



Arizona Regulatory Board of Physician Assistants

1740 W. Adams St, Suite 4000, Phoenix, AZ 85007
Telephone: 480-551-2700 • Fax: 480-551-2702 • www.azpa.gov

FINAL MINUTES FOR REGULAR SESSION MEETING Held on Wednesday, February 28, 2018 1740 W. Adams St., Board Room A, Phoenix, AZ 85007

Board Members

Myles A. Whitfield, P.A.-C, Chair
Randy D. Danielsen, PhD, P.A., D.F.A.A.P.A. Vice Chair
Carole A. Crevier
Thomas E. Kelly, M.D., F.A.C.E.P.
Sheldon G. Liechty, P.A.-C
John J. Shaff, PA-C, DFAAPA
Jacqueline J. Spiegel, M.S., P.A.-C, D.F.A.A.P.A.
Patrick J. Van Zanen

Wednesday, February 28, 2018

GENERAL BUSINESS

A. CALL TO ORDER

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

B. ROLL CALL

The following Board members were present: PA Whitfield, Dr. Danielsen, Ms. Crevier, Dr. Kelly, PA Liechty, PA Shaff, PA Spiegel and Mr. Van Zanen.

ALSO PRESENT

Carrie Smith, AAG; Patricia E. McSorley, Executive Director; Kristina Fredericksen, Deputy 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 ELECTION OF BOARD OFFICERS

Election of Board Officers Nominations for Board elections: PA Whitfield, Chairman; and Dr. Danielsen, Vice Chairman.

MOTION: Dr. Danielsen nominated PA Whitfield for chair.

SECOND: Dr. Kelly.

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

MOTION PASSED.

MOTION: Ms. Crevier nominated Dr. Danielsen for vice chair.

SECOND: Dr. Kelly.

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

MOTION PASSED.

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

- Discussion Regarding Relocation to 1740 W. Adams St. Building
Ms. McSorley reported that the sound issues in the new Board Room have been resolved.
- Update Regarding Physician Health Program and Procurement Contract Award
Ms. McSorley reported that two contractors are now available for participants to choose from and that the fees for the program have become more affordable.
- Update and Possible Action Regarding Pending Legislation, Including but Not Limited to:
 - SB1001 Arizona Opioid Epidemic Act
Ms. McSorley reported that the bill has passed and was signed by the Governor.
 - HB2250 Physician Assistants, Prescribing Authority; Delegation
Ms. McSorley reported that the bill has passed out of the House and has been assigned to the Senate Health Committee and the Senate Rules Committee.
- Federation of State Medical Boards 2018 Annual Meeting
Ms. McSorley reported that the Annual Meeting will be taking place April 26, 2018 and a session is devoted to physician assistants. Ms. McSorley instructed Board members to contact Board staff if interested in attending.
- Update on Board Member Vacancies
Ms. McSorley reported that almost all of the PA members' appointments will be up on June 30 2018. Ms. McSorley instructed members to apply for reappointment if they wish to continue on the Board. Ms. McSorley reported that the new Director of Boards and Commissions is aware that the Board requires new appointments.
- New Federal Law Permits PAs to Provide Hospice Care to Medicare Patients (Dr. Danielsen)
Dr. Danielsen reported that on February 9, 2018 Congress passed changes to the Medicare bill to modernize the outdated law in relation to physician assistants. The changes allow physician assistants to manage and provide care to terminally ill hospice patients and to supervise cardiac and pulmonary rehabilitation programs under the Medicare program.

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

- SB1195 Technical Correction; Health Services: Monitoring (Dr. Danielsen)
Jennifer Feirstein, PA-C, President Elect, Arizona State Association of Physician Assistants addressed the Board regarding SB1195, and provided a brief history regarding the timeline and ASAPA's attempt to include physician assistants in the bill's draft language.

Chairman Whitfield commented that this bill is an opportunity to better serve the public by addressing mental health patients.

MOTION: Chairman Whitfield moved that the Arizona Regulatory Board of Physician Assistants strongly supports amending SB1195 to include Physician Assistants as qualified providers, including admitting officers, of the mental health services included in the Bill.

SECOND: PA Liechty.

Ms. Smith clarified that Ms. McSorley, as the Board's legislative representative, can pursue the Board's goals with legislature. Ms. Feirstein informed the Board that there is not general resistance to physician assistants being included in the bill. However, there is push back regarding including Pas as the "admitting officers" in the legislation.

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

MOTION PASSED.

Chairman Whitfield acknowledged Ms. Crevier and Dr. Danielsen for their service to the Board. Chairman Whitfield thanked Board staff and Ms. Bober for their assistance.

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

- Legislative Advice Memorandum – SB1001 Opioid Epidemic Act

Ms. Smith noted that the Opioid Epidemic Act is effective April 26, 2018 and contains numerous statutory changes that effect both health care practitioners and regulatory agencies. Ms. Smith suggested the JLRC Committee may want to amend the Board's Continuing Medical Education ("CME") Rule to meet the new statutory requirement.

Dr. Kelly opined the Board should take a stance on having the state develop a CME process to meet the requirement. PA Whitfield suggested having this new requirement posted to the Board's website with recommended CME and sending an email to all licensed physician assistants.

H. THIS ITEM HAS BEEN REMOVED FROM THE AGENDA.

I. APPROVAL OF MINUTES

MOTION: PA Shaff moved to approve the November 29, 2017 Regular Session, and the January 10, 2018 Special Teleconference as amended.

SECOND: Mr. Van Zanen.

PA Spiegel commented that although she was present for the beginning of the January 10, 2018 Teleconference she was not present for the vote and the minutes should reflect that.

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

MOTION PASSED.

LEGAL MATTERS

J. FORMAL INTERVIEWS

1. PA-17-0029A, DONOVAN J. POHL, P.A., LIC. #5500
PA Pohl was present without counsel.

Board staff summarized that the Board initiated the case after review of a related matter alleged that PA Pohl provided inadequate care and treatment of a 61 year-old diabetic patient (CC) presenting with fever, tachycardia and abdominal pain in June of 2016. The Board's Medical Consultant ("MC") found that there were several deviations from the standard of care with regard to the treatment provided by PA Pohl.

During questioning, PA Pohl explained his standard approach to a patient presenting with fever and abdominal pain. PA Pohl acknowledged that his documentation regarding his discussion and examination was inadequate. PA Pohl informed the Board that he typically reviews patients' current symptoms and medication lists. PA Pohl explained the range of patients that he sees on a daily basis and stated that he provides good patient care.

Dr. Kelly expressed concern regarding the physician assistant's knowledge of diabetes-related medical concerns.

In closing, PA Pohl acknowledged his deficiencies in this case and stated that moving forward he intends to learn from this case.

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

SECOND: Ms. Crevier.

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

MOTION PASSED.

The Board entered into Executive Session at 2:26 p.m.
The Board returned to Open Session at 2:45 p.m.
No legal action was taken by the Board during Executive Session.

MOTION: PA Spiegel moved for a finding of unprofessional conduct in violation of A.R.S. § 32-2501(18)(j) and (p) as stated by SIRC.

SECOND: Mr. Van Zanen.

PA Spiegel noted that PA Pohl missed a diagnosis, failed to identify contraindicated medication interaction and had inadequate documentation. Dr. Danielsen spoke against the motion as more documentation is required. Dr. Kelly requested further chart reviews to determine current medical record patterns.

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted against the motion: Chairman Whitfield, Dr. Danielsen, Ms. Crevier, Dr. Kelly, PA Liechty, PA Shaff, Pa Spiegel and Mr. Van Zanen.

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

MOTION FAILED.

MOTION: Dr. Danielsen moved to return the case for further investigation to allow Board staff to obtain a chart review of six current patients in the last six months, including two diabetic patients.

SECOND: Dr. Kelly.

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

MOTION PASSED.

CONSENT AGENDA

K. CASES RECOMMENDED FOR ADVISORY LETTERS

MOTION: PA Spiegel moved to issue an Advisory Letter in number items 3 and 4.

SECOND: Dr. Danielsen.

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

MOTION PASSED.

1. PA-17-0038A, AMMON LAMBSON, P.A., LIC. #3722
Scott King, Esq. addressed the Board during the Public Statements portion of the meeting.

PA Spiegel opined that there was gross negligence in care.

MOTION: PA Liechty moved to dismiss.

SECOND: PA Shaff.

PA Liechty noted that the orthopedic physician stated that he would not have done the surgery at that time either and at most there is a documentation error in this case. PA Shaff noted the patient was non-compliant with instructions given by the PA. Mr. Van Zanen noted that the patient missed a follow up appointment as well. PA Shaff noted that regardless of the surgery taking place or not carpal tunnel is a known complication of distal radius fractures.

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

MOTION PASSED.

2. PA-17-0063A, KYLE E. FJERSTAD, P.A., LIC. #5710
Cory Tyszka, Esq. addressed the Board during the Public Statements portion of the meeting.

MOTION: Ms. Crevier moved to dismiss.

SECOND: Dr. Danielsen.

Ms. Crevier noted that the supervising physician's case was dismissed by the Arizona Medical Board.

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

MOTION PASSED.

3. PA-17-0034A, LAURA A. TRUAX, P.A., LIC. #4725
RESOLUTION: Issue an Advisory Letter for prescribing an antibiotic to a patient with an allergy to medications in the same class of drugs. The violation is a minor or technical violation that is not of sufficient merit to warrant discipline.
4. PA-17-0068A, MARGARET G. THAYER, P.A., LIC. #5783
RESOLUTION: Issue an Advisory Letter for prescribing medication to which a patient is allergic. The violation is a minor or technical violation that does not rise to the level of discipline.

L. PROPOSED CONSENT AGREEMENTS (Disciplinary)

1. PA-17-0006A, JOHN M. IVERSON, P.A., LIC. #6073

MOTION: PA Spiegel moved to accept the proposed Consent Agreement for a Letter of Reprimand and Five Year Probation for PHP monitoring. PA Iverson's PHP participation shall be retroactive to May 5, 2017. Once the licensee has complied with the terms of the Order, he may petition the Board to request termination.

SECOND: Ms. Crevier.

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

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

MOTION PASSED.

M. LICENSE APPLICATIONS

i. APPROVE OR DENY LICENSE APPLICATION

1. PA-17-0081A, NOLAN W. MARCOS, P.A., LIC. #N/A

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

Board staff summarized that on August 22, 2017, the Board received PA Marcos' license application. PA Marcos answered in the affirmative to a background question, reporting that he was placed on academic probation for while attending Franklin Pierce University. PA Marcos remediated the academic probation by successfully completing the program and has graduated without further issues.

MOTION: Dr. Danielsen moved to approve the license application and grant licensure.

SECOND: Dr. Kelly.

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

MOTION PASSED.

N. ADJOURNMENT

MOTION: PA Spiegel moved to adjourn the meeting.

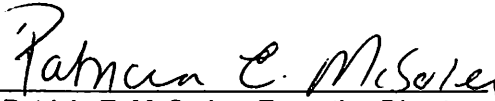
SECOND: Ms. Crevier.

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

MOTION PASSED.

The meeting adjourned at 3:31 p.m.




Patricia E. McSorley, Executive Director