



Arizona Regulatory Board of Physician Assistants

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

DRAFT MINUTES FOR REGULAR SESSION MEETING Held on Wednesday, September 21, 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., F.A.C.E.P.
Sheldon G. Liechty, P.A.-C
Kit C. McCalla, D.O.
Gary A. Smith, M.D., F.A.A.F.P.
Jacqueline J. Spiegel, M.S., P.A.-C, D.F.A.A.P.A.
Patrick J. Van Zanen

GENERAL BUSINESS

A. CALL TO ORDER

Chairman Hoffa called the meeting to order at 10:03 a.m.

B. ROLL CALL

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

ALSO PRESENT

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

C. Testimony and Public Commentary on the Use of Fluoroscopy by Physician Assistants

PA Hoffa noted the Board will not deliberate at this time and this Agenda item may be added on the November agenda.

The following individuals addressed the Board: John Shaff; President of Arizona State Association of Physician Assistants; Chris Davis from Southwest Diagnostic Imaging ("SDI"); Dr. James Lyons from SDI; Dr. Rolf Hultsch from the SMILE Division of SDI; Regan City, a physician assistant and interventional radiologist with the SMILE Division of SDI; William Pavlicek, a Medical Physicist from Mayo Clinic; Dr. Bryan Chong, a Neuro-Radiologist at the Mayo Clinic; Dr. Dan Gridley, Chair of Radiology of Maricopa Integrated Group, President of the Arizona Radiological Society, and a member of the Arizona Radiological Medical Association; and Sarah Bolander, a physician assistant at Cactus Pediatrics Orthopedics.

Speakers provided commentary about fluoroscopy as a delegated task for physician assistants and discussed creating an avenue for additional training and education, examination and

certification for physician assistants practicing fluoroscopy. Viewpoints were presented regarding development of an adequate model and curriculum of training and education that would be required to ensure patient safety. Some speakers expressed concern about the imposition of additional barriers on entry to practice for physician assistants interested in practicing fluoroscopy.

D. BREAK

The Board took a lunch break from 12:00 p.m. to 1:00 p.m.

E. CALL TO THE PUBLIC

Individuals who addressed the Board during the Public Statements portion of the meeting 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 2017 Meeting Dates

MOTION: Chairman Hoffa moved to approve the 2017 Meeting Dates.

SECOND: PA Whitfield.

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

MOTION PASSED.

- Discussion regarding FY 2015-2016 Annual Report
Ms. McSorley stated the Annual Report addressed concerns presented over the past year.

Ms. McSorley stated there is no update on the vacant Board positions at this time.

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

Chairman Hoffa reported that he has approved 59 requests from PAs requesting an extension of the deadline to complete their required CME credits. Chairman Hoffa stated that he continues to work towards establishing quarterly meetings for a National Regulators PA Forum to address physician assistant concerns. Chairman Hoffa requested topics regarding delegating authority to the Executive Director for initial licensing cases and Fluoroscopy to be placed on a future agenda. Chairman Hoffa noted that due to Executive Order the Board no longer holds a contract with Stuart Goodman as our lobbyist unless the Board applies for an exemption from the Department of Administration. Chairman Hoffa further noted the second biannual Joint Officers' Meeting to address the Executive Director's performance needs to be scheduled.

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

No legal advisor's report given.

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

- SB 1096 - Medical Radiologic Technology
Ms. Smith stated this bill clarified the board's ability to regulate the practice of fluoroscopy.
- SB 1388 - Rulemaking Exemption; One-Year Review

Ms. Smith reported if the Board passes rulemaking pursuant to an exemption, the rule will now need to be reviewed by GRRC within a year from the date of passage..

- SB 1421 - Boards; Commissions; Compensation; Expenses
- SB 1444 - Board of Nursing; Licensure; Complaints
Ms. Smith reported that under this bill, health regulatory boards will be required to provide investigation reports with the notice of the meeting within ten days before the meeting and that the bill is unlikely to change the Board's current practice.
- SB 1445 - Health Care Services; Patient Education
Ms. Smith reported that the bill clarifies a physician's right to provide information about off label medication to patients for which there is reasonable basis and not violate the standard of care.
- HB 2337 - Regulation; Deficiencies; Opportunity to Correct
Ms. Smith reported that this bill requires changes to the process for Board inspection of licensees' businesses.
- HB 2359 - Physician Assistants; Continuing Medical Education
Ms. Smith reported that this bill changed statute to exempt PAs that hold a current national certification from being required to provide proof of CME.
- HB 2450 - Expedited Rulemaking; Outdated Rules
Ms. Smith reported that this bill allows the Board to utilize expedited rulemaking to update outdated rules.
- HB 2487 - State Agencies; Preapplication Authorization; Limitations
Ms. Smith stated that the bill places new limitations on a board's ability to impose pre-application procedures, but noted that the Board does not currently have any such requirements.
- HB 2502 - Medical Licensure Compact
Ms. Smith stated that this bill does not affect the Board as this Board does not participate in the Compact.
- HB 2503 - Psychologists; Licensure Compact
- HB 2613 - Regulatory Boards; Licensing; Revisions
Ms. Smith reported that a study by the ADOA was completed on non-health regulatory boards regarding consolidation. The study resulted in recommendations to physically unite the boards, to consolidate the initial administrative review and develop online application processes, and to allow the Executive Director to grant licenses for applications without issues. T Ms. McSorley noted there is a report for the study regarding the health regulatory boards due on October 1, 2016.

J. APPROVAL OF MINUTES

MOTION: Chairman Hoffa moved to approve the May 25, 2016 Regular Session minutes.

SECOND: PA Spiegel.

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

MOTION PASSED.

MOTION: Chairman Hoffa moved to approve the May 25, 2016 Executive Session minutes.

SECOND: Dr. Danielsen.
VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.
MOTION PASSED.

CONSENT AGENDA

K. CASES RECOMMENDED FOR ADVISORY LETTERS

MOTION: Chairman Hoffa moved to issue an Advisory Letter in item numbers 4 and 5 for reasons as stated in the SIRC Report.

SECOND: Dr. Danielsen.

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

MOTION PASSED.

1. PA-15-0010A, ALFONSO E. H. ROGGIERO, P.A., LIC. #1368

Attorney Bruce Smith addressed the Board during the Call to Public portion of the meeting.

Board staff summarized that the patient was diagnosed with bipolar disorder and suffered from chronic medical conditions. At the November 18, 2015 meeting, the Board voted to return this case for further investigation after considering SIRC's recommendation for an Advisory Letter. The second MC did not find a deviation from the standard of care, and commented that the ordering and receiving provider, who was not PA Roggiero, should have been held accountable for the patient's outcome. SIRC maintained its original recommendation.

MOTION: Dr. Danielsen moved to issue an Advisory Letter for inadequate medical records. There is insufficient evidence to support disciplinary action.

SECOND: Ms. Crevier.

Mr. Van Zanen noted the medical records did not list critical data. PA Spiegel noted PA Roggiero is now using electronic medical records and spoke against the motion.

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

VOTE: 4-yay, 3-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

2. PA-15-0115A, PATRICK L. BALLOU, P.A., LIC. #4900

Board staff summarized that the Board's MC opined that PA Ballou deviated from the standard of care by failing to admit a patient during an initial ER visit and failure to document the rationale for patient discharge in the face of abnormal laboratory findings. SIRC recommended an Advisory Letter for inappropriate discharge of a patient from the ER.

MOTION: PA Whitfield moved to issue an Advisory Letter for inappropriate discharge of a patient from the emergency room. There is insufficient evidence to support disciplinary action.

SECOND: Dr. Danielsen.

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

MOTION PASSED.

3. PA-15-0121A, LISA M. HAMILTON, P.A., LIC. #5818

PA Lisa Hamilton and Mitchell Gold addressed the Board during the Call to Public portion of the meeting.

Board Staff summarized that PA Hamilton saw patient SI to establish care, where the patient reported a concern of allergies and possible diabetes. PA Hamilton ordered labs and the lab charges were not covered by the patient's insurance. The MC found that laboratory studies were ordered that were not recommended and not needed as SI was a basically healthy patient with no high risk behaviors. The MC was also concerned that the costs of laboratory testing and the types of testing to be performed were not discussed with SI prior to ordering. SIRC recommended an Advisory Letter for ordering unnecessary tests and for failing to discuss the cost of testing with the patient.

MOTION: PA Whitfield moved to dismiss.

SECOND: Dr. Danielsen.

Mr. Van Zanen noted the conduct did not cause patient harm and that the PA was being overly cautious. Chairman Hoffa disagreed with the MC's conclusion that the PA was not obligated to ensure labs are covered by the patient's insurance and opined if the lab work came back negatively the PA could have been in trouble for missing a diagnosis. Board members agreed it is the patient's responsibility to work with their insurance regarding covered laboratory tests.

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

MOTION PASSED.

4. PA-15-0077A, GLORY BUDHU, P.A., LIC. #5621

RESOLUTION: Issue an Advisory Letter for provision of an incorrect prescription, for failure to address chest pain, and for inadequate documentation. There is insufficient evidence to support disciplinary action.

5. PA-15-0131A, THOMAS J. SIRRINE, P.A., LIC. #4503

RESOLUTION: Issue an Advisory Letter for inadequate follow up. There is insufficient evidence to support disciplinary action.

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

1. PA-15-0076A, WATUS B. COOPER, P.A., LIC. #1584

Board staff summarized that patient RL has a past medical history of morbid obesity, diabetes, hypertension, sleep apnea and degenerative joint disease. RL was first seen by PA Cooper to establish care. RL had normal exam findings, prescriptions refills were given and labs were ordered. The MC reported that the medical records were illegible and did not contain much of the required information needed to document a history, exam, or treatment plan. The MC also expressed concern regarding the response to a pending diabetic emergency, stating that calling in a refill is not an adequate response. SIRC recommended an Advisory Letter and completion of CME in diabetic emergencies and medical records.

PA Whitfield opined additional CME was not necessary but agreed with an Advisory Letter for inadequate medical records finding.

MOTION: PA. Whitfield moved to issue an Advisory Letter for inadequate medical records. There is insufficient evidence to support disciplinary action.

SECOND: Mr. Van Zanen.

Chairman Hoffa spoke in favor of dismissal because the patient contributed to the problem by waiting until after he was out of insulin for a week before seeking a refill..

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

MOTION PASSED.

2. PA-16-0002A, CHRISTIE L. HAGAN, P.A., LIC. #5222

R.C. addressed the Board during the Call to Public portion of the meeting.

Board staff summarized that the patient was first seen at one week of age and was found to be underweight. The patient continued to drop in weight and was diagnosed as failure to thrive.

MOTION: Chairman Hoffa moved to issue an Advisory Letter and Order for Non-Disciplinary CME for inadequate evaluation of a child with failure to thrive and inadequate medical records. There is insufficient evidence to support disciplinary action. Within six months, complete no less than a total of 12 hours of Board staff pre-approved Category I CME in evaluation and management of children with failure to thrive and diagnosis and treatment of pediatric cardiac abnormalities. The CME hours shall be in addition to the hours required for license renewal.

SECOND: Mr. Van Zanen.

Board members agreed that additional education on congenital heart abnormalities in a child is needed.

VOTE: 5-yay, 2-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

3. PA-16-0009A, VIRLANA L. JOHNSON-SILVA, P.A., LIC. #2464

Attorney Robin Burgess and PA Johnson-Silva addressed the Board during the Call to Public portion of the meeting.

MOTION: Chairman Hoffa moved to dismiss.

SECOND: Dr. Danielsen.

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

MOTION PASSED.

M. REVIEW OF EXECUTIVE DIRECTOR DISMISSALS

MOTION: Chairman Hoffa moved to uphold the dismissals in item numbers 1 and 2.

SECOND: Ms. Crevier.

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

MOTION PASSED.

1. PA-15-0095A, AMY E. MICELI, P.A., LIC. #4964

RESOLUTION: Uphold the dismissal.

2. PA-15-0048A, BRIAN A. CODY, P.A., LIC. #2142

RESOLUTION: Uphold the dismissal.

3. PA-15-0059A, SCOTT J. YOUNG, P.A., LIC. #3501

PA Liechty was recused from this matter. G.L. addressed the Board during the Call to Public portion of the meeting.

MOTION: Chairman Hoffa moved to uphold the dismissal.

SECOND: PA Whitfield.

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

N. PROPOSED CONSENT AGREEMENTS (Disciplinary)

1. PA-15-0029A, JOSHUA R. MARQUIS, P.A., LIC. #4588

Board staff summarized that the case was initiated after receiving a report that PA Marquis inappropriately touched a patient during an examination and took a video of the patient without consent. PA Marquis signed a Consent Agreement for Surrender of Licensure on September 10, 2016.

MOTION: Chairman Hoffa moved to accept the proposed Consent Agreement for Surrender of Licensure.

SECOND: PA Spiegel.

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

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

MOTION PASSED.

O. LICENSE APPLICATIONS

i. **APPROVE OR DENY LICENSE APPLICATION**

MOTION: Chairman Hoffa moved to approve the license application and grant the license in item numbers 1-4.

SECOND: Dr. Danielsen.

Chairman Hoffa commented that a policy change regarding possibly delegating authority to the Executive Director to approve or deny license applications for certain cases be put on a future agenda.

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

MOTION PASSED.

1. PA-16-0057A, ANNA L. GUSTAVESON, P.A., LIC. #N/A

PA Anna Gustaveson addressed the Board during the Call to Public portion of the meeting.

RESOLUTION: Approve the license application and grant the license.

2. PA-16-0034A, ROBERTA E. FUNCK, P.A., LIC. #N/A

PA Roberta Funck addressed the Board during the Call to Public portion of the meeting.

RESOLUTION: Approve the license application and grant the license.

3. PA-16-0069A, SHAHAB SOBHANIAN, P.A., LIC. #N/A

PA Shahab Sobhanian addressed the Board during the Call to Public portion of the meeting.

RESOLUTION: Approve the license application and grant the license.

4. PA-16-0070A, DENNIS E. OAKES, P.A., LIC. #N/A

RESOLUTION: Approve the license application and grant the license.

OTHER BUSINESS

P. REQUEST FOR MODIFICATION/TERMINATION OF BOARD ORDER

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

Board staff reported that on September 3, 2015 PA Lenox entered into a Consent Agreement for a Letter of Reprimand and Probation for CME. PA Lenox has completed the required 15 CME hours in prescribing and has requested her probation be terminated.

MOTION: Ms. Crevier moved to grant the PA's request for termination of her September 3, 2015 Board Order.

SECOND: PA Liechty.

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

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

MOTION PASSED.

2. PA-14-0029A, AMY J. LENOX, P.A., LIC. #3597

Board staff reported that in Feb 2015 PA Lenox entered into a Consent agreement for Probation requiring two years of PHP participation. PA Lenox has met the terms of the Order and has received a letter of support from the PHP contractor. PA Lenox has requested termination of PHP probation.

MOTION: PA Spiegel moved to grant the PA's request for termination of her February 25, 2015 Board Order.

SECOND: Chairman Hoffa.

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

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

MOTION PASSED.

MOTION: Ms. Crevier moved to adjourn the meeting.

SECOND: Dr. Danielsen.

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

MOTION PASSED.

The meeting adjourned at 3:11 p.m.



Patricia E. McSorley, Executive Director