



State Medical Board of Ohio

PHYSICIAN ASSISTANT POLICY COMMITTEE MEETING

July 9, 2021

via live-streamed video conference

Members Attending: Kindra Engle, DO Jonathan B. Feibel, MD Kent Kulow, PA-C Nishit Mehta, MD	Staff: Jill Reardon, Deputy Director of External Affairs Kimberly Anderson, Chief Legal Policy Counsel Chelsea Wonski, Director of Legislative Affairs Benton Taylor, Board Parliamentarian
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Ms. Reardon called the meeting to order at 2:11 p.m.

Minutes Review

Ms. Reardon asked for a motion to approve the draft minutes of the Committee's April 9, 2021 meeting.

Dr. Feibel moved to approve the draft minutes of the April 9, 2021, meeting of the Physician Assistant Policy Committee. **Dr. Mehta seconded the motion.** The motion carried.

Legislative Update

Ms. Wonski stated an amendment will become effective on September 30 that will permit physician assistants to personally furnish specified drugs and devices in an employer-based clinic that provides healthcare services to the employers, employees. Ms. Wonski noted that this provision is an addition to the current statute that allows drugs and devices to be personally furnished at Health Departments, Federally Funded Comprehensive Primary Care Clinics, and Nonprofit Health Care Clinics.

Ms. Wonski stated that another amendment that will become effective on September 30 recognizes the authority of a Medical Practitioner, Healthcare Institution or Healthcare Payer to decline to perform, participate in, or pay for any healthcare service that violates a Practitioner's Institution or Payers conscience, as informed by the moral, ethical or religious beliefs held by that Practitioner, Institution or Payer. Dr. Mehta asked if the Board must address the conscience provision as a directive. Ms. Wonski responded the provision requires the Board to use up to \$5,000, in school year 2022, to create a brochure or other educational materials regarding the right of conscience. The provision also requires the Board to post any developed materials to its website. Ms. Wonski noted that the Board is currently pulling together a team to determine how to accomplish those requirements in the Legislation.

Dr. Feibel asked if the proposal included emergency care. Ms. Anderson replied that the proposal would not impact the Emergency Medical Treatment Labor Act [EMTLA]. Mr. Kulow asked if the amendment was for elective procedures rather than emergency procedures. Ms. Anderson stated she would research the provision in more detail and planned to discuss the matter with the Board at its

meeting next week. Dr. Feibel opined that we should make sure that licensees know if a patient presented at a hospital with a broken femur, for instance, our licensees should know that transferring that patient is a risk to the patient and the practitioner should treat that patient even if it goes beyond the practitioner's belief system. Dr. Feibel and Dr. Mehta agreed with Ms. Anderson that the matter should be further researched.

Rule Review Update

Ms. Anderson reported that the Physician Assistant (PA) Consult Agreement Rules passed out of the Common Sense Initiative (CSI) on June 2, and would be filed with the Joint Committee on Agency Rule Review (JCARR) and a public hearing would be scheduled.

Ms. Anderson stated that the light-based medical device rules were amended pursuant to a recommendation by Mr. Cackler to remove language that refers to the delegation to PA's. Ms. Anderson noted rules were heard at JCARR and are ready to be adopted by the Board next week.

Ms. Anderson stated that the new provision regarding laser hair removal, which includes PA's, becomes effective on September 30, 2021. Ms. Anderson noted with respect to PA's, the changes had already been made, for the delegation, training and education for PA's and was subsumed in the regular PA statute. Ms. Anderson added the statute indicated all other license types including cosmetic therapists, formerly licensed by the Board, RN's and LPNs, that undertook specified training and education requirements for each type of device that they used, could be exempted from the training and education requirements.

Ms. Anderson reported a complicating factor that developed. The Budget took some of the definitions regarding laser hair removal in 4731-18-01 and proposed in rule 4731-18-03 and put those in Statute. Ms. Anderson noted that the emergency rule is currently in effect. Ms. Anderson added the proposed rules would be presented to the Board for approval with an effective date of July 31.

Ms. Anderson stated that Delegation Rules, Delegation to Unlicensed Individuals, Sexual Misconduct Rules, which apply to all license types; the OARRS Rule, which applies to Pas; and a Pronouncement of Death Rule came on for their regular rule review and there were some minimal changes. Ms. Anderson noted that a public rules hearing was held at the end of June.

Dr. Mehta asked if the rule regarding unlicensed practice still allows physicians to delegate tasks to students. Ms. Anderson responded in the affirmative and added that the Board has a set of rules in Chapter 23, which deals with delegation of medical tasks to unlicensed individuals. Ms. Anderson noted that basically, something that does not require judgment and can be done the same way every time would not be construed as a medical task. Ms. Anderson added that we recently did a FAQ on that set of rules, as well and offered to provide a copy of the FAQ's to Dr. Mehta.

Ms. Anderson reported a significant change in the delegation rules occurred within Developmental Disabilities Communities. Ms. Anderson stated that physicians do not want delegation to unlicensed individuals, so the exception was removed. Ms. Anderson noted that this is just for those individuals residing in facilities operated by Developmental Disabilities Agencies.

Ms. Anderson reported that the Ohio Academy of Nutrition and Dietetics requested that limited permit holders be included in the sexual misconduct rules. Ms. Anderson stated that those changes would be made and expects the final rules will be presented to the Board in August.

Dr. Mehta asked for clarification on the pronouncement of death rule. Ms. Anderson replied that Rule 4731-14-01 sets out who can pronounce death and who can be a competent observer. Ms. Anderson noted that Physicians and PA's can pronounce death. Ms. Anderson added that a physician also can pronounce death without personally examining the body but by obtaining information from a competent observer. Ms. Anderson explained that a competent observer can be an EMT, a coroner's investigator, or a licensed practical nurse.

Dr. Mehta questioned whether a PA is allowed to sign the death certificate. Ms. Anderson stated she believes that only a physician could sign the death certificate. Ms. Anderson added that the Board had put together a position statement regarding signing death certificates and offered to provide a copy to Dr. Mehta and all committee members.

Dr. Engle referenced O.R.C. 4730.201(B), and asked if performing a digital block while sewing a finger, was considered regional anesthesia? Ms. Anderson stated that under that Statute local anesthesia includes local infiltration anesthesia, digital blocks, and Pudendal blocks. Ms. Anderson offered to provide Dr. Engle with a copy of the Statute.

Mr. Kulow asked how the change of name from Physician Assistant to Physician Associate might impact the profession. Ms. Reardon responded that she and Ms. Wonski spoke to the Ohio Physician Assistant Association (OPAA) last week and OPAA asked the Board not to make any effort to make that change because they want to let it play out a little bit nationally first. Ms. Reardon added that no change would be made without discussions with this Committee.

Expired Terms and Appointments

Ms. Reardon stated that Mr. Cackler and Dr. Mehta had terms that recently expired, however, by Statute they can remain on the Council for up to 60 days after the expiration. Ms. Reardon added that Dr. Mehta and Mr. Cackler expressed interest in being reappointed. Ms. Reardon stated that their appointments will be taken before the full Board meeting on Wednesday for approval. Ms. Reardon thanked Dr. Mehta and Mr. Cackler for their interest in an additional term on this council.

Other Business

Ms. Reardon noted that this Council was originally setup to work on the formulary, and since the formulary is gone it is time to gear these meetings toward the profession and making sure that we are relaying necessary and useful information to PA's. Ms. Reardon added that she and Ms. Wonski are meeting monthly with OPAA. OPAA has agreed to come to PAPC meetings and provide updates to the Council.

Ms. Reardon stated that she is working internally with Board staff to put together complaint and enforcement action data concerning PA's. Ms. Reardon added that this data will be used for discussion and to monitor any developing trends.

Ms. Reardon stated that the PAPC will continue to meet virtually and announced that the next PAPC meeting will take place on November 5, 2021. Ms. Reardon added that the guest speaker will be

Nelson Heise, Medical Director of the Ohio Physicians Health Association Program (OPHP). Ms. Reardon added that Mr. Heise will be discussing the Boards partnership with OPHP and its efforts to get treatment for our licensees that might be impaired.

Ms. Reardon stated that she will provide copies of the Death Certificate Position Statement and Telehealth FAQ's to all committee members.

Adjourn

Ms. Reardon asked for a motion to adjourn.

Dr. Feibel moved to adjourn the meeting. Dr. Mehta seconded the motion. All Committee members voted aye. The motion carried.

The meeting adjourned at 2:43 PM

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