



Arizona Regulatory Board of Physician Assistants

9545 East Doubletree Ranch Road • Scottsdale, Arizona 85258-5514
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DRAFT MINUTES FOR REGULAR SESSION MEETING Held on Wednesday, August 30, 2017 9535 E. Doubletree Ranch Road - Scottsdale, Arizona 85258

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
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, August 30, 2017

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: Chairman Whitfield, Dr. Danielsen, Ms. Crevier, Dr. Kelly, PA Liechty, PA Shaff, Dr. Smith, PA Spiegel 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.

Gerry Keenan, MMS PA-C President Elect Arizona State Association of Physician Assistants addressed the Board.

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

- Update on the Relocation to 1740 Adams Street
Ms. McSorley reported that the Board has been given a move date of January 4th and 5th. Ms. McSorley reported that many changes will be made due to the move including sharing board rooms and expenses with all the other boards. Additionally, as reported by the IT Department, the Board will be moving to a new Google e-mail platform.

- Update on Filling PA Board Member Vacancies
Ms. McSorley reported that she is working with the Governor's office to fill the Board Member vacancies.
- Discussion Regarding Upcoming Legislative Session
- Consideration of Volunteer Health Services Registration Pursuant to A.R.S. § 32-3217
Ms. McSorley reported that an application has been developed for this new voluntary health services registration. The registration would allow a physician to volunteer for up to fourteen days within a two year span. Ms. Smith clarified the statute that enacts this voluntary registration gives the board authority to discipline the physician for violations. Ms. Smith explained that this volunteer license is for free clinics only and the physician can receive no compensation for their services.
- Update on the Implementation of Fee Waivers (HB 2372)
Ms. McSorley explained that if an applicant falls under 200 percent of the poverty level they may request a fee waiver on their application.
- Update on the Implementation of Occupational Licensing of Military Members (HB 2372)
Ms. McSorley reported that a Board staff is studying this issue and has been working with the Arizona Department of Veterans Services to assist with developing the best approach for implementation.
- 2016-2017 Annual Report
Ms. McSorley provided an annual report for the Board's review.

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

- New Board Member John Shaff, PA-C
Chairman Whitfield welcomed new member PA Shaff to the Board.
- Update on Physician Health Program (PHP) Committee
Chairman Whitfield provided an update on the PHP Committee and the recommendations and changes to the PHP. Chairman Whitfield noted the implementation of exit interviews of PHP participants and that a competitive bid for the assessment portion of the process resulted in many responses.
- 2018 Board Meeting Dates
Chairman Whitfield noted that the recommended May 30th date be changed to May 9th.

MOTION: Dr. Danielson moved to move the May 2018 meeting date to the 9th.

SECOND: PA Spiegel.

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

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

- 2016-2017 Legislative Session Advice Memorandum
Ms. Smith reported that she provided a memo for the Board's review and that most of the legislation requires changes occurring at the administrative level. Ms. Smith noted SB 1452, HB 2271 and SB 2290 as they will require some policy decisions by the Board. Ms. Smith provided overviews of the three bills.

G. REVIEW AND DISCUSSION REGARDING NCCPA INITIATIVE AND INFORMATION SESSION

Dawn Morton-Rias, Ed.D., PA-C

PA Morton-Rias provided a presentation on National Commission on Certification of Physician Assistants (NCCPA) goal and responsibility within the profession. PA Morton-Rias discussed the importance of the development and execution of relevant certification and recertification of PA's. PA Morton-Rias addressed Board members' questions that arose throughout the update.

Gerry Keenan, MMS PA-C President Elect Arizona State Association of Physician Assistants addressed the Board with the position that they are not opposed to NCCPA recertification but that it should not be required for renewal of licensure.

PA Morton-Rias clarified that it is NCCPA's position to have recertification assessment be relevant to the PA's practice.

H. BOARD MEMBER RECOGNITION

- Gary A. Smith, M.D., F.A.A.F.P.
Chairman Whitfield recognized Dr. Smith and his service on the Board.

I. APPROVAL OF MINUTES

MOTION: Dr. Danielsen moved to approve the May 24, 2017 Regular Session

SECOND: PA Spiegel.

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

LEGAL MATTERS

J. FORMAL INTERVIEWS

1. THIS ITEM WAS MOVED TO ITEM M. NUMBER 3.

CONSENT AGENDA

K. CASES RECOMMENDED FOR ADVISORY LETTERS

MOTION: Dr. Danielsen moved to issue an Advisory Letter in item numbers 1-4.

SECOND: PA Liechty.

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

1. PA-16-0089A, BRONTE A. SCOTT, P.A., LIC. #5293
RESOLUTION: Issue an Advisory Letter for failing to refer a patient to a gastroenterology specialist in a timely manner. There is insufficient evidence to support disciplinary action.
2. PA-17-0010A, WALTER D. BELL, P.A., LIC. #4315
RESOLUTION: Issue an Advisory Letter for inadequate documentation. There is insufficient evidence to support disciplinary action.
3. PA-17-0010B, LINDA A. SILVA, P.A., LIC. #2517
RESOLUTION: Issue an Advisory Letter for inadequate documentation. There is insufficient evidence to support disciplinary action.
4. PA-16-0092A, DEVON J. AUTH, P.A., LIC. #5342
RESOLUTION: Issue an Advisory Letter for failure to obtain an EKG on a 55 year-old female with epigastric pain, and for inadequate medical records. There is insufficient evidence to support disciplinary action.

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

1. PA-17-0008A, ADRIENNE J. KELLEY, P.A., LIC. #3487

Board staff summarized that this case was opened based on a complaint of the supervising physician regarding inadequate care. The Medical Consultant ("MC") indicated that PA Kelley deviated from the standard of care in several ways. Finally, the MC identified multiple documentation concerns.

Chairman Whitfield opined that the SIRC recommendation for five hours of CME may not be enough and that an additional five hours may be needed in x-ray interpretation.

MOTION: MS Crevier moved to issue an Issue an Advisory Letter and Order for Non-Disciplinary CME for improper interpretation of x-rays, for inadequate management of a patient following orthopedic hip surgery, and for inadequate medical records. There is insufficient evidence to support disciplinary action. Within six months, complete no less than 5 hours of Board staff pre-approved Category I CME in medical recordkeeping; and, no less than 5 hours of Board staff pre-approved Category I CME in x-ray interpretation. The CME hours shall be in addition to the hours required for license renewal.

SECOND: Dr. Kelly.

Board members agreed that it is the physician assistant's responsibility to ensure that records are adequate.

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

M. PROPOSED CONSENT AGREEMENTS (Disciplinary)

MOTION: Dr. Danielsen moved to accept the proposed consent agreements in item numbers 1-3.

SECOND: Dr. Smith.

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

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

1. PA-16-0095A, MAUREEN P. HAMEL-SCHWARTZ, P.A., LIC. #2552

RESOLUTION: Accept the proposed Consent Agreement for a Letter of Reprimand and Probation. Within six months, complete the ProBE program offered by CPEP. The CME hours shall be in addition to the hours required for license renewal. The licensee shall obtain an unconditional or conditionally passing grade. Once the licensee has complied with the terms of Probation, she must affirmatively petition the Board to request that the Probation be terminated.

2. PA-17-0013A, KENDALL D. JENSON, P.A., LIC. #3172

RESOLUTION: Accept the proposed Consent Agreement for a Letter of Reprimand.

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

PA Barker and counsel Robert Chelle addressed the Board during the Call to Public portion of the meeting.

RESOLUTION: Accept the proposed Consent Agreement for a Decree of Censure and 8 Year Probation with Practice Restriction. PA Barker shall have a female chaperone present while examining or treating all female patients in all settings, including but not limited to office, hospital and clinic. The female chaperone must be an Arizona licensed healthcare provider or allied health professional. PA Barker shall comply with the therapy recommendations made by both treatment facilities. PA Barker shall continue in treatment with his therapist and provide quarterly

reports to the Board. PA Barker shall be responsible for all costs associated with the therapy requirements. PA Barker shall not petition the Board to modify the terms of Probation until 4 years from the effective date of the Board's Order.

N. LICENSE APPLICATIONS

i. APPROVE OR DENY LICENSE APPLICATION

1. PA-17-0050A, NICOLE A. BALLENTINE, P.A., LIC. #N/A

Board staff summarized that PA Ballentine provided a yes response on her license application.

MOTION: Dr. Kelly moved to grant the license.

SECOND: Ms. Crevier.

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

2. PA-17-0058A, MARI JO HANSON, P.A., LIC. #N/A

Board staff summarized that PA Hanson disclosed multiple disciplinary actions taken by the Florida and California Medical Boards. Board staff recommended that the applicant be issued an Interim Order requiring her to complete a PHP assessment prior to consideration of licensure. If the Board issues an Interim Order for the recommended assessment and the applicant refuses to do so, she shall be offered the opportunity to withdraw the application in lieu of formal proceedings to deny the license. If the PA wishes to pursue the license without completing the assessment, the matter shall be referred to the Board with the recommendation to deny the license.

MOTION: PA Spiegel moved to issue an Interim Order requiring the PA to complete a PHP assessment within thirty days, prior to consideration of licensure.

SECOND: Dr. Danielsen.

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

MOTION: Dr. Danielsen moved to adjourn the meeting.

SECOND: PA Liechty.

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

The meeting adjourned at 2:47 p.m.



Patricia E. McSorley, Executive Director