Arizona Medical Board

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FINAL MINUTES FOR JOINT LEGISLATION AND RULES COMMITTEE MEETING
Held on Wednesday, August 7, 2013
9535 E. Doubletree Ranch Road · Scottsdale, Arizona

Committee Members
Jodi A. Bain, Esq., Chair
Jody L. Jenkins, M.D.
Gordi S. Khera, M.D., F.A.C.C.
Harold Magalnick, M.D.

CALL TO ORDER
Ms. Bain called the meeting to order at 2:55 p.m.

ROLL CALL
The following Board members were present: Ms. Bain, Dr. Jenkins, Dr. Khera, and Dr. Magalnick.

CALL TO PUBLIC
There were no individuals present for the call to the public.

NON-TIME SPECIFIC ITEMS
Approval of Minutes
MOTION: Dr. Magalnick moved to approve the June 7, 2013 Meeting Minutes.
SECOND: Dr. Khera
VOTE: 4-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.
MOTION PASSED.

Rules Package – Arizona Administrative Code, Title 4, Chapter 16
Kathleen Phillips, Rule Writer, explained to the Board that Articles 1 & 2 underwent a five year review in 2011 and that changes were identified that needed to be made. Ms. Phillips presented to the Committee a Draft of the proposed Rules dated July 26, 2013 for their review and feedback. She stated that the previously identified changes have been incorporated into the proposed Draft along with additional changes. Ms. Bain instructed the Committee members to review the Draft and email her any questions or feedback no later than September 1, 2013. Ms. Bain stated that she will then consolidate all of the requested changes and any questions into one document and provide the information to Ms. Phillips by September 10, 2013.

Lisa Wynn, Executive Director, recommended that the rule package be drafted without the consideration of the Board's existing license application as it mirrors the Rules in their current form. She also proposed that the Board consider several items when reviewing the Draft Rules including limiting the number of CME hours a physician may obtain credit from reading medical journals, consider whether to make FCVS packets a requirement, and that documentation of citizenship comply with statute in an effort to address the preliminary Ombudsman recommendation. Ms. Bain suggested waiting for the final Ombudsman report prior to implementing any of the recommendations made.

Ms. Bain further stated that the Draft will need to be presented to the full Board at its October 2013 regular session meeting, and she suggested that the Committee meet again at that time. Ms. Bain also stated that she anticipates the proposed Draft to be completed by December of 2013. Ms. Phillips informed the Board that Article 5 is currently undergoing a five year review, and that the Board's deadline for submission to the Governor's Regulatory Review Council (GRRC) is December 27, 2013.

General Legislation and Rules Discussion & Potential Considerations for Next Legislative Session
Dr. Magalnick questioned whether the Committee should address standardizing the Rules to combine the professions of Allopathic and Osteopathic medicine as both professions are practicing the same brand of medicine since Osteopathic practitioners are trained by Allopathic providers. Ms. Bain pointed out that the two professions have their own respective

statutes and rules, though there is commonality between the two. Ms. Phillips stated that the statutes would need to be cross-locked, and that the rules would need to be addressed separately.

Ms. Phillips recommended that the Board hold the oral proceeding at the beginning of the process to provide an opportunity for public comment. The Committee discussed potentially holding the oral proceeding in February of 2014, and having the rules package submitted to the Secretary of State by the end of February. Dr. Jenkins questioned when Articles 3 & 4 will have a five year review. Ms. Phillips stated that she would look into the timeframes and report back to the Committee regarding Articles 3 & 4.

The Committee members discussed the issue of Telemedicine, and recommended placing this on a future agenda for further discussion. Ms. Wynn informed the Committee that she received a draft of potential language regarding Telemedicine that addresses the issue of performing a physical exam and prescribing. Ms. Bain instructed Ms. Wynn to provide the document to the Committee for their review and consideration.

Future Meetings Discussion
The Committee members discussed meeting in October of 2013. Dr. Jenkins requested that the Committee members be provided an updated copy of the Draft Rules with the incorporated changes prior to their next meeting. Ms. Bain suggested submitting the Draft to the Committee by September 27, 2013. Dr. Magalnick asked that the Draft be provided to the Board's Administrative Team prior to submission to the Committee.

Adjournment
The meeting adjourned at 3:40 p.m.

Patricia E. McSorley, Interim Acting Executive Director