



Arizona Medical Board

9545 East Doubletree Ranch Road • Scottsdale, Arizona 85258

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Telephone (480) 551-2700 • Fax (480) 551-2705 • In-State Toll Free (877) 255-2212

FINAL MINUTES FOR JOINT LEGISLATION AND RULES COMMITTEE TELECONFERENCE Held on Monday, November 21, 2016 9545 E. Doubletree Ranch Road • Scottsdale, Arizona

Committee Members

Jodi A. Bain, Esq., Chair

R. Screven Farmer, M.D.

Robert E. Fromm, M.D., M.P.H.

A. CALL TO ORDER AND ROLL CALL

Jodi A. Bain, Esq., called the meeting to order at 4:00 p.m.

The following Committee members participated telephonically: Ms. Bain, Dr. Farmer and Dr. Fromm.

ALSO PRESENT

Present among Board staff include: Carrie Smith, AAG; Patricia E. McSorley, Executive Director; Kristina Fredericksen, Deputy Director; Alicia Cauthon, Executive Assistant; James Gentile, Chief Information Officer; Mary Bober, Board Operations Manager; and Michelle Robles, Board Coordinator.

B. CALL TO THE PUBLIC

No individuals addressed the committee during the Call to the Public.

C. APPROVAL OF MINUTES

MOTION: Dr. Fromm moved to approve the March 29, 2016 JLRC Committee Minutes.

SECOND: Dr. Farmer

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

MOTION PASSED.

D. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING AMB POLICY AND LEGISLATIVE AGENDA

- Review, discussion and possible recommendation regarding potential amendments to Medical Practice Act

A.R.S. § 32-1438 Temporary licensure; requirements.

Committee members discussed the proposed changes specifically with regards to the requirement that the Board verify that the applicant is not the subject of an unresolved complaint. Board staff noted that most statutes do not permit medical

boards to report an open investigation. Board staff proposed language to allow the Board to rely on an affidavit from the physician attesting that they have no open investigations.

Ms. Bain noted that when a physician applies for a temporary license they must also submit an initial license application. The temporary license must be approved within 30 days and allows a physician to practice for up to 270 days or until the initial license is granted.

A.R.S. § 32-1422 Basic requirements for granting a license- initial license

Committee members discussed and agreed that while it is important to verify employment history, information regarding hospital affiliation is not as useful. Board staff noted that disciplinary actions from hospitals are reported to the NPDB, FSMB and AMA.

Committee members also discussed the manner of obtaining employment verification. Ms. McSorley noted that when a physician has been unable to provide verification despite good faith efforts to do so, a waiver may be sought.

Ms. McSorley explained that noted that employment verification is useful for licensure by endorsement to ensure that a physician has practiced for a certain period of time and is safe to practice.

A.R.S. § 32-1405 Executive Director; compensation, duties; appeal to the board

Ms. McSorley explained that the proposed change incorporates the Board's current Substantive Policy Statement (SPS) policy clarifying the Executive Director's authority to issue licenses under certain circumstances.

A.R.S. § 32-1401 (27)(f)

Ms. Smith reported that Board staff's proposes to replace the Board's current unprofessional conduct definition related to substance abuse from habitual intemperance to a a new definition that is similar to language used by other boards.

A.R.S. § 32-1452 Substance abuse treatment and rehabilitation program; private contract; funding; license restrictions; immunity and A.R.S. § 1452.01 Mental, behavioral and physical health evaluation and treatment program; private contract; immunity

Board staff reported that the proposed revisions are intended to make the statutes more consistent and provide more flexibility for the PHP program. Dr. Farmer commented that there are a lot of personal psychiatric issues that can be treated while allowing the physician to work safely in a confidential fashion. Dr. Fromm opined that it is better to have some flexibility in statute as cases do differ with regards to treatment of the individual.

A.R.S. § 32-1458 Reinstatement of revoked or surrendered license and A.R.S. § 32-1426 Licensure by endorsement

Committee members discussed Board staff's proposed change to is intended to allow physicians with previously revoked or surrendered licenses to apply under the licensure by endorsement requirements and take the SPEX to ensure they are safe to practice for re-entry, instead of requiring the USMLE examination.

A.R.S. § 32-1451 Grounds for disciplinary action; duty to report; immunity; proceedings; board action; notice requirements

Committee members discussed Board staff's proposed change to allow for the possible recovery of expenses arising out of investigations.

Review, discussion and possible recommendations regarding implementation of HB2502 including fingerprinting requirements and temporary licensure

Ms. Smith reported on communications with DPS and FBI about fingerprinting

- Discussion and possible recommendations regarding telemedicine exceptions to A.R.S. § 32-1401(27)(ss)
- Update discussion and possible recommendations regarding rule revisions, including Article 5 Five Year Rule Review
- Discussion and possible recommendation regarding Board representation at Legislature

E. DISCUSSION REGARDING NEXT JLRC MEETING

- Discussion of Topics for Future Meeting

Ms. Bain requested that a draft of all proposed revisions be made by the end of November. She would like the committee to have a subsequent teleconference to discuss the changes so that the material is ready for the Board's December meeting. Ms. Bain discussed having a hardcopy of the various license types and their rules, policies and statutes for committee members.

F. ADJOURNMENT

MOTION: Dr. Farmer moved to adjourn the meeting.

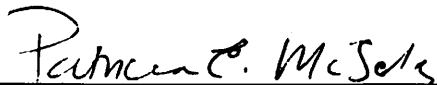
SECOND: Dr. Fromm.

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

MOTION PASSED.

The meeting adjourned at 5:32 p.m.




Patricia E. McSorley, Executive Director