



Arizona Regulatory Board of Physician Assistants

9545 East Doubletree Ranch Road • Scottsdale, Arizona 85258-5514
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FINAL MINUTES FOR SPECIAL TELECONFERENCE MEETING Held on Tuesday, September 9, 2014 9535 E. Doubletree Ranch Road • Scottsdale, Arizona 85258

Board Members

Geoffrey W. Hoffa, D.H.S.c., P.A.-C, Chair
Myles A. Whitfield, P.A.-C, Vice Chair
Carole A. Crevier
Charles Finch, D.O.
Thomas E. Kelly, M.D.
Sheldon G. Liechty, PA-C
Kit C. McCalla, D.O.
Gary A. Smith, M.D., F.A.A.F.P.
Jacqueline J. Spiegel, M.S., P.A.-C
Patrick J. Van Zanen

A. CALL TO ORDER

Chairman Hoffa called the meeting to order at 5:01 p.m.

B. ROLL CALL

The following Board members participated telephonically: Ms. Crevier, Dr. Finch, Chairman Hoffa, PA Liechty, Dr. Kelly, Dr. Smith, PA Spiegel, and PA Whitfield. The following Board members were absent: Dr. McCalla and Mr. Van Zanen.

ALSO PRESENT

Carrie Smith, Assistant Attorney General; Patricia E. McSorley, Interim Acting Executive Director; Anita Shepherd, Investigations Manager; Raquel Rivera, Investigations Assistant Manager; Danielle Steger, Physician Health Program (PHP); Kathleen Coffey, M.D., Medical Consultant; Alicia Cauthon, Assistant to the Executive Director; Mary Bober, Board Operations Manager; and Andrea Cisneros, SIRC Coordinator.

C. CALL TO THE PUBLIC

No individuals addressed the Board during the call to the public.

CONSENT AGENDA

D. CASES RECOMMENDED FOR DISMISSAL

1. PA-14-0051A, MATTHEW S. O'KANE, P.A., LIC. #4794

Ms. Rivera summarized that due to PA O'Kane's disclosure of a medical issue to the Board, the Board's Chief Medical Consultant requested initiation of an investigation to obtain an attestation from the PA's primary care physician indicating whether the PA is safe to practice. Ms. Rivera informed the Board that the primary care physician submitted correspondence indicating that PA O'Kane is safe to practice and that his condition is well controlled with medication.

MOTION: Ms. Crevier moved for dismissal.

SECOND: PA Whitfield

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

E. PROPOSED CONSENT AGREEMENTS (Disciplinary)

1. PA-13-0095A, STEVEN W. CARBONNIERE, P.A., LIC. #3258

Ms. Steger summarized that the Board received a complaint regarding PA Carbonniere's alleged substance abuse. Ms. Steger stated that upon further investigation, it was discovered that PA Carbonniere had been previously treated for substance abuse, but failed to disclose this on his license

renewal application. PA Carbonniere met with the Board's Physician Health Program (PHP) Contractor and was found unsafe to practice, and was referred for substance abuse evaluation and treatment. During that time, the PA admitted to several violations of state and federal law, centering around the manner in which he obtained medication for his personal use. It was noted that PA Carbonniere had been restricted from performing healthcare tasks under an Interim Practice Restriction, and that following his completion of treatment he was found to be safe to practice. The matter was considered by the Board's Staff Investigational Review Committee (SIRC) who determined that the violations rise to the level of discipline, and recommended that the PA participate in PHP.

MOTION: PA Hoffa moved to accept the proposed Consent Agreement for a Decree of Censure and Five Year Probation to participate in PHP.

SECOND: Dr. Finch

Ms. Crevier noted that PA Carbonniere had been treated for substance abuse twice previously, and questioned whether it would be appropriate to include the Board's "three-strike" policy language in the Order. PA Spiegel observed that the SIRC Report identified that PA Carbonniere relapsed, and noted that this has been an ongoing issue for many years for the PA. PA Spiegel questioned whether the PHP monitoring should be conducted for a period longer than the recommended five years. PA Whitfield agreed with PA Spiegel's comments, and expressed concern regarding whether the PA was practicing while under the influence.

Dr. Kelly requested that the Board revisit the requirement of the PA to submit to random drug testing for a period of only two years, and stated that this seemed inadequate as he believed the testing should occur concomitantly with the PHP monitoring, for the five year period. Several Board members agreed with Dr. Kelly's concern, and also supported including the Board's "three-strike" language in the Order. Board members also discussed the option of requiring the PA to have a co-signature on all prescriptions for scheduled drugs.

Staff informed the Board that the PA does not currently qualify for the Board's "three-strike" policy language as he had not been previously monitored by the Board. Board members were also informed that requiring the PA to be monitored by PHP for a period longer than five years would be unprecedented, as the five-year track for dependence monitoring had been consistently recommended for PHP participants since its inception in 1995. The costs associated with PHP monitoring were also noted, which Board staff pointed out may be costly for a PA to incur over time.

Board members reiterated their concerns regarding the length of time in which the PA would be subjected to random drug testing, and including the Board's three-strike language to place the PA on notice that violation of the Board's Order will result in license revocation. It was suggested that the case return for further investigation to revise the Consent Agreement and reoffer it to the PA. Dr. Smith spoke in favor of referring the matter to the Office of Administrative Hearings for a Formal Hearing to revoke the PA's license.

AAG Smith informed the Board that pursuant to A.R.S. § 32-1452(F), the PA does not qualify to have the Board's three-strike policy as he had not been previously monitored by the Board. AAG Smith stated that with regard to the length of Probation, the Board could consider changing the language to indicate that the PA shall participate in PHP for a minimum of five years with a longer time period be at the recommendation of the PHP Contractor. She additionally pointed out that rather than terminate by operation of law, the PA would be required to petition the Board to terminate the Probation after successful completion of the terms and conditions of the Board's Order, along with a favorable recommendation from the PHP Contractor.

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted against the motion: Ms. Crevier, Dr. Finch, Chairman Hoffa, PA Liechty, Dr. Kelly, Dr. Smith, PA Spiegel, and PA Whitfield. The following Board members were absent: Dr. McCalla and Mr. Van Zanen.

VOTE: 0-yay, 8-nay, 0-abstain, 0-recuse, 2-absent.

MOTION FAILED.

MOTION: PA Whitfield moved to return the case to SIRC with the notes from the Board's discussion and to have Board staff craft a Consent Agreement in line with the thinking and wishes of the Board as stated, and return the case to the Board for further adjudication.

SECOND: Dr. Finch

AAG Smith clarified that the revisions to be made would include that the drug testing would be for the entire term of the Agreement, and to include co-signatures on all prescriptions for controlled substances and have regular reports to Board staff.

**VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.
MOTION PASSED/FAILED.**

MOTION: Chairman Hoffa moved to adjourn the meeting.

SECOND: PA Spiegel

**VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.
MOTION PASSED.**

The meeting adjourned at 5:51 p.m.



Patricia E. McSorley

Patricia E. McSorley
Interim Acting Executive Director