



Arizona Regulatory Board of Physician Assistants

9545 East Doubletree Ranch Road • Scottsdale, Arizona 85258-5514
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FINAL MINUTES FOR REGULAR SESSION MEETING Held on Wednesday, September 2, 2015 9535 E. Doubletree Ranch Road • Scottsdale, Arizona 85258

Board Members

Geoffrey W. Hoffa, D.H.S.c., P.A.-C, DFAAPA, 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., FACEP
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

Dr. Hoffa called the meeting to order at 8:10 a.m.

B. ROLL CALL

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

ALSO PRESENT

Patricia E. McSorley, Executive Director; Carrie Smith, Assistant Attorney General ("AAG"); William Wolf, Chief Medical Consultant; Anita Shepherd, Investigations Manager; Mary Bober, Board Operations Manager; Anne Froedge, AAG; Raquel Rivera, Investigations Assistant Manager; Andrea Cisneros, Staff Investigational Review Committee ("SIRC") Coordinator; Amanda Schwabe, Board Coordinator.

C. BOARD MEMBER TRAINING

- Investigations Process

Board staff presented the following training material to the Board:

- Complaint Intake Process
- Investigation of Complaints
- Medical Consultant Reviews

AAG Smith presented the following training material to the Board:

- SIRC
- Notification of Proposed Action
- Options Available to the Board regarding Disciplinary and Non-Disciplinary Actions
- Public and Non-Public Orders
- Roles of AAG's in Relation to the Board

- Formal Interviews

AAG's Froedge and Smith presented the Formal Interviews training material to the Board, which included the following:

- Role of the Board in Conducting Formal Interviews
- Returning a Case for Further Investigation

AAG's Froedge and Smith presented the Board with examples of mock Formal Interviews and explained the process of Board deliberations and motion making at the conclusion of a Formal Interview.

- Formal Hearings
- Licensing Process

The above two items were tabled for the next regular session meeting.

D. BREAK

The Board took a lunch break from 11:42 a.m. to 1:05 p.m.

E. CALL TO THE PUBLIC

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

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

- Review, Discussion and Possible Action on Approval of 2016 Meeting Dates
Dr. Hoffa directed staff to place this item on the November Board meeting agenda.

Ms. McSorley updated the Board regarding the following items:

- Update on Rules
- Update on Budget

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

Dr. Hoffa updated the Board regarding the Arizona Medical Board ("AMB") and Arizona Regulatory Board of Physician Assistants ("ARBoPA") Joint Officers meetings. Dr. Hoffa also updated Board members on licensee requests for extensions regarding the required Continuing Medical Education ("CME") hours for renewal of licensure.

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

No report was presented.

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

- Legislative Update

Dr. Hoffa directed staff to update the Board member's reference sheets for availability at the next regular session meeting. Board members directed staff to look into identifying possible physician assistants to serve as Medical Consultants ("MC"). Board members requested that Ms. McSorley research whether Board members can receive CME credit hours for their role on the Board. PA Spiegel directed staff to include the credentials of an MC on their reports.

J. APPROVAL OF MINUTES

MOTION: Dr. Danielsen moved to approve the February 25, 2015 Executive Session Minutes.

SECOND: PA Leichty

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

MOTION PASSED.

CONSENT AGENDA

K. CASES RECOMMENDED FOR ADVISORY LETTERS

MOTION: Dr. Hoffa moved to issue an Advisory Letter in items 1-3.

SECOND: PA Whitfield

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

MOTION PASSED.

1. PA-15-0017A, GARY E. GAWELKO, P.A., LIC. #4547
RESOLUTION: Advisory Letter for performing healthcare tasks without having a Delegation Agreement signed by his Supervising Physician. While there is insufficient evidence to support disciplinary action, the Board believes that continuation of the activities that led to the investigation may result in further Board action against the licensee.
2. PA-14-0071A, KENDALL D. JENSON, P.A., LIC. #3172
RESOLUTION: Issue an Advisory Letter for improper management of a fungal scalp infection. There is insufficient evidence to support disciplinary action.
3. PA-14-0024A, TAMI J. HARMON, P.A., LIC. #1893
PA Harmon and CH addressed the Board during the call to the public.

RESOLUTION: Advisory Letter for signing her SP's name on an AZ POST form that only physicians may sign, and for failing to affix the initials "PA" or "PA-C" after her signature. There is insufficient evidence to support disciplinary action.

L. CASES RECOMMENDED FOR ADVISORY LETTERS WITH NON-DISCIPLINARY CONTINUING MEDICAL EDUCATION ORDER

MOTION: Dr. Hoffa moved to issue an Advisory Letter and an Order for Non-Disciplinary CME in items 1 and 2.

SECOND: Mr. Van Zanen

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

MOTION PASSED.

1. PA-13-0100A, GAYL W. OVERGAARD, P.A., LIC. #1460
RESOLUTION: Issue an Advisory Letter for failure to coordinate patient care with the supervising physician, for providing controlled substances prescription refills without first examining the patient, and for inadequate medical records. While there is insufficient evidence to support disciplinary action, the Board believes that continuation of the activities that led to the investigation may result in further Board action against the licensee. Issue an Order for Non-Disciplinary CME for inappropriate prescribing of controlled substances and for prescribing controlled substances to a patient in a different person's name. Within six months, complete a minimum of 15 hours of Board staff pre-approved Category I CME in an intensive, in-person course regarding controlled substances prescribing, and a minimum of 10 hours of Board staff pre-approved Category I CME in an intensive, in-person course regarding ethics. The CME hours shall be in addition to the hours required for license renewal.
2. PA-15-0045A, TIMOTHY A. MARTINEZ, P.A., LIC. #5559
RESOLUTION: Issue an Advisory Letter for action taken by the State of California. While there is insufficient evidence to support disciplinary action, the Board believes that continuation of the activities that led to the investigation may result in further Board action against the licensee. Issue an Order for Non-Disciplinary CME for failing to provide accurate information regarding the California Medical Board's original denial of licensure during an investigational interview with Board

staff while his initial application for an Arizona license was under review. Within six months, complete a minimum of 10 hours of Board staff pre-approved Category I CME in ethics. The CME hours shall be in addition to the hours required for license renewal.

M. PROPOSED CONSENT AGREEMENTS (Disciplinary)

MOTION: Dr. Hoffa moved to accept the proposed consent agreements in items 2 and 3.

SECOND: Dr. Danielsen

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

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

MOTION PASSED.

1. PA-14-0122A, AMY J. LENOX, P.A., LIC. #3597

Board staff summarized that PA Lenox was found to have deviated from the standard of care by failing to perform an adequate history and physical to justify the treatment provided, and failing to document reason and justification of the multiple controlled substances that were prescribed to the patient. Ms. Crevier noted that the MC found that PA Lenox did not address patient complaints in any of her responses and requested that the Board consider amending the proposed Consent Agreement to include 10 hours CME in conducting histories and physicals, and documenting findings.

MOTION: Ms. Crevier moved to reject the proposed Consent Agreement and offer the PA a Consent Agreement for a Letter of Reprimand and Probation to include the CME in the current draft, and to complete an additional 10 hours within six months of Board staff pre-approved Category 1 CME in an intensive, in-person course regarding conducting histories and physicals and documenting findings.

SECOND: PA Spiegel

PA Spiegel noted PA Lenox's prior Board history included a Letter of Reprimand and Two Year Probation to participate in the Physician Health Program ("PHP") and spoke against the motion. PA Spiegel commented that this matter rises to a higher level of discipline and recommended that the proposed probationary period be consistent with PA Lenox's current Probation Order. Ms. Crevier spoke against the recommendation, and stated that the proposed six month probation would allow the Board the opportunity to follow-up on PA Lenox's compliance with the recommended CME. Dr. Smith spoke against the motion and observed that PA Lenox had already signed the proposed Order in agreement with attending the recommended CME in prescribing.

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

VOTE: 3-yay, 6-nay, 0-abstain, 0-recuse, 2-absent

MOTION FAILED.

MOTION: Dr. Smith moved to accept the proposed Consent Agreement for a Letter of Reprimand and Probation. Within six months, complete no less than 15 hours of Board staff pre-approved Category I CME in an intensive, in-person course regarding prescribing. The CME shall be in addition to the CME required for license renewal. Once the licensee has complied with the Probation, she must affirmatively petition the Board to terminate the Probation.

SECOND: PA Whitfield

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

VOTE: 7-yay, 2-nay, 0-abstain, 0-recuse, 2-absent
MOTION PASSED.

2. PA-14-0018A, RICKY R. EATON, P.A., LIC. #4392
RESOLUTION: Accept the proposed Consent Agreement for a Letter of Reprimand.

3. PA-14-0074A, MINDI J. MIRGELER, P.A., LIC. #3366
RESOLUTION: Accept the proposed Consent Agreement for a Letter of Reprimand and Probation. Within six months, complete a minimum of 10 hours of Board staff pre-approved Category I CME in coronary artery disease and atypical chest pain. The CME hours shall be in addition to the hours required for license renewal. Once the licensee has complied with the Probation, she must affirmatively petition the Board to request termination of the Probation.

4. PA-14-0124A, VICTOR E. SCHULTZ, P.A., LIC. #1301
Dr. Hoffa was recused from this matter.

MOTION: PA Whitfield moved to accept the proposed Consent Agreement for a Letter of Reprimand and Probation. Within six months, complete a minimum of 10 hours of Board staff pre-approved Category I CME in coronary artery disease and atypical chest pain. The CME hours shall be in addition to the hours required for license renewal. Once the licensee has complied with the Probation, she must affirmatively petition the Board to request termination of the Probation.

SECOND: PA Spiegel

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

VOTE: 7-yay, 1-nay, 0-abstain, 1-recuse, 2-absent
MOTION PASSED.

N. LICENSE APPLICATIONS

i. APPROVE OR DENY LICENSE APPLICATION

MOTION: Dr. Hoffa moved to approve the license application in items 1-4, 6 and 7.

SECOND: PA Whitfield

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

1. PA-15-0087A, DAVID S. BOWMAN, P.A., LIC. #N/A
RESOLUTION: Approve the license.

2. PA-15-0093A, HEIDI J. HARROLD, P.A., LIC. #N/A
RESOLUTION: Approve the license.

3. PA-15-0090A, LORIE L. WEBER, P.A., LIC. #N/A
PA Weber addressed the Board during the call to the public.

RESOLUTION: Approve the license.

4. PA-15-0096A, HERNAN J. GARREAUD, P.A., LIC. #N/A
PA Garreaud addressed the Board during the call to the public.

RESOLUTION: Approve the license.

5. PA-15-0078A, JARED N. BEVELL, P.A., LIC. #N/A
Dr. Danielsen was recused from this matter.

MOTION: Dr. Hoffa moved to approve the license application.

SECOND: PA Liechty

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

MOTION PASSED.

6. PA-15-0080A, ALLISON N. WILLIAMS, P.A., LIC. #N/A
RESOLUTION: Approve the license.

7. PA-15-0086A, LAUREL A. DELORME, P.A., LIC. #N/A
RESOLUTION: Approve the license.

8. PA-15-0097A, MARIE I. THOMAS, P.A., LIC. #N/A

PA Thomas addressed the Board during the call to the public. Board staff summarized that PA Thomas disclosed that since graduating as a physician assistant in December 2007, she has worked internationally in community health projects, primarily as a manager rather than providing direct patient care. Board staff noted that information was received that PA Thomas had been placed on programmatic probation during her training for failing to meet progression standards, but that she remediated the issue. Board staff also noted that PA Thomas received her NCCPA certification in May 2015.

MOTION: PA Whitfield moved to approve the license.

SECOND: Dr. Danielsen

PA Spiegel observed that PA Thomas stated she is ACLS certified during the call to the public, but noted that documentation was not provided to the Board. PA Spiegel expressed concern with the amount of time PA Thomas practiced outside the United States. Board members observed that the requirements for NCCPA certification are sufficient enough to show that PA Thomas' medical knowledge is current.

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

MOTION PASSED.

ii. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING RENEWAL APPLICATION AND CONSIDERATION OF RECOMMENDED ADVISORY LETTER

1. PA-15-0032A, HARLEY J. OPPERMAN, P.A., LIC. #1993

Board staff summarized that PA Opperman failed to complete the required CME hours for the previous renewal year.

MOTION: Dr. Hoffa moved to accept the license renewal and issue an Advisory Letter for failure to complete the CMEs during the qualifying date range. There is insufficient evidence to support disciplinary action.

SECOND: Dr. McCalla

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

MOTION PASSED.

iii. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING RENEWAL APPLICATION AND REQUEST FOR BOARD DIRECTION

MOTION: Dr. Hoffa moved to grant the license renewal in items 2 and 3.
SECOND: Dr. Danielsen
VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent
MOTION PASSED.

1. PA-15-0071A, NICHOLAS S. THOMPSON, P.A., LIC. #5628
MOTION: Ms. Crevier moved for the Board to enter into Executive Session pursuant to A.R.S. § 38-451.03(A)(2) and (3).
SECOND: PA Liechty
VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent
MOTION PASSED.

The Board entered into Executive Session at 2:15 p.m.
The Board returned to Open Session at 3:06 p.m.
No legal action was taken during Executive Session.

MOTION: PA Whitfield moved to grant the license renewal.
SECOND: Dr. Danielsen

Dr. McCalla spoke against the motion and opined that, for the safety of the public, this matter should be returned for further investigation.

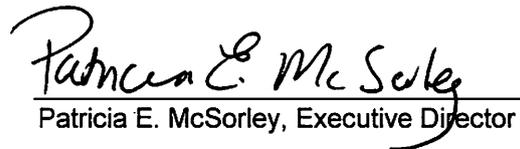
VOTE: 6-yay, 3-nay, 0-abstain, 0-recuse, 2-absent
MOTION PASSED.

2. PA-15-0081A, BETH A. PROSTEJOVSKY, P.A., LIC. #4475
RESOLUTION: Grant the license renewal.
3. PA-15-0072A, ASHLEY M. COBERT, P.A., LIC. #5917
RESOLUTION: Grant the license renewal.

MOTION: Dr. Danielsen moved to adjourn the meeting.
SECOND: PA Spiegel
VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent
MOTION PASSED.

The meeting adjourned at 3:30 p.m.




Patricia E. McSorley, Executive Director