



# Arizona Regulatory Board of Physician Assistants

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## FINAL MINUTES FOR REGULAR SESSION MEETING Held on Thursday, September 20, 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  
Richard L. Averitte, Jr., M.D.  
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  
Patrick J. Van Zanen

## GENERAL BUSINESS

### A. CALL TO ORDER

Chairman Whitfield called the meeting to order at 1:01 p.m.

### B. ROLL CALL

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

The following Board members were absent: Mr. Van Zanen.

### ALSO PRESENT

Kristina Fredericksen, Deputy Director, William Wolf, M.D., Chief Medical Consultant; Raquel Rivera, Investigations Manager; Mary Bober, Board Operations Manager; Amy Skaggs, Staff Investigational Review Committee ("SIRC") Coordinator; Michelle Robles, Board Coordinator and Carrie Smith, AAG.

### 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

- FY 2017-2018 Annual Report
- Update on Agency Compliance with Governor Ducey's Goal Council 5 Related to IT Security  
Ms. Fredericksen reported that the Governor has created a Council to set IT Standards across all agencies. The Board utilizes Risk Sense which is a tool to assess vulnerabilities and that the Board's score meets the Council's standards. The Board contracted with CGI to complete an assessment of the Board's processes and IT infrastructure and recommended transitioning to a cloud based infrastructure.
- General Update on IT Matters

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

- New Board Member Richard L. Averitte, Jr., M.D.
- 2019 Board Meeting Dates and 10:00 a.m. Start Time

Chairman Whitfield proposed a 10:00 a.m. Board meeting start time starting in 2019. Board members agreed with the time change and proposed 2019 calendar meeting dates.

- **AMB and ARBoPA Joint Officers Proposed 2018 Meeting Dates**  
Chairman Whitfield noted that pursuant to statutory requirements, the officers for ARBoPA and the AMB must meet twice a year, with the next proposed meeting date in October.
- **Update on Physician Health Program Committee**  
Chairman Whitfield reported that the Committee works to improve and expand the PHP program to meet the participant's needs.

Ms. Rivera reported that the Board now has two contracted monitoring companies, Greenburg and Sucher, and Gateway. There are currently eight physician assistant participants in the program. The Board's PHP program also has ten approved assessors for participants to choose from. There will also be training provided to the assessors in November.

- **Discussion Regarding Board Appointments**  
Chairman Whitfield noted that there will be a JLRC meeting scheduled in the near future. Chairman Whitfield commented that there are four open Board members positions and reappointments being awaited that continue to effect quorum.

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

- **2018 Legislative Update Memorandum**  
Ms. Smith provided the Board with an update regarding legislation that impacted Board processes including HB2065, HB2250, HB2532, HB2549 and HB2649.

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

- **Military Service Waiver Standard Operating Procedure**  
Dr. Danielsen reported that the JLRC Committee and Board staff have met and developed a standard operating procedure to implement the waiver.

## **H. APPROVAL OF MINUTES**

- **May 9, 2018 Regular Session; including Executive Session**  
**MOTION: Dr. Danielsen moved to approve the May 9, 2018 Regular Session, including Executive Session.**  
**SECOND: PA Shaff.**  
**The following Board members voted in favor of the motion: Chairman Whitfield, Dr. Danielsen, Dr. Averitte, Ms. Crevier, Dr. Kelly, PA Liechty and PA Shaff. The following Board member was absent: Mr. Van Zanen.**  
**VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.**

## **CONSENT AGENDA**

### **I. CASES RECOMMENDED FOR DISMISSAL**

1. PA-17-0088A, REBECCA S. MORROW, P.A., LIC. #5755  
Attorney Robin Burgess addressed the Board during the Public Statements portion of the meeting on behalf of the physician assistant. S.T. addressed the Board during the Public Statements portion of the meeting.

Board staff summarized that the case was initiated after receiving a complaint regarding PA Morrow's care and treatment of patient ST alleging inadequate care and treatment. Specifically, the compliant alleged that the physician assistant inadvertently stuck herself, and then failed to get a new needle before administering an injection for the patient. The Board's Medical Consultant ("MC") observed that PA Morrow continued injecting the lesion following contact with the glove until she actually felt obvious discomfort in her finger indicating glove penetration, which the MC deemed a minor deviation from the standard of care. The MC found it mitigating that once actual penetration of the glove was determined, the appropriate safety measures were instituted.

**MOTION: Dr. Danielson moved to dismiss.**

**SECOND: Dr. Kelly.**

Dr. Kelly commented that there was risk to both the patient and the PA in this case.

**The following Board members voted in favor of the motion: Chairman Whitfield, Dr. Danielsen, Dr. Averitte, Ms. Crevier, Dr. Kelly, PA Liechty and PA Shaff. The following Board member was absent: Mr. Van Zanen.**

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

**MOTION PASSED.**

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

**MOTION: Dr. Danielson moved to issue an Advisory Letter in items 1, 3 and 4.**

**SECOND: PA Liechty.**

**The following Board members voted in favor of the motion: Chairman Whitfield, Dr. Danielsen, Dr. Averitte, Ms. Crevier, Dr. Kelly, PA Liechty and PA Shaff. The following Board member was absent: Mr. Van Zanen.**

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

**MOTION PASSED.**

1. PA-17-0100A, TAMARA R. DORSETT, P.A., LIC. #3384

**RESOLUTION: Issue an Advisory Letter for failure to ensure that a patient with concerning EKG changes be seen in a timely manner. There is insufficient evidence to support disciplinary action.**

2. PA-17-0111A, JODEE A. WINTER, P.A., LIC. #3812

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

PA Shaff commented that the prescriptions were entered into the system ahead of time per the office policy. PA Shaff opined that this is standard office procedure and as she did not administer the medicine should not be held responsible.

**MOTION: PA Shaff moved to dismiss the case.**

**SECOND: Dr. Danielsen.**

**The following Board members voted in favor of the motion: Chairman Whitfield, Dr. Danielsen, Dr. Averitte, Ms. Crevier, Dr. Kelly, PA Liechty and PA Shaff. The following Board member was absent: Mr. Van Zanen.**

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

**MOTION PASSED.**

3. PA-17-0110A, JARED D. GUNNELL, P.A., LIC. #5215

**RESOLUTION: Issue an Advisory Letter for failure to perform a physical examination on a patient presenting with a new injury. There is insufficient evidence to support disciplinary action.**

4. PA-18-0011A, DONNA E. BUNKERS, P.A., LIC. #3615

**RESOLUTION: Issue an Advisory Letter for failure to timely report a DUI to the Board pursuant to statutory requirement. There is insufficient evidence to support disciplinary action.**

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

1. PA-17-0118A, JENNIFER G. DURSTELER, P.A., LIC. #2706

Board staff summarized that the care provided to SP by PA Dursteler for tattoo removal. SP filed a complaint alleging that tattoo removal treatment to her foot resulted in burns and blistering and caused release of tattoo pigment resulting in kidney failure and/or renal artery stenosis. The MC found no deviation from the standard of care, opining that the treatments were individually adjusted according to patient response and there was no evidence of either renal artery stenosis or kidney failure.

**MOTION: Ms. Crevier moved to uphold the dismissal.**

**SECOND: PA Liechty.**

**The following Board members voted in favor of the motion: Chairman Whitfield, Dr. Danielsen, Dr. Averitte, Ms. Crevier, Dr. Kelly, PA Liechty and PA Shaff. The following Board member was absent: Mr. Van Zanen.**

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

**MOTION PASSED.**

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

**MOTION: Dr. Danielsen moved to accept the proposed Consent Agreements in item numbers 1-3.**

**SECOND: Ms. Crevier.**

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

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

**MOTION PASSED.**

1. PA-17-0061A, RICCI SILBERMAN, P.A., LIC. #1572

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

2. PA-17-0054A, KERRY D. MALIN, P.A., LIC. #5617

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

**RESOLUTION: Accept the proposed Consent Agreement for a Letter of Reprimand and Five Year Probation with Practice Restriction. PA Malin shall be prohibited from prescribing controlled substances until he has completed the Continuing Medical Education (CME). Within twelve months, PA Malin shall obtain no less than 20 hours of Board staff pre-approved Category I CME in an intensive, in-person course regarding prescribing controlled substances. The CME hours shall be in addition to the hours required for license renewal. Within 30 days of completing the required CME, Respondent shall undergo periodic chart reviews. The chart reviews shall involve current patients' charts for care rendered after completion of the CME. Prior to termination of Probation, Respondent must submit a written request to the Board for release from the terms of this Order.**

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

**RESOLUTION: Accept the proposed Consent Agreement for Surrender of License.**

#### **OTHER BUSINESS**

#### **M. REQUEST FOR TERMINATION OF BOARD ORDER**

1. PA-15-0105A, TRACY S. POSTON, P.A., LIC. #2503

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

Board Staff summarized that on December 1, 2016 the Board and PA Poston entered into an Order for a Letter of Reprimand and Probation, retroactive to January 11, 2016. On March 28, 2018, P.A. Poston submitted a request for termination of her Board Order. Board staff summarized the recommendations regarding the request.

Ms. Crevier opined that early termination is not appropriate.

**MOTION: Ms. Crevier moved to deny the licensee's request to terminate her December 1, 2016 Board Order.**

**SECOND: Dr. Kelly.**

Dr. Kelly commented that there were multiple concerns that resulted in the Board Order. Dr. Kelly opined that compliance with the PHP is expected and is not grounds for early termination.

**The following Board members voted in favor of the motion: Chairman Whitfield, Dr. Danielsen, Dr. Averitte, Ms. Crevier, Dr. Kelly, PA Liechty and PA Shaff. The following Board member was absent: Mr. Van Zanen.**

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

**MOTION PASSED.**

**N. ADJOURNMENT**

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

**SECOND: Chairman Whitfield.**

**The following Board members voted in favor of the motion: Chairman Whitfield, Dr. Danielsen, Dr. Averitte, Ms. Crevier, Dr. Kelly, PA Liechty and PA Shaff. The following Board member was absent: Mr. Van Zanen.**

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

**MOTION PASSED.**

The meeting adjourned at 2:15 p.m.



  
Patricia E. McSorley, Executive Director