



Arizona Regulatory Board of Physician Assistants

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

FINAL MINUTES FOR REGULAR SESSION MEETING Held on Wednesday, November 30, 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

Wednesday, November 30, 2016

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: Chairman Hoffa, PA Whitfield, Ms. Crevier, Dr. Danielsen, PA Liechty, PA Spiegel, Dr. Smith and PA Spiegel.

The following Board members were absent: Dr. McCalla and Mr. Van Zanen.

ALSO PRESENT

Carrie Smith, AAG; Patricia E. McSorley, Executive Director; William Wolf, M.D., Chief Medical Consultant; Raquel Rivera, 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.

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

- Update on Governor's Regulatory Review Commission review of proposed rule revisions
Ms. McSorley reported that the rule revisions have been sent to Governor's Regulatory Review Council (GRRC). The revisions will be moving forward with the rule making process, to be formalized and then added to the administrative code within twelve months.
- Update on Board processes

Ms. McSorley reported that the Arizona Medical Board's new website is nearly completed and staff will soon begin development of Board's new website.

- Update on potential Board consolidation and relocation

Ms. McSorley reported that she anticipates a consolidation bill being passed during the new legislative session. Ms. McSorley also stated that relocation to the Adams building is at a standstill until appropriations of money have been granted and she will provide an update after January.

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

- Update regarding Biannual Joint Officers Meeting

Chairman Hoffa recognized Dr. Smith who was appointed to the Arizona House of Representatives Committee on Traumatic Brain Injuries. Chairman Hoffa reported that at the November 9, 2016 Joint Officers teleconference a date was established for the Executive Director Selection and Retention Committee meeting.

- Update regarding AAPA National Forum on State Regulators

Chairman Hoffa reported that the next meeting is December 1, 2016, and the hope is to be able to advise their executive board regarding legislative and rule issues to do with state Boards.

- Board member input regarding Executive Director performance for purpose of upcoming Executive Director Selection and Retention Committee meeting

MOTION: Chairman Hoffa moved for the Board to enter into Executive Session pursuant to A.R.S. § 38-431.03(A)(1) and (3).

SECOND: PA Leichty.

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

MOTION PASSED.

The Board entered into Executive Session at 4:33 p.m.

The Board returned to Open Session at 5:02 p.m.

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

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

No legal advisor's report was given.

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

- Discussion and possible action regarding strategy for upcoming legislative session

Chairman Hoffa opined that there is a significant possibility of seeing the issue of Fluoroscopy at the upcoming legislative session.

MOTION: Chairman Hoffa moved for ARBoPA to oppose any further legislation that would include statutes regarding any further obstacle for a PA to utilize ionizing radiation, including but not limited to fluoroscopy

SECOND: PA Whitfield.

PA Spiegel expressed difficulty in committing to the motion without knowing what future legislation may entail. Chairman Hoffa commented that there are multiple entities that have developed training for PAs who wish to practice fluoroscopy.

PA Spiegel abstained.

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

MOTION PASSED.

Ms. McSorley reported that there is a meeting on December 8, 2016 with Senator Barto for legislative stake holders and she will provide Chairman Hoffa with an update of what occurred at the meeting.

H. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING POSSIBLE DELEGATION OF AUTHORITY FOR EXECUTIVE DIRECTOR TO GRANT LICENSURE UNDER CERTAIN CIRCUMSTANCES

Chairman Hoffa commented on the need for a new policy to be created and delegating authority to the Executive Director granting licenses for physicians assistants attempting to apply for licensure after being out of practice for some time and the physician assistant is NCPA Certified.

Ms. McSorley explained the Arizona Medical Board's Substantive Policy Statement ("SPS") delegating authority for the Executive Director to grant licensure.

MOTION: Chairman Hoffa moved to direct staff to draft a substantive policy statement regarding time out from practice and clarification of licensing authority of the Executive Director.

SECOND: PA Whitfield.

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

MOTION PASSED.

Chairman Hoffa directed the establishment of the Committee on Substantive Policy Changes. Chairman Hoffa appointed the following members: Dr. Danielsen, Jaqueline Spiegel, PA Whitfield and Dr. Kelly. The first meeting is to be determined once a draft by Board staff of a proposed SPS is completed.

I. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING POTENTIAL BOARD POLICY ON THE USE OF FLUOROSCOPY BY PHYSICIAN ASSISTANTS

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

SECOND: PA Speigel

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

MOTION PASSED.

The Board entered into Executive Session at 5:04p.m.

The Board returned to Open Session at 5:16 p.m.

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

Board members discussed the importance of the supervising physician and physician assistant relationship. PA Lechty commented that the physician assistant is already being regulated by their supervising physician and therefore questioned how the Board would be able to regulate. Chairman Hoffa opined it is important for there to be a dialogue and interactions between the various practices and professional entities. PA Speigel opined it may be beneficial to have a SPS for practices who are utilizing this technology to provide as a guide not necessarily regulation. Dr. Danielsen clarified that there is currently a statute stating the scope of practice is regulated at the practice site and is determined by the supervising physician. Dr. Smith supports the relationship and states the Board should wait before taking a specific stance.

J. APPROVAL OF MINUTES

MOTION: Chairman Hoffa moved to approve the September 21, 2016 Regular Session minutes.

SECOND: PA Whitfield.

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

MOTION PASSED.

MOTION: Chairman Hoffa moved to approved the September 21, 2016 Special Meeting, including Executive Session minutes.

SECOND: PA Whitfield.

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

MOTION PASSED.

CONSENT AGENDA

K. CASES RECOMMENDED FOR ADVISORY LETTERS

MOTION: Chairman Hoffa moved to issue an Advisory Letter per SIRC in items K4 and K5.

SECOND: Ms. Crevier.

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

MOTION PASSED.

1. PA-15-0057A, ASHLEY B. DELUCA, P.A., LIC. #4250

PA Deluca addressed the Board during the Call to Public Statements.

Board staff summarized that this case was initiated after receiving notification from the Arizona State Board of Nursing that RN/PA Deluca was disciplined effective May 13, 2015 with the disciplinary action of probation. A PHP evaluation was recommended and PA Deluca was found safe to practice and compliant with monitoring requirements with from the Nursing Board.

MOTION: Chairman Hoffa moved to dismiss.

SECOND: PA Whitfield.

Dr. Hoffa stated that PA Deluca has satisfied all the requirements by the Nursing Board and opined that she deserves a second chance.

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

MOTION PASSED.

2. PA-16-0010A, DEBRA A. PIERCE, P.A., LIC. #3552

PA Pierce and Counsel Curtis Bergen addressed the Board during the Call to Public portion of the meeting. S.L. also addressed the Board during the Call to Public portion of the meeting.

Board staff summarized that a patient was documented to have an allergy to Amoxicillin and Lorazepam. The patient was admitted to the hospital for a procedure with the recommendation from the gastroenterologist to be given Zosyn. The MC found that PA Pierce failed to document a patient encounter when notified by nursing staff of symptoms concerning for an acute allergic reaction. The MC stated that it is not clear whether the PA understood that the patient had a prior allergic reaction to amoxicillin, whether PA Pierce recognized that SL's symptoms were due to an acute allergic reaction from Zosyn and missed the opportunity to discontinue the offending agent. The MC identified many mitigating factors in this case.

MOTION: Chairman Hoffa moved to dismiss.

SECOND: PA Whitfield.

Board staff commented that the situation became complicated due to electronic records. Chairman Hoffa noted that there is only so much you can document in electronic medical records.

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

MOTION PASSED.

3. PA-16-0010B, JESSICA S. BYRDY, P.A., LIC. #5012

PA Byrdy and Counsel Curtis Bergen addressed the Board during the Call to Public portion of the meeting. S.L. also addressed the Board during the Call to Public portion of the meeting.

MOTION: Chairman Hoffa moved to dismiss.

SECOND: Ms. Crevier.

**VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.
MOTION PASSED.**

4. PA-16-0007A, DOMINIQUE N. MONTAGUE, P.A., LIC. #5332
RESOLUTION: Issue an Advisory Letter for failing to discuss or document a discussion regarding possible mediastinal fullness and recommendation for a CT scan. There is insufficient evidence to support disciplinary action.
5. PA-16-0019A, CASSANDRA J. MCLAUGHLIN, P.A., LIC. #3828
RESOLUTION: Issue an Advisory Letter for failing to properly evaluate a patient with complaints of abnormal uterine bleeding. There is insufficient evidence to support disciplinary action.
6. PA-15-0053A, KATE A. MAINE, P.A., LIC. #4528
Board staff summarized that after receiving a complaint regarding PA Maine's care and treatment of a 36 year-old female patient ("TK") alleging failure to appropriately coordinate patient care and inappropriate referral to an emergency department. The MC opined that refusal to speak with the emergency room physician represented a deviation from the standard of care. The MC stated that it would be expected that a PA would make an effort to address the situation with her supervising physician.

MOTION: Chairman Hoffa moved to dismiss.

SECOND: Dr. Danielsen.

Chairman Hoffa noted that the PA and Supervising Physician did provide an up to date medical record that included the last office visit and that the PA was following the policy of the office. Dr. Danielsen agreed that the PA was only following a policy however, he does have concerns with these types of policies. Dr. Kelly commented that as a physician practicing in an ER, a preconceived recommendation is difficult to understand without the provider's direction. PA Spiegel commented on the office's policy of communication and that this type of case may become more prevalent and that the Board will need to set precedent.

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

MOTION PASSED.

7. PA-16-0066A, OLIVIA R. BLUME, P.A., LIC. #4441
Board staff summarized that the case was initiated after receiving notification stating that PA Blume unlawfully accessed the Controlled Substance Prescription Monitoring Program data.

MOTION: Chairman Hoffa moved for a finding of unprofessional conduct in violation of A.R.S. § 32-2501(18)(c) and (bb) for reasons as stated by SIRC.

SECOND:

MOTION: Chairman Hoffa moved for the Board to enter into Executive Session pursuant to A.R.S. § 38-431.03(A)(2) and (3).

SECOND: PA Whitfield.

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

MOTION PASSED.

The Board entered into Executive Session at 2:19 p.m.

The Board returned to Open Session at 2:25 p.m.

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

CHAIRMAN HOFFA'S MOTION WAS WITHDRAWN.

MOTION: Chairman Hoffa moved to issue an Advisory Letter for inappropriately accessing the Controlled Substance Prescription Monitoring Program database, and for failing to accurately respond to a question on her 2016 license renewal application. There is insufficient evidence to support disciplinary action.

SECOND: PA Whitfield.
VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.
MOTION PASSED.

L. REVIEW OF EXECUTIVE DIRECTOR DISMISSALS

1. PA-16-0005A, SAMUEL D. MC REYNOLDS, P.A., LIC. #1480

Attorney Teresita Mercado addressed the Board during the Call to Public portion of the meeting on behalf of the physician. D.E. also addressed the Board during the Call to Public portion of the meeting.

Board staff summarized that the Arizona Medical Board received a complaint from D.E. alleging numerous non-medical concerns resulting from treatment he obtained from a hospital where he was admitted for a procedure. DE stated in his complaint that he received a bill from PA McReynolds, of whom he had never heard. Board staff noted that most of the concerns identified in DE's complaint involved business practices that are outside of the Board's jurisdiction.

MOTION: PA Whitfield moved to uphold the dismissal.

SECOND: Dr. Smith.

Board members discussed that this case does not fall under the Board's jurisdiction and may possibly be an issue for the legislature to address.

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

MOTION PASSED.

2. PA-15-0120A, LANCE R. HUFF, P.A., LIC. #3303

Board staff summarized that the patient underwent a procedure and two weeks later developed swelling. The MC found no deviation from the standard of care.

MOTION: Chairman Hoffa moved to uphold the dismissal.

SECOND: Dr. Danielsen.

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

MOTION PASSED.

M. PROPOSED CONSENT AGREEMENTS (Disciplinary)

1. PA-15-0105A, TRACY S. POSTON, P.A., LIC. #2503

Board staff summarized that the Board initiated the case after receiving notification that PA Poston was arrested for a DUI, six days prior to the termination of her Stipulated Rehabilitation Agreement (SRA). After an assessment, the PHP Contractor opined that PA Poston should be allowed the opportunity to enter into an Interim Consent Agreement for participation in the PHP. PA Poston entered into the Interim Consent Agreement, which was executed on January 11, 2016

MOTION: Chairman Hoffa moved to accept the proposed Consent Agreement for a Letter of Reprimand and Five Year Probation to participate in the Physician Health Program. PA Poston's PHP participation shall be retroactive to January 11, 2016. The PA shall participate in psychotherapy and psychiatric monitoring for the duration of Probation. Once the licensee has complied with the terms and conditions of Probation, she must affirmatively petition the Board to request that the Probation be terminated.

SECOND: PA Whitfield.

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

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

MOTION PASSED.

2. PA-15-0129A, CAREY M. TUCKER, P.A., LIC. #3707

Board staff summarized that TG suffered from multiple health concerns. The MC opined that PA Tucker deviated from the standard of care by failing to obtain an EKG and to advise the patient to go to the ER or call 911 if chest pain continued. The Supervising Physician has been referred to the Osteopathic Board.

MOTION: Chairman Hoffa moved to accept the proposed Consent Agreement for a Letter of Reprimand and Probation. Within six months, complete no less than 6 hours of Board staff pre-approved Category I CME in the management of chest pain. The CME hours shall be in addition to the hours required for renewal of licensure. Once the licensee has complied with the terms of Probation, he must affirmatively petition the Board to request that the Probation be terminated.

SECOND: Dr. Danielsen.

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

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

MOTION PASSED.

3. PA-13-0016A, MICK G. DRAGE, P.A., LIC. #2585

Board staff summarized that the Board initiated the case after receiving a complaint alleging that PA Drage was inappropriately prescribing narcotics to patients for diversion purposes, practicing without proper or adequate supervision, and failing to have a current supervising physician. PA Drage was convicted of three felonies to which he pled guilty, and was sentenced to probation including a controlled substance prescribing restriction. .

MOTION: PA Whitfield moved to accept the proposed Consent Agreement for Surrender of Licensure.

SECOND: Dr. Smith.

Ms. Smith clarified that although the charges are not a part of the consent agreement the sentencing documents will be posted to the PA's online profile along with the consent agreement.

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

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

MOTION PASSED.

N. LICENSE APPLICATIONS

i. APPROVE OR DENY LICENSE APPLICATION

1. PA-16-0030A, GRETCHEN M. PARUCH, P.A., LIC. #N/A

Board staff summarized that the Board received a license application wherein the PA reported that she has not held a license to perform health care tasks since 2003.

MOTION: Chairman Hoffa moved to grant the license.

SECOND: PA Whitfield.

Chairman Hoffa noted that the physician is NCPPA certified and has been teaching since her absence of practice. Chairman Hoffa also commented that the CPEP is quite an expensive and time consuming program. Dr. Danielsen opined that at some point the Board will need to examine this situation and decide on a course of action regarding physician assistants' reentry.

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

MOTION PASSED.

2. PA-16-0055A, DANIEL G. DUDZIAK, P.A., LIC. #N/A

Board staff summarized that PA Dudziak disclosed he was terminated from employment with the Veteran's Administration ("VA") in 2002 for policy violations and that he had an open investigation with the New York Medical Board. On

September 30, 2016, the New York Medical Board stated their investigation has been closed with no action taken. PA Dudziak has been continuously employed since 2002 as a PA in Emergency Medicine, Family Medicine and the Army National Guard and that the Board received three letters of support from co-workers on behalf of PA Dudziak.

MOTION: PA Whitfield moved to grant the license.

SECOND: PA Spiegel.

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

MOTION PASSED.

3. PA-16-0073A, MICHELLE J. KRYL, P.A., LIC. #N/A

Board staff summarized that the case was initiated after receiving PA Kryl's license application wherein she disclosed a prior Board sanction and conviction of a DUI. The Nursing Board requested that PA Kryl complete a substance abuse evaluation in light of her DUI conviction. The Nursing Board offered PA Kryl the opportunity to enter into a Consent Agreement as a condition of licensure. She chose not to sign the Nursing Board's proposed Consent Agreement as she was not able to meet the financial obligation at the time. If granted licensure, she plans to work in an urgent care. She is willing and able to undergo any evaluation or monitoring the Board may order. Board staff noted that PA Kryl is NCCPA certified, effective August 17, 2016 until December 31, 2018. PA Kryl does not hold a license in any jurisdiction.

MOTION: PA Whitfield moved to grant the license.

SECOND: PA Liechty.

Board staff confirmed there have not been any other incidents since the original DUI.

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

MOTION PASSED.

4. PA-16-0075A, RICHARD A. WHITE, P.A., LIC. #N/A

Board staff summarized that after receiving PA White's license application wherein he disclosed a prior disorderly conduct charge and employment termination. PA White was charged with disorderly conduct, to which he agreed via a plea agreement to a diversion program that was successfully completed.

MOTION: PA Whitfield moved to grant the license.

SECOND: Ms. Crevier.

Chairman Hoffa commented on the severity of the incident but is in agreement with the motion.

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

MOTION PASSED.

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

1. PA-16-0079A, SCOTT A. HANSON, P.A., LIC. #N/A

Board staff summarized that, the Board received PA Hanson's application for re-licensure. PA Hanson previously held an Arizona license from September 12, 2014 to September 18, 2016. PA Hanson reapplied for a license after he discovered that his previous license had expired on September 18, 2016. PA Hanson admitted that he had seen and treated approximately 238 patients during the two weeks that his license had lapsed. PA Hanson inadvertently provided a physical address for his practice.

MOTION: PA Whitfield moved to grant the license and issue an Advisory Letter for practicing on an expired license. There is insufficient evidence to support disciplinary action.

SECOND: PA Spiegel.
VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.
MOTION PASSED.

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

1. PA-15-0130A, KAREN L. WATTS, P.A., LIC. #2423

Chairman Hoffa knows PA Watts however it would not affect his ability to adjudicate the case.

Board staff summarized that the Board initiated the case after receiving PA Watts' license renewal application and sending her a deficiency notice regarding her proof of CME hours. PA Watts did not provide proof of completion of any CME credits obtained within the qualifying date range.

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

MOTION PASSED.

The Board entered into Executive Session at 3:31 p.m.

The Board returned to Open Session at 3:44 p.m.

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

MOTION: PA Whitfield moved to 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. Accept the applicant's written request to formally withdraw her license application.

SECOND: PA Liechty.

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

MOTION PASSED.

iv. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING RENEWAL APPLICATION AND CONSIDERATION OF PROPOSED DISCIPLINE

1. PA-15-0128A, JASON F. PACE, P.A., LIC. #5922

Board staff summarized that the Board initiated this case after receiving PA Pace's license renewal application wherein he disclosed action taken against him by the US Army and was sanctioned by the US Army in the form of a Memorandum of Reprimand.

MOTION: Dr. Danielsen moved to accept the proposed Consent Agreement for a Letter of Reprimand.

SECOND: PA Whitfield.

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

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

MOTION PASSED.

MOTION: PA Whitfield moved to grant the license renewal.

SECOND: PA Liechty.

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

MOTION PASSED.

OTHER BUSINESS

O. REQUEST FOR MODIFICATION/TERMINATION OF BOARD ORDER

1. PA-16-0015A, MEAGEN L. ANDERSON, P.A., LIC. #6129

Board staff summarized that PA Andersen is requesting early termination of her Board order and that the PHP contractor does not support early termination.

MOTION: Ms. Crevier moved to deny the PA's request for Board Order termination.

SECOND: PA Spiegel.

Board members agreed that monitoring can be continued in the state that PA Anderson is moving to.

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

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

MOTION PASSED.

P. DISCUSSION AND POSSIBLE ACTION REGARDING REFERRAL TO FORMAL HEARING

1. PA-16-0060A, LLOYD G. BARKER, P.A., LIC. #2193

Board staff summarized that this case was initiated after a self-report stating that PA Barker was allowed to resign while under investigation by the hospital he was employed at. During the course of the Board investigation, PA Barker was issued an Interim Consent Agreement for Practice Restriction based on the evaluator's inability to determine PA Barker's ability to practice safely without undergoing inpatient treatment. Board staff was later informed that the PA could not afford the recommended treatment, however, as of November 29, 2016, PA Barker has enrolled in an inpatient treatment facility.

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

MOTION PASSED.

The Board entered into Executive Session at 3:58 p.m.

The Board returned to Open Session at 4:07 p.m.

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

MOTION: Ms. Crevier moved to continue the case until the licensee has completed the treatment program.

SECOND: PA Spiegel.

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

MOTION PASSED.

MOTION: PA Spiegel moved to adjourn the meeting.

SECOND: PA Liechty.

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

MOTION PASSED.

The meeting adjourned at 5:52 p.m.



Patricia E. McSorley
Patricia E. McSorley, Executive Director