



Arizona Medical Board

9545 East Doubletree Ranch Road • Scottsdale, Arizona 85258

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Telephone (480) 551-2700 • Fax (480) 551-2705 • In-State Toll Free (877) 255-2212

DRAFT MINUTES FOR THE JOINT LEGISLATION AND RULES COMMITTEE TELECONFERENCE MEETING Held on Monday, December 9, 2013 9545 E. Doubletree Ranch Road - Scottsdale, Arizona

Committee Members

Jodi A. Bain, Esq., Chair

Jody L. Jenkins, M.D.

Gordi S. Khera, M.D., F.A.C.C.

Harold Magalnick, M.D.

CALL TO ORDER

Ms. Bain called the meeting to order at 3:38 p.m.

ROLL CALL

The following Committee members participated telephonically: Ms. Bain, Dr. Khera, and Dr. Magalnick. The following Committee members were absent: Dr. Jenkins.

CALL TO PUBLIC

No individuals addressed the Committee during the Call to Public.

NON-TIME SPECIFIC ITEMS

I. APPROVAL OF MINUTES

MOTION: Dr. Khera moved to approve the August 7, 2013 Committee Meeting Minutes.

SECOND: Dr. Magalnick

VOTE: 3-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

II. Consent Agenda – Completed Article 5 - Rule Review for Submission by Rule Consultant

The Committee members discussed the completed Article 5 rule review and submission to the full Board for consideration and approval at the Regular Session Meeting scheduled for December 11, 2013. Kathleen Phillips, Rule Writer, informed the Committee that a cover letter had been placed with the rule report that addressed the recently published Ombudsman Citizens Aide Report regarding the Board. Dr. Magalnick questioned whether future changes can be made in-house to streamline a Board process without changing the rules. Ms. Phillips stated that the Board would need to look at its statutory authority for Article 5 to determine whether a statutory change is required, and then make changes accordingly.

The Committee members further discussed the verbiage used under item number 14 on page 6 in the report regarding the proposed course of action, as well as the proposed course of action summary paragraph included in the cover letter. Ms. Phillips stated that the reference explained that the majority of the report had been drafted prior to the publishing of the Ombudsman's Report. Ms. Phillips stated that she did not identify any issues in the Ombudsman's Report directly related to the Article 5 review. Dr. Magalnick proposed striking the sentence referencing the substantiated allegations in the Ombudsman's Report and the mention of current and former employees of the Board from item 14 and the paragraph summary in the cover letter. The Committee members agreed to this amendment. Dr. Khera recommended allowing the Board's Legal Advisor the opportunity to review the rule report to ensure that it is factually accurate.

MOTION: Dr. Magalnick moved for the Committee to consent to the Five Year Review of Article 5 as written, as amended.

SECOND: Dr. Khera

VOTE: 3-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

III. General Legislation and Rules Update & Potential Considerations for Next Legislative Session

a. Rules Package – Arizona Administrative Code, Title 4, Chapter 16

Ms. Phillips reported that docket had been opened regarding Article 2, and that the Board has one year to make changes.

b. Ombudsman Report Update

There was no update regarding the Ombudsman Report.

c. Telemedicine

Ms. Bain informed the Committee that she and the Board's Interim Acting Executive Director Patricia McSorley had a conference call with individuals regarding telemedicine and issues that have been raised concerning the requirement for a laying of hands in the performance of a physical examination. Ms. Bain stated that this may be brought to the Committee's attention in the future.

IV. Future Meetings Discussion

The Committee discussed holding a telephonic meeting in January of 2014.

V. Adjournment

The meeting adjourned at 3:58 p.m.



Patricia E. McSorley, Interim Acting Executive Director