



Arizona Regulatory Board of Physician Assistants

9545 East Doubletree Ranch Road • Scottsdale, Arizona 85258-5514
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FINAL MINUTES FOR MEETING OF COMMITTEE ON ARBOPA STATUTES, RULES AND BOARD PROCESSES Held on Friday, January 9, 2015 9545 E. Doubletree Ranch Road • Scottsdale, Arizona

Committee Members

Geoffrey W. Hoffa, D.H.S.c., P.A.-C, DFAAPA, Chair
Carole A. Crevier
Randy D. Danielsen, Ph.D., P.A.-C
Charles Finch, D.O.
Thomas E. Kelly, M.D., FACEP
Sheldon G. Liechty, P.A.-C
Myles A. Whitfield, P.A.-C

GENERAL BUSINESS

A. CALL TO ORDER

Chairman Hoffa called the meeting to order at 5:30 p.m.

B. ROLL CALL

The following Committee members participated telephonically: Ms. Crevier, Dr. Danielsen, Dr. Finch, Chairman Hoffa, Dr. Kelly, and PA Liechty. The following Committee members were absent: PA Whitfield.

ALSO PRESENT

Carrie Smith, Assistant Attorney General (AAG); Patricia E. McSorley, Interim Acting Executive Director; Anita Shepherd, Investigations Office Manager; Celina Shepherd, Licensing Office Manager; Twana Fairbourn, Licensing Office Assistant Manager; James Gentile, Chief Information Officer; Mary Bober, Board Operations Manager; Amanda Schwabe, Board Coordinator; and Andrea Cisneros, Staff Investigation Review Committee (SIRC) Coordinator.

C. CALL TO THE PUBLIC

No individuals addressed the Committee during the Call to the Public.

D. REVIEW, DISCUSSION AND POSSIBLE RECOMMENDATIONS REGARDING 5 YEAR RULE REVIEW ARBOPA TITLE 4 CHAPTER 17

- Exec. Order 2015-1

The Committee discussed the extension granted to the Board for the five year rule review, noting that the new deadline to submit the review material is March 27, 2015. It was further noted that the Board has been granted exemption from the Governor's moratorium on rules.

- R4-17-102

MOTION: Chairman Hoffa moved for the Committee to enter into Executive Session pursuant to A.R.S. § 38-431.03(A)(3).

SECOND: Ms. Crevier

VOTE: 6-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

The Committee entered into Executive Session at 5:54 p.m.

The Committee returned to Open Session at 6:07 p.m.

No legal action was taken by the Committee during Executive Session.

MOTION: Chairman Hoffa moved to recommend that the Board change R4-17-102 by striking the language of table one of license renewal, to have a deadline to respond to deficiency notices to 90 days from the date of the issuance of the deficiency letter by the Board.

SECOND: Ms. Crevier

ROLL CALL VOTE: Roll call vote was taken and the following Committee members voted in favor of the motion: Ms. Crevier, Dr. Danielsen, Dr. Finch, Chairman Hoffa, Dr. Kelly, and PA Liechty.

The following Committee members were absent: PA Whitfield.

VOTE: 6-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

The Committee discussed the Board's recommendation to work on R4-17-202 to accommodate the ten-year cycle of the NCCPA. Chairman Hoffa noted that the Committee had previously met and voted on the matter of delegated authority to the Executive Director. Board staff reported that this issue was scheduled to be heard by the Board at its August 2014 regular meeting, but that the matter was tabled at that time. Chairman Hoffa instructed Board staff to agendaize the Committee's recommendations for delegation authority to the Executive Director for the Board's February 2015 meeting for consideration.

- R4-17-203

Committee members discussed confidential application questions 6A, B, and C.

MOTION: Chairman Hoffa moved for the Committee to enter into Executive Session pursuant to A.R.S. § 38-431.03(A)(3).

SECOND: Dr. Danielsen

VOTE: 6-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

The Committee entered into Executive Session at 6:15 p.m.

The Committee returned to Open Session at 6:36 p.m.

No legal action was taken by the Committee during Executive Session.

MOTION: Chairman Hoffa moved to recommend that the Board strike confidential license application questions 6A, B, and C; and to replace the questions with the following: A. Whether the applicant currently has any condition or impairment (including, but not limited to, substance abuse, alcohol abuse, or a physical, mental, emotion, or nervous disorder or condition for which you have received treatment in the last five years) that in any way affects the applicant's ability to exercise the judgment and skills of a medical professional; B. If the applicant answers yes, an explanation including (i) a description of the condition or impairment, (ii) information regarding treating providers (iii) a copy of any public or confidential agreement or order issued by a licensing agency or health care institution- if applicable, and (iii) an explanation regarding whether the limitations caused by the applicant's condition or impairment are reduced or ameliorated because the applicant receives ongoing treatment or because the applicant participates in a monitoring or support program; and C. Whether the applicant has been charged, convicted or entered a plea of no contest to an alcohol related offense within the last five years.

SECOND: Dr. Danielsen

Ms. Crevier suggested adding substance abuse related offenses to section C of license application question 6. AAG Smith pointed out to the Committee members that license application question 5K requests information as to whether the applicant has been charged with or convicted of a violation of any federal or state drug rule or regulation. She stated that it is likely that the reporting of any substance abuse related offenses would be covered under this question, since they involve drug related statutes. AAG Smith stated, however, that it is at the Committee's discretion whether to recommend modifying the language of confidential license application question 6C to include substance abuse related offenses in addition to alcohol related offenses.

MOTION: Chairman Hoffa moved to amend the motion to have section C of confidential license application question 6 to read as follows: Whether the applicant has been charged, convicted or entered a plea of no contest to an alcohol or substance abuse related offense within the last five years.

SECOND: Ms. Crevier

ROLL CALL VOTE: Roll call vote was taken and the following Committee members voted in favor of the motion: Ms. Crevier, Dr. Danielsen, Dr. Finch, Chairman Hoffa, Dr. Kelly, and PA Liechty.

The following Committee members were absent: PA Whitfield.

VOTE: 6-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

AMENDED MOTION: Chairman Hoffa moved to recommend that the Board strike confidential license application questions 6A, B, and C; and to replace the questions with the following: A. Whether the applicant currently has any condition or impairment (including, but not limited to, substance abuse, alcohol abuse, or a physical, mental, emotion, or nervous disorder or condition for which you have received treatment in the last five years) that in any way affects the applicant's ability to exercise the judgment and skills of a medical professional; B. If the applicant answers yes, an explanation including (i) a description of the condition or impairment, (ii) information regarding treating providers (iii) a copy of any public or confidential agreement or order issued by a licensing agency or health care institution- if applicable, and (iii) an explanation regarding whether the limitations caused by the applicant's condition or impairment are reduced or ameliorated because the applicant receives ongoing treatment or because the applicant participates in a monitoring or support program; and C. Whether the applicant has been charged, convicted or entered a plea of no contest to an alcohol or substance abuse related offense within the last five years.

SECOND: Dr. Danielsen

ROLL CALL VOTE: Roll call vote was taken and the following Committee members voted in favor of the motion: Ms. Crevier, Dr. Danielsen, Dr. Finch, Chairman Hoffa, Dr. Kelly, and PA Liechty. The following Committee members were absent: PA Whitfield.

VOTE: 6-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

The Committee discussed R4-17-206, noting the similarity in the questions listed under this rule.

MOTION: Chairman Hoffa moved to recommend that the Board strike and replace R4-17-206 with the same language recommended for R4-17-203 regarding questions 6A, B, and C.

SECOND: PA Liechty

ROLL CALL VOTE: Roll call vote was taken and the following Committee members voted in favor of the motion: Ms. Crevier, Dr. Danielsen, Dr. Finch, Chairman Hoffa, Dr. Kelly, and PA Liechty. The following Committee members were absent: PA Whitfield.

VOTE: 6-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

Ms. McSorley referred the Committee members to R4-17-204, stating that should the legislature pass the recommendation to move to a two-year licensing renewal cycle, the Board would need to adopt an increased renewal fee. PA Liechty questioned whether the change in the renewal cycle would affect the CME requirement, increasing the number of CME credit hours to 40. AAG Smith confirmed that the hours would be doubled, and stated that a change in the renewal cycle would also affect R4-17-205. Committee members recommended that Board staff further review the rules to determine what other rules would be affected by the recommended rule changes.

Chairman Hoffa instructed Board staff to revisit the rules and Board processes regarding a potential change to a two-year renewal cycle, and to table the current discussion of R4-17-204 until the Committee's next meeting.

E. REVIEW, DISCUSSION AND POSSIBLE RECOMMENDATIONS REGARDING BOARD AGENCY POLICIES/PROCESSES

MOTION: Chairman Hoffa moved for the Committee to enter into Executive Session pursuant to A.R.S. § 38-431.03(A)(3).

SECOND: PA Liechty

VOTE: 6-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

The Committee entered into Executive Session at 6:55 p.m.

The Committee returned to Open Session at 6:59 p.m.

No legal action was taken by the Committee during Executive Session.

The Committee discussed the Board's process for initial license applications as well as renewal applications; specifically, the removal of confidential questions 1, 2, and 3.

MOTION: Chairman Hoffa moved to recommend that the Board strike confidential questions 1, 2, and 3 from the initial license application and the license renewal application.

SECOND: Dr. Finch

Ms. Crevier expressed concern that applicants who apply between now and when the issue is resolved will not report any history that may pose a potential threat to the public. AAG Smith stated that the Committee can only make recommendations to the Board, and that any recommended changes would need the Board's approval prior to implementation. She stated that any recommendation made by the Committee would not affect the license applications as they current stand.

ROLL CALL VOTE: Roll call vote was taken and the following Committee members voted in favor of the motion: Ms. Crevier, Dr. Danielsen, Dr. Finch, Chairman Hoffa, Dr. Kelly, and PA Liechty. The following Committee members were absent: PA Whitfield.

VOTE: 6-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

Committee members discussed license application question 14 in relation to the disclosure of malpractice cases. It was noted that the application question currently lists a threshold of \$20,000 for which applicants are to report malpractice settlements/judgments. Discussion was made regarding whether the threshold should be removed, and whether the applicants should be required to disclose all malpractice settlements/judgments to the Board when applying for licensure. Board staff reported that different states have different thresholds in their license applications, and that the Arizona Medical Board ("AMB") reviews all malpractice cases. Dr. Danielsen noted that in the past, the National Practitioner's Data Bank had a reporting threshold of \$20,000, and that the threshold was removed to require the reporting of all malpractice cases. He recommended that the ARBoPA be consistent with the Data Bank in that regard.

The Committee additionally discussed whether to require applicants to disclose pending malpractice suits. Dr. Danielsen stated that if the matter is pending, it would not be appropriate to report it and have Board staff involvement in the matter until final action has been taken by the Court. Dr. Kelly also spoke in favor of not requiring applicants to report pending litigation.

MOTION: Dr. Danielsen moved to eliminate the \$20,000 threshold for reporting malpractice claims under license application question 14.

SECOND: Ms. Crevier

ROLL CALL VOTE: Roll call vote was taken and the following Committee members voted in favor of the motion: Ms. Crevier, Dr. Danielsen, Dr. Finch, Chairman Hoffa, Dr. Kelly, and PA Liechty. The following Committee members were absent: PA Whitfield.

VOTE: 6-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

The Committee discussed the requirement for applicants to submit documentation with the reporting of malpractice cases. It was requested that the Committee consider recommending that the Board grant its staff the ability to create a waiver for the requirement to reproduce the medical records regarding malpractice cases. AAG Smith explained that older malpractice cases in which the documentation may no longer exist create problems for applicants who cannot meet the documentation requirement.

MOTION: Chairman Hoffa moved to recommend that the Board have staff and legal counsel draft language and mechanisms to add a waiver for the documentation requirements in the malpractice addendum for the applicants.

SECOND: Dr. Danielsen

ROLL CALL VOTE: Roll call vote was taken and the following Committee members voted in favor of the motion: Ms. Crevier, Dr. Danielsen, Dr. Finch, Chairman Hoffa, Dr. Kelly, and PA Liechty. The following Committee members were absent: PA Whitfield.

VOTE: 6-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

- Policy Review on Submission of Materials Before Board Meeting

Committee members noted that in the past, the Board accepted case material until the day of the meeting. The Board subsequently created its Substantive Policy Statement #1, establishing a three-week deadline for submission of materials to the Board. Chairman Hoffa recognized that, in an effort to

adjudicate cases to allow PAs to return to work, the Board has been accepting cases until the day before the meeting. He recommended striking the three-week deadline for submission of Board material.

MOTION: Chairman Hoffa moved to recommend that the Board strike the three week period requirement for additional materials to consider in the Board's Substantive Policy Statement #1 as well as correspondence with licensees.

SECOND: Dr. Finch.

ROLL CALL VOTE: Roll call vote was taken and the following Committee members voted in favor of the motion: Ms. Crevier, Dr. Danielsen, Dr. Finch, Chairman Hoffa, Dr. Kelly, and PA Liechty. The following Committee members were absent: PA Whitfield.

VOTE: 6-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

- Probation Consent Agreement Language
- Licensee Participation in Case Consideration

The above two items were tabled, and the Committee instructed staff to agendaize these matters for the Committee's next meeting.

F. REVIEW, DISCUSSION AND POSSIBLE RECOMMENDATIONS REGARDING LEGISLATIVE AGENDA

- Possible Amendments to A.R.S. § 32-2523- Renewal Date On Licensee Birthday

The Committee discussed moving the Board to a two-year cycle for license renewals, and changing the date of renewal to the licensee's birthdate. AAG Smith asked that the Committee consider recommending an effective date for the changes, such as the beginning of license year 2016. She explained that if the legislation is passed in 2015, there may be significant problems in implementing the change right away.

It was noted that the renewal costs would be affected by the change, as well as the CME requirement for renewing a license. Ms. C. Shepherd addressed the Committee regarding the AMB's license renewal process of every two years. She stated that the licensing fees are prorated and that if a license is granted too close to the applicant's birthdate, their license would carry over to the next renewal cycle. Ms. C. Shepherd added that the ARBoPA could mirror the AMB's process, and pointed out that there is a provision in statute allowing PA's to request a waiver regarding the CME requirement for license renewal.

The Committee noted that if the Board adopts the recommendation for a two-year license renewal cycle, a rule change is required to increase the renewal fee accordingly. Dr. Kelly stated that, from the perspective of someone who would previously renew a PA license every year to now having to renew his allopathic license every two years, the change would benefit and serve the PA community. Specifically, he stated that the tedious paperwork involved in license renewal will be only every other year, and that he does not see the change as a financial burden on PAs but rather a deferral of payment to one more year.

MOTION: Chairman Hoffa moved to recommend to the Board that beginning in 2016, the licensure statute A.R.S. § 32-2523 be changed to a two-year cycle by birthdate and to work with staff and legislative liaison to implement any statutory changes.

SECOND: Dr. Danielsen

ROLL CALL VOTE: Roll call vote was taken and the following Committee members voted in favor of the motion: Ms. Crevier, Dr. Danielsen, Dr. Finch, Chairman Hoffa, Dr. Kelly, and PA Liechty. The following Committee members were absent: PA Whitfield.

VOTE: 6-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

MOTION: Chairman Hoffa moved to adjourn the meeting.

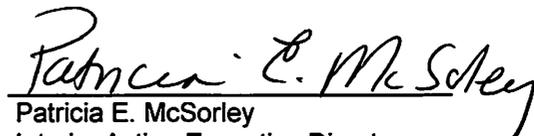
SECOND: Dr. Danielsen

VOTE: 5-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

The meeting adjourned at 7:36 p.m.




Patricia E. McSorley
Interim Acting Executive Director