



## Arizona Regulatory Board of Physician Assistants

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### DRAFT MINUTES FOR MEETING OF THE JOINT LEGISLATION AND RULES COMMITTEE TELECONFERENCE MEETING Held on Tuesday, October 30, 2018 1740 W. Adams St., Board Room 4100, Phoenix, AZ 85007

#### Committee Members

Randy D. Danielsen, PhD, P.A., D.F.A.A.P.A. Chair  
Sheldon G. Liechty, P.A.-C  
John J. Shaff, PA-C, DFAAPA

#### **A. CALL TO ORDER**

Chairman Danielsen called the meeting to order at 12:03 p.m.

#### **B. ROLL CALL**

The following Committee members participated telephonically: Dr. Danielsen, PA Liechty and PA Shaff. Board Chairman Whitfield also participated telephonically.

#### **ALSO PRESENT**

Carrie Smith, AAG; Patricia E. McSorley, Executive Director; Kristina Fredericksen, Deputy Director; Mary Bober, Board Operations Manager; and Michelle Robles, Board Coordinator.

#### **C. CALL TO THE PUBLIC**

Brandy Patron, Goodman and Schwartz addressed the Committee during the Call to Public on behalf of the Arizona State Association of Physician Assistants ("ASAPA").

#### **D. APPROVAL OF MINUTES**

**MOTION:** PA Shaff moved to approve the May 23, 2018 Joint Legislation and Rules Committee Teleconference minutes.

**SECOND:** PA Liechty.

The following Committee members voted in favor of the motion: Chairman Danielsen, PA Liechty and PA Shaff.

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

**MOTION PASSED.**

#### **E. UPDATE ON ARBOPA MILITARY SERVICE WAIVER FORM AND PROCESS**

Dr. Danielsen reported that at the last full Board meeting the waiver form and process were approved. Ms. Fredericksen reported that as of now a waiver has not been requested.

#### **F. REVIEW, DISCUSSION, AND POSSIBLE RECOMMENDATION REGARDING 2019 LEGISLATIVE AGENDA, INCLUDING BUT NOT LIMITED TO, CHANGES TO §§ 32-2504 AND 32-2532**

Dr. Danielsen reported that a memo and potential legislative language was provided for the Committee's review. Ms. McSorley requested that the Committee make a recommendation regarding the proposed legislative language that would address the issues that have arisen regarding the scope of PA prescribing rights as related to the prescribing of opioids.

PA Whitfield suggested striking "If a physician assistant is approved by the board to prescribe, administer or dispense schedule II and schedule III controlled substances, the physician assistant shall maintain an up-to-date and complete log of all schedule II and schedule III controlled substances the physician assistant administers or dispense" from section I of § 32-2532.

**MOTION: Dr. Danielsen moved to recommend that the Board propose striking the first sentence from subsection I from § 32-2532.**

**SECOND: PA Shaff.**

Dr. Danielsen opined that the content is outdated and no longer applicable.

**The following Committee members voted in favor of the motion: Chairman Danielsen, PA Liechty and PA Shaff.**

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

**MOTION PASSED.**

PA Whitfield suggested replacing the term “supervising physician” to “collaborating physician”.

Ms. Smith noted that “supervising physician” is a defined term in the practice act.

Ms. Patron stated that ASAPA is in agreement with changing the term from supervision to collaborating and requested the Committee recommend that change.

**MOTION: Dr. Danielsen moved to recommend to the full Board to request Board staff to investigate changing the term “supervising physician” to “collaborating physician” throughout the practice act.**

**SECOND: PA Liechty**

**The following Committee members voted in favor of the motion: Chairman Danielsen, PA Liechty and PA Shaff.**

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

**MOTION PASSED.**

PA Whitfield requested striking subsection C to provide clarification that PAs should either have 90 day prescribing privileges or not.

Ms. McSorley commented that the authority of the PA is a delegated authority and this change takes away some authority from the supervising physician.

Dr. Danielsen commented that PA’s have now been issued a DEA number and should be able to prescribe more independently. Dr. Danielsen commented the suggested draft does ultimately meet the Committee’s goal.

Ms. McSorley recommended that the Board and ASAPA work together to provide education on what the Board is attempting achieve.

PA Whitfield suggested pursuing legislative changes raising PA practice to a level of parity to fellow medical providers. Dr. Danielsen commented that the goal is to allow the PA to provide the best patient care not just in parity with fellow medical providers.

**MOTION: Dr. Danielsen moved to recommend to the full Board to ask Board staff to investigate striking the language regarding the 72 hour limitation from subsection C.**

**SECOND: PA Liechty.**

**The following Committee members voted in favor of the motion: Chairman Danielsen, PA Liechty and PA Shaff.**

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

**MOTION PASSED.**

Ms. Smith noted the Substantive Policy Statement that the Board adopted last month that provides clarification for the 90 day prescribing authority. Ms. Fredericksen reported that the agency has a public comment forum scheduled on November 13, 2018; after which the rule and comments will be submitted to the Board for approval before sending the final rule package to the Governor’s Regulatory Review Council (“GRRRC”).

Dr. Danielsen commented on Item D that there is confusion regarding requiring consent from the supervising physician when providing controlled substance refills when PAs have their own DEA license. Committee members agreed that item D should be stricken as it creates a barrier to patient care.

**MOTION: Dr. Danielsen moved to recommend that the full Board ask Board staff to investigate the deletion of Subsection D.**

**SECOND: PA Shaff.**

The following Committee members voted in favor of the motion: Chairman Danielsen, PA Liechty and PA Shaff.

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

**MOTION PASSED.**

Dr. Danielsen commented that the Committee must stay in line with the current opioid legislation and that the rest of the language in subsection C, other than the previously voted striking of the 72 hour limitation, is acceptable.

**MOTION: Dr. Danielsen moved to recommend that the full Board ask Board staff to include the staff recommended additional language for subsection C regarding the 90 day prescription privileges.**

**SECOND: PA Shaff.**

The following Committee members voted in favor of the motion: Chairman Danielsen, PA Liechty and PA Shaff.

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

**MOTION PASSED.**

## **G. DISCUSSION OF DATES AND TOPICS FOR UPCOMING COMMITTEE MEETING**

Dr. Danielsen commented that a meeting will be scheduled pending the outcome of the full Board's action on the Committee's recommendations.

## **H. ADJOURNMENT**

**MOTION: PA Liechty moved to adjourn the meeting.**

**SECOND: PA Shaff.**

The following Committee members voted in favor of the motion: Chairman Danielsen, PA Liechty and PA Shaff.

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

**MOTION PASSED.**

The meeting adjourned at 12:46 p.m.

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Patricia E. McSorley, Executive Director