transmittal and Retention of Reports:** The Director for Health Related Boards is responsible for receiving the individual reports and providing an electronic copy to the Assistant Commissioner for the Division of Health Licensure and Regulation. An electronic copy must be maintained in the Office of the Director of Health Related Boards for at least ten (10) year following the reporting period.

BENCHMARKS:

A. **One Hundred Day Benchmark:** Except for the boards specifically identified below, all initial applications must be processed within one hundred (100) days from the date the application is date stamped as received in the administrative office until the license is issued.

B. **Exceptions:**

1. **Board of Veterinary Examiners.** There is established a benchmark for processing initial applications for licensure for veterinarians of not to exceed three hundred and sixty-five (365) days.

2. **Board of Examiners for Nursing Home Administrators.** There is established a benchmark for processing initial applications for licensure of nursing home administrators of not to exceed seven hundred thirty (730) days.

3. **Board of Social Worker Licensure.** There is established a benchmark for processing initial applications for licensure of social workers of not to exceed five hundred fifty (550) days.

4. **Board of Podiatric Medical Examiners.** There is established a benchmark for processing initial applications for licensure of podiatrists of not to exceed five hundred fifty (550) days.

5. **Board of Professional Counselors, Marital and Family Therapists, and Clinical Pastoral Therapists.** There is established a benchmark for processing initial applications for licensure of professional counselors, marital and family therapists and clinical pastoral therapists of not to exceed seven hundred thirty (730) days.

6. **Board of Alcohol and Drug Abuse Counselors.** There is established a benchmark for processing initial applications for licensure of alcohol and drug abuse counselors of not to exceed five hundred fifty (550) days.

7. **Board of Examiners in Psychology.** There is established a benchmark for processing initial applications for licensure of psychologists of not to exceed three hundred sixty-five (365) days.

8. **Board of Communication Disorders and Sciences' Council for Licensing Hearing Instrument Specialists.** There is established a benchmark for processing initial applications for licensure of hearing instruments specialists of not to exceed seven hundred thirty (730) days.

9. **Board of Dispensing Opticians.** There is established a benchmark for processing initial applications for licensure of dispensing opticians of not to exceed three hundred sixty five (365) days.

10. **Board of Pharmacy.** There is established a benchmark for processing initial applications for licensure of pharmacists of not to exceed one hundred twenty (120) days.

11. **Polysomnography Professional Standards Committee.** There is established a benchmark for processing initial applications for licensure of Polysomnography technologists of not to exceed four hundred fifty-five (455) days.

12. **Genetic Counselors.** There is established a benchmark for processing initial applications for licensure of Polysomnography technologists of not to exceed four hundred fifty-five (455) days.

13. **Board of Nursing.** There is established a benchmark for processing initial applications for licensure by **examination** of registered and practical nurses of not to exceed one thousand twenty-five (1025)days in order to comply with Rule 1000-01-.01(3)(f)2 and 1000-02-.01(3)(f)2 which allow an applicant failing NCLEX three years to qualify by re-examination.

14. **Medical Laboratory Board.** There is established a benchmark for processing Medical Laboratory Facility application of not to exceed two hundred (200) days.

C. **Fourteen Day Benchmark:** Except for the boards specifically identified below, all renewal applications must be processed within fourteen (14) days from the date the renewal application is date stamped as received in the administrative office until the license is renewed.

D. Exceptions:

1. **Veterinary Facilities.** There is established a benchmark for processing of renewal applications for veterinary facilities of not to exceed 90 days.

2. **Certified Animal Control Agencies.** There is established a benchmark for processing of renewal applications for certified animal control agencies of not to exceed 90 days.

3. **Certified Professional Midwifery.** There is established a benchmark for processing of renewal applications for certified professional midwives of not to exceed 50 days.