



Arizona Regulatory Board of Physician Assistants

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DRAFT MINUTES FOR REGULAR SESSION MEETING Held on Wednesday, November 28, 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

Wednesday, November 28, 2018

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: PA Whitfield, Dr. Danielsen, Dr. Averitte, Ms. Crevier, Dr. Kelly, PA Liechty, PA Shaff and Mr. Van Zanen.

ALSO PRESENT

Patricia E. McSorley, Executive Director; Kristina Fredericksen, Deputy Director, William Wolf, M.D., Chief Medical Consultant; Raquel Rivera, Investigations 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

- Update on IT Matters

Ms. McSorley informed the Board that a new IT Manager has been hired, Joe Brindley. Ms. McSorley reported that there are currently 14 security control requirements set by the Department of Administration ASET Department which will increase to 17. Ms. McSorley noted the new password requirements and the steps IT is currently taking to ensure the Board meets those requirements.

- Update on Board Appointments

Ms. McSorley informed the Board of the current and vacant Board positions.

- Update on Personnel Changes

Ms. McSorley informed the Board of the personnel changes that have occurred.

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

- 2018 Year End Summary

Chairman Whitfield informed the Board of the 2019 calendar dates and the new 10:00 a.m. start time.

Chairman Whitfield reported that the Joint Officers met where he provided an overview on the American Academy of Physician Assistant's Optimal Team Practice Initiative. The next Joint Officers meeting will be held on December 5, 2018 regarding personnel.

Chairman Whitfield appreciated that Mr. Van Zanen will be continuing to sit on the Board past his term.

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

No report was given.

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

Jennifer Fierstein from ASAPA addressed the Board during the Call to Public Statements portion of the meeting.

Dr. Danielsen reported that the JLRC met and reviewed § 32-2532 subsection C regarding statutory change for prescribing scheduled 2 and 3 medications. The Committee will also be considering what ASAPA is bringing forward with regard to modernization of physician assistant practice.

H. APPROVAL OF MINUTES

MOTION: Ms. Crevier moved to Approve the August 31, 2018, Special Teleconference and, the September 20, 2018, Regular Session.

SECOND: Dr. Averitte.

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

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

LEGAL MATTERS

I. FORMAL INTERVIEWS

1. PA-17-0029A, DONOVAN J. POHL, P.A., LIC. #5500
PA Pohl was present without counsel.

Board staff summarized that this matter was considered by the Board at its February 2018 regular session meeting regarding a complaint that PA Pohl provided inadequate care and treatment of a 61 year-old diabetic patient ("CC") presenting with fever, tachycardia, abdominal pain, and nausea in June of 2016. At the conclusion of the Board's deliberations, the Board members voted to return the case for further investigation to perform a chart review of six current patients in the last six months, including two diabetic patients. Six patients' charts were obtained and forwarded to a second MC for a quality of care review. The second MC summarized that the care and treatment of the patients reviewed, including those with diabetes, was appropriate and met the standard of care. The second MC stated that this was also assessed by visits following those of PA Pohl, not showing any discrepancies or emergent interventions.

In opening, PA Pohl noted that there were no deviations found in the additional six patient chart reviews and stated that he would never intentionally harm a patient.

During questioning, PA Pohl informed the Board that in Arizona he currently works in urgent care primarily treating college students. PA Pohl stated he typically does not have medical record issues.

Dr. Danielsen stated that he has no concern with the six additional cases however there is a concern regarding the initial patient CC's medical records.

PA Pohl explained that CC had a history of neuropathy and in hindsight he would not have prescribed the medication at the patient's request.

MOTION: Dr. Danielson moved to finding of unprofessional conduct in violation of A.R.S. § 32-2501(18)(p) for reasons as stated by SIRC.

SECOND: PA Shaff.

Dr. Danielsen found a violation regarding inadequate medical records.

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

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION: Dr. Danielsen moved to issue an Advisory Letter for inadequate documentation. There is insufficient evidence to support disciplinary action.

SECOND: Mr. Van Zanen.

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

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

CONSENT AGENDA

J. CASES RECOMMENDED FOR DISMISSAL

1. PA-18-0034A, CHRISTINE C. LAGROW, P.A., LIC. #3723

Board staff summarized that the Board initiated case number after receiving a complaint regarding PA LaGrow's care and treatment of a patient and documentation issues. Board staff reviewed the findings of the MC regarding the allegations in the case. However, Board staff noted that carry over from prior visits that appears to have been auto populated by the EHR, and PA LaGrow's documentation was otherwise adequate. Board staff also identified patient compliance issues in the matter. Board staff determined that this matter does not rise to the level of Board sanction and recommended dismissal.

MOTION: Dr. Danielsen moved to dismiss.

SECOND: Ms. Crevier.

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

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

K. CASES RECOMMENDED FOR ADVISORY LETTERS

MOTION: Dr. Danielsen moved to issue an Advisory Letter in item numbers 2 and 4.

SECOND: Ms. Crevier.

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

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION: Dr. Danielsen moved to dismiss item numbers 1 and 3.

SECOND: PA Liechty.

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

The following Board members recused: Dr. Averitte and PA Shaff.

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

1. PA-17-0116A, JOHN J. SHAFF, P.A., LIC. #3149
PA Shaff addressed the Board during the Call to Public Statement portion of the meeting.

RESOLUTION: Dismiss.

2. PA-18-0018A, NICOLA C. LAWRENCE, P.A., LIC. #3367
RESOLUTION: Issue an Advisory Letter for inadequate medical records and failure to see a patient prior to prescribing a Schedule IV medication. There is insufficient evidence to support disciplinary action.
3. PA-18-0006A, MICHAEL P. QUIRK, P.A., LIC. #2136
PA Quirk and counsel Michael Tamm, Esq. addressed the Call to Public Statements portion of the meeting.

RESOLUTION: Dismiss.

4. PA-18-0041A, EMILY A. PAPEZ, P.A., LIC. #6898
RESOLUTION: Issue an Advisory Letter for prescribing a controlled substance without establishing a physician-patient relationship and without creating a medical record. While the licensee has demonstrated substantial compliance through rehabilitation or remediation that has mitigated the need for disciplinary action, the board believes that repetition of the activities that led to the investigation may result in further board action against the licensee.

L. PROPOSED CONSENT AGREEMENTS (Disciplinary)

1. PA-18-0007A, KENNETH B. LARSON, P.A., LIC. #1090
Board staff summarized that the case was opened after PA Larson answered yes to question number six on his renewal application wherein PA Larson answered in the affirmative to having resigned his clinical privileges because he inappropriately prescribed a controlled substance to a patient who was restricted from receiving opioid prescriptions due to failed drug screens. In regard to patient BR, the MC found that PA Larson deviated from the standard of care by failing to perform thorough examinations to assess patient complaints. The MC identified several medical record documentation errors including inaccurate information, failure to list several prescribed medications, and showed persistent inaccuracies. In regard to patient MH, the MC found that PA Larson deviated from the standard of care by providing a prescription for Vicodin shortly after the patient had been discharged from controlled substance prescribing due to inconsistent urine drug screens that were positive for cannabinoids. The MC identified similar medical recordkeeping concerns as an aggravating factor with regard to PA Larson's care of MH. Employment records indicate that PA Larson was informed of concerns related to his medical record documentation and the Medical Director documented speaking to PA Larsen about issues related to patient care as well. Board staff recommended returning the case for further investigation to issue an Interim Order requiring PA Larson to complete a competency evaluation. PA Larson subsequently reported that he was retiring from health care tasks and signed a consent agreement for Surrender of Licensure.

MOTION: PA Liechty moved to accept the proposed Consent Agreement for Surrender of License.

SECOND: PA Shaff

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

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

M. LICENSE APPLICATIONS

- i. **APPROVE OR DENY LICENSE APPLICATION**
 1. PA-18-0023A, WILLIAM K. BABB, P.A., LIC. #N/A

Board staff summarized that PA Babb failed to answer in the affirmative on multiple application questions on his current license application regarding action taken by the Minnesota Board based on action taken against him while in the United States Air Force. Board staff recommended that PA Babb complete a neuropsychological evaluation with emphasis in professional boundaries in order to provide reassurance that the unprofessional conduct has been corrected and resolved. PA Babb has not agreed with the recommendation and has requested the case be forwarded to the Board. PA Babb submitted a similar application in 2007 and subsequently withdrew his application after declining Board staff's recommendation to complete an evaluation. PA Babb stated he completed an evaluation during the Minnesota investigation. Minnesota did not provide a copy of the evaluation.

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

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, PA Shaff and Mr. Van Zanen.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

The Board entered into Executive Session at 1:55 p.m.

The Board returned to Open Session 2:11 p.m.

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

MOTION: Chairman Whitfield moved to return for further investigation to allow the applicant to undergo a neuropsychological evaluation with an emphasis in boundaries within sixty days.

SECOND: Dr. Danielsen.

Chairman Whitfield expressed concerns regarding PA Babb's continued pattern of failure to disclose and a consistent lack of candor in his application.

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

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

2. PA-18-0103A, GARY W. FULKERSON, P.A., LIC. #N/A

PA Fulkerson addressed the Board during the Call to Public Statement portion of the meeting.

MOTION: PA Shaff moved to grant the license.

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, PA Shaff and Mr. Van Zanen.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

OTHER BUSINESS

N. ADJOURNMENT

MOTION: Dr. Danielsen moved to adjourn the meeting.

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, PA Shaff and Mr. Van Zanen.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

The meeting adjourned at 2:29 p.m.



Patricia E. McSorley, Executive Director

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