



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 22, 2017 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
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, February 22, 2017

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, Dr. Kelly, PA Liechty, Dr. Smith and Mr. Van Zanen.

The following Board members were absent: PA Spiegel.

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

No individuals addressed the Board during the Public Statements portion of the meeting.

D. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING ELECTION OF BOARD OFFICERS

Chairman Hoffa commented that he intends to vacate serving as a Board Member once his term is complete.

MOTION: PA Whitfield nominated Dr. Danielsen for Board Vice Chair.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

MOTION: Dr. Danielsen nominated PA Whitfield for Board Chair.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

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

- Update on Agency relocation

Ms. McSorley reported that the agency relocation is ongoing and that Board staff continues to work with the ADOA to address their questions regarding the Board's requirements for the new building. The potential move in date is December 2017.

- Update on Board processes

Ms. McSorley reported that the Arizona Medical Board has formed a Physician Health Program (PHP) Committee to consider changes in the program as the current PHP contract is up for renewal at the end of the year. Ms. McSorley noted that Chairman Hoffa has requested that a representative from ARBoPA be invited to participate in the Committee.

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

- American Academy of Physician Assistants (AAPA) State Regulator's Forum

Chairman Hoffa reported that there was considerable participation from Forum members and the goal is to create changes in the physician assistant profession towards organizing and regulating the profession. However, progress has been hampered by the inability to schedule meetings in a timely matter.

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

Ms. Smith stated that there is no legal report for this meeting.

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

- Legislative Update (See Appendix A for a list of pending legislation)

Ms. McSorley reported that the Radiation Regulatory Agency will be reporting under the Department of Health Services (DHS) in 2018.

Ms. McSorley reported that SB 1452 would require live streaming and recording of board meetings on agency websites and would allow other agencies to establish programs similar to the Board's PHP.

Ms. McSorley reported that the Pharmacy Board is seeking additional funds in order to create a better system for those using the Controlled Substances Prescription Monitoring Program (CSPMP).

Chairman Hoffa noted that SB 1452 would require that Board members will not be able to be reappointed once their terms are finished for at least one full term.

Ms. McSorley also noted there is a bill regarding military veterans who have health care experience that would require the Board to consider relevant experience as a substitute to licensure requirements. Chairman Hoffa opined that this bill is a way for veterans with unique training to be considered and empowers the Board to determine if their training is adequate. Dr. Danielsen noted as a result of these discussions there are number of PA programs in the country focusing on veterans and ways to overcome their barriers of

entering into programs. Board members discussed if this bill should pass what changes may need to be made to licensure requirements.

- American Academy of Physician Assistants (AAPA) Policy Regarding Full Practice Authority
Dr. Danielsen commented that full practice authority may change the point of view with regard to physician assistants practicing independently and the definition of a supervising physician. Board members discussed the barriers, pros and cons of practicing without a supervising physician, the potential education, training and liability associated with this proposed change. Dr. Danielsen noted that this arose from rural environments having limited physicians. Board members discussed there may be consequences that may arise out of this but agreed to working towards more of a team concept.
- Arizona State Association of Physician Assistants (ASAPA) Policy
Chairman Hoffa reported they are currently trying to pass new bylaws and have written a letter to keep Medicaid expansion included as part of the Affordable Care Act.

I. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING SUBSTANTIVE POLICY STATEMENT (SPS) CLARIFICATION OF AUTHORITY FOR EXECUTIVE DIRECTOR TO GRANT LICENSURE UNDER CERTAIN CIRCUMSTANCES

- Report from SPS Committee

MOTION: Chairman Hoffa moved to adopt the SPS as recommended by the SPS Committee.

SECOND: Dr. Danielsen.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

J. APPROVAL OF MINUTES

MOTION: Chairman Hoffa moved to approve the November 30, 2016 Regular Session.

SECOND: Dr. Kelly.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

MOTION: Chairman Hoffa moved to approve the November 30, 2016 Executive Session.

SECOND: Ms. Crevier.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

CONSENT AGENDA

K. CASES RECOMMENDED FOR ADVISORY LETTERS

MOTION: Chairman Hoffa moved to issue an Advisory Letter in items K2 and K5.

SECOND: PA Whitfield.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

1. PA-16-0062A, RODRICK L. MERAZ, P.A., LIC. #3589

Board staff summarized that the Board initiated this case after receiving a complaint from a pharmacist alleging that PA Meraz was not listing his supervising physician on his prescriptions. It was also noted that PA Meraz's office had been informed of this requirement multiple times.

MOTION: PA Whitfield moved to dismiss.

SECOND: PA Liechty.

PA Whitfield opined that this was an electronic medical records (EMR) issue and not an issue of protecting the public. Chairman Hoffa commented that there is a statute and the law must be adhered to however, if the EMR the practice utilizes does not allow the physician assistant to follow the statute the practice should be held accountable. Chairman Hoffa directed Board Staff to draft a letter regarding practice providers being noncompliant with EMR statutes to the Department of Health Services when this issue arises. Dr. Kelly suggested that the letter be sent to the hospital association and Chairman Hoffa suggested a copy be sent to the Attorney General as well.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

2. PA-16-0044A, AMY E. WING, P.A., LIC. #3141

RESOLUTION: Issue an Advisory Letter for failing to refer the patient to endocrinology and for failure to document her rationale for the medications and dosage adjustments. There is insufficient evidence to support disciplinary action.

3. PA-16-0054A, RIMA G. PATEL, P.A., LIC. #4782

Board staff summarized that the Board initiated the case after receiving a complaint from the Practice Administrator of a Health Center reporting that there were approximately 200 charts that have not been completed and/or signed in spite of multiple requests to do so. Board staff noted that the PA stated her ability to document in the EHR in a timely fashion was impaired by the limited functionality and technical defects of the EHR system utilized at the clinic.

MOTION: PA Whitfield moved to dismiss.

SECOND: PA Liechty.

PA Whitfield opined there was no deviation in patient care and that there was an administrative and technical issue. Board members discussed that 200 charts is significant and the PA needs to take responsibility and steps should be taken to propose an EMR change. Board members noted that an incomplete medical record is a disservice to the next medical provider and impedes their ability to provide care. PA Whitfield opined that this is an administrative problem that the support system is inadequate for the PA to complete her job. Chairman Hoffa noted that although the charts are ultimately completed the statute states the records must be done in a timely manner.

VOTE: 3-yay, 5-nay, 0-abstain, 0-recuse, 1-absent.

MOTION FAILED.

MOTION: Ms. Crevier moved to issue an Advisory Letter for failure to timely complete patient medical records. There is insufficient evidence to support disciplinary action.

SECOND: Dr. Smith.

VOTE: 5-yay, 3-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

4. PA-16-0058A, DAVID L. RUEB, P.A., LIC. #1051

Board staff summarized that the Board initiated the case after receiving a complaint regarding PA Rueb's care and treatment of a 47 year-old male patient ("RW") alleging inadequate care and treatment of a fractured left fibula. The MC found that the PA deviated from the standard of care by failing to perform a complete evaluation and that the original x-rays were inadequate for evaluation.

MOTION: Dr. Danielsen moved to dismiss.

SECOND: PA Whitfield.

Dr. Danielsen opined that the issue here is if an x-ray should have been done at the first visit and if the exam was sufficient at the time. Board members discussed that this type of injury is dynamic and that another x-ray should have been done.

VOTE: 2-yay, 6-nay, 0-abstain, 0-recuse, 1-absent.

MOTION FAILED.

MOTION: PA Whitfield moved to issue an Advisory Letter for failure to obtain appropriate x-rays to evaluate a prior fracture of the fibula. There is insufficient evidence to support disciplinary action.

SECOND: Dr. Smith.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

5. PA-15-0140A, JASON W. ARNETT, P.A., LIC. #2475

RESOLUTION: Issue an Advisory Letter for failing to timely report DUI charge and for failing to disclose the charge on subsequent renewals. While the licensee has demonstrated substantial compliance through remediation that has mitigated the need for disciplinary action, the Board believes that repetition of the activities that led to the investigation may result in further Board action against the licensee.

6. PA-16-0090A, JOHN M. STROH, P.A., LIC. #5719

Board staff summarized that the case was initiated after receiving a complaint from a pharmacist alleging that PA Stroh was not listing his supervising physician on prescriptions. It was reported that PA Stroh's office had been informed of this requirement no less than five times, including speaking with PA Stroh directly. In his response to the Board's investigation, PA Stroh stated that he now understands the requirement and plans on purchasing a stamp to include the required information.

Chairman Hoffa opined that this is a case of ignorance of the law.

MOTION: PA Liechty moved to issue an Advisory Letter for failing to include the name of his supervising physician on his prescriptions. There is insufficient evidence to support disciplinary action.

SECOND: Dr. Danielsen.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

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

1. PA-16-0020A, CHARLES H. RYAN, P.A., LIC. #2699

Board staff summarized that PA Ryan admitted to providing care to KR at his home on four occasions and prescribing controlled substances. The MC stated that the medical records were inadequate and incomplete and that PA Ryan was practicing without physician supervision.

MOTION: Chairman Hoffa moved to issue an Advisory Letter and Order for Non-Disciplinary CME for inadequate medical records and for performing health tasks not delegated by his supervising physician. There is insufficient evidence to support disciplinary action. Within six months, enroll in and successfully complete PProBE offered by CPEP. The CME hours shall be in addition to the hours required for license renewal.

SECOND: Dr. Smith.

Board members commented that this case may require additional action and discussed that the physician assistant was practicing without supervision from either of his two places of employment.

VOTE: 0-yay, 8-nay, 0-abstain, 0-recuse, 1-absent.

MOTION FAILED.

MOTION: Chairman Hoffa moved to offer the PA a Consent Agreement for a Letter of Reprimand and Probation. Within six months, enroll in and successfully

complete PRoBE offered by CPEP. The CME hours shall be in addition to the hours required for license renewal. Once the licensee has complied with Probation, he must affirmatively petition the Board to terminate the Probation. If the PA declines, he shall be invited to appear before the Board for a Formal Interview.

SECOND: PA Whitfield.

Ms. Crevier suggested additional CME in prescribing. Board staff noted that the MC opined that in totality, PA Ryan had deviated from the appropriate standard of care for chronic controlled substance prescribing since his assessment was incomplete and the controlled substances prescribed were not medically necessary based on the clinical presentation of the patient. Board members discussed that this is an ethics issue as opposed to a prescribing issue.

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

MOTION PASSED.

M. LICENSE APPLICATIONS

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

1. PA-16-0047A, JEFFREY J. KEIL, P.A., LIC. #3821

Board staff summarized that the Board initiated the case after PA Keil disclosed on his 2016 license renewal that he was previously involved in an incident that resulted in his guilty plea for failing to obey a police officer. Board staff stated that although PA Keil later plead guilty to a non-reportable misdemeanor, he was still statutorily required to report the charge within 10 working days after the charge was filed.

MOTION: Chairman Hoffa 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, 1-absent.

MOTION PASSED.

The Board entered into Executive Session at 2:05 p.m.

The Board returned to Open Session at 2:23 p.m.

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

MOTION: Ms. Crevier moved to grant the license renewal and issue an Advisory Letter for failure to timely report a misdemeanor charge. There is insufficient evidence to support disciplinary action.

SECOND: Dr. Smith.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

OTHER BUSINESS

N. REQUEST FOR TERMINATION OF BOARD ORDER

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

Board staff summarized that on Dec 15, 2016 PA Tucker sent the Board proof of successful completion of the acute coronary syndrome CME course for 15 credits and has requested termination of his December 1, 2016 Board Order for probation

MOTION: Chairman Hoffa moved to grant the request to terminate the December 1, 2016 Board Order for a Letter of Reprimand and Probation.

SECOND: PA Whitfield.

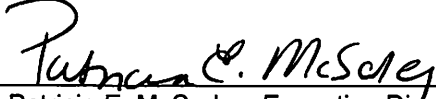
VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

MOTION: PA Whitfield moved to adjourn the meeting.
SECOND: PA Liechty.
VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.
MOTION PASSED.

The meeting adjourned at 3:12 p.m.




Patricia E. McSorley, Executive Director