



## Arizona Regulatory Board of Physician Assistants

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### FINAL MINUTES FOR REGULAR SESSION MEETING Held on Wednesday, May 9, 2018 1740 W. Adams St., Board Room A, Phoenix, AZ 85007

#### 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, May 9, 2018**

#### GENERAL BUSINESS

##### A. CALL TO ORDER

Chairman Whitfield called the meeting to order at 1:02 p.m.

##### B. ROLL CALL

The following Board members were present: PA Whitfield, Dr. Danielsen, Ms. Crevier, Dr. Kelly, PA Liechty, PA Shaff and Mr. Van Zanen.

The following Board members were absent: PA Spiegel.

##### ALSO PRESENT

Carrie Smith, AAG; Patricia E. McSorley, Executive Director; Kristina Fredericksen, Deputy 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

- Update on SB1001 Opioid Epidemic Act Continuing Medical Education (CME) Requirements

Ms. McSorley reported that efforts have been made by Ms. Fredericksen to move forward with providing the information to licensees and with developing a process to monitor compliance.

Ms. McSorley noted the emphasis on the opioid epidemic and that many states utilize a version of the CSPMP and required CME.

- Review and Discussion Regarding Initiation of Rule Revisions in Light of Statutory Changes Pursuant to HB2250.  
Ms. McSorley reported that the bill passed and that the Board would need to initiate rulemaking in order to address the change from 30 day to 90 day prescribing authority.  
  
MOTION: Dr. Danielsen moved to authorize staff and JLRC to collaborate on language to initiate the rulemaking process in order to adopt rules to update current prescribing practices.  
SECOND: Dr. Kelly.  
VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.  
MOTION PASSED.
- Update from Recent FSMB Conference.  
Ms. McSorley reported that various Board staff and Board members from the both the Arizona Medical Board and Arizona Regulatory Board of Physician Assistants attended the Conference and noted that the FSMB made an effort to include physician assistants.
- Discussion Regarding Upcoming Administrative Efficiency Review.  
Ms. McSorley reported that the Board's IT systems will be reviewed by an outside source to ensure that Agency's security systems are adequate and to obtain recommendations for improvement.
- Discussion Regarding Board Appointments.  
Ms. McSorley reported that she has a call in to the Board of Commissions to address the Board Appointment concerns. The goal is to fill all eleven positions.

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

- Update on Physician Health Program Committee (PHP)

Chairman Whitfield commented that there are now two contract PHP providers available to licensees. Chairman Whitfield commented that if a Board member's appointment is due to expire in June they must to submit a reappointment application as soon as possible.

Chairman Whitfield appointed PA Shaff to the JLRC Committee.

Chairman Whitfield proposed to Board members to move the start time of the future Board meetings from 1:00 p.m. to 10:00 a.m. and to let Board staff know if there are any scheduling issues.

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

No legal advisor's report was provided.

#### **G. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING ARBOPA POLICY AND LEGISLATIVE AGENDA**

- Update on the Military Service Waiver Form for HB 2271(A.R.S. § 32-4303)

Dr. Danielsen informed the Board of the development of the Military Service Waiver Form and is requesting the Board approve this form. Dr. Danielsen commented that there are multiple states looking into the subject but have not yet implemented a process.

Dr. Kelly recommended amending the language under Part 3 to read as follows: "...the board what EDUCATION, military activities, certification..."

**MOTION: Dr. Kelly moved to approve the Military Service Waiver Form for House Bill 2271 (A.R.S. § 32-4303) as modified, by adding "education" as discussed in section 3.**

**SECOND: Chairman Whitfield.**

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

#### **H. APPROVAL OF MINUTES**

**MOTION: Dr. Danielsen moved to approve the February 6, 2018 Special Teleconference.**

**SECOND: PA Liechty.**

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

**MOTION PASSED.**

**MOTION: Dr. Danielsen moved to approve the February 28, 2018 Regular Session, Including Executive Session.**

**SECOND: PA Crevier.**

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

**MOTION PASSED.**

### **CONSENT AGENDA**

#### **I. CASES RECOMMENDED FOR ADVISORY LETTERS**

1. PA-17-0028B, CURTIS R. MEWHINNEY, P.A., LIC. #3371

Board staff summarized that the Board initiated the case after receiving correspondence from an insurer regarding a recently conducted an onsite audit of the clinic where PA MeWhinney is employed and that based on that audit, potential areas of concern were identified regarding physician oversight of physician assistants. Four patients' charts were forwarded to the Board's Medical Consultant ("MC") for quality of care review. The Board's MC found that there was a deviation from the standard of care on the part of the PA in that examinations on monthly visits did not always show examination of the parts affected. The MC also noted that the pain documentation was the same between visits.

**MOTION: Chairman Whitfield moved to issue an Advisory Letter for inadequate medical records and for failure to carry out examinations directed to areas of concern. There is insufficient evidence to support disciplinary action.**

**SECOND: Ms. Crevier.**

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

**MOTION PASSED.**

#### **J. CASES RECOMMENDED FOR ADVISORY LETERS WITH NON-DISCIPLINARY CONTINUING MEDICAL EDUCATION ORDER**

1. PA-17-0028A, KURT B. GILES, P.A., LIC. #2834

Board staff summarized that an insurer reported issues to the Board regarding a practice that may not have adequate oversight over its physician extenders. Six patient charts were reviewed by the Board's MC, and deviations from the standard of care were identified in each as well as medical record documentation concerns. The MC added that documentation of care should have been better, and stated that the opiate agreements should have been better enforced when patients had inconsistent urine drug screen results.

**MOTION: Dr. Danielsen moved to issue an Advisory Letter and Order for Non-Disciplinary CME for inadequate medical records and for improper prescribing of controlled substances. There is insufficient evidence to support disciplinary action. Within six months, complete no less than 10 hours of Board staff pre-approved Category I CME in an intensive, in-person course regarding controlled substance prescribing. The CME hours shall be in addition to the hours required for license renewal.**

**SECOND: Dr. Kelly.**

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

**MOTION PASSED.**

2. PA-17-0028C, SCOTT J. WOFFINDEN, P.A., LIC. #4966

Board staff summarized five patients' charts were forwarded to the Board's MC for quality of care review. The MC noted that opioid contracts were signed by all patients. The MC observed that review of the Controlled Substances Prescription Monitoring Program ("CSPMP") monthly data did not show any deviations. The MC added that documentation of patient care should have been better, and stated that the opiate agreements should have been better enforced when patients had inconsistent urine drug screen results.

**MOTION: Dr. Danielsen moved to issue an Advisory Letter and Order for Non-Disciplinary CME for inadequate medical records and for improper prescribing of controlled substances. There is insufficient evidence to support disciplinary action. Within six months, complete no less than 10 hours of Board staff pre-approved Category I CME in an intensive, in-person course regarding controlled substance prescribing. The CME hours shall be in addition to the hours required for license renewal.**

**SECOND: PA Liechty.**

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

**MOTION PASSED.**

3. PA-17-0089A, PA-17-0046A, ERICK B. C. BUZAN, P.A., LIC. #5148

Board staff summarized that the Board initiated case number PA-17-0089A based on an allegation of inappropriate prescribing to a 33 year old male patient ("AK"). The MC indicated that PA Buzan deviated from the standard of care by prescribing the benzodiazepine alprazolam while the patient was receiving another benzodiazepine (clonazepam) from the VA pharmacy. The MC noted that there were no records of any diagnostic studies, no referral to other specialists, or any review of old records to justify use of this excessive amount of narcotic analgesics.

In case PA-17-0046A, the case was reviewed by two MC's. The MC stated that the patient's escalation of opiate use should have resulted in direction to an addiction management program and evaluation for detoxification. Monitoring of the CSPMP should have raised obvious concerns regarding the drug seeking behavior of the patient. The MC observed that there was no pain agreement, that there was a high morphine equivalent dosage ("MED") usage which should have prompted tapering, detoxification referral and/or deterrence options with buprenorphine or naltrexone. Also, the MC stated that alternative methods of pain control such as physical therapy were not initiated. The second MC, an endocrinologist, also suggested that there was a deviation from the standard of care regarding the PA's testosterone treatment. This MC found that the early records were hand written and the signature was not legible, making it unclear who actually initiated testosterone treatment for the patient.

**MOTION: Dr. Danielsen moved to issue Advisory Letter and Order for Non-Disciplinary CME for inappropriate prescribing of controlled substances and inadequate medical records. There is insufficient evidence to support disciplinary action. Within six months, complete no less than 10 hours of Board staff pre-approved Category I CME in an intensive, in-person course for prescribing controlled substances. The CME hours shall be in addition to the hours required for license renewal.**

**SECOND: PA Shaff.**

PA Liechty requested that the pharmacist in this case be referred to the Pharmacy Board. Board staff commented that the VA is not required to query the CSPMP.

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

**MOTION PASSED.**

**MOTION: Ms. Crevier moved to refer the cases to the Pharmacy Board.**

**SECOND: PA Liechty.**

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

**MOTION PASSED.**

## **K. REVIEW OF EXECUTIVE DIRECTOR DISMISSALS**

1. PA-17-0070A, KENDRA J. SCOTT, P.A., LIC. #5711

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

Board staff summarized that on August 14, 2017 the Board received a complaint from M.M. regarding treatment by PA Scott. Several laboratory studies were ordered, and it is documented in the chart that these tests were discussed. M.M. was displeased with the exams and stated that he had not consented to the test. The case was reviewed by an MC and no deviation of the standard of care was found.

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

**SECOND: Ms. Crevier.**

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

**MOTION PASSED.**

2. PA-17-0085A, JESSICA I. SAZDOFF, P.A., LIC. #3108

Board staff summarized that on September 14, 2017 the Board received a complaint regarding M.D. who visited an Urgent Care and was treated by PA Sazdoff. M.D.'s chief complaint is listed as a bug bite on the right ankle for two days. The case was reviewed and the MC found no deviation and the case was dismissed.

Board staff confirmed that there was no finding of an abscess.

**MOTION: Chairman Whitfield moved to uphold the Executive Director's dismissal.**

**SECOND: Dr. Danielsen.**

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

**MOTION PASSED.**

## **L. PROPOSED CONSENT AGREEMENTS (Disciplinary)**

1. PA-17-0009A, MICHAEL M. ABRAHAM, P.A., LIC. #5934

Board Staff summarized that the Board initiated case number PA-17-0009A after receiving notification from Pharmacists Assisting Pharmacists of Arizona ("PAPA") that they terminated their contract with PA Abraham after he tested positive on an in-house drug screen at his place of employment. As a result, PA Abraham entered into an Interim Consent Agreement for Practice Restriction, per the stipulations outlined in PA Abraham's prior Letter of Reprimand and Probation issued in 2016 to participate in PAPA. The Interim Practice Restriction became effective January 27, 2017. On December 4, 2017, PA Abraham entered into an Interim Consent Agreement for PHP participation, and his Interim Practice Restriction was vacated. Board staff found that PA Abraham engaged in unprofessional conduct. Specifically, Board staff stated that PA Abraham violated the terms of his May 26, 2016 Letter of Reprimand and Probation by testing positive for controlled substances.

**MOTION: Chairman Whitfield moved to accept the proposed Consent Agreement for Letter of Reprimand and Five Year Probation to participate in PHP. The PA's PHP participation shall be retroactive to December 4, 2017. Once the licensee has complied with the terms of Probation, he may petition the Board to request termination.**

**SECOND: Dr. Danielsen.**

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

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

**MOTION PASSED.**

## **M. LICENSE APPLICATIONS**

i. **APPROVE OR DENY LICENSE APPLICATION**

1. PA-17-0115A, RYAN E. WILLIAMS, P.A., LIC. #N/A

Board staff summarized that PA Williams answered affirmatively regarding a background question on the license application. PA Williams maintains licenses in other states without disciplinary actions.

**MOTION: Dr. Danielsen moved to approve the application and grant the license.**

**SECOND: Ms. Crevier.**

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

**MOTION PASSED.**

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

**1. PA-18-0010A, NICOLE E. VINCELETTE, P.A., LIC. #2841**

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

Board staff summarized that PA Vincelette answered in the affirmative on her renewal application regarding action taken by another state agency and reported that her billing privileges with Medicare were revoked for a period of two years due to listing an incorrect practice location on her original Medicare application.

**MOTION: PA Shaff moved to grant the license renewal and dismiss the pending investigation.**

**SECOND: Mr. VanZanen.**

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

**MOTION PASSED.**

**OTHER BUSINESS**

**N. REQUEST FOR MODIFICATION/TERMINATION OF BOARD ORDER**

**1. PA-17-0016A, JASON L. HAUGEN, P.A., LIC. #6384**

Board staff summarized that PA Haugen has requested termination of his June 23, 2017 Two Year Probationary License. On November 29, 2017 the Board reviewed PA Haugen's prior request for termination of his Board Order and denied the request. PA Haugen's healthcare provider opined that PA Haugen was safe to perform healthcare tasks without additional treatment. On February 9, 2018 PA Haugen completed an intensive in-person course for in medical ethics and boundaries in professionalism. Board staff reviewed three patient charts and determined that PA Haugen is in compliance with his terms of probation.

**MOTION: Dr. Danielsen moved to grant the request to terminate PA Haugen's June 23, 2017 Board Order and issue an unrestricted license.**

**SECOND: PA Shaff.**

Board staff confirmed that PA Haugen has completed his boundaries course. Chairman Whitfield commented that the main concern was supervision of the PA. Board staff confirmed the termination of Probation would result in an unrestricted license.

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

**VOTE: 4-yay, 3-nay, 0-abstain, 0-recuse, 1-absent.**

**MOTION PASSED.**

**O. APPEAL OF EXECUTIVE DIRECTOR ACTION PURSUANT TO A.R.S. § 32-2505(E)**

**1. PA-18-0027A, JACQUELINE J. SPIEGEL, P.A., LIC. #3415**

**MOTION: Mr. Van Zanen moved for the Board to enter into Executive Session pursuant to A.R.S. § 38-431.03(A)(2).**

**SECOND: Dr. Danielsen.**

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

**MOTION PASSED.**

The Board entered into Executive Session at 2:02 p.m.

The Board returned to Open Session 2:12 p.m.

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

Board staff summarized that this case was initiated after receipt of a self-report by PA Spiegel of a guilty plea. Board staff confirmed that the charge was not timely reported and that the charge met the Board's guidelines for a PHP assessment. An interim order was issued and PA Spiegel requested an appeal of the interim order. The case is now before the Board for consideration of appeal.

**MOTION: Mr. Van Zanen moved to uphold the Executive Director's decision to issue an Interim Order for Physician Health Program Assessment. The PA shall undergo the Board ordered assessment within 10 days.**

**SECOND: PA Liechty.**

Board staff informed the Board of the typical timeframe to obtain the assessment and that there are multiple providers available.

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

**MOTION PASSED.**

#### **P. ADJOURNMENT**

**MOTION: Dr. Kelly moved to adjourn the meeting.**

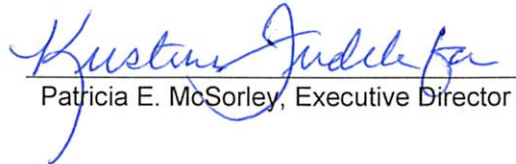
**SECOND: PA Liechty.**

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

**MOTION PASSED.**

The meeting adjourned at 2:41 p.m.



  
Patricia E. McSorley, Executive Director