



Arizona Regulatory Board of Physician Assistants

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DRAFT MINUTES FOR REGULAR SESSION MEETING Held on Wednesday, November 29, 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
Jacqueline J. Spiegel, M.S., P.A.-C, D.F.A.A.P.A.
Patrick J. Van Zanen

Wednesday, November 29, 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, and PA Shaff.

The following Board members were absent: 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.

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

- Federation of State Medical Boards (FSMB) Affiliated Membership Dues

Ms. McSorley reported that there is a \$300 fee for Membership. Board members were in support of retaining membership to allow the Board to engage with FSMB as well as the various changes that have occurred to allow PA participation.

- Update on Relocation

Ms. McSorley reported that the move will take place on January 5th and 6th of 2018. Board staff has created a calendar for all meetings scheduled by the 25 various boards to ensure there are no scheduling conflicts. The IT department is working towards a more secure IT system and is currently employing the Risk Sense program to ensure that the Agency meets State security requirements. Ms. McSorley noted that the Board will be moving to a Google platform by mid-December.

- Update on ARBoPA Sunset Review

Ms. McSorley reported that she appeared before the Committee of Reference to discuss the Sunset Audit which resulted in the recommendation to renew the agency for eight years.

Ms. McSorley informed the Board of the physician assistant growth in the State of Arizona. Ms. McSorley noted that in October 2016 the Board had 2,883 licensed physician assistants and there are currently 3,148 of licensed physician assistants as of October 2017.

- Update Regarding A.R.S. § 36-2606(F) As Recently Amended and Draft Emergency Rule A.A.C. R9-10-120 Regarding Opioid Prescribing and Treatment

Ms. McSorley reported that Rules have been passed requiring facilities to develop protocols for emergency prescribing of opioids.

In response to a Board member's question, Ms. McSorley noted that there are a few vacancies on the Board consisting of two DO positions, one MD position and one public member position.

E. DISCUSSION AND UPDATE FROM THE JOINT LEGISLATION AND RULES COMMITTEE

- Review and approval of proposed legislative agenda and changes to the Physician Assistant Practice Act recommended by the Committee

Dr. Danielsen informed the Board that the Committee met on September 25 and November 1, 2017 and the Committee was presented with the task to review, discuss and take possible action regarding policy and legislative agenda. Dr. Danielsen explained that all the recommendations before the Board today are to eliminate barriers and have no bearing on supervising physician's relationship with the PA.

The first issue was A.R.S. § 32-2532(B) which requires a supervising physician's name on a physician assistant's prescriptions. Dr. Danielsen noted that it may be more efficient to have the prescription contain the physician assistant's name only.

MOTION: Dr. Danielsen moved to propose a change to A.R.S. § 32-2532(B) to eliminate the requirement for a supervising physician's name to appear on a PA's prescriptions.

SECOND: PA Liechty.

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

MOTION PASSED.

A.R.S. § 32-2532(D) requires a PA to obtain written permission of a supervising physician for refill of a controlled substance. Dr. Danielsen noted that historically there is no way to ensure that the PA always obtains a supervising physician's permission as it is not always documented

MOTION: Dr. Danielsen moved to propose a change to A.R.S. § 32-2532(D) to eliminate the requirement to obtain written permission of a supervising physician for refill of a controlled substance.

SECOND: Dr. Kelly.

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

Dr. Danielsen explained that A.R.S. § 32-2532(H) states that a PA can only order medications with the approval of a supervising physician and that this creates a barrier when needing to track down a physician when the PA is running a clinic.

MOTION: Dr. Danielsen moved to propose a change to A.R.S. § 32-2532(H) to eliminate the requirement for a PA to receive all dispensed medications from a supervising physician.

SECOND: PA Liechty.

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

Dr. Danielsen explained that the change to A.R.S. § 32-2501(18)(d) updates the substance abuse definition to be consistent with new Medical Practice Act definition.

MOTION: Dr. Danielsen moved to propose a change to A.R.S. § 32-2501(18)(d) to conform to the new Arizona Medical Board definition for substance abuse.

SECOND: PA Shaff.

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

Dr. Danielsen noted that implementation of HB 2271 (A.R.S. § 32-4303) allows applicants who have had prior military service apply to licensing boards and request that military training or experience be deemed to satisfy licensing requirements. Dr. Danielsen explained that the Committee has no recommendation to give today but reported that Board staff has met with Veteran's Services and is hoping to have a proposal in the New Year for the Board's review.

Finally, Dr. Danielsen noted a recommendation to revise Board statute to allow the Executive Director to grant licenses in certain instances.

MOTION: Dr. Danielsen moved to approve the recommendation from the Committee to propose a change to Board statute to allow the Executive Director to grant licenses pursuant to a Substantive Policy Statement.

SECOND: Ms. Crevier.

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

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

- American Society of Addiction Medicine/ American Academy of Physician Assistants Correspondence regarding Buprenorphine Prescribing

Chairman Whitfield noted the letter regarding Buprenorphine prescribing in emergency or addiction medicine. Chairman Whitfield stated he is not recommending the Board adopt any changes at this time but provided it for the Board's review.

Chairman Whitfield explained that correspondence recommends that any provider who has taken the 24 hour course is able to prescribe Buprenorphine.

- Update on Physician Health Program ("PHP") Committee

Chairman Whitfield reported that the Committee is working toward addressing concerns made by physicians and physician assistants have regarding the current program and has worked towards crafting a Request for Proposal through the State Procurement

Office for the PHP. The Bid is currently open for responses and will close on November 30, 2017.

- Update on Joint Officers of AMB and ARBoPA Meeting

Chairman Whitfield reported that the Committee is required by statute to meet twice a year. Discussion was made on the impending move downtown and Committee members stated that the Boards are happy with the Executive Director, Deputy Director and Board staff's performance. The next meeting will be held on December 14, 2017.

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

No report was given.

H. APPROVAL OF MINUTES

MOTION: PA Shaff moved to approve the August 30, 2017 Regular Session Meeting Minutes.

SECOND: Dr. Danielsen.

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

MOTION PASSED.

CONSENT AGENDA

I. CASES RECOMMENDED FOR ADVISORY LETTERS

1. PA-16-0045A, ADAM L. SCHWARTZ, P.A., LIC. #3493

Board staff summarized that the case was initiated after receiving a complaint regarding PA Schwartz's care and treatment of GG. GG had developed a rash he thought was related to his testosterone treatment in the Spring of 2017. He stopped treatment in June and made an appointment to follow up on July 13, 2016. The MC stated that it was not appropriate for the PA to request that the patient reschedule the appointment without knowing the details for the full reason for the visit.

MOTION: Dr. Danielsen moved to issue an Advisory Letter for failure to see a patient with a scheduled appointment. There is insufficient evidence to support disciplinary action.

SECOND: Ms. Crevier.

Board staff noted that the co-pay was reimbursed by the clinic. Chairman Whitfield noted the supervising physician's letter of support.

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

MOTION PASSED.

2. PA-17-0031A, MISTY M. WRIGHT, P.A., LIC. #2308

Board staff summarized that the Board initiated the case after receiving a complaint regarding PA Wright's care and treatment of JA alleging failure to properly discharge, failure to timely refill medication, and failure to provide instructions for blood work. The complaint also alleged that PA Wright obtained a fee by deceit. The MC who reviewed the case determined that PA Wright's treatment, and decision to discharge JA were appropriate; however, he failed to provide 30 days of emergent care for JA until he was able to find another provider. Board staff found it mitigating that JA was markedly non-compliant.

MOTION: Ms. Crevier moved to dismiss.

SECOND: PA Shaff.

Ms. Crevier noted that this patient was non-compliant and that a 30 day prescription was given.

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

MOTION PASSED.

3. PA-17-0022A, RICHARD V. RIMKUS, P.A., LIC. #2056

Board staff summarized that the Board initiated the case after receiving PA Rimkus' self-report stating that on December 27, 2016, PA Rimkus was charged in Maricopa County with Stalking (a Class 5 Felony, Domestic Violence). On July 14, 2017, PA Rimkus was issued the Interim Order and completed the evaluation on August 21, 2017.

MOTION: Dr. Danielsen moved to issue an Advisory Letter for committing a class 6 undesignated felony and for failing to timely report the charge to the Board as required by statute. There is insufficient evidence to support disciplinary action.

SECOND: PA Shaff.

Chairman Whitfield noted that the evaluator reported that there is no evidence to suggest that the PA is unable to safely perform healthcare tasks and appropriately manage future patient care.

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

MOTION PASSED.

4. PA-17-0041A, DEREK R. BROWN, P.A., LIC. #2685

Board staff summarized that the Board initiated the case after receiving notification of a malpractice settlement on behalf of PA Brown alleging failure to diagnose aortic dissection with subsequent stroke. The MC indicated that PA Brown did not deviate from the standard of care. The MC's only concern was that PA Brown did not dictate a note, but rather generated only a short form note for this patient who had more than a minor illness.

MOTION: PA Liechty moved to issue an Advisory Letter for inadequate medical records. There is insufficient evidence to support disciplinary action.

SECOND: Ms. Crevier.

PA Shaff noted that the policy of the hospital has since been changed but at the time the PA was following the policy and practice of the hospital. Chairman Whitfield agreed that this was a record keeping issue with regards to the hospital.

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

MOTION FAILED.

MOTION: PA Shaff moved to dismiss.

SECOND: Dr. Danielsen.

VOTE: 5-yay, 1-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

J. REVIEW OF EXECUTIVE DIRECTOR DISMISSALS

1. PA-17-0039A, REECE K. HADLOCK, P.A., LIC. #5006

Board staff summarized that the case was initiated after receiving a complaint that had been forwarded from the Department of Health Services regarding the treatment and care of AB for elevated blood pressure. The MC opined that the PA Hadlock did not deviate from the standard of care and the case was dismissed by the Executive Director.

MOTION: Dr. Danielsen moved to uphold the Executive Director's dismissal.

SECOND: PA Shaff.

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

MOTION PASSED.

2. PA-17-0072A, JANICE F. HAMILTON, P.A., LIC. #3526

T.M. addressed the Board during the Public Statements portion of the meeting.

Board staff summarized that the case was initial after receiving a complaint which had been forwarded from the Arizona Attorney General's Office. The Patient T.M. alleged that

PA Hamilton failed to appropriately insert T.M.'s IV and forged his signature on the admission agreement and consent form. PA Hamilton's name was not found to be associated with the IV insertion and the insertion was managed by a nurse. Board staff noted that the witness signature on the admission agreement to be signed by the hospital's registration clerk. Therefore, this allegation is outside the Board's jurisdiction and Board staff requested that the case be dismissed and referred the Arizona Board of Nursing relating to IV insertion concern and refer the case to the Department of Health Services regarding the forged signature concern.

MOTION: Dr. Danielsen moved to uphold the Executive Director's dismissal.

SECOND: Ms. Crevier.

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

MOTION PASSED.

K. LICENSE APPLICATIONS

i. APPROVE OR DENY LICENSE APPLICATION

1. PA-17-0067A, OLIVIA S. PIACENTINI, P.A., LIC. #N/A

Board staff summarized that on June 22, 2017 the Board received PA Piacentini's license application wherein she disclosed a single misdemeanor conviction that occurred on June 3, 2012. She successfully completed all requirements imposed by the court. Board staff recommended granting the license.

MOTION: Dr. Kelly moved to approve the license application and grant licensure.

SECOND: PA Liechty.

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

MOTION PASSED.

2. PA-17-0080A, AMALIA C. COLLINS, P.A., LIC. #N/A

PA Collins addressed the Board during the Public Statements portion of the meeting.

Board staff summarized the Board initiated the case after receiving PA Collins' license application wherein she disclosed prior misdemeanor charges and a medical condition. Board staff noted that the prior misdemeanor occurred while the PA was in college and the matter has since been expunged from her record. SIRC recommended granting the license.

MOTION: PA Shaff moved to approve the license application and grant licensure.

SECOND: Dr. Danielsen.

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

MOTION PASSED.

OTHER BUSINESS

L. REQUEST FOR TERMINATION OF BOARD ORDER

1. PA-17-0016A, JASON L. HAUGEN, 6384

Board staff summarized that this case is before the Board due to PA Haugen's request for termination of PA Haugen's June 23, 2017 Board Order. On October 5, 2017 he completed a psychosexual evaluation where he was found safe to practice without a chaperone. It was also recommended that P.A. Haugen could benefit from a professional boundaries course and individual therapy. On November 9, 2017, Board staff initiated a chart review case to determine if P.A. Haugen was in compliance with the chaperone requirements. On November 17, 2017, Board Staff reviewed six patient charts. In addition, Board staff noted that one patient chart was not signed or dated by the

chaperone, and four patient charts signed by the chaperone had incorrect dates that were different from the patient encounters. Board members discussed the request, and some Board members commented regarding the short period of time that PA Haugen had been on probation.

MOTION: Chairman Whitfield moved to deny the request to terminate PA Haugen's June 23, 2017 Board Order.

SECOND: Ms. Crevier.

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

MOTION PASSED.

MOTION: PA Liechty moved to adjourn the meeting.

SECOND: Ms. Crevier.

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

MOTION PASSED.

The meeting adjourned at 2:17 p.m.



Patricia E. McSorley, Executive Director