



Arizona Regulatory Board of Physician Assistants

9545 East Doubletree Ranch Road • Scottsdale, Arizona 85258-5514
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FINAL MINUTES FOR REGULAR SESSION MEETING Held on Wednesday, February 26, 2014 9535 E. Doubletree Ranch Road • Scottsdale, Arizona 85258

Board Members

Geoffrey W. Hoffa, M.S., P.A.-C, Chair
Myles A. Whitfield, P.A.-C, Vice Chair
Carole A. Crevier
Charles A. Finch, D.O.
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

CALL TO ORDER

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

ROLL CALL

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

ALSO PRESENT

Christopher Munns, Assistant Attorney General, Solicitor General's Office, and John Tellier, Assistant Attorney General, Legal Advisor, were present among Board staff in addition to Patricia E. McSorley, Interim Acting Executive Director, William Wolf, M.D., Chief Medical Consultant, Anita Shepherd, Investigations Assistant Manager, Celina Shepherd, Licensing Office Manager, Mary Bober, Board Operations Manager, and Andrea Cisneros, SIRC Coordinator.

LEGAL MATTERS

CONSIDER RESCINDING REFERRAL TO FORMAL HEARING AND RECONSIDER LICENSE DENIAL

1. PA-13-0021A, FAHIM N. KASHIF, P.A., LIC. #N/A

PA Kashif was not present during the Board's consideration of this case. Sarah Selzer, Assistant Attorney General, was present on behalf of the State. Ms. Selzer stated that this matter was before the Board for reconsideration, as review of the transcript and denial letter did not provide a reason for the Board denying the license. Mr. Van Zanen noted that the denial letter included the appropriate statutory citation to support why the license was denied, and he questioned whether it would be appropriate to mention the Staff Investigational Review Committee (SIRC) Report in the Board's motion to provide the grounds for the license denial.

Mr. Munns advised that if the Board were to uphold the denial of licensure, clarification is needed regarding the factual basis for the denial. He stated that the SIRC Report can be included in the Board's motion and then have the facts incorporated from the SIRC Report into the denial letter. Dr. Wolf pointed out that the SIRC struggled with this case, and that the SIRC recommended referring the matter to the full

Board for consideration of the license application with the recommendation to grant a license. Mr. Van Zanen recommended incorporating the facts from the SIRC Report summary, and not the SIRC recommendation.

MOTION: PA Hoffa moved for the Board to enter into Executive Session to receive legal advice.

SECOND: Mr. Van Zanen

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

MOTION PASSED.

The Board entered into Executive Session at 1:06 p.m.

The Board returned to Open Session at 1:14 p.m.

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

Mr. Munns informed the Board that a request for reconsideration had been filed which, if granted, would allow the Board to either grant or deny the license application. He added that if the Board found there was no need to revisit the merits of the case and potentially grant the license, the license can be granted or the Board can uphold the denial and clarify the factual basis for doing so.

MOTION: Mr. Van Zanen moved to rescind the referral to Formal Hearing and reconsider the license denial.

SECOND: PA Hoffa

MOTION: PA Hoffa moved to amend the motion to include granting PA Kashif an unrestricted license.

SECOND: Mr. Van Zanen

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

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

MOTION PASSED.

AMENDED MOTION: Mr. Van Zanen moved to rescind the referral to Formal Hearing, reconsider the license denial and grant PA Kashif an unrestricted PA license.

SECOND: PA Hoffa

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

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

MOTION PASSED.

CALL TO THE PUBLIC

Individuals that spoke during the Call to the Public appear beneath the matter referenced.

NON-TIME SPECIFIC ITEMS

EXECUTIVE DIRECTOR'S REPORT

Ms. McSorley updated the Board regarding the Ombudsman's investigation regarding potential violations of statute. She stated that the case was closed and that no action was taken. Ms. McSorley informed the Board that staff has had further discussions with stakeholders regarding the PA prescribing modification form, and that an understanding was reached regarding the Board's statutory compliance. Ms. McSorley further updated the Board regarding enhancements being made to the license renewals process.

MOTION: PA Hoffa moved to accept the Executive Director's Report.

SECOND: PA Whitfield

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

MOTION PASSED.

CHAIR'S REPORT

PA Hoffa presented his report to the Board and noted that the Ombudsman's investigation had been closed. He updated the Board regarding the AMB's Executive Director selection, and stated that Mr. C. Lloyd Vest II has accepted the position. PA Hoffa also discussed travel reimbursement for board meetings and the upcoming FSMB meeting.

PA Hoffa recognized Ms. McSorley in her service as the Interim Acting Executive Director, and stated that she has done an excellent job. He stated that Mr. Vest may be taking the Executive Director position, but that Ms. McSorley has been imperative in getting the Board through the Ombudsman investigation and the Board's dealings with the Legislature.

MOTION: PA Hoffa moved to commend Ms. McSorley for her excellent job in serving as the Board's Interim Acting Executive Director.

SECOND: PA Whitfield

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

MOTION PASSED.

LEGAL ADVISOR'S REPORT

Mr. Tellier reported that Board staff worked diligently to upgrade all forms used for license renewals and applications, which he stated are fully compliant with the statute and rules. He stated that Board staff is in the process of getting the Board's website up to speed in terms of having appropriate forms posted. He thanked Board staff for their efforts and stated that the project is expected to be completed by mid-March.

ELECTION OF BOARD OFFICERS

MOTION: Ms. Crevier moved to nominate PA Hoffa to continue as the ARBoPA Chairman, effective May 21, 2014.

SECOND: PA Whitfield

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

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

MOTION PASSED.

MOTION: PA Hoffa nominated PA Whitfield to continue as the ARBoPA Vice Chairman, effective May 21, 2014.

SECOND: Ms. Crevier

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

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

MOTION PASSED.

LEGISLATIVE AGENDA UPDATE

Richard Bitner, Legal Counsel for the Arizona State Association of Physician Assistants (ASAPA), spoke during the Call to the Public. He expressed appreciation on behalf of ASAPA for what the ARBoPA has been through, and noted ASAPA's support for SB 1345. He stated that the Senate Bill represents a good effort on behalf of the Board to address some of the issues that came to light because of the fallout from the Ombudsman's Report. PA Hoffa presented this matter to the Board and provided an update regarding SB 1345. He informed the Board members that a proposal was submitted to him by the Chair of the Arizona Medical Board (AMB) with regard to the Senate Bill.

MOTION: PA Hoffa moved for the ARBoPA to politely decline the AMB's proposal and stated that the Board is looking forward to the support of the AMB.

SECOND: PA Whitfield

The Board members discussed the February 19, 2014 committee hearing at the Senate, and noted that SB 1345 received a "due pass recommendation" with a 4-2 vote. The Board noted that Lobbyist Stuart Goodman spoke at the hearing on behalf of the AMB in opposition of the Senate Bill. Ms. Crevier expressed concern regarding Mr. Goodman's representation of the AMB as she believed he was also registered to lobby for the ARBoPA. She suggested that the ARBoPA consider having separate representation. Dr. McCalla observed that the AMB's proposal is to consider a medical board action versus a revised statute that would establish future precedence. PA Hoffa stated that the Senate Bill represents the ARBoPA's request for involvement that should not be limited to the Executive Director, but the staff as well. Mr. Tellier clarified that Mr. Goodman is a registered Lobbyist solely for the AMB, and that he is legally prohibited from lobbying on behalf of the ARBoPA in this matter.

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

Board members discussed a draft letter prepared for submission to the State Legislature. PA Spiegel stated that she is in support of the draft as written as she believes it conveys the ideas the ARBoPA wanted to share with senators and congressmen. She offered a suggestion in separating the last sentence of the draft into two sentences.

MOTION: PA Whitfield moved to approve the draft letter.
SECOND: PA Spiegel
VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.
MOTION PASSED.

PA Hoffa stated that the Board's endorsement of the letter will help him carry it into his discussions with the Legislature.

UTILIZATION OF THE ARBoPA AND AMB AUDIO-VISUAL AND INFORMATION TECHNOLOGY EQUIPMENT FOR MEETINGS

James Gentile, Chief Information Officer, presented this matter to the Board. He referred the Board members to the upgrade proposal relating to the introduction of the ability to have teleconference meetings in the boardroom. PA Hoffa stated that this matter was placed on the Board's agenda for its consideration of extending the current camera system to Executive Sessions. He stated that the AMB uses the boardroom for their Executive Session meetings, and that the ARBoPA should do so as well. Board members noted that not all meeting recordings are posted to the Board's website. PA Hoffa questioned whether audio from the Board's teleconferences was readily available to the public. Board staff reported that meeting recordings are available to the public upon a written public records request. Ms. Crevier noted that when she has attempted to access the Board's meeting recording archive on the web, the audio and visual is not consistent at times.

Mr. Gentile informed the Board that the vendor houses all of the recording data, and that the Board is at the mercy of their system. He stated that the vendor is aware that there are some inconsistencies, and he assured the Board that the Agency strives to provide superior customer service across the board to all stakeholders. He also clarified that the AMB does not use the boardroom to conduct its Executive Session meetings, but that exceptions have been made in the past. Mr. Gentile added that the AMB members relocated to another room during Executive Session and that a portable digital device in the form of a record is the only device allowed in the room where the Executive Session is taking place. He strongly recommended that this practice be maintained by the ARBoPA as well. Dr. Finch and PA Spiegel agreed that the manner in which Executive Sessions are held remain the same.

PA Spiegel questioned whether an RFP was submitted and whether other quotes have been obtained from different vendors. Mr. Gentile informed the Board that because an RFP was done when the boardroom received an upgrade to its audio/visual system in the recent past, the same vendor was used in the currently proposed upgrade due to their familiarity with the system in place. Board members questioned whether the AMB had reviewed the proposal and whether the AMB would share in the cost for the upgrade. Mr. Gentile stated that the AMB has not reviewed the proposal, and that since the AMB has no desire to have this technology available for its meetings it will not share in the cost. PA Hoffa suggested reaching out to different vendors to obtain additional bids for the same equipment.

MOTION: PA Spiegel moved to continue to look at upgrades to the audio/visual technology for teleconferencing in the boardroom, for additional proposals to be requested from vendors in an effort to take steps necessary to comply with the procurement code.

SECOND: Dr. Finch

PA Hoffa offered a friendly amendment to include that Board staff look into budgets regarding the RFP. PA Spiegel and Dr. Finch agreed to amend the motion.

AMENDED MOTION: PA Spiegel moved to continue to look at upgrades to the audio/visual technology for teleconferencing in the boardroom, for additional proposals to be requested from vendors in an effort to take steps necessary to comply with the procurement code, and for Board staff to look into budgets regarding this RFP.

SECOND: Dr. Finch

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

MOTION PASSED.

BOARD ROOM SECURITY

Ms. McSorley updated the Board regarding the measures taken to improve board room security.

APPROVAL OF MINUTES

Due to a lack of a quorum of Board members, the October 17, 2013 Executive Session Minutes and the February 19, 2014 Special Teleconference Meeting Minutes were table and the Board instructed staff to place them on its next regularly scheduled meeting agenda for approval.

MOTION: Ms. Crevier moved to approve the November 13, 2013 Regular Session Meeting Minutes.

SECOND: Mr. Van Zanen

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

MOTION PASSED.

MOTION: PA Hoffa moved to approve the December 12, 2013 Special Teleconference Meeting Minutes.

SECOND: Dr. McCalla

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

MOTION PASSED.

MOTION: Ms. Crevier moved to approve the December 12, 2013 Special Teleconference Meeting Executive Session Minutes.

SECOND: Dr. Finch

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

MOTION PASSED.

MOTION: Dr. McCalla moved to approve the January 3, 2014 Special Teleconference Meeting Minutes.

SECOND: Ms. Crevier

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

MOTION PASSED.

MOTION: Ms. Crevier moved to approve the January 3, 2014 Special Teleconference Meeting Executive Session Minutes.

SECOND: PA Whitfield

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

MOTION PASSED.

MOTION: Ms. Crevier moved to approve the January 7, 2014 Special Teleconference Meeting Minutes.

SECOND: Dr. Finch

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

MOTION PASSED.

ADVISORY LETTERS (Non-Disciplinary)

MOTION: PA Whitfield moved to issue an Advisory Letter in item numbers 1, 2, 3, and 5 based on the statutory findings of facts as noted in the respective SIRC reports.

SECOND: Mr. Van Zanen

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

MOTION PASSED.

1. PA-13-0080A, NICOLE R. WALKER, P.A., LIC. #3544

RESOLUTION: Issue an Advisory Letter admonishing the PA that performing healthcare tasks without a license will result in further Board action. This matter does not rise to the level of discipline.

2. PA-13-0081A, KARIN A. MYERS, P.A., LIC. #2651

RESOLUTION: Issue an Advisory Letter admonishing the PA that performing healthcare tasks without a license will result in further Board action. This matter does not rise to the level of discipline.

3. PA-13-0029A, RODRICK L. MERAZ, P.A., LIC. #3589

RESOLUTION: Issue an Advisory Letter for failure to inform a patient of a CT scan result and for failing to review the case with the supervising physician. This matter does not rise to the level of discipline.

4. PA-13-0051A, MORSE P. LAWRENCE, P.A., LIC. #3401

Dr. Coffey presented this case to the Board. PA Hoffa observed the off-label use of the medication in this case, and indicated that it cannot be stated that the Clonidine had caused the noted change in the patient's level of consciousness. PA Hoffa spoke in favor of rejecting the recommendation to issue an Advisory Letter and dismissing the case.

MOTION: PA Hoffa moved for dismissal.

SECOND: Dr. McCalla

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

MOTION PASSED.

5. PA-14-0004A, AMY E. MICELI, P.A., LIC. #4964

RESOLUTION: Issue an Advisory Letter admonishing the PA that performing healthcare tasks without a license will result in further Board action. This matter does not rise to the level of discipline.

OTHER BUSINESS

PROPOSED CONSENT AGREEMENTS (Disciplinary)

1. PA-13-0036A, CHARLES E. HARMSTON, P.A., LIC. #1027

Dr. Wolf presented this matter to the Board and provided a brief summary of the case which involved identification of deviations from the standard of care regarding the PA's prescribing and failure to properly identify a patient he was meeting.

MOTION: Ms. Crevier moved to accept the proposed Consent Agreement for License Surrender.

SECOND: Dr. McCalla

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

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

MOTION PASSED.

2. PA-13-0053A, BRIAN W. STARK, P.A., LIC. #5123

Dr. Coffey summarized this case for the Board which involved an articulated deviation from the standard of care regarding opioid prescribing as well as medical recordkeeping concerns.

MOTION: PA Spiegel moved to accept the proposed Consent Agreement for a Letter of Reprimand and One Year Probation. Within six months, the PA shall complete 15-20 hours of Board staff pre-approved Category I CME in an intensive, in-person opioid prescribing course. The CME

hours shall be in addition to the hours required for license renewal. After completion of the CME, the PA may petition the Board to have the remaining probationary period terminated.

SECOND: Dr. Finch

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

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

MOTION PASSED.

REQUEST FOR BOARD ORDER FOR CHART REVIEW

3. PA-14-0013A, AARON C. RODARTE, P.A., LIC. #2918

PA Rodarte addressed the Board during the Call to the Public along with his Supervising Physician, Dr. Mark Rubin. PA Rodarte requested that the Board consider his request for a second chart review. PA Rodarte stated that the reviewer involved in the first chart review is not a pain management specialist and may be unfamiliar with the collaborative working relationship between a PA and the supervising physician. For those reasons, PA Rodarte stated that the report submitted to the Board regarding his case does not portray him accurately. Dr. Rubin stated that he was present in support of PA Rodarte and stated he believed that the reviewer's report did not adequately reflect PA Rodarte's medical practice habits. Dr. Rubin stated that he is confident that a proper review will clearly demonstrate that PA Rodarte not only meets, but exceeds what is expected of him.

Danielle Steger, Investigator, presented this matter to the Board and provided a brief summary regarding the first chart review. She noted that PA Rodarte was issued a Board Order on February 28, 2013 in which the PA was subject to a chart review following the completion of CME to be completed by a Board approved monitoring company. Ms. Steger reported that the monitoring company commenced the chart review following completion of the CME, but that the report did not identify all of the areas in which PA Rodarte's care may have changed since the CME was completed. She added that the report did not articulate the standard of care or a specific deviation from the standard of care on the part of PA Rodarte. Ms. Steger further reported that the monitoring company made recommendations for a second chart review to be conducted in May of 2014. It was noted that PA Rodarte's Board Order terminates by operation of law on February 28, 2014. Ms. Steger stated that the PA has agreed to enter into a second Board Order for the purposes of undergoing a second chart review.

MOTION: PA Whitfield moved to deny the request for a second chart review and instruct Board staff to conduct an in-house chart review of five of PA Rodarte's new patients at no expense to the PA.

SECOND: Ms. Crevier

Ms. McSorley informed the Board that staff has had many discussions with the monitoring company as a result of this case. Ms. Crevier suggested that when entering into a new contract with the monitoring company, Board staff should make sure that they are aware of the Board's needs in terms of monitoring its licensees. Ms. McSorley requested a period of three months for staff to conduct the chart review and report back to the Board if issues are identified.

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

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

MOTION PASSED.

Mr. Tellier noted that the three month timeframe was not included in the motion and advised the Board to open the matter for reconsideration.

MOTION: PA Spiegel moved to reconsider the motion made in this matter to deny the request for a second chart review and instruct Board staff to conduct an in-house chart review of five of PA Rodarte's new patients at no expense to the PA.

SECOND: Dr. McCalla

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

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

MOTION: Dr. Finch moved to request the Board staff to review the in-house charts within the next three months and if a concern is raised from Board staff's perspective, the matter shall return to the Board at that time.

SECOND: Ms. Crevier

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

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

MOTION: PA Hoffa moved to adjourn the meeting.

SECOND: PA Whitfield

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

The meeting adjourned at 3:01 p.m.



C Lloyd Vest

C. Lloyd Vest, II, Executive Director