

Kansas Board of Healing Arts
Physician Assistant Council Meeting
February 5, 2015
1:00 pm

- I. Call to Order:** Meeting called to order by Chair Sheri Floyd 1:04
Council members present: Sheri Floyd, Mike Rausch, MD; PA Jay Wedel, PA
Council members not present: Kimberly Dandel, PA; M. Myron Leinwetter DO
Others present: Katy Lenahan, Licensing Administrator; Dan Riley, Disciplinary Counsel; Joshana Offenbach, Assistant Disciplinary Counsel; Kelli Stevens, General Counsel
- II. Approval of Minutes from November 6, 2014:** Approved (Wedel – Floyd)
- III. New Business:** None
- IV. Old Business:**
- A. HB 2673:** Ms. Stevens requested the title for this topic be changed for future agenda and minutes to PA regulation amendments and pending legislation. Ms. Stevens provided a quick overview of the issues. She stated that the Board is on a tight timeframe to create the needed regulations. There have been several meetings with the stakeholders and with Doug Smith and the PA Association. A meeting to further discuss the regulation changes was set for Feb 27th at noon. The following changes have been suggested:
- 100-28a-2. Applications-** If needed, minor amendments will be made to mirror changes being made to the Healing Arts Act application regulations. The amendments will reflect updates and clarifications to processes and documents obtained by the agency in the application process.
- 100-28a-4. Examinations-** The section regarding requirements for applicants who have been out of “active practice” will be amended to decrease the amount of time out of active practice before additional requirements must be met. Section (c) will be lowered from 5 years to 2 years. Section (d) will be changed to “over 2 years.” Additionally, active practice will be defined as 20%. These changes may need to be done in a new regulation.
- 100-28a-5. Continuing Education-** If an exempt license is created in statute this legislative session, this regulation will need to be amended to establish CE requirements for holders of an exempt license after 2 years with that designation.
- 100-28a-6. Scope of Practice-** This regulation will remain largely unchanged. Originally, discussion was had about defining levels of

supervision here. However, that would modify a PA's scope of practice. Levels of supervision will be added to 100-28a-9 instead. The PA Council agreed it would be more appropriate there.

100-28a-7. Professional Incompetency- This regulation will be amended to mirror language in the Healing Arts Act.

100-28a-8. Unprofessional conduct- This regulation will be amended to mirror language in the Healing Arts Act and add "dispensing" to Section (i).

100-28a-9. Physician Request Form- The title of this regulation will be changed to "Supervision Agreement" and there will be multiple replacements of "supervising physician" instead of "responsible physician." The ACGME levels of supervision will be included so that they may be incorporated into supervision agreements where relevant and necessary.

100-28a-10. Supervision- This regulation will be amended for multiple replacements of "supervising physician" instead of "responsible physician." Section (a)(7) regarding emergencies will be removed based on previous stakeholder discussions that this is addressed in 100-28a-11, regarding a PA's duty to communicate.

100-28a-11. Duty to Communicate- The language in this regulation will be amended for clarity. There are a few versions of proposed language being discussed.

100-28a-12. Designated Physician- The title and language in this regulation will be amended to replace "Designated Physician" with "Substitute Supervising Physician." Additionally, it will include new language with heightened requirements for the substitute supervising physician.

100-28a-13. Prescription-only Drugs- The amendments to this regulation include the replacement of "Responsible physician" to "Supervising." Additionally, "dispensing" is added throughout. New language will be added setting forth the conditions under which a PA may dispense medication.

100-28a-14. Different Practice Location- This regulation's title and references throughout will replace "different practice location" with "Off-site Location." The description of the type of supervision required before a PA may practice off-site, will be amended to reflect the appropriate ACGME level of supervision that is most consistent with the current language in the regulation.

100-28a-15. License Expiration- This regulation will need to be amended if statutory changes are made this legislative session to remove the "expired" license status. This change is being proposed for the Healing Arts Act as well. Licensees would still have the same amount of time to renew, but their renewal period would start sooner. They would no longer go into "expired" status if they fail to renew in the regular renewal period. That status has caused confusion for licensees, facilities, and insurance companies who question whether an expired licensee can still practice.

100-28a-16. Reinstatement; Lapsed and Revoked Licenses- Amendments to this regulation may be necessary to be consistent with the

“active practice” requirements that will be amended in the current 100-28a-4.

100-28a-17. Limitation on Number of PAs Supervised- This regulation will be amended to allow a physician register to supervise an unlimited number of PAs, but only be allowed to supervise up to 4 PAs that are working at any one time. The regulation would exempt services performed in a medical care facility. The proposed amendment to the regulation would also give the Board discretion to impose additional limitations on number and scope of practice. General Counsel discussed with the PA Council that this would likely not pass legal review by the AG’s Office. Any limitation would actually need to be done in a disciplinary proceeding with the licensees involved having due process. The PA Council agreed this language was not advisable.

V. Application Review: None

VI. Disciplinary Report: Ms. Stevens recused. Closed session 1:58 (Wedel- Floyd): Open session 2:31 (Wedel-Rausch).

VI. Meeting Date: Regulation discussion at noon on February 27, 2015. Regular scheduled meeting at 1:00pm on May 7, 2015, August 6, 2015 and November 5, 2015

VII. Adjourn: 2:33 (Wedel-Rausch)