

Minutes

The Physician Assistant Advisory Committee of the Oklahoma Board of Medical Licensure and Supervision met on November 14, 2023, in accordance with the Oklahoma Open Meeting Act. Advance notice of this special meeting was transmitted to the Oklahoma Secretary of State on November 6, 2023. The notice and agenda were posted on the Board's website on November 13, 2023, at 3:34 p.m. pursuant to 25 O.S. § 311(A)(9).

Committee Members present:

Jeffrey Burke, PA-C, FHRS, CEPS, CCDS, Chair
Louis Cox, MD
Saura Douglas, PA-C
Don Flinn, PA-C
Jonathan Stone, DO
Leroy Young, DO

Committee Member(s) absent:

Vacant – MD position appointment by OSMA

Program Director(s) did not attend this meeting.

Others present included:

Lyle Kelsey, Executive Director
Sandra Harrison, JD, Deputy Director
Barbara J. Smith, Executive Secretary
Valeska Barr, Assistant Director of Licensing
Steven Katsis, MD, Medical Board President
Marty Hendrick, PharmD, Pharmacy Board
Mr. Bob Howard, Pharmacy Board Member

Having noted a quorum, Mr. Burke called the meeting to order at 4:00 p.m. Barbara Smith called roll to confirm a quorum for purposes of the record.

As a way of introduction, Mr. Burke stated that SB 1915 was passed in 2020 and when a new law is passed, rules must be passed to reflect the change in law. The PA Committee, at the last meeting, wanted input from the Pharmacy Board concerning how Schedule II prescriptions written off-site by PAs would be handled and whether those prescriptions would be considered valid. Mr. Burke went on to state the proposed rule amendments primarily consist of:

1. Writing Schedule II prescriptions off-site;
2. Ratios (Doctor-PA); and
3. Locem Tenens

Mr. Burke led the Committee through the proposed rule changes. There was much discussion regarding Title 59 O.S. § 519.6(E), the drug formulary, and striking rule (g) on page 10. The question was posed: Is it a conflict to delete the whole paragraph? Ms. Harrison stated she would like to conduct research in this regard and will report her findings at the December 12th meeting. Mr. Hendrick stated more research is necessary to determine the basis for the original language.

Regarding how a pharmacist would know who is able to write a Schedule II off-site, Mr. Hendrick stated that a pharmacist has no way of knowing if the delegating physician allows PAs to write schedule IIs. The pharmacist knows when a physician has a restricted license, but that is it. The DO members of the Committee were not pleased with the line of reasoning that pharmacists do not know who is writing any drugs or what physicians are writing prescriptions on a restricted license. Dr. Stone fails to see why allowing more addictive medications to be prescribed is protecting the public which is the mission of the MD/DO Board. Dr. Stone has studies that showed PAs were more likely to write a controlled substance than a MD/DO or nurse practitioner. Ms. Douglas said they would find literature that shows the studies that support prescribing has not increased. The delegating physician has the ultimate responsibility of prescribing for pain control and patient care. The law is unclear and seems to contradict itself.

Mr. Hendrick said a pharmacist would need to obtain every written practice agreement from every PA and delegating physician to keep on file to determine if that PA has the authority from his/her delegating physician to write Schedule IIs off-site. The onus would then be on the pharmacist and it would cause quite a backlog in filling prescriptions. It would be easier to refuse to fill the script, which would further delay patient care.

Mr. Burke assured the Committee he is working to meet the intention of the law and for physicians to be comfortable delegating to PAs for writing off-site Schedule IIs.

In closing, Dr. Cox stated he would like to see a decrease in CDS prescriptions and administrative burdens. Regulation should be done at the practice level, through the Prescription Monitoring Program (“PMP”), as well as other methods, and not put the burden on the pharmacist.

The Committee asked to invite Jessica McGuire, PMP Administrator, Oklahoma Bureau of Narcotics and Dangerous Drugs, and Beau Ratke, Chief Agent, Oklahoma Bureau of Narcotics and Dangerous Drugs, to their next meeting for input regarding the PMP.

There being no further business, Mr. Burke moved to adjourn the meeting. The time was 5:22 p.m.