



Arizona Regulatory Board of Physician Assistants

9545 East Doubletree Ranch Road • Scottsdale, Arizona 85258-5514
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DRAFT MINUTES FOR REGULAR SESSION MEETING Held on Wednesday, May 25, 2016 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, PhD, P.A., D.F.A.A.P.A.
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, D.F.A.A.P.A.
Patrick J. Van Zanen

GENERAL BUSINESS

A. CALL TO ORDER

Chairman Hoffa called the meeting to order at 1:00 p.m.

B. ROLL CALL

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

ALSO PRESENT

Carrie Smith, AAG; Patricia E. McSorley, Executive Director; Kristina Fredericksen, Deputy Director; William Wolf, M.D., Chief Medical Consultant; Anita Shepherd, Investigations Manager; Mary Bober, Board Operations Manager; Andrea Cisneros, Staff Investigational Review Committee ("SIRC") Coordinator; and Michelle Robles, Board Coordinator.

C. CALL TO THE PUBLIC

Individuals who addressed the Board during the Public Statements portion of the meeting appear beneath the matter(s) referenced.

PA Jennifer Francick and PA Christopher Davis from the Arizona State Association of Physician Assistants addressed the Board regarding SB 1096; a non-agendized item.

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

Ms. McSorley reported that Board staff will make the necessary changes to policy and procedures based on the newly enacted legislation.

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

Chairman Hoffa reported the Board has had success with legislature and also stated that the Board has resigned its membership from the Federation of State Medical Boards (FSMB) but that the FSMB was informed that the Board would remain open to rejoining FSMB in the future.

Chairman Hoffa reported that he, PA Spiegel and Dr. Danielsen participated in a forum for state regulators for the American Academy of Physician Assistants Annual Conference in San Antonio, Texas. Chairman Hoffa reported that he was appointed as chairperson of the committee for AAPA regulators and he intends to have quarterly meetings in the future for discussing how to promote and improve PAs practice through regulatory strategy.

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

- Update on recent Arizona Supreme Court opinion in *State v. Gear* (2016).
- Discussion regarding request for information about ADA issue, DOJ No. 202-8-257

MOTION: Chairman Hoffa moved for the Board to enter into Executive Session pursuant to A.R.S. § 38-431.03(A)(2).

SECOND: PA Spiegel.

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

MOTION PASSED.

The Board entered into Executive Session at 1:14 p.m.

The Board returned to Open Session at 1:20 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

- Legislative Update

Chairman Hoffa reported SB 1096 has settled the question of whether PAs could perform fluoroscopy. Chairman Hoffa also reported that the ARBoPA's bill passed that will allow physician assistants to satisfy their CME requirements if they are certified through NCCPA. Chairman Hoffa proposed a future agenda item for ARBoPA to consider a policy relating to delegation agreements. Chairman Hoffa reported HS 2501 has been withdrawn.

Chairman Hoffa explained the Joint Officers meeting has yet to be scheduled. The Board directed Chairman Hoffa to raise the following issues during the joint meeting.

- FSMB Membership
- Regulatory board consolidation
- Obtaining follow-up reports regarding referrals of supervising physicians to the Arizona Medical Board.
- SB 1096, regarding physician assistant scope of practice.
- Concerns regarding delegation agreements with supervising physicians.

H. APPROVAL OF MINUTES

MOTION: Chairman Hoffa moved to approve the February 24, 2016 Regular Session.

SECOND: Mr. Van Zanen.

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

MOTION PASSED.

MOTION: Chairman Hoffa moved to approve the February 24, 2016 Executive Session.

SECOND: Ms. Crevier.

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

MOTION PASSED.

LEGAL MATTERS

I. FORMAL INTERVIEWS (Scheduled to begin at 1:00 p.m.)

1. PA-15-0004A, JAMES C. BIGHAM, P.A., LIC. #5441

PA Bigham was present with legal counsel, Mr. Neil Alden.

Dr. Wolf summarized to the Board that the matter involved a 59 year-old patient (BK) with a rash on his penis. PA Bigham diagnosed BK with a yeast infection and prescribed ketoconazole topical 2% cream. In a subsequent visit on October 7th, BK stated that there was no improvement in the rash, and PA Bigham prescribed fluorouracil 1% topical cream. BK experienced a more severe reaction involving redness, blood blistering, and pain. BK was seen by a dermatologist who discontinued the fluorouracil cream and prescribed a corticosteroid topical ointment, and the lesion healed. The medical consultant reported PA Bigham deviated from the standard of care by diagnosing and treating the patient's penile rash which was beyond his scope of practice. SIRC reviewed the case and recommended an Advisory Letter. At the November 2015 Board meeting, the Board voted to return the case for further investigation to consider possible disciplinary action. PA Bigham was offered a consent agreement for a Letter of Reprimand and elected to come in for a formal interview. Board staff noted that PA Bigham's supervising physician was issued an Advisory Letter in December for inadequate supervision of a PA.

Chairman Hoffa noted the supervising physician signed all documents in the record. PA Bigham stated the standard procedure for their practice is that every patient is seen by the supervising physician at least once. Additionally, PA Bigham stated that he has full access to his supervising physician. PA Bigham explained he notified his supervising physician of the patient's issue after the patient had negative side effects to the prescribed cream. PA Bigham acknowledged that he now brings special attention to patient care outside of pain management to his supervising physician and makes the appropriate referrals.

MOTION: Chairman Hoffa moved for the Board to enter into Executive Session pursuant to A.R.S. § 38-431.03(A)(2).

SECOND: PA Whitfield.

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

MOTION PASSED.

The Board entered into Executive Session at 1:35 p.m.

The Board returned to Open Session at 1:44 p.m.

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

Chairman Hoffa inquired about the CME hours that PA Bigham completed. PA Bigham stated he took CME courses in risk management and professional boundaries as well as a course in spotlighting medical errors. PA Whitfield inquired about PA Bigham's scope of practice regarding dermatologic rashes. PA Bigham explained that he treats patients for pain management which sometimes involves treatment of rashes associated with the steroids given for treatment. He explained that he typically does not treat penile rashes. PA Crevier and PA Spiegel questioned PA Bigham regarding the delegation agreement between him and his supervising physician. PA Bigham stated he has a delegation agreement in which his scope of practice and tasks are vaguely addressed but the understanding between them is that he treats pain management patients.

In closing, Mr. Alden noted that pain management practice includes the treatment of associated rashes but the location and type of this rash is unusual and requested the Board take this into consideration when making its decision.

MOTION: Chairman Hoffa moved for a finding of unprofessional conduct in violation of A.R.S. § 32-2501(18) (j) and (p).

SECOND: PA Whitfield.

Board members recognized that SIRC sustained a violation of (c) in addition to (j) and (p). However, several Board members spoke against sustaining a violation of (c). Board members noted that the delegation agreement was not very specific regarding delegated tasks. Board member Van Zanen disagreed with the (j) violation stating the PA made a mistake when prescribing the fluorouracil cream. Chairman Hoffa spoke in favor of the (j)

violation stating that the PA has to be responsible for the inappropriate treatment that led to patient harm and Dr. Smith agreed.

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

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

MOTION PASSED.

MOTION: Chairman Hoffa moved for a draft Findings of Fact, Conclusions of Law and Order for a Letter of Reprimand and Probation. Within six months, complete no less than 4 hours of Board staff pre-approved Category I CME in dermatologic disorders, and no less than 3 hours of Board staff pre-approved Category I CME in medical recordkeeping. The CME hours shall be in addition to the hours required for license renewal. Once the licensee has complied with the Probation, he must affirmatively request that the Board terminate the Probation.

SECOND: Ms. Crevier.

The Board considered the level of sanction and discussed whether this matter rises to the level of disciplinary action. Ms. Crevier proposed requiring the PA to complete CME in medical recordkeeping. Dr. Smith concurred with Ms. Crevier's proposal and suggested CME in dermatologic disorders as well. Several Board members spoke against the motion and recommended the issuance of an advisory letter with non-disciplinary CME.

MOTION WITHDRAWN.

MOTION: PA Whitfield moved to issue a non-disciplinary Advisory Letter and Order for Non-Disciplinary CME for failing to properly treat the non-cancerous penile rash, failing to properly communicate with his supervising physician, and for inadequate medical records. There is insufficient evidence to support disciplinary action. Within six months, complete no less than 4 hours of Board staff pre-approved Category I CME in dermatologic disorders, and 3 hours of Board staff pre-approved Category I CME in medical recordkeeping. The CME hours shall be in addition to the hours required for license renewal.

SECOND: Dr. Danielsen.

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

MOTION PASSED.

CONSENT AGENDA

J. CASES RECOMMENDED FOR ADVISORY LETTERS

MOTION: Dr. Danielsen moved to issue an Advisory Letter in item numbers 1 and 2.

SECOND: PA Spiegel.

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

MOTION PASSED.

1. PA-15-0041A, KEVIN L. REDUS, P.A., LIC. #2477

RESOLUTION: Issue an Advisory Letter for prescribing scheduled medications to a member of his immediate family. There is insufficient evidence to support disciplinary action.

2. PA-15-0061A, REBECCA A. URSO, P.A., LIC. #2859

RESOLUTION: Issue an Advisory Letter for failure to have a written delegation agreement with her supervising physician. While the licensee has demonstrated substantial compliance through rehabilitation or remediation that has mitigated the need for disciplinary action, the Board believes that repetition of the activities that led to the investigation may result in further Board action against the licensee.

K. REVIEW OF EXECUTIVE DIRECTOR DISMISSALS

1. PA-15-0083A, RODERICK W. HOOD, P.A., LIC. #1308

PA Hood addressed the Board during the Public Statements portion of the meeting.

MOTION: Ms. Crevier moved to uphold the dismissal.
SECOND: PA Spiegel.
VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.
MOTION PASSED.

L. PROPOSED CONSENT AGREEMENTS (Disciplinary)

1. PA-15-0092A, MICHAEL M. ABRAHAM, P.A., LIC. #5934

Ms. Steger summarized that the Board received notification that PA Abraham was involved in an incident of workplace impairment on July 30, 2015. PA Abraham is also a licensed pharmacist, and the issue was also reported to the Arizona Board of Pharmacy. PA Abraham was asked to take an alcohol and drug screening test which revealed positive results of amphetamines. On August 5, 2015, PA Abraham was terminated from employment at the facility. On August 20, 2015, PA Abraham met with the Board's Physician Health Program (PHP) Contractor for an assessment. Treatment was recommended, and PA Abraham agreed with the assessment findings and entered into an Interim Consent Agreement for Practice Limitation on August 26, 2015 which has been vacated. SIRC noted that PA Abraham's current Interim Consent Agreement for Monitoring allows him to participate in the Arizona Board of Pharmacy's PAPA program with quarterly reports to the Board. SIRC recommended that this accommodation continue for the duration of the probation.

MOTION: PA Whitfield moved to accept the proposed Consent Agreement for a Letter of Reprimand and Five Year Probation to participate in PHP. PA Abraham's PHP participation shall be consistent with the terms of his Interim Consent Agreement and shall be retroactive to November 20, 2015. Once the licensee has complied with the Probation, he must affirmatively request that the Board terminate the Probation.

SECOND: Dr. Danielsen.

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

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

MOTION PASSED.

M. LICENSE APPLICATIONS

i. **APPROVE OR DENY LICENSE APPLICATION**

MOTION: Chairman Hoffa moved for the Board to enter into Executive Session pursuant to A.R.S. § 38-431.03(A)(2).

SECOND: PA Whitfield.

VOTE: 6-yay, 0-nay, 0-abstain, 1-recuse, 3-absent.

MOTION PASSED.

The Board entered into Executive Session at 2:29 p.m.

The Board returned to Open Session at 02:36 p.m.

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

MOTION: Chairman Hoffa moved to approve the license application and grant the license for item numbers 1 and 2.

SECOND: PA Whitfield.

VOTE: 6-yay, 0-nay, 0-abstain, 1-recuse, 3-absent.

MOTION PASSED.

1. PA-15-0139A, MARCUS J. MORRIS, P.A., LIC. #N/A

PA Morris addressed the Board during the Public Statement portion of the meeting. Dr. Danielsen recused.

RESOLUTION: Approve the license application and grant the license.

2. PA-16-0021A, DAVID K. MCCLEVE, P.A., LIC. #N/A

RESOLUTION: Approve the license application and grant the license.

ii. APPROVE OR DENY LICENSE APPLICATIONS WITH RECOMMENDATION FROM CHIEF MEDICAL CONSULTANT

1. PA-16-0022A, KATHERINE M. BOYER, M.D., LIC. #N/A

MOTION: Chairman Hoffa moved to approve the license application and grant the license.

SECOND: PA Spiegel.

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

MOTION PASSED.

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

1. PA-15-0118A, AARON M. OMLOR, P.A., LIC. #5120

Ms. Rossow summarized that on October 1, 2015, PA Omlor submitted his renewal application and he did not complete 20 CME hours during the required timeframe. The Board's licensing office staff sent PA Omlor a deficiency notice requesting that he provide proof of his CME hours. PA Omlor submitted documentation with 20 hours of CMEs completed after June 30, 2015 and a narrative explaining that he was confused regarding whether the PANRE review course would qualify as CME. PA Omlor also stated that he will ensure that this will not happen in the future.

MOTION: PA Whitfield moved to grant the license renewal and issue an Advisory Letter for failing to complete the statutorily required CMEs during the qualifying date range. There is insufficient evidence to support disciplinary action.

SECOND: Dr. Danielsen.

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

MOTION PASSED.

MOTION: PA Whitfield moved to adjourn the meeting.

SECOND: PA Spiegel.

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

MOTION PASSED.

The meeting adjourned at 2:59 p.m.



Patricia E. McSorley, Executive Director