

MINUTES

**UTAH
PHYSICIAN ASSISTANT
BOARD MEETING**

MARCH 20, 2008

**Room 475 – 4th Floor – 8:30 A.M.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 8:34 A.M.

ADJOURNED: 9:26 A.M.

Bureau Manager:

Noel Taxin

Bureau Manager:

Diana Baker

Board Secretary:

Joyce McStotts

Board Members Present:

Dan Crouse, PA-C, Chairman

Larry Reimer, MD

Jeffery Paul Clark, MD

Maria Skedros, Public Member

D. Wain Allen, MD

Gordon Day, PA-C

Board Members Absent:

Kristen M. Ries, MD

Guests:

Doris Dalton, Student

DOPL Staff Present:

David Stanley, Division Director

Susan Higgs, Compliance Officer

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

CALL MEETING TO ORDER:

Mr. Crouse called the Physician Assistant Board meeting to order at 8:34 am.

Mr. Crouse reviewed the Checklist for public meeting.

VOUCHER:

Ms. Taxin asked if each Board member had signed the voucher. All board members present answered in the affirmative. The voucher was passed to Ms. McStotts for processing.

MINUTES:

The Board read and reviewed the minutes of the December 20, 2007 meeting.

Dr. Reimer made a motion to approve the minutes

as written. Mr. Clark seconded the motion. The vote passed unanimously.

APPOINTMENTS:

9:00 A.M.

Susan Higgs, Compliance Officer

Ms. Higgs reviewed and updated the Board on Elmer Sisneros' file.

Ms. Higgs stated Mr. Sisneros is not in compliance with his probation at this time.

Mr. Day asked for clarification of what recourse is available to the Board with Mr. Sisneros being out of compliance.

Ms. Baker stated we have to go by the Stipulation.

Mr. Crouse stated he wants to ensure Mr. Sisneros be made aware the importance of being in compliance before he leaves the Board meeting today.

Mr. Day asked Ms. Taxin if the supervisors can be held accountable. Ms. Taxin stated that the supervisor is not on probation so the Division would not take action but we can counsel them on the expectations or recommend another supervisor.

The Board requested the supervisor provide a summary report to bring Mr. Sisneros current with his Stipulation and then provide monthly reports until the Board changes the request to quarterly reports.

The Board requested a statement from the supervisor as to why the reports have not been turned in monthly per the Stipulation.

Other items concerning Mr. Sisneros were discussed: psychological evaluation, license renewal, continuing education, and the required ethics course.

Ms. Taxin stated Mr. Sisneros should have the ethics class completed and may be able to provide the completion certificate today.

9:15 P.M.

Elmer G. Sisneros

Mr. Sisneros met for his probationary interview.

Mr. Day conducted the interview.

Mr. Day introduced himself. Ms. Taxin introduced herself as the new bureau manager.

Mr. Day and Mr. Sisneros discussed how Mr. Sisneros is doing.

Mr. Day asked how the ethics course was.

Mr. Sisneros stated the course was educational and helpful in understanding the changes which have occurred in regards to ethics practice. Mr. Day stated he appreciates Mr. Sisneros completing the course.

Mr. Day stated Mr. Sisneros is out of compliance as the supervisor reports have not been received monthly. Mr. Day discussed with Mr. Sisneros which supervisor reports are deficient.

Mr. Sisneros stated he thought the reports were due quarterly.

Mr. Day stated even the quarterly reports are deficient as they are short four out of the last six reports.

Mr. Sisneros asked if the Board has received the last report.

Ms. Higgs stated no, the reports have not been received.

Mr. Day reminded Mr. Sisneros his renewal is coming up and Mr. Day requested Mr. Sisneros ensure that he completes this process in a timely manner.

The Board requested additional information on the counseling requirement of the Stipulation. Ms. Taxin confirmed the psychological evaluation is complete and he is required to see a therapist.

Mr. Crouse discussed in the last Board meeting that Mr. Sisneros could not find a therapist.

The Board discussed the process of trying to find a therapist in the Heber area.

Mr. Sisneros stated he is seeing a therapist.

The Board discussed the approval of the therapist Mr. Sisneros is seeing. The Board requested information on when the therapist was approved as the Board did not recall approving a therapist.

Mr. Sisneros stated he thought the therapist had been approved.

Ms. Taxin and Ms. Higgs verified that the therapist approval is not in the file.

Mr. Sisneros stated he has a copy and his supervisors report in his car and will bring it up.

Ms. Taxin reviewed the process of approving the supervisor; a letter from the supervisor is required stating the supervisor has read the Stipulation, is willing to work with Mr. Sisneros in meeting the Stipulation and a copy of their resume.

Dr. Allen suggested Mr. Sisneros bring everything up to date, provide monthly reports until the next meeting, and then the Board would discuss decreasing the reports to quarterly.

Ms. Higgs offered to work with Mr. Sisneros in ensuring the paper work is received to ensure he is in compliance with the Stipulation.

Mr. Crouse asked how things are going with Blue Cross and Blue Shield.

Mr. Sisneros stated they are still in litigation and he still has a contract with them.

Mr. Sisneros is requested to return on **June 19, 2008** for his next probationary interview.

DISCUSSION ITEMS:

FYI – Surrender of License

Ms. Taxin stated Jeff Blaine Esquerra surrendered his

Physician Assistant license with the Controlled Substance license.

Ms. Taxin discussed the Stipulation, read the findings of fact and stated the Mr. Esquerra may not reapply for licensure until December 10, 2012.

Board Meeting Starting Time

Ms. Taxin discussed the possibility of a new start time of 9:00 am for the upcoming board meetings. Dr. Reimer and Dr. Allen requested the time stay at 8:30 am due to scheduling.

Board meetings will continue to meet at 8:30 am.

2008 Board Meeting Schedule

The Board noted the following dates for the 2008 Board meeting schedule: June 19, September 4, and December 18, 2008.

Ms. Taxin requested changing September's Board meeting to September 4, 2008 due to conflict with scheduling.

The Board requested the meeting be held on Tuesday, September 2, 2008. The Board agrees to September 2, 2008 as the next Board meeting.

Dr. Clark requested to be excused from June's Board meeting.

Laser Therapy

Ms. Baker discussed DOPL's position regarding the "Esthetic Use of Lasers for Hair removal" document of August 29, 2006. The statement of DOPL's position was compiled with input from investigations, the Attorney Generals office, Dan T. Jones, Laura Poe and Ms. Baker.

Due to the amount of calls and the request of a Legislative Committee, the statement of DOPL's position on the "Esthetic Use of Lasers for Hair removal" was required.

Ms. Baker will be writing a Rule change to implement the position into the Rule to provide investigations the ability to enforce the law. Mr. Crouse asked about the change of Rules in the Cosmetology Act which no longer allows Physician Assistants to supervise.

Ms. Baker voiced concern where DOPL's position regarding the "Esthetic Use of Lasers for Hair removal" has not been reviewed by any Board and she stated no other Board participated in the developing of the position statement.

Ms. Baker stated she has information from surrounding States in regards to their position on use of lasers for hair removal.

Ms. Baker recommended DOPL mirrors the State of Washington's law stating; there must be medical records and these medical records must meet medical records standards. The area of laser hair removal is growing rapidly. The majority of complaints about laser hair removal are from customers with burns and scars.

The majority of complaints came from use by Chiropractors and Dentists using the lasers.

The Board discussed companies who sell the machines and they will sell and train any interested party.

Mr. Clark requested the machines are sold by prescription.

Ms. Taxin stated that some of the scars from the lasers are permanent and are not repairable.

Dr. Clark and Mr. Crouse discussed the Physician Assistant's role with the use of lasers and the ability to delegate. Dr. Clark stated that anything which changes the skin should be considered a medical procedure.

Ms. Taxin asked Mr. Crouse about his concerns with Physician Assistants being hired by companies to be the medical director over laser treatments.

The Board discussed the ability to delegate. The question was posed may the Physician Assistant delegate?

How does delegation work when; a Physician Assistant who is trained in laser use, is being

supervised by a Physician who is trained? May the Physician Assistant delegate?

Ms. Baker stated the letter of DOPL's position regarding the "Esthetic Use of Lasers for Hair removal" has not been helpful to investigations and does not support them in the investigation process, and the Rule will be changing.

CORRESPONDENCE:

No correspondence items to discuss.

NEXT MEETING SCHEDULED FOR:

June 19, 2008 at 8:30 am.

ADJOURN:

Mr. Crouse stated the time is 9:26 am and the Board meeting is adjourned.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

June 19, 2008
Date Approved

(ss) Dan Crouse
Chairperson, Utah Physician Assistant Licensing Board

May 2, 2008
Date Approved

(ss) Noel Taxin
Bureau Manager, Division of Occupational & Professional Licensing