



State Medical Board of Ohio

PHYSICIAN ASSISTANT POLICY COMMITTEE MEETING

April 9, 2021

via live-streamed video conference

Members Attending: Scott Cackler, PA, Chair Jonathan B. Feibel, MD Kindra Engle Kent Kulow	Staff: Jill Reardon, Deputy Director of External Affairs Kimberly Anderson, Chief Legal Policy Counsel Brycen Hatfield, Executive Assistant Benton Taylor, Board Parliamentarian
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Ms. Reardon called the meeting to order at 2:03 p.m.

Minutes Review

Ms. Reardon asked for a motion to approve the draft minutes of the Committee's January 8, 2021 meeting.

Mr. Cackler moved to approve the draft minutes of the January 8, 2021 meeting of the Physician Assistant Policy Committee. Mr. Kulow seconded the motion. The motion carried.

Legislative Update

Ms. Reardon stated that no legislative update would be provided because the legislature had been on recess.

Ms. Reardon added that the Medical Board would present its budget testimony before the Senate Health Committee in April.

House Bill 122, Telehealth: Ms. Reardon stated that the bill passed out of the House before recess and would continue the hearing process in the Senate.

Ms. Reardon added that the Medical Board legislature staff continues to work with the legislature and stakeholders to address the concerns regarding the inclusions of guardrails based on the Telehealth ad hoc committee that the Medical Board had.

Senate Bill 131, House Bill 203 Occupational Licensing Bill: The Occupational Licensing Bill was introduced into both the House and Senate. This Bill would require occupational licensing authority to issue a license or government certification to an applicant that currently holds a license or work experience in another state.

Ms. Reardon stated that both bills share similar language and the language is nearly identical to language that was put through the legislature last year. Ms. Reardon added that the Medical Board's legal team would continue to analyze the impact of this language on our licensees.

Rule Review Update

Light Based Medical Device Rules

Ms. Anderson stated that an emergency rule was filed regarding light based medical devices and laser hair removal. The rule would permit physicians to delegate laser hair removal to cosmetic therapists who were licensed by the board as of April 11, 2021. Ms. Anderson added that on April 12th the cosmetic therapist licensure would go away. In addition, language in the rule that referenced PA's and supplemental services plan was replaced with standard language of "operating under a supervision agreement". The rule would remain in effect through August 8.

Ms. Anderson stated that a number of changes, based on comments from the Physician Assistant Policy Committee and other entities, have been made to the proposed rules. The rules were released from the Common Sense Initiative (CSI) on Monday and have been filed with the Joint Committee on Agency Rule Review (JCARR), which will hold a public hearing on May 17.

Mr. Cackler noted that the phrase "authorizing the service" appears in at least four places in the proposed rules and opined that it could lead to confusion. Mr. Cackler suggested that the phrase "within the scope of physician's practice" be used instead to clarify that these services are not required to be listed specifically in the supervision agreement, which is not the intent of the rules.

Ms. Anderson stated that the intent is that the supervising physician be comfortable with the physician assistant's training and education to perform these procedures, not that the procedures need to be specifically listed in the agreement. Mr. Kulow agreed. Following discussion, Ms. Anderson asked Mr. Cackler to email his suggestions to her so she can make them part of the public hearing on May 17.

Dr. Feibel asked if the proposed rules should include language to clarify that the supervising physician must make certain the physician assistant has adequate training before allowing them to perform the procedures. Ms. Anderson noted that the rules reference the statute that requires the supervising physician to ensure appropriate training and education.

Consult Agreement Rules

Ms. Anderson stated that legislation passed on December 2020 allows physician assistants, as well as nurse practitioners, to enter into consult agreements with pharmacists. Proposed rules for these agreement have been drafted, based on the rules for consult agreements between physicians and pharmacists. Ms. Anderson noted that physician assistants were temporarily able to enter into such agreements during the pandemic, and these rules would make that change permanent.

Pending Rules At CSI

Ms. Anderson stated that the rules on sexual misconduct, delegation to unlicensed individuals, pronouncement of death, and prescribing to family members and self are currently undergoing their five-year rule review. Minimal changes have been suggested for these rules. The only comment that has been received was from the Board of Nursing regarding the pronouncement of death rule, to clarify that nurse hold a license and not a certificate.

Referring to the Rule Review spreadsheet, Ms. Anderson noted that a number of rules have changed due to legislation, particularly in relation to House Bill 442.

Miscellaneous

Ms. Rearden stated that Brycen Hatfield has joined the Medical Board staff and the Committee will be hearing from Mr. Hatfield in the future.

Ms. Reardon stated that the PAPC will meet again on July 9, 2021.

Adjourn

Ms. Reardon asked for a motion to adjourn.

Ms. Engle moved to adjourn the meeting. Mr. Kulow seconded the motion. All Committee members voted aye. The motion carried.

The meeting adjourned at 2:27 p.m.

bs/bt