



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, January 19, 2016

9545 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, PhD, P.A., D.F.A.A.P.A.

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

Dr. Hoffa called the meeting to order at 5:07 p.m.

B. ROLL CALL

The following Board members participated telephonically: Dr. Hoffa, Mr. Whitfield, Ms. Crevier, Dr. Danielsen, Dr. Kelly, Dr. McCalla, Dr. Smith, Ms. Spiegel and Mr. Van Zanen.

The following Board Member was absent: Mr. Liechty.

ALSO PRESENT:

Patricia E. McSorley, Executive Director; Carrie Smith, Assistant Attorney General (AAG); Mary Bober, Board Operations Manager.

C. CALL TO THE PUBLIC

Participating telephonically: Chris Davis, PA; Jennifer Francyk, PA-C; John Shaff, PA, with the Arizona State Association of Physician Assistants ("ASAPA").

Mr. Davis addressed the Board regarding the steps and discussions they have been involved with leading to the proposed legislative changes in regards to physician assistants being able to perform fluoroscopy in Arizona.

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

I. Discussion and Possible Action Regarding Proposed Changes to Arizona Revised Statutes Title 32; Physician Assistant Ability to Perform Fluoroscopy in the State of Arizona

The Board discussed the issue of whether or not to support the proposed legislative changes regarding the ability of physician assistants to perform fluoroscopy. There was discussion regarding the concerns of hospitals who are not allowing physician assistants to perform fluoroscopy. The Board questioned Mr. Davis on the details of rule or statute that would exclude physician assistants from performing this task. The Board discussed the issues surrounding the bill, as well as concerns and questions regarding who would have jurisdiction of the physician assistants should the bill pass.

MOTION: Dr. Hoffa moved to withdraw support for the proposed legislation and to authorize Mr. Goodman to enter an "against" position should the matter come up before the legislature in its current forum.

SECOND: Mr. Whitfield.

VOTE: 6-yay

1-nay: Ms. Spiegel

3-absent: Dr. Smith, Mr. Liechty, Dr. McCalla

0-abstain, 0-recuse

MOTION PASSED.

II. Discussion and Possible Action Regarding Proposed Legislation to Transfer Health Regulatory Boards to the Department of Health Services

Ms. McSorley addressed the Board regarding House Bill 2501. The discussion was for informational purposes only at this time. No motion was necessary.

MOTION: Dr. Danielsen moved to adjourn the meeting.

SECOND: Mr. Whitfield

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

MOTION PASSED.

Meeting adjourned at 6:31 p.m.




Patricia E. McSorley, Executive Director

**ARIZONA STATE REGULATORY BOARD
OF PHYSICIAN ASSISTANTS**

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Patrick J. Van Zanen

PREPARED FOR:

ARIZONA REGULATORY BOARD
OF PHYSICIAN ASSISTANTS

(ORIGINAL)

Reported by:

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GENERAL BUSINESS**A. CALL TO ORDER**

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

Dr. Hoffa called the meeting to order at 5:07 p.m.

CHAIRMAN HOFFA: It's 5:07 p.m., January 19, 2016. This is Geoffrey Hoffa. I'm the Chairman of the Regulatory Board of Physician Assistants. I'm calling this special meeting to order.

This meeting will be transcribed, so all people who are going to be speaking, make sure that you identify yourself by name so that the transcriptionist doesn't have a hard time.

And we are going to start with the roll call.

B. ROLL CALL

Myles A. Whitfield, P.A., Vice Chair

The following Board members participated telephonically: Dr. Hoffa, Mr. Whitfield, Ms. Crevier, Dr. Danielsen, Dr. Kelly, Dr. McCalla, Dr. Smith, Ms. Spiegel and Mr. Van Zanen. The following Board member was absent: Mr. Liechty.

ALSO PRESENT

Stuart Goodman, Lobbyist, participated telephonically. Present among Board staff include: Carrie

Smith, AAG, Patricia E. McSorley, Executive Director, Mary Bober, Board Operations Manager. Appearing telephonically for the Call to the Public were: Chris Davis, PA, Jennifer Francyk, P.A.-C, and John Shaff, PA, with the Arizona State Association of Physician Assistants.

CHAIRMAN HOFFA: Geoffrey Hoffa is here.
Myles Whitfield?

MR. WHITFIELD: Present.

CHAIRMAN HOFFA: Carole Crevier?

MS. CREVIER: Yes.

CHAIRMAN HOFFA: Carole Crevier is present.
Randy Danielsen?

DR. DANIELSEN: Present.

CHAIRMAN HOFFA: Thomas Kelly?

DR. KELLY: Present.

CHAIRMAN HOFFA: Garth Liechty? Garth
Liechty? Sheldon Liechty?

Dr. McCalla?

DR. McCALLA: Present.

CHAIRMAN HOFFA: Dr. McCalla is present.
Dr. Smith?

DR. SMITH: Present.

CHAIRMAN HOFFA: Dr. Smith is present.

Jacqueline Spiegel?

MS. SPIEGEL: Present.

DR. HOFFA: Jacqueline Spiegel is present.

Patrick Van Zanen?

MR. VAN ZANEN: Present.

CHAIRMAN HOFFA: Present, okay.

We have nine present. That's a quorum.

C. CALL TO THE PUBLIC

CHAIRMAN HOFFA: Let's go ahead and do Call to the Public. I have been informed that Chris Davis will be speaking at the Call to the Public. Normally, people who sign up for Call to the Public, we don't address the issues. It's simply a five-minute sound-off to have an opinion or a position heard. However, in this case, obviously, Mr. Davis will be able to interact when we come down to our agenda items, which there are two, one is Discussion and Possible Action Regarding Proposed Changes to Arizona Revised Statutes Title 32; Physician Assistant Ability to Perform Fluoroscopy in the State of Arizona. And number two, Discussion and Possible Action Regarding Proposed Legislation to Transfer Health Regulatory Boards to the Department of Health Services.

Mr. Davis, you are recognized for five minutes.

MR. DAVIS: Thank you very much. I appreciate the Board's time in this matter. Last year I had the opportunity to speak before the Board regarding the upcoming legislative changes that the Arizona State Association of Physician Assistants was trying to implement. And over the course of the legislative session and the summer we worked diligently with various stakeholders. At, I believe it was the August meeting, and I absolutely could be wrong, but I believe it was the August meeting of ARBOPA, I had the opportunity to speak and explain the current situation where physician assistants did not have the legal authority to utilize fluoroscopy, even if it were to be delegated to them by their supervising physicians and if they also met the criteria of being radiologic technologists.

To that end the Board at that time felt there was support to move forward. So they decided to take it upon themselves and worked with various -- presented to the Committee of Reference, both the House and Senate, in December of last year. We were able to secure a positive review for a Sunrise application. However, during the legislative session, we were unable to secure a sponsor at that time.

The proposed legislative changes were fully vetted by ASAPA and AAPA to be in concurrence with the

model other states have utilized, whereby physician assistants would receive additional education, hands-on training and examination. And then the State would recognize that they were competent to utilize the tool of fluoroscopy.

The model, of course, is ASRT, the American Society of Radiologic Technologists. And AAPA put together an educational model worth 40 hours of CME, and AAPA would have to then undergo 40 hours of clinical training to be able to qualify for the American Registry of Radiologic Technologists, specific radiation, or fluoroscopy examination that was to be offered for physician assistants. But it still falls to the State to recognize that training model and allow physician assistants to utilize fluoroscopy.

Because each individual state has the option to regulate ionizing radiation or not, this is an issue that's to be dealt with at the state level. Various states regulate, some do not regulate, and some specifically prohibit physician assistants from utilizing fluoroscopy. Unfortunately, in Arizona we are in a state that does not allow physician assistants at this time to utilize any type of ionizing radiation, unless they also fall into that category of being a radiologic technologist as well.

So as I mentioned, over the course of the summer, we reached out to various stakeholders, including the Arizona Radiation Regulatory Agency, the ARRA, the MRTBE, which is the Medical Radiologic Technology Board of Examiners. We also reached out to the State X-Ray Tech Society. These were parties that we had identified as having concerns with either the educational model or the examination model or the clinical training model portion of the whole process.

And so by visiting with them in one-on-one meetings and attending conferences and being in front of their membership and answering a whole host of questions, a joint letter was put forth by the State X-Ray Tech Society and ASAPA. And these meetings were held at ARRA. They voiced their opinions, they helped craft the legislation, so that, as we move forward in this legislative session, we would be able to answer that we had worked with stakeholders and this was the proposed legislative changes.

In visiting with -- So at the most recent COR, which was December 7, ASAPA had the opportunity to just briefly review the work that had been done over the session in the summer. Because it wasn't exactly the same Sunrise application, it was felt by various stakeholders that it could move forward, despite the fact that a new

Sunrise application had not been proposed.

So working, meeting with Representative Carter and Senator Barto, both the chairs of the COR, questions were answered. But I think a question did come up whereby -- and I forwarded this to various stakeholders -- if a physician assistant were to have a complaint lodged during the utilization of fluoroscopy that pertained to fluoroscopy, the question was who would be responsible for dealing with that complaint? In querying AAPA and querying ARRA, the opinion was that in the matter of the fluoroscopy itself, it would be handled by ARRA, the Arizona Radiation Regulatory Agency, as they have the legislative authority to regulate the use of fluoroscopy in ionizing radiation.

And I believe that's why we are here today, to further discuss this and gather ARBOPA's opinion. I hope that the proposed legislative changes were provided to you. I know I provided it to Dr. Hoffa and to your executive director. So that is ASAPA's current statement, and I appreciate your time.

CHAIRMAN HOFFA: Thank you. The time has expired.

So let's, let me ask, is there anybody else who would like to address Call to the Public?

Hearing none, we will move on.

Do we have Stuart Goodman on the phone?

MS. McSORLEY: Dr. Hoffa, we have just reached out to him to remind him, and we have not heard back from him. So he is not currently on the line.

D. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING

ARBOPA POLICY AND LEGISLATIVE AGENDA

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

I. Discussion and Possible Action Regarding Proposed

Changes to Arizona Revised Statutes Title 32;

Physician Assistant Ability to perform Fluoroscopy

in the State of Arizona

CHAIRMAN HOFFA: Okay. We are going to move on to item D, number 1, Discussion and Possible Action Regarding Proposed Changes to Arizona Revised Statutes Title 32; Physician Assistant Ability to Perform Fluoroscopy in the State of Arizona.

Let me just make sure that I have everybody down who is in the public. I have Jennifer Francyk, I have Chris Davis and I have John Shaff present.

Is there anybody else who's present on the call?

With that, I want to start with -- Jennifer Francyk, I believe you are the current president of the Arizona State Association of Physician Assistants,

correct?

MS. FRANCYK: That is correct.

CHAIRMAN HOFFA: And you have taken the position in support of the work that's been done so far and the bill that is presented to us and we do have the bill. We take that everybody has reviewed the bill prior to this call from the Board. Your position is in favor?

MS. FRANCYK: I'm sorry, what? It's a little sketchy to hear you.

CHAIRMAN HOFFA: I'm sorry. I can barely hear you.

MS. FRANCYK: What was your question?

CHAIRMAN HOFFA: My question is: Do you support, as president of the ASAPA, do you support the work that is being championed by Chris --

MS. FRANCYK: Yes.

CHAIRMAN HOFFA: -- for revision of statutes in item number 1 of this discussion?

MS. FRANCYK: Yes.

CHAIRMAN HOFFA: Okay. And has the Arizona State Association of Physician Assistants voted in support from their board of directors for this action?

MS. FRANCYK: Yes, in support, yes.

CHAIRMAN HOFFA: And, Mr. Shaff, are you in support of this as well, as president elect of ASAPA?

Mr. Shaff?

MR. SHAFF: Yes. I'm sorry. It cut in and out. Could you please repeat yourself on that?

CHAIRMAN HOFFA: The question is: Are you supporting this as well? Are you supporting this bill?

MR. SHAFF: Yes. I have reviewed the bill and I do support it, correct.

CHAIRMAN HOFFA: Okay. We have a lot of different materials that have been prepared for the Board. I know that Dr. Danielsen has forwarded quite a bit to the rest of the Board as well. We have got a lot of material and it is quite a bit of material and I hope that everybody has had a chance to review it completely.

Let me just start out by asking a couple questions to Chris. In this original Sunrise application which survived from this legislative session from last year, the one we heard about in our August session, when this was authored, who authored this? Was it you? Was it ASAPA? Was it help from AAPA? Give me an idea of who had crafted the Sunrise application, dated August 28, 2014.

MR. DAVIS: Did you direct that, Mr. Hoffa, to myself?

CHAIRMAN HOFFA: To Mr. Davis, yes.

MR. DAVIS: So I was one of the authors, additionally another colleague that functions in

fluoroscopy -- or functions in interventional radiology is an ASAPA fellow, Lynn Eidson also helped craft that. We reached out to AAPA. They helped craft that as well. They gave their input. We modeled it after the previous Sunrise applications that have been successful, which have been authored by Jacqueline Spiegel and Michelle DeBase.

CHAIRMAN HOFFA: And it was modeled after Oregon, is that correct? I'm just --

MR. DAVIS: Well, no. At that time Oregon had actually not submitted their legislation. What has happened is the accepted method is to do the education, the education, the hands-on training and then the examination. That's been the agreed-upon method by ARRT, AAPA and ASRT and various states are following after that model.

The Oregon -- I had the opportunity to visit with the champion of that at the most recent AAPA meeting in May in San Francisco. And our thought process and our method of moving through the legislative sessions has been very similar to their experience.

So to answer your question --

CHAIRMAN HOFFA: I'm going to ask you -- I'm sorry.

MR. DAVIS: Go ahead.

CHAIRMAN HOFFA: If I could just ask you a

couple of questions about the Sunrise application. We reviewed and I just want to point you down to the second-to-the-last sentence in the first paragraph, if you have that in front you.

MR. DAVIS: One minute, please.

CHAIRMAN HOFFA: It says, after mentioning earlier Arizona Revised Statutes, it states: The current description of a licensed practitioner, according to the Radiologic Technologist Act, A.R.S. 32-2801.8, which excludes physician assistants.

Tell me how that is. How is that -- Is there an exclusion that you see there in the actual statutes, or where did the exclusion arise from?

MR. DAVIS: So the current exclusion, if we go to the MRTBE web site, and I will pull that up so I get the exact wording.

CHAIRMAN HOFFA: Yes, the specific statute. I know they have the statute there on the web site. I have been on that web site. In specific, if you have the statutes in front of you, the 32-2801. Because I suspect if you are working on this, you probably know the statutes pretty well. Where does it exclude physician assistants?

MR. DAVIS: Let me get to those. It's 32- -- Dr. Hoffa, just for the interest of time, can you tell me the number so I can find it here. I found it.

DR. HOFFA: 32-2801.8.

MR. DAVIS: Correct.

CHAIRMAN HOFFA: That's in the summarized portion.

MR. WHITFIELD: I have 32-2801.

CHAIRMAN HOFFA: I believe I have what is the current statute that we have. So this is the radiologic technology stuff. That is the 32-2801.8, licensed practitioner means a person licensed or otherwise authorized by a law to practice medicine, dentistry, osteopathy, podiatry, chiropractic or naturopathic medicine in this state.

MR. DAVIS: Correct.

CHAIRMAN HOFFA: Where is the exclusion to physician assistants in that?

MR. DAVIS: So because we are not a named entity there, the --

CHAIRMAN HOFFA: Now I will direct you to Exclusions. There's another part that's called Exclusions. And if you read that, do you find that we have any specific exclusion in statute?

MR. DAVIS: What section is the Exclusions?

CHAIRMAN HOFFA: It would be the next statute.

Carrie, help me out here, Exclusions.

MR. DAVIS: 202.

CHAIRMAN HOFFA: I'm pretty sure that I don't see Exclusions. I have gone over this several different times. This issue has brought a lot of review. There's a lot of work that's been done, you know, since your submission. I know that we, and I heard this last year, we reviewed the minutes from last August, and at that time I believe that you had stated that --

First of all, when we read the Sunrise application, and I have read it to you, where we are excluded from practice in this area due to statute, would you agree with me that that's not -- I don't find that, that's not really correct?

MR. DAVIS: Okay. So, Dr. Hoffa, because we are not named as a licensed entity to utilize fluoroscopy, the ARRA, the most recent copy is October of 2012, and it is titled Licensed Practitioners to Health Professionals, and it says "regarding scope of practice of radiography and fluoroscopy," and this is the legal opinion of --

CHAIRMAN HOFFA: Pardon me. We have that. It's October 12, 2012. And just so that everybody on the Board can see this, it is a letter, as Chris states, as Mr. Davis states, Medical Radiologic Technology Board of Examiners, by Aubrey B. Goodman, the Chair. And this is a letter that's going to be very important.

But let me just, before you get there, you had mentioned in the minutes, or it is mentioned in the minutes from the last meeting we had in August, that there is a rule. And you understand the difference between statutes and rules. A rule is made by a Board. Do you know of a rule that excludes physician assistants? This is a letter and this is an opinion letter.

MR. DAVIS: You are correct, this is an opinion letter. And this is what has prohibited physician assistants in the state of Arizona to lawfully utilize fluoroscopy. There has -- If you were to claim, as the practicing PA, that you had the legal authority to do so, a hospital would not allow you to do so. They are at risk for their license. The radiologic technologists would not assist you, and they all refer back to this exact rule -- or this exact letter, this legal opinion.

CHAIRMAN HOFFA: You don't know of an actual rule. Because rules have, they are very specific, they are assigned a rule number, and then once they are vetted, they are put into the rule book and they are published. But do you know of a rule that actually excludes physician assistants?

MR. DAVIS: I do not. This is the legal opinion that physician assistants have always worked against.

CHAIRMAN HOFFA: And let's also keep in mind that, I just want to clarify, this letter is not from an attorney, but it is from a Board. It's signed Ken Arish, A-R-I-S-H.

MR. DAVIS: And he is the current chair of the ARRA.

CHAIRMAN HOFFA: But this is the concern, correct? Is that correct, Chris?

MR. DAVIS: Correct, this is the concern. And because physician assistants aren't named in the statutes as exempt --

CHAIRMAN HOFFA: Just a moment. Who's seeking recognition?

MS. SPIEGEL: Thank you. Sorry. Jacqueline Spiegel.

CHAIRMAN HOFFA: You are recognized.

MS. SPIEGEL: I understand what we are trying to get at here in terms of the discussion, and I think there is some gray zone and fine line. I mean, if we don't practice medicine, what do we practice? So it does appear that by statute we would be included while we are not listed there by name. I guess I would like to know, based on when this letter was published, have they ever sanctioned or done anything to a PA that was utilizing fluoroscopy under the assumption that they were

allowed to do so as a licensed provider practicing medicine with the delegated authority from their supervising physician?

CHAIRMAN HOFFA: Does the staff know or does anybody have any anecdotes from the public, from either of the three people that are speaking from the public, does anybody have an anecdote, or is there anybody from staff that cares to comment on the question, which is a good question?

MR. DAVIS: Dr. Hoffa, I can speak to that, if I may.

CHAIRMAN HOFFA: Chris Davis, you are recognized.

MR. DAVIS: Most recently Lynn Eidson began working -- If I may clarify, this letter, although it currently has a date of October 2012, there are reiterations of this exact same letter dating back to 2008 and 2009. So this letter has been in force for multiple years, not just the past three years.

So Lynn Eidson, a physician assistant that currently works at Banner Gateway Medical Imaging Department, hired on two years, maybe three years ago, and as he started there he was informed by the radiologic technologists that work with him that he cannot use fluoroscopy. In fact, they were watching his every move

and went to the director there to make certain he was not using fluoroscopy.

Additionally, at that point it was brought to Banner Health's attention and Banner Health reached out to -- this letter was again brought up and Banner Health reached out to ARRA and MRTBE. In that setting a quasi compromise was made, where a physician assistant could ask for a spot film, which is not fluoroscopy, it is not as valuable nor is it as efficient or safe for the patient in the sense of decreased radiation. So, but a physician assistant was allowed to utilize fluoroscopy.

This is the case over at Thunderbird, where Pam Feeland is watched. Additionally, at Thunderbird, when they bring on a new PA shortly -- and the Banner ASAPA has functioned under this same threat, shall we say, of further actions by the MRTBE and ARRA.

The issue lies in that, if you go back to statute, they are -- if I can bring it back. Sorry. I'm trying to get back to '01. There are fines in place whereby those that allow or control the device risk fines for allowing someone not, that does not hold the correct certificates, they can be fined for allowing that to happen, to occur.

CHAIRMAN HOFFA: Let me ask another question. Are you aware that there are Attorney General

opinions that are available? Was that part of the research that was done when crafting this bill and this proposed language for the bill and for the Sunrise application?

MR. DAVIS: I'm not aware of Attorney General opinions.

CHAIRMAN HOFFA: We can have the staff go back and research this. And it's important to note that there is opinion for just specifically this question that's dated March 10, 1982.

MR. DAVIS: Mr. Hoffa, if I may, there was some background noise. If you could start again.

CHAIRMAN HOFFA: Sure, sure, sure. So there is an Attorney General's opinion that's dated 1982 specifically regarding this question. There was a question that was posited to then Attorney General Ben Corbett, and it was by Mr. L. Saline, program manager for the MRTBE. And in specific they asked the question -- And, of course, this opinion is readily available and the staff can provide it to you, should you wish. And I would think that you would want it.

There was a question generated April 23, 1981, in which they asked if licensed physician assistants and professional nurse practitioners are authorized to order radiography examinations to also be performed and to

interpret. And at the end, if I can just summarize, paraphrase, the result and the opinion from the Attorney General was that in fact physician assistants were able to do that. Did you know about that, Chris Davis?

MR. DAVIS: No. Is there a way to forward that now?

CHAIRMAN HOFFA: Yes. If the Board -- Is it okay, Ms. Smith, to forward that to --

MS. SMITH: Yeah. This is a public document, Dr. Hoffa.

CHAIRMAN HOFFA: -- to the ASAPA?

DR. DANIELSEN: Chairman Hoffa?

CHAIRMAN HOFFA: Is this Dr. Danielson?

DR. DANIELSEN: Yeah. I have a comment, when you are done asking questions, I just have a comment about this.

CHAIRMAN HOFFA: Okay. I just wanted to make sure -- let's provide a copy to ASAPA and Mr. Davis of the Attorney General's opinion, which specifically is asked of the MRTBE regarding the question of physician assistants performing radiology. This would extend to fluoroscopy.

And, Dr. Danielson, you are recognized.

DR. DANIELSEN: Thank you, Chairman Hoffa. Let me sort of cut to the chase with this, since I'm an

old guy that's been around forever, I was actually around when that Attorney General's opinion was asked for. And it was asked for originally by the regulatory board with the knowledge of the Arizona State Association of PA's. And as you see there, you are exactly right, at that time the opinion was that PA's were exempt from the MRTBE, you know, certification. And so I think that's been lost over the years. And it really calls the question, the philosophy, I think, of where PA's ought to be in terms of, if indeed PA's are, work under the supervision of a physician who delegates to them the tasks, then it's clear I think most PA's would agree, it's clear to us, which it's not clear to the radiology techs. And this is an issue that we have tried to address statutorily for many years, and for many years the radiology techs opposed it. So if indeed we are -- this best can be delegated to us by a physician, then that solves the issue. The problem is nobody agrees with that, which is why the AAPA in other states have gone this other route, this education route and this certification route.

So I think as a Board in Arizona we need to decide, you know, philosophically if we agree that physicians can delegate this task to their PA, if an interventional radiologist can delegate the ability to use fluoroscopy to the PA, and if we could actually get that

clarified even further, then I think that's the answer. If we can't get that to occur, then we are faced with a bill that Mr. Davis is talking about.

CHAIRMAN HOFFA: If I could ask you, Dr. Danielsen, to expound, you provided the Board with the previous position from the American Academy of Physician Assistants, would you mind explaining that just a little bit further and giving it a little bit of light.

DR. DANIELSEN: Well, first of all, I'm not sure if I can certainly represent the AAPA. But I can tell you that, you know, the AAPA for many years, through Dan Davis and others, have tried to solve this issue in various states and ran up against a lot of road blocks. And that that's why the academy now supports -- First of all, they do support physicians delegating fluoroscopy tasks to the PA, and they have supported the educational courses that are out there to ensure that PA's have the knowledge and skills to do it, just because of the road blocks that occurred in many states. That's why we are where we are today.

If we were able to get states and Attorney General's opinion like we had here to be clear about the exemption, then that solves the problem. I just think the AAPA has taken a different route because of the barriers in various states.

I would probably defer to Mr. Davis and folks from ASAPA, who could probably speak better about what the AAPA's opinion is. But for me, I really think it's a philosophical issue that we have to answer before we answer what we want to support in terms of statutory changes. I don't know if that's valuable or not, but that's certainly my opinion.

CHAIRMAN HOFFA: Other Board members, you have the opportunity to ask any questions of Mr. Davis.

MR. WHITFIELD: Let me echo Dr. Danielsen's comments and just add a couple things to that. First of all, I agree with Randy 100 percent. And I think that this is probably a task that should just be considered a delegated task and whatnot. But one thing I would like to add to Randy's comments is that it's way more than the interventional radiologist, because fluoroscopy is used routinely by physician assistants operating in neurosurgery, orthopedic surgery, probably even in general surgery, and a variety of other specialties and subspecialties. I don't really think that we should be specific about which specialties and subspecialties we are going to authorize PA's to utilize fluoroscopy as a delegated task. I think it should just be a general broad sweeping sort of statement, period. Do you understand what I'm getting at there?

CHAIRMAN HOFFA: Any other Board members? I apologize. I thought I was dictating for a second.

PA SPIEGEL: Chairman Hoffa.

CHAIRMAN HOFFA: Jacqueline Spiegel.

MS. SPIEGEL: Yes. I do agree with Randy. I mean, just got to get to the bottom of where this all is at and what direction this is going. My concern that I heard from Mr. Davis was, while we as a Board might say this is a delegated task and there's nothing impeding the PA from, if delegated by their supervising physician to do this, that they should not do it. What I'm hearing is, fine, it's not something that would come before the Board where they got outside of their scope of practice. However, if there are other entities within the community, including employers, hospitals and such, which is what I heard from Mr. Davis, I don't think it's as cut and dried as is it in statute or not in statute, is it a delegated task, is it not a delegated task. I think there's more to it than that.

And maybe that's not something for our Board to really decide. What we really need to figure out is, if they can do it or not do it and, you know, if we would see them before the Board if they did.

So I mean, I don't know. That's just, it sounds to me like it's more than just what's in statute,

what's the Attorney General's opinion, what's there. There's just entities out there that are viewing it maybe differently than we would and impeding the process.

CHAIRMAN HOFFA: Are there any other Board members?

MR. WHITFIELD: What's the opinion of the Board and the chair regarding the PA Board, our Board, soliciting an opinion from the Attorney General, an updated opinion, if you will, of that 1982 opinion that you read for us earlier, and saying, hey, look, here we are in 2016 and this is the opinion of the Attorney General and this is the opinion of the PA Board and public status opinion in support of physician assistants practicing what I consider to be something that is just part of our scope of practice? Would that be helpful to this legislation or would that be helpful to this effort?

DR. HOFFA: Well, if there isn't any other Board member at this time that wants to be recognized, either to make a comment or ask questions of Mr. Davis.

Part of the problem that I've recognized, this is my take, part of the problem that I'm recognizing here is we are causing a jurisdictional problem with a physician/PA relationship. It is in the statute that -- There's nothing in the statute that keeps us from practicing fluoroscopy, whether that's the reality as far

as hospital policies and practices are concerned. There's nothing in the statute that keeps a PA from practicing fluoroscopy with an RT license or not. There's nothing in the rules that would obstruct somebody from providing those services to patients.

We have an Attorney General's opinion, which I'm fine with that opinion, from 1982, satisfying that indeed physician assistants are able to perform these functions and these duties in respect to radiology in a specific letter to the MRTBE.

And what this solution or this proposed solution in the bill does is it actually creates two jurisdictions for a physician assistant. And the trouble I have with that is that I think that's probably not -- it's different -- it depends on what state you are in. We happen to be in a state that's one of the most advanced in regard to the physician assistant profession. And the problem is that if this bill were to survive their changes to both the MRTBE and the physician assistant statutes, which would create a jurisdiction under the MRTBE for those functions that have to do with fluoroscopy. And that is not in sync with the physician/PA relationship that's been described. We are medical practitioners.

Not only that, this question was asked by Senator Ward the last time that this went through. But I

think that it would be a mistake to go forward with a bill that would be something that we should be regulating, otherwise, something that we should be regulating. We would be indeed creating a jurisdictional split for the practice of medicine.

I also want to note that I have asked the staff if we have the resources to handle these cases. Because of our nature with our joint structure with the Arizona Medical Board and that we share staff, we also share those pool, the pool of radiologists that would be outside medical consultants and we -- indeed the staff can clarify anything that would have to do with handling a radiology case, a case that has to do with fluoroscopy, that we have the expertise and the resources to be able to adjudicate those cases. Isn't that correct?

MS. McSORLEY: Yes, that's absolutely correct. We do have the adequate resources to investigate a complaint that may come in with regard to fluoroscopy.

CHAIRMAN HOFFA: So we have the ability to hear and adjudicate these cases. And at the same time, you know, I'm not sure what the capabilities are of the MRTBE. So it's unknown. I mean, it would be tasked with -- if this were to survive in the language that it is, it would be tasked with having to regulate physician assistants and indeed a part of the PA/physician

relationship.

Are there any other members of the Board that care to comment?

I can't help but think that this issue, if there's a problem in practice in regards to private entities, the hospitals, practices and the like, wouldn't a better way to go about this, wouldn't that be to try to get some clarification and the Arizona State Association of Physician Assistants could help provide that? This is literally a letter, and the effect of the letter is that it's caused concern enough among the different entities that it's making it difficult for PA's who are otherwise qualified to do their job.

But the answer I don't think is to go and take something that's quite precious to the physician assistant profession out of the jurisdiction of our regulatory board. But, in fact, to go and try to fix the problem of the MRTBE more or less scaring everybody into not doing what they are perhaps well qualified to do.

DR. KELLY: Chairman Hoffa.

CHAIRMAN HOFFA: Just a moment. Another solution to this could also be, if someone were to pursue a legislative fix to this, that at the most the legislative fix would be to just include the name physician assistants to those others so that it clarifies

the issue entirely, so that we do have this.

But I believe that if there's too much opposition, that it would be -- as far as we are concerned and as far as the Attorney General is concerned, PA's can practice using fluoroscopy. And that's the way it should be.

DR. DANIELSEN: I just had a comment. Thank you.

So first of all, my hat is off to ASAPA for all the work they have done on this bill over the last few years, and with the right attitude of trying to fix a problem. And, you know, in some states it's been the only way that they can fix is problem is either with the educational component and a test. I agree with Mr. Whitfield that perhaps -- We have changed the statutes over the years to have a pretty darn good law, pretty good delegatory law. I think it would be smart to ask for another or an updated Attorney General's opinion regarding PA's being exempt from the MRTBE requirements. And that may solve part of the problem.

I'm assuming that the opinion would be the same, and maybe some people say you have got to be careful what you ask for, but I think trying to find a remedy so that PA's can indeed do the tasks they are delegated to do. So this may be an idea to do that. I would certainly

be happy to hear what Mr. Davis has to say about that.

DR. HOFFA: Mr. Davis, do you care to respond?

MR. DAVIS: I absolutely do. So I appreciate the advice proffered by Dr. Hoffa. The current, although it is just a letter, and I am assuming here, but I am assuming that the ARRA and MRTBE have a copy or availability to review the Attorney General's views from 1982 when they brought forth this letter, authored the letter and then promulgated it over the years.

Speaking to -- Just trying to collect my thoughts here. Speaking to the idea of just speaking to the Attorney General's opinion again, the physician assistants that currently practice in radiologic technology are hamstrung by this gray area. They are not able to practice to their full practice abilities. And the procedural portion is not what's in question. It's merely the ability to use fluoroscopy safely.

Additionally, as AAPA took this on, they recognized that there was a lack of radiologic safety education in the physician assistant education training program. And that's always been kind of the concern of the American Society of Radiologic Technologists and the ARRT, is that and AAPA recognizes that, and that's why

they went into partnership with these other two entities to provide additional education for PA's to safely use fluoroscopy.

If you think back to your PA training, very little is spent on radiologic safety and radiation safety, any of those measures. Would I advocate an Attorney General's opinion? That may seem to be the easiest fix for the issue; however, physicians, hospitals, directors, they are going to turn to ARRA and MRTBE for direction because they are the licensees of using fluoroscopy equipment. And they are liable for the use of certified and the appropriate personnel utilizing that.

I have dealt with this back and forth, which way is the best way to go? Obviously, legislative change is not easy. An Attorney General's letter or opinion may have been the easiest method. But I believe that legislative change or utilizing, you know, making certain that those that are doing so are safe is the, you know, keeping in mind patient safety, I believe that is the appropriate way to go.

CHAIRMAN HOFFA: Who's seeking to be recognized?

DR. DANIELSEN: Danielsen.

CHAIRMAN HOFFA: Dr. Danielsen, you are recognized.

DR. DANIELSEN: I just wanted to respond to Mr. Davis. And I still fall back that this is a philosophical question that we have to answer because, truly, there are a lot of things that are not taught in PA school. You know, we have PA's who are performing colonoscopies in this country who did not learn that in PA school. Could that be an unsafe procedure? Absolutely. We have PA's harvesting veins. I could go on and on. How do we make sure the PA is safe? Number one, is we require that they have continuing education. More importantly, we require that they have a supervising physician who's qualified in that task to supervise and make sure the PA is qualified to do that. And that's the job of the supervising physician, and frankly, is the job of the Board to make sure that happens. So it really is philosophical. It's not just about fluoroscopy. It's about the ability of the physician to delegate tasks to the PA.

Now, the AAPA and ASAPA is trying to solve this by saying, look, we can prove that we have the education and that we passed a test. And I know that's what state legislature, when we went there last year, Chris will remember, that was an issue they bought up, how do we know the PA is safe. The answer is because they have supervision. And so I think we have to ask ourselves

philosophically, where do we sit with this? And if we are fine to go change statutes to have requirement for another Board to regulate PA's, I think it's a slippery slope here, because the other boards, then, will want to help regulate PA's. So just food for thought.

CHAIRMAN HOFFA: So I just want to ask if Jennifer Francyk is still on. I would like to ask a question. I think we all have had quite a few revelations tonight, just in researching the history of this, the documents that are available. Does the ASAPA -- Don't you think that there is an awful lot of new material here that you have learned about tonight? I mean, I saw this just the first time tonight. We clarified some things that were not clear before. But indeed does the ASAPA acknowledge that there's some new material really to consider here?

MS. FRANCYK: Yes. Can you hear me? This is Jennifer Francyk.

CHAIRMAN HOFFA: Is this Jennifer Francyk?

MS. FRANCYK: Yes, it is. I do agree that there is some new information that we need to consider. And I agree that, if we do allow other, another Board to regulate physician assistants, then it makes sense that we put ourselves open to other boards. I think that over the years, because this has been going on for many years,

we've tried to find these other solutions and we haven't had a lot of support in attaining these solutions, such as the letter from the Attorney General and those things, and I agree with that.

But on the flip side, we are already regulated by other boards, such as the Board of Pharmacy. So right now we don't have the ability to prescribe for more than 30 days on Schedules 2, 3, 4 prescriptions. So I can't give a refill of tramadol to a patient legally. I can't give a refill of several other medications that are more benign than others, because the Pharmacy Board says it's not okay. And so our regulations say that it's not okay. So what we have here is an entity that's trying to regulate a very dangerous thing, fluoroscopy, ionizing radiation, who is saying that I don't feel comfortable allowing this. And until we have that Board's support for whatever reason, whatever they are telling us we need to do, until we have that support, we are not going to be able to do it. Until we have the Board of Pharmacy saying, hey, you know what, I feel like PA's in the state of Arizona can prescribe for 90 days for these other scheduled medications, we are not going to be able to do it. Does that make sense?

CHAIRMAN HOFFA: Yes. If I may just ask a question. I believe when we have a pharmacy issue at the

Board of Pharmacy, those issues are referred on to our Board, are they not, Ms. McSorley?

MS. MCSORLEY: Yes. If a PA prescribes outside of what the physician has delegated to him, yes, you do see those. The PA Board adjudicates those cases.

MS. FRANCYK: Right, right, that's true. But no matter what the physician says, the PA can't prescribe for more than 30 days. That's correct?

CHAIRMAN HOFFA: Ms. Francyk, hold on just a moment. What I'm trying to point out is we have a Board of Pharmacy that looks after certain issues, such as scheduled drugs. But those cases are referred on to us. The Board of Pharmacy doesn't hear those cases. Those cases are referred to the Arizona Regulatory Board of Physician Assistants. And I just want to make sure that that's clear, because that's part of our jurisdiction.

MS. FRANCYK: I see what you are saying.

MR. SHAFF: May I ask a question?

CHAIRMAN HOFFA: Mr. Shaff, what's the comment?

MR. SHAFF: And you may know this answer, you may not. For example, in Oregon, how is that handled when -- Does their PA Board review that directly or are they governed by other regulatory boards?

CHAIRMAN HOFFA: If you are asking, I am not

sure. Any of the Board members are welcome to answer that question, but we are not the state of Oregon. We have a hard enough time just trying to stay on top of our own statutes, rules and governance. And we are concerned with the people that we regulate here in the state of Arizona.

MR. SHAFF: I understand.

CHAIRMAN HOFFA: Let me just ask, is there going to be any reconsideration regarding this bill? We have identified some significant issues, and I'm not so sure that all those issues, such as, for example, the Attorney General's opinion, was really known by any of these entities. I mean, if anybody did know about that, speak up.

But my question is, for example -- Just tell me if there's been anything from ASAPA on this issue. Has there ever been an issue to address MRTBE in the letter? Has there ever been a campaign for correspondence between ASAPA during any of your tenure at ASAPA regarding this issue to try to get them to rethink their opinion?

MR. DAVIS: If I may, Mr. Hoffa, the answer is an emphatic yes, I have been discussing this with MRTBE and ARRA for as long as I have been practicing as a physician assistant. In fact, when I walked into my place of employment on the first day, they were well aware of me, they knew me, and they asked, well, can you do that as

a PA. And I said, yes, because I also have other certification. But they did not take just my word for it. Of course, they went to MRTBE and ARRA, and, again, were provided with this letter.

The answer is, yes, we have reached out to them on multiple occasions, and, if there is a rule we could work around, could we do a rule change instead of legislative change? And the answer has always been that physician assistants are not named health care practitioners, and, therefore, it falls outside of their abilities.

CHAIRMAN HOFFA: Anything else on this issue?

MS. SMITH: Dr. Hoffa, this is Carrie Smith. Stuart Goodman is on the line if you have any questions for him.

CHAIRMAN HOFFA: I'm glad you could join us. Mr. Goodman is the Board's lobbyist and it's important for him to be involved, of course, in these discussions.

Is there anybody else from the Board that wishes to speak up on this issue?

MS. SPIEGEL: Dr. Hoffa, I'm not sure we got an answer to the question of reconsideration.

CHAIRMAN HOFFA: I think I'm going to offer

a motion on the floor right now. And I will qualify it after I make the proposed action. I am motioning that we withdraw support for the proposed legislation in the Sunrise application that we had supported last August. I'm also in this authorizing Mr. Goodman to enter an against position should it come up in the legislature. That is a motion. Is there a second?

MR. WHITFIELD: Second.

CHAIRMAN HOFFA: The second was by Mr. Whitfield.

Let me just, first of all, say that, although I think that the Board supports the idea of physician assistants using fluoroscopy, no changes to the statute are really necessary, and we have identified that tonight. We can't support a bill that removes any part of the regulation of physician/PA relationship from this Board's jurisdiction. Under proper supervision of a qualified physician, the PA may carry out these tasks per the first relevant statute rules. The rule of the MRTBE is in error and should be removed. We could later, by perhaps sending a letter and having some further interaction with ASAPA, MRTBE, ARRA, and hopefully make things right, because the letter I think is in error. And we should all just comply with the current Attorney General's opinion on this letter, on this matter.

Is there any further discussion?

DR. DANIELSEN: Dr. Hoffa.

CHAIRMAN HOFFA: Dr. Danielson.

DR. DANIELSEN: I'm sort of conflicted on the motion, and that is I'm not sure that withdrawing support of that bill assists us. I mean, I totally support, you know, contacting the Attorney General or starting some lobbying with other boards to show them what the Attorney General has said. But I'm not sure we want to take all the remedies off the table. Because we don't know -- and maybe there's a timing issue as well here. So I would like to perhaps hear more about the timing of this bill and everything, you know. So I'm sort of conflicted about that. Do you hear what I'm saying?

CHAIRMAN HOFFA: Let me respond to that by saying there's a couple different ways we could go about this. First of all, there is going to be affixed to the bill -- First of all, I offered the motion. I am against making less of a jurisdiction for the Arizona Regulatory Board of Physician Assistants in these matters. And I think that's really important for several different reasons, but also to make sure that physician assistants ultimately are able to do the right thing, they are able to help, they are able to use their skills.

And I just, I see having MRTBE regulating

part of this as not the right way to go forward. If there were a change to this bill, then we could rehear the bill again. Or if we have a general understanding later, I will leave it all to you, if you want to authorize the chair to make a decision on these matters if there are going to be significant changes. But right now there is language that is in a proposed bill. It doesn't seem -- Back to Jacqueline Spiegel's comments, I'm not sure that there is, how much of a different discussion there's going to be about changing the bill. But as it currently stands, because we have language in front of it, unfortunately, in this case I have to be against it, it has nothing to do with my desire -- In fact, it actually, my desire to have fluoroscopy to be performed by able physician assistants depends in the long term, and the development of the profession depends on preserving the physician/PA relationship.

Are there any other members of the Board that want to comment on the motion?

MR. DAVIS: If I may, Dr. Hoffa, speak to the timing?

CHAIRMAN HOFFA: Pardon, but we are right in the middle of a motion right now, Mr. Davis.

MS. SPIEGEL: I also agree with Dr. Danielsen and would like to hear timing.

CHAIRMAN HOFFA: Mr. Davis, what about the timing? And what are the proposed -- I mean, there's so much that has to change in this. One of the reasons why this is a bit of a surprise is that only last week did we get the language of this bill, and if it's -- I asked at the time when I contacted you, if the bill was going to be just as this said, and you said yes. I'm not sure, I'm not really getting a strong response either way from representatives of ASAPA whether this bill is going to change.

But as I said, I think that the current bill is, I think it's dangerous. What's going to happen? I mean, we have three members of ASAPA present and what do you propose to do with this bill?

MR. DAVIS: So the bill is currently sitting in front -- well, it's in the committee between the Senate and the House for the Health and Human Services. The last discussion with Senator Barto was to address, just a simple question, and, you know, I reached out to yourself and ARRA and AAPA for just clarifying what the thoughts were for, if a physician assistant had a complaint against them. So she is currently awaiting my response, at which point the next step would be to ask to have a sponsor for the bill and then move forward.

So it is not currently being debated because

it currently needs a sponsor, which is the same position we were in last year. So there are deadlines that are upcoming quickly to have a bill in for consideration. And then there are deadlines to get the bill out of committee before it could go anywhere else.

After, if it were to come out of the health committee on the Senate side, it would then go to rules, which President Biggs sits over, and then potentially go to the Senate floor for debate. At that point, if it got off the Senate floor, then it would move to the House for consideration.

CHAIRMAN HOFFA: But I'm not hearing any changes to the bill from you or ASAPA.

MR. DAVIS: Well, there hadn't been any concern, and so, of course, we could go back to ARRA and discuss the idea with them that complaints would be brought to them and forwarded to ARBOPA for adjudication. That's certainly --

MR. SHAFF: I think that's feasible.

MR. DAVIS: They could be in the rule making portion. If you look at the bill, it actually doesn't say it would be adjudicated by ARRA. The bill itself states requirements of education, hands-on training and examination with the idea that it would be used for guidance of procedures and that an RT would be in the

room. Basically, those are the spelled out legislative steps. Where it's adjudicated or complaints are resolved is not there. We could add another one there that it would be investigated or referred from MRTBE and AARA to ARBOPA. That's certainly not outside of the realm of possibilities.

CHAIRMAN HOFFA: I would be, just because this is the language that is so far, that is proposed for the bill, I would just say to the Board, Board members that are voting on this, that there's always an opportunity for another bill to be put before us and that we could very easily review and make comments, and there is chance to support or not support any future (indiscernible) of the bill. But as it currently stands, I think that the Sunrise application is a little flawed because I don't think it's really based -- it doesn't spell out the reality of the situation. We are not regulating in either the statutes out of fluoroscopy nor are we out of the rules. So with that I would say I think we have to vote this thing and withdraw support. And then if there's a new bill that comes before us that is satisfactory, that we could always hear this again. This is not a vote against fluoroscopy. This is a vote on support or no support of the bill, and in particular, to withdraw support of the current bill as it is proposed.

DR. DANIELSEN: Not to put anybody on the spot, but I sure would like to hear what our physician colleagues on the Board feel about this conversation before I vote.

MS. SPIEGEL: I would as well.

CHAIRMAN HOFFA: Would any of the D.O.'s or M.D.'s on the Board care to comment?

DR. KELLY: I have to agree with the direction of this conversation, I think it's, I won't say universal agreement, but certainly it appears to be the majority agreement that we want this to be incorporated into the scope of practice -- not into the scope of practice, but into the function of PA's. And I don't think there's anybody that disagrees with that.

But I agree with Chairman Hoffa and we have to be careful on how we do it and make sure we do it in the proper, taking the proper steps to manifest that. And I think, you know, I'm still kind of wrapping my head and trying to digest the verbiage on the literature and stuff here. But I think I would support Dr. Hoffa's approach on this, that this may not be the best mechanism to get it done. Because I think we are going to be setting at least, we're going to be setting some precedence here, I think, and we probably need to make sure we are doing it with our T's crossed and our I's dotted.

CHAIRMAN HOFFA: Is there anybody else who would like to comment on this from the Board? Hearing none, we are going to vote. And this will be a roll call vote because we are on the phone. We will get a voice vote for such an occasion.

All right. Voting on the motion on the floor to withdraw support for the proposed legislation and authorize Mr. Goodman to enter an against position should it come up before the legislature in its current forum regarding item number 1 on our agenda.

Roll call vote. I will start with Patrick Van Zanen.

MR. VAN ZANEN: Aye.

CHAIRMAN HOFFA: Patrick Van Zanen votes aye.

Jacqueline Spiegel?

MS. SPIEGEL: Nay.

CHAIRMAN HOFFA: Jacqueline Spiegel, nay.

Dr. Smith? Dr. Smith? Dr. Smith, are you still on the line?

Dr. McCalla? Dr. McCalla?

Dr. Kelly?

DR. KELLY: Aye.

CHAIRMAN HOFFA: Dr. Kelly votes aye.

Dr. Danielsen?

DR. DANIELSEN: Aye.

CHAIRMAN HOFFA: Carol Crevier?

MS. CREVIER: Aye.

CHAIRMAN HOFFA: Mr. Whitfield?

MR. WHITFIELD: Aye.

CHAIRMAN HOFFA: Geoffrey Hoffa votes aye.

There are five yeas, there are two nays -- excuse me, there are six yeas and there is one nay. The motion passes.

DR. DANIELSEN: Dr. Hoffa, I just want to make sure we do have a quorum for the vote.

CHAIRMAN HOFFA: Yes, that would be seven people present, six voted yes, one no.

The only advice that I would give to ASAPA is to go back, I urge you to go back and discuss this again and come up with a different approach. I don't really think that we are all that far off from supporting the same thing. And I hope that you can do it in good time.

MOTION: Dr. Hoffa moved to withdraw support for the proposed legislation and authorize Mr. Goodman to enter an against position should it come up before the legislature in its current forum regarding item number 1 on the agenda.

SECOND: Mr. Whitfield

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

VOTE: 6-yea, 1 nay, 3-absent.

MOTION PASSED.

MS. SMITH: May I just make a quick statement or suggestion?

CHAIRMAN HOFFA: Yes.

MS. SMITH: The Board has its lobbyist on the phone, Mr. Goodman. Did the Board want to direct him to engage in discussions regarding the concern that the Board has raised today and possibly directing him to have discussions with the legislators that would support PA use of, PA's using fluoroscopy?

CHAIRMAN HOFFA: I don't want to be -- I want to make sure we are very clear on this measure. I would say that as the Board lobbyist, the authorized Board lobbyist, that he has the freedom to go and discuss the matters of the Board with the legislature. I just want to make sure that we are doing something that's the right

thing. I don't want it to be taken the wrong way and I don't want any work to be done that would be counter to what the Board would want.

DR. DANIELSEN: And I would agree with that. I would want to make sure that whatever direction we give to our lobbyist is philosophically correct. And correct me if I'm wrong, but I get the sense that we agree that PA's should be able to, as a delegated task, you know, perform fluoroscopies or other radiological tasks as part of the current scope of practice of PA's, rather than saying that we want to go somewhere and say PA's can perform fluoroscopy. I think it's a bigger picture. So whatever direction we give, I want to make sure that we are giving the right philosophical direction.

CHAIRMAN HOFFA: Agreed. And let that be a Board direction to the staff and so noted in the minutes.

Is there anybody else on this issue? We can move on. And I would like to thank those that joined us tonight. You are, of course, more than welcome to stay on for any further discussion. Thank you very much for your time. I know you guys put a lot into this, but we just need to move it a little bit further. I'm sure, especially with continued dialogue between the Board, the legislature, and the Arizona State Association of Physician Assistants, and that would also include MRTBE,

ARRA, that we can come up with an acceptable and a good solution to really help those who can perform those skills, fluoroscopy, to be able to do the job for the patient safely.

**II. Discussion and Possible Action Regarding
Proposed Legislation to Transfer Health
Regulatory Boards to the Department of Health
Services**
Patricia E. McSorley, Executive Director

CHAIRMAN HOFFA: All right. Let's move on to our second item on the agenda, which is Discussion and Possible Action Regarding Proposed Legislation to Transfer Health Regulatory Boards to the Department of Health Services.

I will go ahead and recognize Ms. McSorely to fill us in. I think we have all read the proposed or at least the limited language of the proposed bill, I hope. But perhaps Ms. McSorely can give us a little bit of a better scope.

MS. MCSORELY: Thank you, Chairman Hoffa. I provided the Board with a House Bill 2501, which basically gives a framework for transferring all of the health regulatory boards under the Department of Health Services. It's going to be done in a phased in manner if this bill

should pass into law. The way it currently is structured, the PA Board and the Medical Board and the Nursing Board will be the last of the health care regulatory boards to transfer to the Department of Health Services.

The bill itself, the way it's drafted, provides the framework. It doesn't have details, but as I understand it, there are going to be weekly meetings to address the details and how this is all going to transpire. It is a proposal that will streamline and modernize the processes, and I'm sure that it's going to be discussed vigorously in the next coming weeks.

Also, this morning in terms of consolidation and going along with this streamlining of health care regulatory boards, I was informed that there is also the potential that our building will be sold and we will be relocated downtown with other health regulatory boards. So I don't really have many details right now. This is a situation that I, of course, will be reporting to you on, and I know Stuart is on the line and he will be helpful in keeping us apprised of how this is going to develop and what implications it has for the Board.

CHAIRMAN HOFFA: Did everybody hear all of that? Is there anything else at this time that the Board would like to add to this? This is a very large change that could happen. And if there are any opinions or any

further information that Board members can provide at this time, it would be welcome.

MS. SPIEGEL: Maybe you mentioned it, but you were cutting in and out, Pat, and I wasn't hearing you 100 percent. So moving under this new department, do you anticipate any slow down in investigations, licensure? Do you see any additional layers of kind of bureaucracy coming from this new department? What would we anticipate would be the main changes we would feel?

MS. McSORELY: You know what, Ms. Spiegel, this is all very much in the state of being worked out, so I really can't say exactly what is going to happen or what the details are. There's been discussion about using pools of investigators or licensing pools, but nothing has really been affirmatively worked out or actually even announced. This is all basically, you know, thinking ahead of what might occur.

But I really think we have to wait and see what the details are and what the direction is of the plan, because right now it is very vague. It provides a framework, but not much in the way of what levels of oversight will be had during the final transfer and report structure.

So basically, you know, really, it's really kind of very new and the details I think are still being

worked out and thought about.

DR. DANIELSEN: So what are you looking for from us tonight? Are you asking us -- Is this more for information or are you asking us for any kind of action?

MS. McSORELY: No. Basically, I'm bringing this forward for information purposes and just so we can start the dialogue so I can keep you apprised of, you know, as things occur, that you will be in the know on what's transpiring.

DR. DANIELSEN: Thank you. That's very good, because I don't have enough information to make any kind of decision.

MS. McSORELY: Yes, I would agree.

CHAIRMAN HOFFA: Is there anything else?

MR. WHITFIELD: Pat, is there a time line on this process?

MS. McSORELY: I would say that the bill will be introduced and then discussed in the normal course of the legislative session. And then if they end early, we will have a decision early. If it continues, maybe we don't have one until June. So it's really one of those things that we will really have to be watching and following as the details are announced.

DR. DANIELSEN: Thank you.

CHAIRMAN HOFFA: Anybody else? Hearing

none, I don't think that there's any action that's going to be taken tonight, unless there's a motion that's made. This is more for informational purposes.

There is nothing else on the agenda. Hopefully there can be things that happen in the meantime, as far as the legislature goes, and should it come to a decision by the Board, you can count on me to hold a meeting.

Other than that, I would like to hear a motion to adjourn.

DR. DANIELSEN: So moved.

MR. WHITFIELD: Second, Whitfield.

CHAIRMAN HOFFA: Who was the original?

DR. DANIELSEN: Danielsen.

CHAIRMAN HOFFA: Motion is on the floor to adjourn. All those in favor say aye.

ALL: Aye.

CHAIRMAN HOFFA: Any opposed, say no.

The aye's have it.

Good night everybody and thank you for all your good work.

The meeting adjourned at 6:31 p.m.

STATE OF ARIZONA)
) ss.
 COUNTY OF MARICOPA)

BE IT KNOWN that the foregoing transcript was taken before me; that the witness before testifying was duly sworn by me to testify to the whole truth; that the foregoing pages are a full, true and accurate record of the proceedings, all done to the best of my skill and ability; that the proceedings were taken down by me in shorthand and thereafter reduced to print under my direction.

I CERTIFY that I am in no way related to any of the parties hereto nor am I in any way interested in the outcome hereof.

- Review and signature was requested.
- Review and signature was waived.
- Review and signature not required.

I CERTIFY that I have complied with the ethical obligations set forth in ACJA 7-206(F)(3) and ACJA 7-206 (J)(1)(g)(1) and (2). Dated at Phoenix, Arizona, this 10th day of February, 2016.

Robin Jasper, RPR
 Arizona Certified Reporter No. 50286

I CERTIFY that OTTMAR & ASSOCIATES, INC., has complied with the ethical obligations set forth in ACJA 7-206(J)(1)(g)(1) through (6).

OTTMAR & ASSOCIATES, INC.
 AZ Registered Reporting Firm No. R1008