Keeping your PA Credentials *and your Career*

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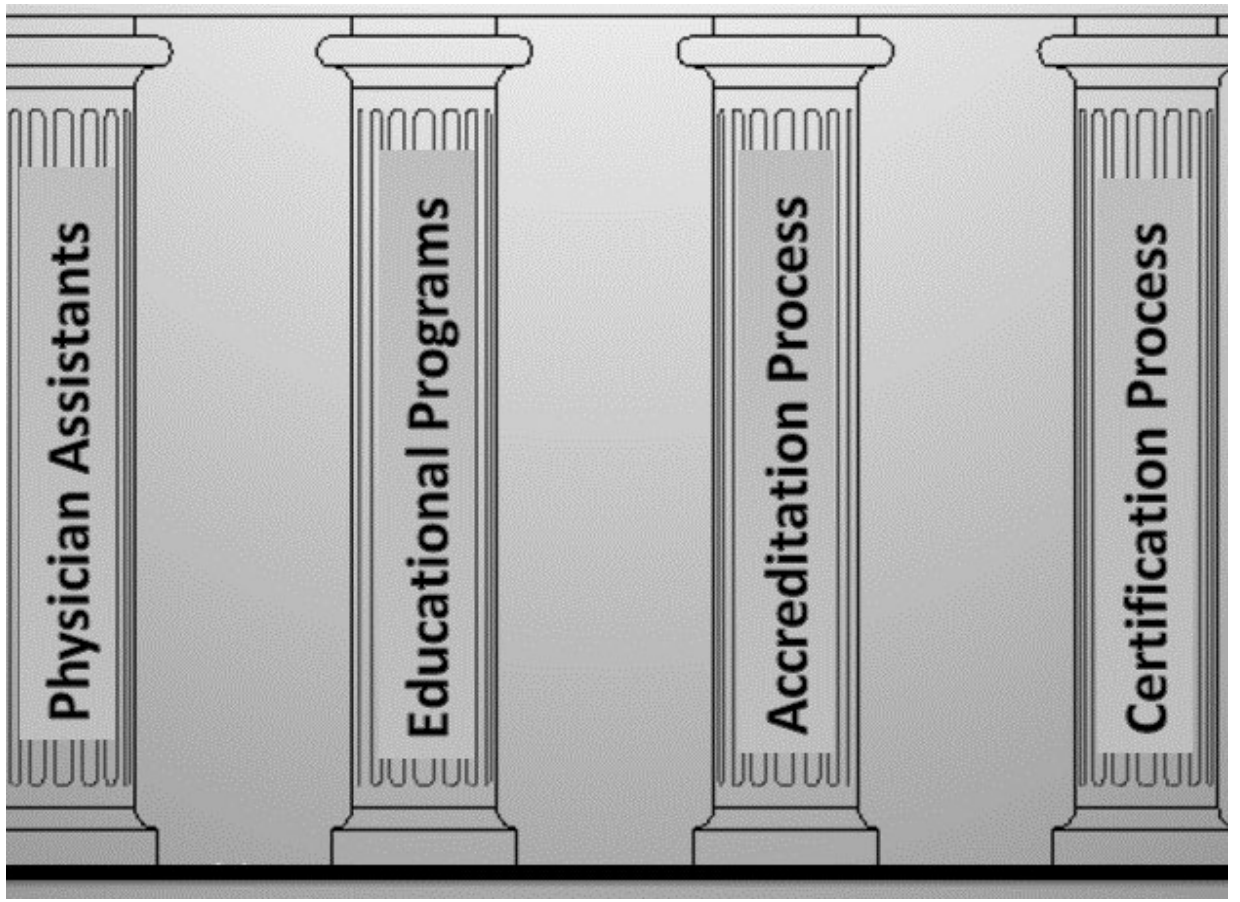
Keeping Your Credentials

- Learning objectives:

Participants will explore the common and not-so-common situations that can challenge PA's credentials.

- Participants will:
  - Examine the similarities and differences between state licensure and national certification
  - Identify the most common infractions, violations, and legal issues that challenge continued licensure, certification, and practice.
  - Explore strategies that PAs may employ to protect their professional reputation and credentials

The Four Pillars of the PA Profession



Licensure and Certification

Licensure:
A process by which a governmental authority grants permission to an individual practitioner or health care organization to operate or to engage in an occupation or profession.

Licensure regulations are generally established to ensure that an organization or individual meets minimum standards to protect.

Licenses are issued by the state.

Certification:
Typically, a voluntary process, provided by a private organization for the purpose of providing the public protection on those individuals who have successfully met all requirements for the credential and demonstrated their ability to perform their profession competently.

Represents the achievement of a level of professional competency agreed upon by the professional community as qualified to practice effectively.

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Regulation of the Profession

- Laws (statues) govern the practice of medicine
- Define the title, education, and training required, the performance of medical services, and the requirements for licensure.
- Regulations (rules) may include
  - Requirements for continued medical education
  - Definitions of professional behaviors and expectations. Ie. conduct and misconduct

Examples of professional misconduct

- Obtaining the license fraudulently;
- Practicing the profession fraudulently or beyond its authorized scope;
- Practicing the profession with negligence
- Practicing the profession with gross negligence on a particular occasion;
- Practicing the profession with incompetence on more than one occasion;
- Practicing the profession with gross incompetence;

More Examples of Professional Misconduct

- Misrepresentation, fraud, cheating, deception or concealment of fact or other unprofessional behavior
- Misdemeanor or felony conviction, guilty plea or no contest
- Disciplinary action taken by a state licensing board, state or federal agency or national professional association on grounds **related to public health**
- Conflicts of interest
- "Off label" use of equipment
- Personal relationships with patients/or parent
- Impaired practitioner *
- Prescribing without proper medical evaluation/documentation

Malpractice laws, (professional negligence laws), govern when a professional breaches their duty to a patient/client.

- **Duty:** The professional owed a duty of care to the patient. This duty is to act reasonably and responsibly under the circumstances.
- **Breach:** The professional breached their duty of care. This could be due to an error, oversight or some other form of negligence.
- **Causation:** The breach caused the patient's injuries. This is the connection between the negligent act and the injury or damage.
- **Damages:** The patient suffered damages as a result of the breach.
- Professional relationship: The patient had a medical relationship with the healthcare professional. This means that the patient hired the professional for their service, and they accepted.
- Medical negligence: The professional's actions deviated from the accepted standard of medical care. This could be an act by omission or commission.
- Establishing a breach in the standard of care is key in medical malpractice claims.

General Ethical Principles

Practitioners' duty

- Respect for persons, including their autonomy (privacy, decisions and choices)
- Beneficence (What is helpful)
- Non malfeasance (Do no harm)
- Justice (fairness, access)

PA Oath

- The PA Professional Oath is a pledge that students take to mark their transition into the profession. The oath is a reflection of the **Statement of Values** for the PA Profession and is a common part of white coat ceremonies and graduations.
- The oath includes the following duties:
- **Prioritize patient health**: Put the health, safety, and privacy of patients first
- Up**hold ethical principles**: Follow the tenets of beneficence, nonmaleficence, justice, and patient autonomy
- **Treat all equally**: Treat everyone who seeks care equally and with respect
- **Maintain confidentiality**: Keep information shared in confidence
- **Improve practice**: Continuously assess and improve your medical practice
- **Expand knowledge**: Stay up to date with medical advances and expand your knowledge and skills
- **Collaborate with the health care team**: Work with other members of the health care team to provide effective and compassionate care
- **Contribute to the community**: Use your knowledge and experience to improve the community
- **Respect your professional relationships**: Respect your relationship with physicians and act with their guidance and supervision
- **Share knowledge**: Share and expand knowledge within the profession….I will hold in confidence the information shared in the course of practicing medicine.

Disciplinary Policy & Code of Conduct

- Outlines principles that all certified or certifying PAs are expected to uphold

- NCCPA's policies state that certified or certifying PAs shall:
  - Comply with laws, regulations & standards governing professional practice
  - Protect the integrity of the certification & recertification process

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Disciplinary Policy & Code of Conduct

- Certified or certifying PAs may be subject to disciplinary review for matters stemming from:
  - **Irregular behavior**
  - **Fraudulent credentials**
  - **Legal, regulatory, and credentialing actions**
  - **Violations of the *Code of Conduct***

NCCPA's published policies and the Code of Conduct define the expected standards of behavior for PAs to hold the PA-C credential.

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Disciplinary case origination

- Self-reports from PAs during exam application and/or certification maintenance process; answering in the affirmative to questions on:
  - **Adverse licensure actions**
  - **Misdemeanors and felonies**
  - **Adjudication of mental incompetence**
- Reports on state board actions provided by the FSMB
- Individual State Medical Board (SMB) and/or federal entity reports
- Individual complaints – these generally occur for irregular behavior (cheating/fraudulent credentials)

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ABOUT THE THREE BACKGROUND QUESTIONS

- Read the instructions carefully
  - **For new graduates, only respond affirmatively to incidents that occurred – or incidents that were resolved – AFTER MATRICULATION INTO A PA PROGRAM**
- Be **HONEST**
- If you are unsure how to answer, call NCCPA and ask
  - Calling to ask is better than just checking "yes" if you're unsure

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Disciplinary Review Process

- Staff gathers appropriate documentation (e.g. medical board proceedings, licensure status)
- If there is potential for disciplinary sanction, the PA is sent a Notice of Disciplinary Proceeding requesting a written response
- Staff reviews that response and other documentation and issues a Letter of Recommended Decision to the PA regarding the sanction and the appeals process

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Disciplinary Review Process

- Review Committee – a committee of the NCCPA Board of Directors – considers appeals arising from disciplinary decisions
  - Majority are PAs; includes one or more physicians and a public representative
- The Review Committee may affirm or modify the staff's recommended decision
- Generally, Review Committee decisions are final
  - A second level of appeal to the Board is only allowed if a procedural violation occurred or if the initial decision appears to have been "arbitrary or capricious"

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Potential Disciplinary Sanctions

- **Not Reportable**
  - Letter of Concern – communiqué between NCCPA and the PA; not reported to anyone else
- **Reportable** – to interested parties (licensing boards, federal entities, employers)
  - Letter of Censure
  - Revocation of Certification
  - Revocation of Eligibility

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Actions by State Medical or PA Boards

1. **The table below displays the top 5 actions taken against individual PAs license and/or ability to practice (in order) by the state boards in 2023:**

1. Suspension of License
2. Censure/Reprimand Issued
3. Restrictions and/or Conditions placed on license
4. Probation placed on license
5. Surrender of License in Lieu of Further Discipline

Bases for Discipline Issued by NCCPA--Top 5 in 2023

Unprofessional/Unethical Conduct – i.e., failure to report adverse actions to state board, prescribing to a friend or family member.
Patient Boundary Issues – i.e., inappropriate relationship with a patient.
Prescribing Irregularities – i.e., over prescribing of controlled substances, prescribing to self, prescribing controlled substances without proper medical documentation.
Below Standard Care – i.e., failure to diagnose or request proper tests/examinations, failure to review patients' history, providing care that causes harm or death to a patient.
Conviction of Crime unrelated to practice – i.e., DUI/DWI Conviction (2nd offense or more), domestic violence, etc.

Case 1: Pain Clinic Prescribing

- PA routinely prescribed excess doses of CDS and ignored signs of divergence & aberrant drug screens
- CDC recommends avoiding starting dose >50mg Morphine Milligram Equivalents (MME) and great care in increasing doses to >90 mg MME
- PA routinely prescribed >200 mg MME & commonly increased dosages to >400 mg MME

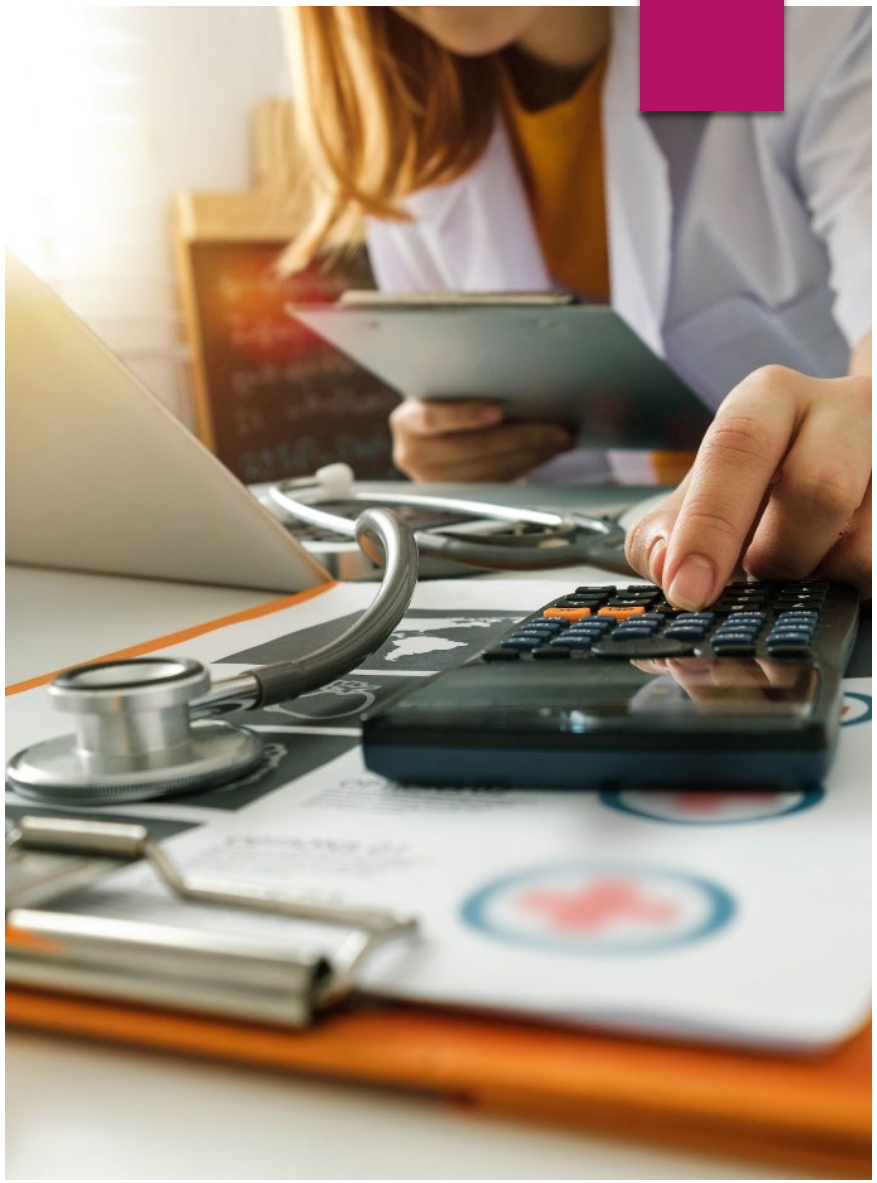
Case 1

- In PA's response to NCCPA NDP, he proudly proclaimed himself as in the top 2% of providers in his state prescribing CDS
- State reprimanded PA's license, required additional CME, PA restricted from CDS prescribing
- NCCPA issued reportable Letter of Censure

Case 2: Health Care Fraud

PA entered a plea of guilty to 5 counts of Theft of Public Money arising from billing Medicare for higher reimbursement codes than the services that PA provided

PA was placed on 3 years probation for each of 5 counts, to run concurrently; shall pay restitution in the amount of **$353,203.97**



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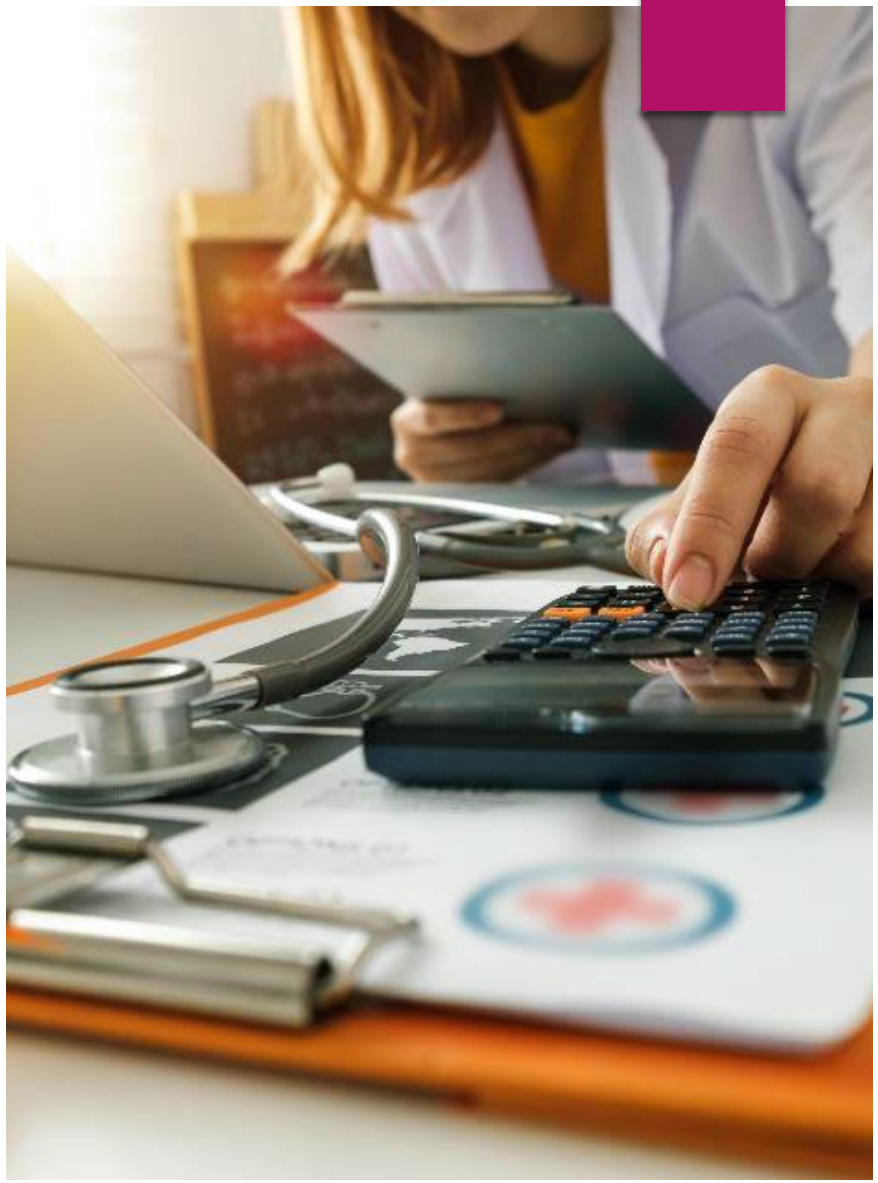
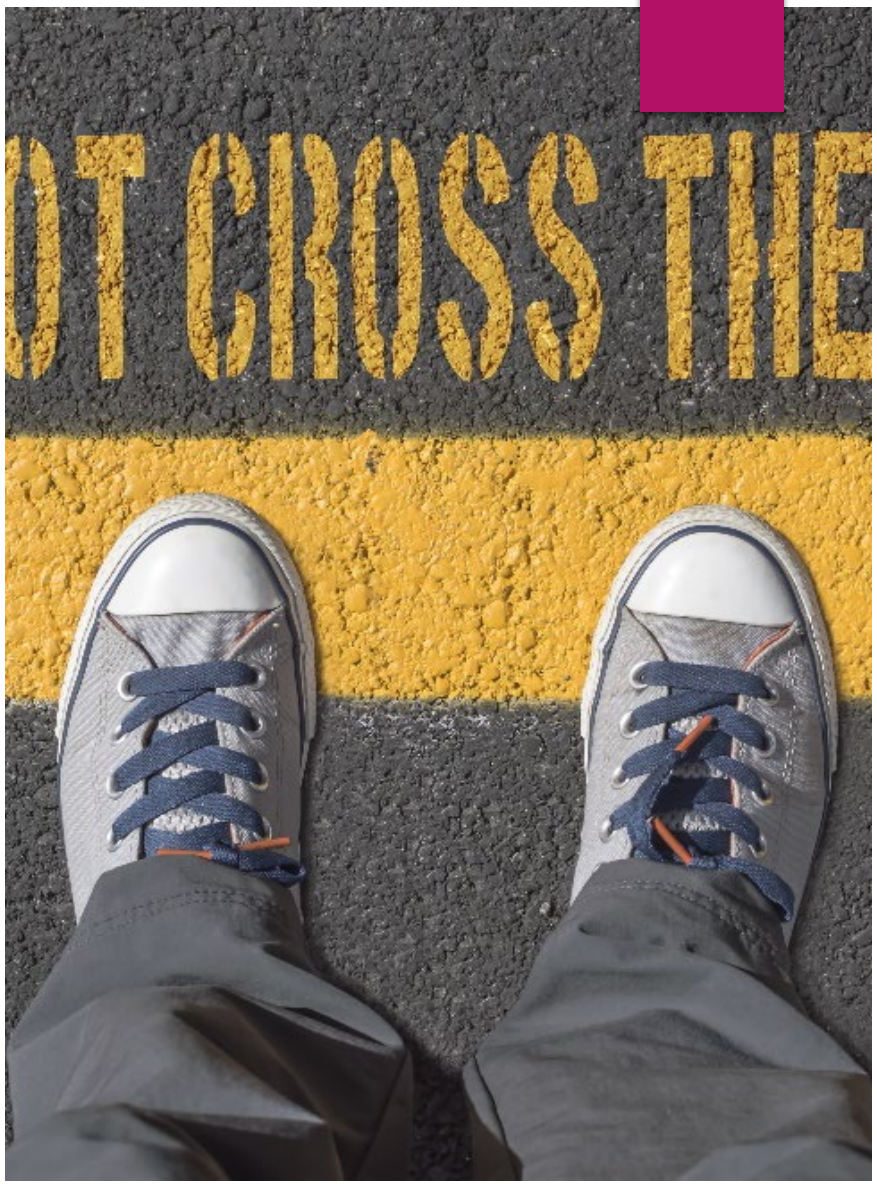
Case 2

- PA admitted 'negligence' in her oversight of the biller she hired, and stated "Aside from this I have been a law-abiding citizen and a caring and compassionate provider"
- NCCPA issued a reportable Letter of Censure



Case 3: Boundary Violation

- Patient A filed a grievance on PA's license stating the PA provided Patient A inadequate care and alleged the PA engaged in sexual misconduct with Patient A's wife referred to as Patient B
- PA admitted having sex with Patient B on multiple occasions in the PA's office and once during office hours

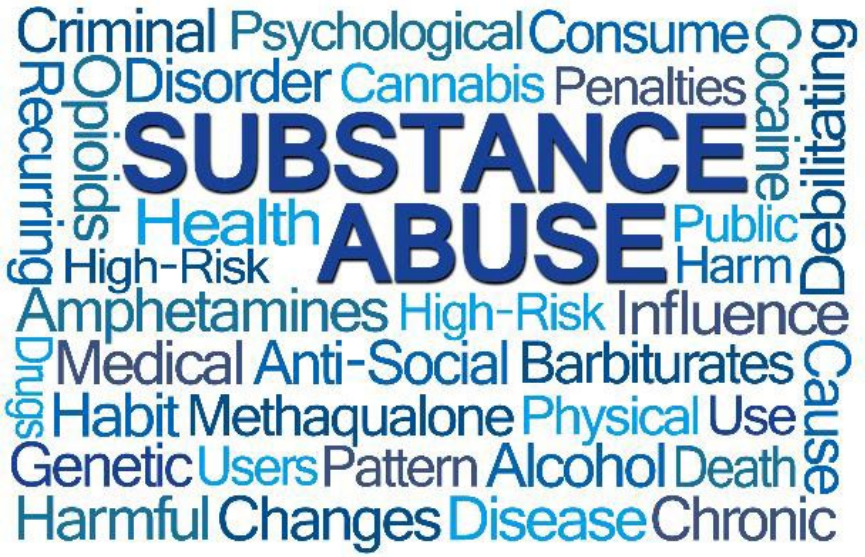


Case 3

- The State Medical Board placed permanent conditions on PA's license requiring a female chaperone be present whenever the PA was speaking with or examining a female patient
- The PA must pass the Center for Personalized Education (CPEP) PROBE course, Maintaining Proper Boundaries course, and Medical Records Keeping course
- NCCPA issued a reportable Letter of Censure

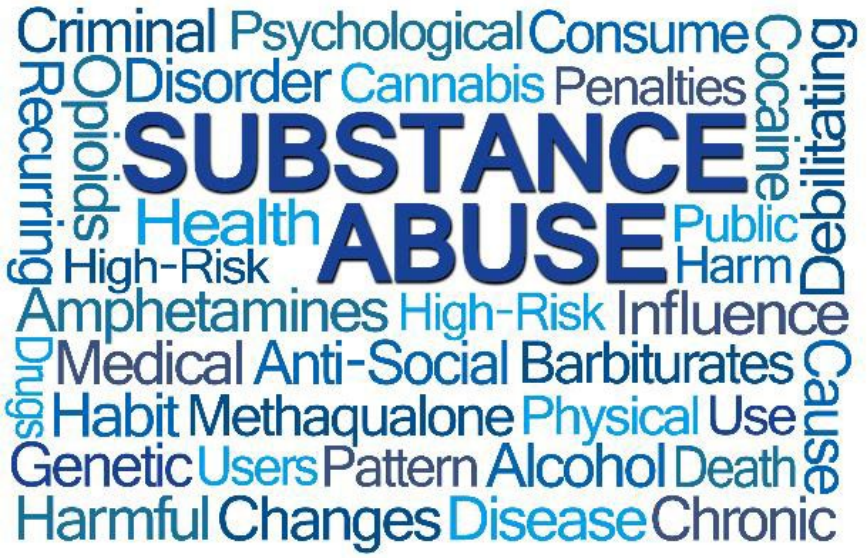
Case 4: Substance Use Disorder

- PA's license was suspended due to substance abuse issues
- While employed as a PA at a chemical dependency treatment facility, the PA began unprofessional relationships with the patients and participated in drug use with them
- The employer requested a toxicology screening due to suspicions of drug use on the job
- PA agreed and tested positive for cocaine and was also found in possession of paraphernalia indicative of drug use while at the facility



Case 4:

- The PA was terminated from his employer
- Results of a comprehensive psychiatric and addiction medicine assessment determined that the PA was impaired
- PA deemed unsafe to practice and ordered to enroll in a monitoring program with 5 years of monitoring. PA failed to comply with the court-mandated monitoring program



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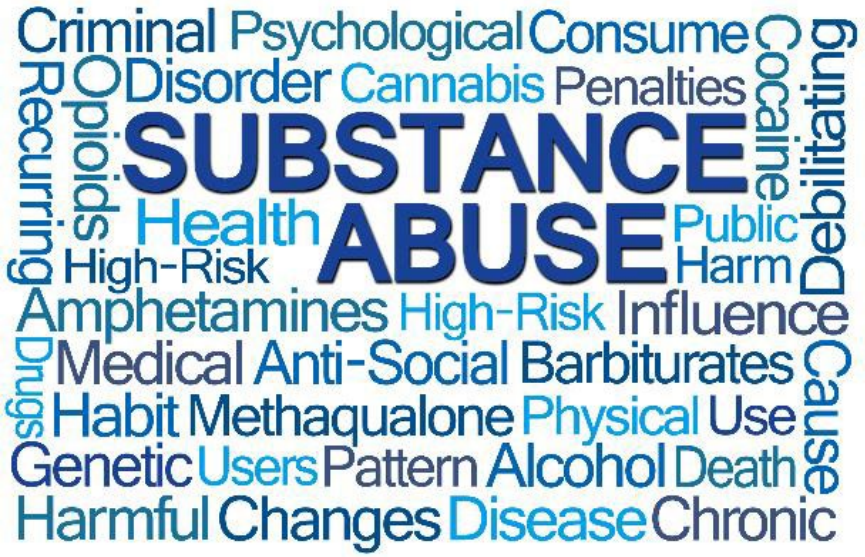
Case 4:

- By policy, NCCPA staff issued a non-permanent revocation of certification and eligibility. The PA appealed to the Review Committee

- The Review Committee affirmed decision to revoke the PA's certification and eligibility due to the PA's professional misconduct related to testing positive for cocaine and non-compliance with the monitoring program



Case 5: Social Media & PA Practice

- JR, a recent PA graduate, accepted a position in the local ER
- JR and a colleague engaged in frequent social media banter regarding interesting patients
- JR would ask his patients if he could photograph their injuries and then post these pics with often less than professional comments

Case 5

- JR published a negative post re: a patient he had seen in the ER
- That patient happened to be an ER Nurse
- During the subsequent investigation, JR lost his job, was reprimanded, and placed on probation by the medical board
- JR was censured by NCCPA

Case 6

Unable to meet a NCCPA Deadline

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Exception to Policy is here to help

- Anticipate the need or act as soon as possible after the missed deadline
- Review NCCPA ETP policies and procedures
- File an ETP

Do Physician Assistants Really Get Sued?

HTTPS://WWW.BERXI.COM/RESOURCES/ARTICLES/DO-PHYSICIAN-ASSISTANTS-GET-SUED/

TOP TAKE AWAYS

- Know yourself, your team, your institution, and patient population
- Choose wisely
- Enhance your communication skills
- Document properly and thoroughly
- Maintain your professionalism and confidentiality
- Consult with others
- Stay alert and continue to learn
- Recognize, but do not copy bad techniques
- Do NOT prescribe for individuals who are not patients of your practice.
- Protect your credentials. *If it is important, do it yourself (e.g. licensure- certification paperwork). Your license and certification are more important than a job*
- Always maintain professional relationships with your patients. *If you wish to pursue a personal relationship, terminate the professional relationship first and then wait*
- Remember that regulators/ commissioners are happy to hear your story, but are unlikely to forget you lied
- Know the laws as well as you know medicine; they are just as important
- Don't let novelty or greed cloud your judgment
- Social media is best left to your personal life but totally traceable
- Verify the licensure status of your co-workers on the State Medical Board website.
- Know the Codes of Conduct that govern your PA License & NCCPA Certification
- Self Care and work-life balance are essential!

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References & Resources

- https://www.nccpa.net/resources/code-of-conduct/
- https://www.nccpa.net/resources/exceptions-to-policy-and-exam-grievances/
- https://www.nccpa.net/wp-content/uploads/2020/09/Policies-and-Procedures-for-PA-Disciplinary-Matters.pdf
- https://nccpahealthfoundation.net/our-causes/professional-practice/
- https://www.aapa.org/advocacy-central/state-advocacy/state-laws-and-regulations/
- AAPA's Guidelines for Ethical Conduct for the Physician Assistant Profession

Questions

CALL: 678-417-8100

Information Service Representatives
available to answer your questions
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