



Arizona Regulatory Board of Physician Assistants

9545 East Doubletree Ranch Road • Scottsdale, Arizona 85258-5514
Telephone: 480-551-2700 • Fax: 480-551-2705 • www.azpa.gov

FINAL MINUTES FOR REGULAR SESSION MEETING Held on Wednesday, May 20, 2015 9535 E. Doubletree Ranch Road • Scottsdale, Arizona 85258

Board Members

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

GENERAL BUSINESS

A. CALL TO ORDER

Chairman Hoffa called the meeting to order at 1:04 p.m.

B. ROLL CALL

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

ALSO PRESENT

John Tellier, Assistant Attorney General ("AAG"); Carrie Smith, AAG; Patricia E. McSorley, Executive Director; William Wolf, M.D., Chief Medical Consultant, Mary Bober, Board Operations Manager; Anita Shepherd, Investigations Department Manager; and Andrea Cisneros, Staff Investigational Review Committee ("SIRC") Coordinator.

C. CALL TO THE PUBLIC

Individuals who addressed the Board during the call to the public appear beneath the matter(s) referenced.

D. REVIEW, DISCUSSION, AND POSSIBLE ACTION REGARDING EXECUTIVE DIRECTOR'S REPORT

Ms. McSorley presented her report to the Board regarding the following items:

- Board Member Training
- Discussion of Possible Topics for In-Person and Online Training

At the last legislative session, the Governor signed into law the requirement that all regulatory boards have their members complete 12 hours of training by January 2016. Board members were informed that an online webinar program offered by the Council on Licensure, Enforcement and Regulation ("CLEAR ") was available to cover five of the twelve hours required. It was noted that the CLEAR online program has been utilized by other Boards to partially fulfill the statutory training requirements.

All Board members spoke in favor of completing the remaining training during the next two Board meetings.

E. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING CHAIR'S REPORT

Chairman Hoffa presented his report to the Board regarding the following items:

- Update from Board Members Regarding Federation of State Medical Boards ("FSMB") Annual Meeting

Board members who attended the FSMB Annual Meeting reported on topics discussed during the Meeting, which included inter-professional team practice, telemedicine, opiate prescription abuse, communication with stakeholders, and the Interstate Compact and uniform application process. Another topic discussed at the FSMB Meeting was a new tri-regulatory collaborative consisting of nurses, physicians, and pharmacists. Board members noted that PA's were not represented within that collaborative and expressed the importance of having that PA voice. It was noted that the next meeting of that collaborative will be in October of 2015.

The Board additionally discussed how PA representatives are chosen for FSMB participation as part of the medical profession from osteopathic or allopathic perspective, but not as an independent PA profession. The Board stated that there is no reason why the Arizona Regulatory Board of Physician Assistants ("ARBoPA") could not be included in decision making, and noted that they are currently only associate members and not included in that regard.

- FSMB Uniform Application
The Board discussed obtaining input from the executive branch as to what would be necessary to implement use of a Uniform Application for PAs. The Board instructed staff to place this matter on a future agenda for further consideration and discussion.
- Update Regarding Biannual Joint Arizona Medical Board ("AMB") and ARBoPA Officers Meeting
Chairman Hoffa and PA Whitfield reported to the Board regarding the recent Joint Officers meeting. Board members agreed to inform Board officers about any concerns that should be discussed at the next Joint Officers meeting.

F. REVIEW DISCUSSION AND POSSIBLE ACTION REGARDING LEGAL ADVISOR'S REPORT

AAGs Smith and Tellier were available for questions regarding the legal report in relation to the following items:

- Review, Discussion and Approval of Draft Request to Lift the Rulemaking Moratorium
- Legal Advice Regarding New Legislation (SB 1370, HB 2086, HB 2212, HB 2213, HB 2297, HB 2526)
- Legal Advice Regarding A.R.S. § 32-2507
- Legal Advice Regarding Confidential Health Questions on Applications and Renewal Applications
- Legal Advice Regarding Use of Juvenile Convictions
- *North Carolina State Board of Dental Examiners v. FTC, 135 S.Ct. 1101 (2015)*

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

SECOND: PA Whitfield

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

The Board entered into Executive Session at 3:59 p.m.

The Board returned to Open Session at 4:18 p.m.

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

G. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING ARBOPA POLICY AND LEGISLATIVE AGENDA

The Board reviewed and discussed the following items:

- Discussion of Possible Legislative Agenda for 2016 Session
- Reactivation of Licensure, Probationary Licenses, Inactive Status to Active Status

The Board discussed that there are 500-550 out of approximately 2400 PAs who currently do not hold national certification. Board members questioned whether it is within the Board's authority to establish rules regarding what is required for Arizona PA licensure.

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

SECOND: Dr. Danielsen

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

The Board entered into Executive Session at 3:10 p.m.

The Board returned to Open Session at 3:25 p.m.

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

The Board discussed whether or not to expand the legislative agenda to include the evaluation of maintaining certification for all licensees within the State of Arizona, regardless of re-entering practice from a status of retired or inactive. Legal counsel explained that after allowing a license to lapse, a PA is required to reapply to obtain a license which requires certification; however, inactive status to active status does not require certification. The Executive Director commented that the only benefit of inactive status is not having to pay the annual licensing dues. The Executive Director commented that the certification requirement should be meant for PAs who have been out of practice for a period of time.

MOTION: Chairman Hoffa moved for the Board to adopt a legislative agenda to require those PAs converting to an active license from an inactive license to be certified by a Board approved agency.

SECOND: PA Whitfield

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

The Board discussed having a legislative agenda that adopts allowing the CME requirement of 40 hours to be satisfied if the PA is certified by an organization approved by the Board, such as the NCCPA. It was noted that PAs that hold national certification are required to complete CME to maintain that certification and this would reduce duplication efforts in terms of auditing. The argument in opposition was made that the Board would be decreasing their power to regulate its peers and the CME requirements would be set by a certifying body rather than the Board.

MOTION: Chairman Hoffa moved for the Board to adopt a legislative agenda to include that if a PA maintains certification from a certifying body approved by the Board that they have satisfied Arizona State PA licensure CME requirements.

SECOND: Dr. Danielsen

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

VOTE: 5-yay, 4-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

- Review, Discussion and Possible Action Regarding Rule Revisions for R4-17-202 and R4-17-203

MOTION: PA Whitfield moved to approve the language of the proposed revision to R4-17-202.

SECOND: Chairman Hoffa

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

H. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING THE ARBOPA'S REPEAL OF SUBSTANTIVE POLICY STATEMENT ("SPS") #1, DEADLINE FOR SUBMISSION OF MATERIALS PRIOR TO A BOARD MEETING

MOTION: Chairman Hoffa moved to repeal SPS #1 regarding the deadline of submission of materials prior to a Board meeting.

SECOND: Dr. McCalla

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

I. APPROVAL OF MINUTES

MOTION: Chairman Hoffa moved to approve the February 25, 2015 Regular Session.

SECOND: PA Whitfield

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 4-absent.

MOTION PASSED.

LEGAL MATTERS

J. FORMAL INTERVIEWS

1. PA-15-0019A, JACK D. RICE, P.A., LIC. #2187
PA Rice was present without legal counsel.

MOTION: Chairman Hoffa moved for the Board to enter into Executive Session pursuant to A.R.S. § 38-31.03(A)(3).

SECOND: Dr. Kelly

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

The Board entered into Executive Session at 1:25 p.m.

The Board returned to Open Session at 1:37 p.m.

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

PA Rice was questioned regarding his CME, health, certification, and his view of the standard of medicine in relation to location. PA Rice explained that he attended the PA National Certifying Examination ("PANCE") review course for 27 hours and stated it was not a priority before. He stated he was in good health and ready to return to work. PA Rice also stated that he intends to regain certification once he has completed additional CME.

MOTION: Mr. Van Zanen moved for the Board to grant licensure reinstatement to PA Rice.

SECOND: PA Whitfield

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

CONSENT AGENDA

K. ADVISORY LETTERS (Non-Disciplinary)

MOTION: Chairman Hoffa moved to issue an Advisory Letter in item numbers 3, 7, and 9.

SECOND: PA Whitfield

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

1. PA-13-0082A, BRENNON G. JONES, P.A., LIC. #4253

Board staff summarized that PA Jones was found to have deviated from the standard of care by continuing to administer testosterone injections after the patient's PSA increased to 4.2. PA Spiegel pulled this case for discussion and suggested that the PA obtain CME in hormone therapy. She stated that it is her impression that PA Jones did not understand the standard of care in this setting as it relates to prescribing a hormone replacement or management of this type of therapy.

MOTION: PA Spiegel moved to issue an Advisory Letter for a violation of A.R.S. § 32-2501(18)(j) for continuing to administer testosterone injections after PSA increased to 4.2. Issue an Order for Non-Disciplinary CME in addition to the Advisory Letter as recommended by SIRC. Within six months, complete a minimum of 10 hours of Board staff pre-approved Category I CME in hormone evaluation, management, and replacement prescribing. The CME hours shall be in addition to the hours required for license renewal.

SECOND: PA Whitfield

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

2. This matter was pulled from the Board's Agenda.
3. PA-14-0083A, DEVON N. UPDEGRAFF, P.A., LIC. #4219
RESOLUTION: Issue an Advisory Letter for failing to obtain a consent form for laser skin procedures. There is insufficient evidence to support disciplinary action.
4. PA-14-0104A, JOHN-DAVID G. MICHELS, P.A., LIC. #2415
Board staff summarized that PA Michels deviated from the standard of care by failing to physically evaluate the patient before changing the patient from a short acting to a long acting narcotic medication. The Board noted that there were only four days from the time of the patient's last visit to the change in medication. Chairman Hoffa commented that four days is not a breach of the standard of practice in the State of Arizona. The Board also noted that there was appropriate contact with the patient regarding the risks and the plan of care.

MOTION: Chairman Hoffa moved for dismissal.

SECOND: Dr. Kelly

VOTE: 8-yay, 1-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

5. PA-14-0108A, YEH NING JOHNSON, P.A., LIC. #3246
Attorney Scott King spoke during the call to the public on behalf of PA Johnson. Board staff summarized that PA Johnson was found to have failed to assure that the required supervisory physician information was included on a prescription provided to a patient. The Board noted Mr. King's explanation of the matter having been an IT error.

MOTION: Chairman Hoffa moved for dismissal.

SECOND: PA Whitfield

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

6. PA-14-0125A, JULIE F. SILVER, P.A., LIC. #2397
Board staff summarized that PA Silver was found to have been selling prescription medications via the internet without first establishing a provider-patient relationship. The Board discussed the precedent an Advisory Letter would set verses disciplinary action in this type of case. Board members noted that PA Silver had indicated that she did her due diligence to ensure that no statutes were being violated, but did not have a system in place to assure that the product was not being sold to individuals outside of her patient database.

MOTION: PA Whitfield moved to issue an Advisory Letter for selling prescription medications over the internet without first establishing a provider-patient relationship. There is insufficient evidence to support disciplinary action.

SECOND: Chairman Hoffa

PA Whitfield spoke for the motion stating that the issuance of an Advisory Letter will place the PA on notice that the Board will be tracking this occurrence.

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

7. PA-14-0031A, GEOFFREY S. STREETER, P.A., LIC. #4594
SV addressed the Board during the call to the public on behalf of the complainant. Attorney John Draskowski spoke during the call to the public as well, on behalf of PA Streeter.

RESOLUTION: Issue an Advisory Letter for incorrect reading of postoperative shoulder x-rays. There is insufficient evidence to support disciplinary action.

8. PA-14-0133A, CARMEN E. MEREDITH, P.A., LIC. #1840
Chairman Hoffa was recused from this case. Board staff summarized that PA Meredith was found to have been self-prescribing testosterone, a controlled substance.

MOTION: Mr. Van Zanen moved to issue an Advisory Letter for self-prescribing testosterone, a controlled substance. There is insufficient evidence to support disciplinary action.

SECOND: Dr. Finch

The Board discussed whether or not it was credible that PA Meredith was unaware that testosterone was a controlled substance. It was noted that PA Meredith has no prior Board discipline and the issuance of an Advisory Letter was warranted and appropriate for tracking purposes.

VOTE: 8-yay, 0-nay, 0-abstain, 1-recuse, 2-absent.

MOTION PASSED.

9. PA-15-0011A, DIANE E. CHILDERS-WATSON, P.A., LIC. #3286
RESOLUTION: Issue an Advisory Letter for the unauthorized access of a medical record. There is insufficient evidence to support disciplinary action.

L. LICENSE APPLICATIONS

i. APPROVE OR DENY LICENSE APPLICATION

1. PA-15-0040A, RONALD E. MOREHOUSE, P.A., LIC. #N/A
Board staff summarized that PA Morehouse disclosed on his license application that he was subject to action by the State of Washington in 1996 in which he was required to complete CME in ethics and documentation.

MOTION: Chairman Hoffa moved to grant the license.

SECOND: Dr. Smith

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

ii. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING RENEWAL APPLICATIONS

1. PA-14-0091A, ALEXANDRA M. MAJESTY, P.A., LIC. #4703
Board staff summarized that PA Majesty failed to complete CME within the required date-range for license renewal.

MOTION: Dr. Finch moved to grant the license renewal and issue an Advisory Letter for failing to complete the CMEs during the qualifying date range.

SECOND: PA Whitfield

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

2. PA-14-0134A, ISAAC F. PARR, P.A., LIC. #3463
PA Parr spoke during the call to the public. Board staff summarized that PA Parr failed to complete CME within the required date-range for license renewal.

MOTION: Dr. Danielsen moved to grant the license renewal and issue an Advisory Letter for failing to complete the CMEs during the qualifying date range for renewal of licensure, and for failing to furnish information to the Board in a timely manner.

SECOND: PA Whitfield

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

3. PA-15-0030A, CYNTHIA D. LAWRENCE, P.A., LIC. #2655

Board staff summarized that PA Lawrence's answered in the affirmative to a confidential question on the license renewal application.

MOTION: Chairman Hoffa moved to grant the license renewal.

SECOND: PA Spiegel

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

4. PA-14-0112A, KIMBERLY A. HART, P.A., LIC. #5631

Board staff summarized that PA Hart failed to complete CME within the required date-range for license renewal.

MOTION: Chairman Hoffa moved to grant the license renewal and issue an Advisory Letter for failing to complete the CMEs during the qualifying date range.

SECOND: Dr. Kelly

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

5. PA-15-0033A, JENNIFER L. CASERTA-BADER, P.A., LIC. #4948

Board staff summarized that PA Casterta-Bader failed to complete CME within the required date-range for license renewal.

MOTION: PA Whitfield moved to grant the license renewal and issue an Advisory Letter for failing to complete the CMEs during the qualifying date range.

SECOND: Dr. Finch

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

MOTION: Mr. Van Zanen moved for adjournment.

SECOND: Chairman Hoffa

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 4-absent.

MOTION PASSED.

The meeting adjourned at 4:39 p.m.


Patricia E. McSorley, Executive Director

