

# Tennessee Board of Medical Examiners Committee on Physician Assistants



## Newsletter

Summer 2009

A regulatory agency of the State of Tennessee

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Bureau of Health Licensure and Regulation • Health Related Boards • 227 French Landing, Suite 300, Heritage Place MetroCenter, Nashville, TN 37243  
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### ATTENTION PRESCRIBERS

#### Details on Tamper-Resistant Prescription Pads

The Board of Medical Examiners' Committee on Physician Assistants have promulgated rules relative to tamper-resistant prescriptions. The rule, in its entirety, is provided below:

#### 0880-03-.24 Tamper-Resistant Prescriptions.

(1) Purpose. This rule is designed to implement the law requiring that licensed physicians have all written, typed, or computer-generated prescriptions issued on tamper-resistant prescription paper.

(2) Definitions.

The following definitions are applicable to this rule:

(a) "Drug" shall have the same meaning as set forth in T.C.A. §63-10-204(16).

(b) "Prescriber" means an individual licensed in Tennessee as a medical doctor, podiatrist, advanced practice nurse with a certificate of fitness to prescribe, dentist, optometrist, osteopathic physician, or physician assistant.

(c) "Prescription order" shall have the same meaning as set forth in T.C.A. §63-10204(34).

(d) "Tamper-resistant prescription" means a written prescription order with features that are designed to prevent unauthorized copying, erasure, modification, and use of counterfeit prescription forms.

(3) Tamper-Resistant Prescription Requirements.

(a) A prescriber shall ensure that all handwritten, typed, or computer-generated prescription orders are issued on tamper-resistant prescriptions. Tamper-resistant prescriptions shall contain the following features:

1. Either a void or illegal pantograph or a watermark designed to prevent copying;

2. Either quantity check-off boxes with refill indicators or a uniform, nonwhite background color designed to prevent erasure or modification; and

3. Security features and descriptions listed on the prescriptions designed to prevent use of counterfeit forms.

(4) Security Measures and Recordkeeping.

(a) Each prescriber shall undertake adequate safeguards and security measures to ensure against loss, improper destruction, theft, or unauthorized use of the tamper-resistant prescriptions in the prescriber's possession.

(5) Use of Tamper-Resistant Prescriptions.

(a) Facsimile Prescription Transmission.

1. Prescriptions sent by facsimile transmission are not required to be placed on tamper-resistant prescription paper.

2. If a prescriber transmits a prescription order to a pharmacy by facsimile transmission, the prescriber or someone designated by the prescriber shall document in the patient's medical record the name of the drug, strength, and quantity prescribed. The prescriber may, but is not required to, document the means by which the prescription was transmitted.

(b) Electronic Prescription Transmission.

1. Prescriptions sent by electronic transmission are not required to be placed on tamper-resistant prescription paper.

2. If a prescriber transmits a prescription order to a pharmacy by electronic transmission, the prescriber

shall document the prescription in the patient's file and in accordance with the applicable laws and rules for each of the prescribers' respective professions as well as applicable federal laws and rules. The prescriber may, but is not required to, document the means by which the prescription was transmitted.

## **CURRENT COMPOSITION OF THE COMMITTEE**

The Board of Medical Examiners' Committee on Physician Assistants is currently composed of the following members: Jonathan Stephen White, PA., Chair, Johnny S. Nowlin, PA., Secretary, Glen Alexaner, PA., Johnny W. Presley, PA., James William Montag, PA, Gary L. Tauxe, OPA., and Anne Arney, JD., Public Member.

### **COMMITTEE MEETING DATES**

**October 9, 2009**  
**January 8, 2010**  
**April 16, 2010**  
**July 9, 2010**  
**October 8, 2010**

All Committee meetings begin at 9:00 a.m., Central Time. Committee meetings are held at the Board's office and are open to the public. Dates are subject to change, but are listed on the Committee's Website. [In the event of an electronic meeting, a conference room is made available to the public and is the location from which the electronic meeting is conducted.]

### **PHYSICIAN ASSISTANTS IN TENNESSEE**

Total number of active licensees as of June 30, 2009 is 1,058 and the total number of active licensees with a Tennessee mailing address is 921. The total number of active licensees with a Tennessee practice address is 660.

### **CHANGE OF ADDRESS**

Must be reported (in writing or by e-mail) to the Committee's Office within 30 days! Please include the following:

- Your name and license number;
- Your profession;
- Your old address and phone number;

- Your new address and phone number, e-mail address, and/or your fax number;
- Your SIGNATURE!

Keeping the Committee's administrative staff up to date on your location facilitates the timely notification to you of important information such as your application for licensure renewal and important statutory and rule changes. You may fax your change to the Committee's administrative office at (615) 253-4484 or by mail at: 227 French Landing, Heritage Place MetroCenter, Suite 300, Nashville, TN 37243. You also can e-mail the Committee at: [TN.Health@state.tn.us](mailto:TN.Health@state.tn.us).

Committee's Fax Number: (615) 253-4484

Committee's Website: [www.state.tn.us/health](http://www.state.tn.us/health)

### **REMINDER REGARDING CONTINUING MEDICAL EDUCATION**

All persons licensed as a physician assistant must comply with Rule 0880-3-.12 regarding continuing medical education as a prerequisite to licensure renewal. That rule provides that:

(a) All physician assistants must, within a two (2) year period prior to the application for license renewal, complete one hundred (100) hours of continuing medical education satisfactory to the Committee.

1. At least one (1) Category I hour of the required continuing education hours shall address prescribing practices.
2. The division of hours between Category I and Category II continuing medical education must be consistent with the requirements of the N.C.C.P.A. as described on the most current N.C.C.P.A. "Continuing Medical Education Logging Form."

(b) The Committee approves a course for only the number of hours contained in the course. The approved hours of any individual course will not be counted more than once in a calendar year toward the required hourly total regardless of the number of times the course is attended or completed by any individual.

(c) The Committee may waive or otherwise modify the requirements of this rule in cases where there is retirement or an illness, disability or other undue hardship which prevents a physician assistant from obtaining the requisite number of continuing education hours required for renewal. Requests for waivers or modification must be sent in writing to the Committee prior to the expiration of the renewal period in which the continuing education is due.

The Board's administrative office audited 21 physician assistants in 2008 and found all 21 to be in compliance. It is important to know that any non-compliant physician assistant is subject to Committee discipline which includes a fine of

\$40 per delinquent hour, a requirement to make up the delinquent hours, please an additional ten hours. The action taken against the physician assistant is reportable on the Department of Health web site on the monthly Disciplinary Action Report.

## **Reminder to Physician Assistants**

The administrative office of the Committee reminds all physician assistants that you are required by statute to notify the Committee of the name, address, and license number of the physician assistants' primary supervising physician and shall notify the Committee of any change in such primary supervising physician within fifteen (15) days of the change.

## **Physician Assistants Currently Under Monitoring**

The Committee's disciplinary coordinator is currently "monitoring" 15 physician assistants:

- 1 suspended
- 8 probation
- 6 revoked

## **STATUTORY CHANGES OF INTEREST TO TENNESSEE PHYSICIAN ASSISTANTS**

The 2009 Legislative Session has ended, and the Board of Medical Examiners Committee on Physician Assistants' administrative staff has monitored several bills that are of interest to physicians in the state of Tennessee. Below is a brief summary of those bills. If you wish to review any of these public chapters in their entirety, please visit: <http://www.tennessee.gov/sos/acts/index.htm>.

### **Public Chapter 416**

#### **RELATIVE TO THE PRACTICE OF NATUROPATHY**

This public chapter amends T.C.A. §63-6-205 relative to the practice of naturopathy. The new public chapter changes the definition of naturopathy to exclude the sale of herbs or natural health information exchanges so long as the sale or provision of information exchanges is not conducted for the purpose of prevention, diagnosis or treatment of any physical ailment or physical injury to or deformity of another. The seller must obtain a signed acknowledgement from the buyer that the seller is neither a licensed practitioner of the healing arts in Tennessee, nor meets the recognized qualification criteria which would allow the provision of any form of diagnosis, treatment recommendation, or medical care in Tennessee.

### **Public Chapter 48**

## **CONSUMER RIGHT TO KNOW**

This public chapter does not change the reporting requirement of T.C.A. §63-51-117, but allows the Department of Health, relative to physicians and osteopathic physicians, to accept a report by the provider's insurer as satisfying malpractice reporting requirement. The insurer must also indicate that the insurer made the payments and that the insurer has notified the insured provider.

### **Public Chapter 67**

#### **CONTROLLED SUBSTANCES**

This public chapter amends Tennessee Code Annotated, Title 53, Chapter 11, Part 3 by adding a new section providing that it is unlawful for a person to deceive or fail to disclose to a physician, nurse practitioner or other health care provider that he or she has received the same controlled substance or a therapeutically similar controlled substance within the previous thirty (30) days.

This public chapter also amends T.C.A. §53-11-309 by adding a new subsection providing that a physician, dentist, optometrist, podiatrist, veterinarian, physician assistant, or licensed practical nurse or registered nurse working under the supervision of a physician or osteopathic physician shall report to local law enforcement within three (3) business days if they have good reason to believe that a person has obtained or attempted to obtain a controlled substance when they obtained the same or a therapeutically similar controlled substance within the previous thirty (30) days.

This public chapter also provides that the health care provider is immune from civil liability if they furnish this information to law enforcement in good faith. The bill also provides that a violation of the section created in this bill providing that it is unlawful to obtain or attempt to obtain a controlled substance when they obtained the same or a therapeutically similar controlled substance within the previous thirty (30) days, is a Class A Misdemeanor. This bill became effective on July 1, 2009.

### **Public Chapter 46**

#### **DEFINITION OF A MEDICAL REVIEW COMMITTEE**

This public chapter amends T.C.A. §63-6-219(c) by adding the committee of a medical group practice to the definition of a medical review committee.

### **Public Chapter 70**

#### **RENAL DIALYSIS CLINICS**

This public chapter authorizes renal dialysis clinics to employ physicians in certain circumstances.

### **Public Chapter 581**

## VOLUNTARY PROVISION OF HEALTH CARE SERVICES

This public chapter expands the settings in which health care providers can provide volunteer health care services without being liable for any civil damages resulting from the volunteer services provided. Further, this public chapter provides that a health care provider can provide volunteer services in a clinic where health care services are being provided without charge or with a nominal charge to patients.

### Public Chapter 425

#### HEALTH CARE LIABILITY

This public chapter revises provisions governing notice that must be given by any person asserting a potential claim for medical malpractice to each health care provider against whom the claim is being made; revises provisions governing certificate of good faith that must be filed.

### Public Chapter 513

#### DOMESTIC ABUSE REPORTING

This public chapter requires the Department of Health to undertake a statewide campaign to remind all health care providers of their duty to report incidents of domestic abuse without naming the victim. Any licensed health care practitioner who knows, or has reasonable cause to suspect, that a patient's injuries, whether or not such injuries cause a patient's death, are the result of domestic violence or domestic abuse, shall report to the Department of Health, Office of Health Statistics, on a monthly basis. Health care practitioners, in active status, can report suspected domestic abuse via the Domestic Violence Reporting System. Note: the name of the victim of domestic violence is never reported!

**If you are a health care practitioner, in active status, and would like instructions on how to make a report please call (615) 741-1954 or E-mail [DomesticViolence.Health@tn.gov](mailto:DomesticViolence.Health@tn.gov)**

## DISCIPLINARY ACTION 2008-2009

The Committee took action against the following physician assistants from July 2008 through July 2009:

**Morris Butcher** Date of Action: 4/17/09. Unlicensed practice. Mr. Butcher was ordered to pay four (4) "A" civil penalties in the amount of One Thousand Dollars (\$1,000) each for each violation of the Tennessee Physician Assistants Act and Rule 0880-3-.15 of the Tenn. Comp. R. & Regs. and twenty-nine (29) Type "A" civil penalties in the amount of One Thousand Dollars (\$1,000) each representing each day. Respondent continued to work after his temporary license expired for a total assessment of Thirty-Three Thousand Dollars (\$33,000).

**Anita Kline-Conner, PA.** Date of Action: 2/18/09. License reinstated; must maintain lifetime advocacy with the Tennessee Medical Foundation, may not apply for DEA certificate for 2 years.

**Craig Dean, PA.** Date of Action: 7/22/08. License placed on probation for not less than two (2) years; must surrender DEA certificate and shall not obtain a new certificate prior to the expiration of the probation period; must meet certain terms and conditions; and assessed costs. Unprofessional, dishonorable or unethical conduct; dispensing, prescribing or otherwise distributing any controlled substance or any other drug not in the course of professional practice, or not in good faith to relieve pain and suffering, or not to cure an ailment, physical infirmity or disease; dispensing, prescribing, or otherwise distributing any controlled substance to any person in violation of any law of the state or of the United States of America or any rule of the Board or Committee; and in violation of T.C.A 63-19-107(2) and O.C.R.R.S.T. 0880-3-.10 and 0880-3-.21.

**Curtis C. Jones, PA.** Date of Action: 1/27/09. License placed on probation for a period not less than one (1) year; must meet certain terms and conditions; and assessed \$1,000.00 in civil penalties, plus costs. Unprofessional, dishonorable, or unethical conduct; dispensing, prescribing, or otherwise distributing any controlled substance to any person in violation of any law of the state or of the United States of America or any rule of the Board or Committee; and in violation of T.C.A. §63-19-107(2), and rules 0880-3-.10 and 0880-3-.21 to include improper or abusive practices inconsistent with normal prescribing guidelines.

**Allen R. Powell, PA.** Date of Action: 5/19/09. License placed on probation to run concurrent with monitoring contract with the Tennessee Professional Assistance Program for at least five years; must meet certain terms and conditions; assessed \$3000 civil penalties, plus costs. Unprofessional, dishonorable, or unethical conduct; dispensing, prescribing, or otherwise distributing any controlled substance to any person in violation of any law of the state or of the United States of America or any rule of the Board or Committee; and in violation of T.C.A. 63-19-107(2) and Rule 08880-3-.10 and 0880-3-.21.



**Tennessee Board of Medical Examiners'**  
**Committee on Physician Assistants**  
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