



Arizona Regulatory Board of Physician Assistants

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FINAL MINUTES FOR REGULAR SESSION MEETING Held on Wednesday, February 27, 2019 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, February 27, 2019

GENERAL BUSINESS

A. CALL TO ORDER

Chairman Whitfield called the meeting to order at 10:10 a.m.

B. ROLL CALL

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

The following Board members were absent: Dr. Kelly 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 Operations Manager and Carrie Smith, AAG.

C. CALL TO THE PUBLIC

No one addressed the Board during the Call to the Public.

D. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING ELECTION OF BOARD OFFICERS

MOTION: Chairman Whitfield nominated Dr. Danielsen to be Vice Chair.

SECOND: Ms. Crevier.

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

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

MOTION PASSED.

MOTION: Dr. Danielsen nominated PA Whitfield to be Chairman.

SECOND: PA Shaff.

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

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

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

- Legislative Update – Discussion Regarding Pending Legislation Including But Not Limited To:
 - HB2075 Electronic Prescribing, Physician Assistant Prescribing
Ms. McSorley reported that changes corrected the PA's ability to prescribe and electronic prescribing
 - HB2118 Unauthorized Practice; Health Professions
Ms. McSorley the Board is now required to refer to law enforcement and gives the Board the right to issue a cease and desist order to unauthorized practitioners.
 - SB1029 Qualifying Physicians; Opiate Dependent Physicians
Ms. McSorley reported that this bill would allow the medical and osteopathic boards to approve physician training to qualify them for providing medication assisted treatment for opioid use disorders. It was noted that this was a joint effort between licensing boards, DHS and Arizona medical schools.
 - SB2519 physician assistants; physician relationship
Ms. McSorley reported that this bill has been proposed by ASAPA to change "supervising physician" to "collaborating physician" throughout the practice act.
 - HB2569 occupational licensing; reciprocity
Ms. McSorley reported that this is an occupational licensing bill that would require the board to grant a license to applicants that are licensed in good standing in another state with one year of experience. Board members expressed concern with regard to the board's ability to investigate during the application process whether applicants were safe to perform healthcare tasks in Arizona. In response to a Board member question, Ms. Smith clarified that the proposed language has similar requirements to the Board's current initial licensure statute, but would not allow the board to review potential issues such as prior malpractice that had not been addressed through another board's disciplinary process.
- Update on GL Solutions Contract
Ms. McSorley reported that staff continues to work on the contract and moving toward a cloud base system.
- Attendance at Federation of State Medical Boards (FSMB) Conference
Ms. McSorley invited Board members to attend the FSMB Conference. Ms. Crevier and Dr. Danielsen expressed that they wish to attend.
- Update on Board Staffing
Ms. McSorley informed the Board that two new investigators have been hired and that the Board has a full investigative staff. Ms. McSorley stated that she will continue to work with the governor to locate new Board members.

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

Chairman Whitfield reported that HB2075 was passed in January and acknowledged Board staff on the work and effort to resolve the issue. Chairman Whitfield reported that this is PA Liechty's last Board meeting and thanked him for his service on the Board. Chairman Whitfield reported on the open Board member spots and the continued issue of quorum.

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

Ms. Smith did not have a report.

H. APPROVAL OF MINUTES

MOTION: Dr. Danielsen moved to approve the November 28, 2018 Regular Session, including Executive Session.

SECOND: Dr. Averite.

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

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

MOTION PASSED.

LEGAL MATTERS

I. FORMAL INTERVIEWS

1. THIS CASE HAS BEEN MOVED TO AGENDA ITEM L.

CONSENT AGENDA

J. CASES RECOMMENDED FOR ADVISORY LETTERS

1. PA-18-0026A, MEGAN B. ROWE, P.A., LIC. #4235

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

SECOND: Ms. Crevier.

PA Shaff opined that an Advisory Letter was not necessary as this was a case of an unsatisfied patient and there was no patient harm. PA Whitfield noted that there was a finding of inadequate medical records by Board staff. PA Shaff commented that there was no record in the MC's report that could prove inadequate medical records and that this was an office issue. PA Shaff opined that there was intent by PA Rowe to follow up on complaints and tests at future visits. PA Liechty noted that the patient was not happy and chose not to continue care but that PA Rowe had not documented the visit correctly. Ms. Crevier opined that the patient's complaints were significant and should have been addressed.

Board staff commented that the MC found that PA Rowe deviated from the standard of care by omitting the characterization of the quality of the chest pain and the inattention to a history of diabetes in the history and physical.

Dr. Danielsen noted that the motion is for inadequate medical records not patient harm.

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

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

MOTION PASSED.

K. CASES RECOMMENDED FOR ADVISORY LETERS WITH NON-DISCIPLINARY CONTINUING MEDICAL EDUCATION ORDER

MOTION: Dr. Danielsen moved to issue an Advisory Letter and Order for Non-Disciplinary CME in item numbers 2-4.

SECOND: Ms. Crevier.

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

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

MOTION PASSED.

1. PA-17-0049A, LINDA M. HAGGARD, P.A., LIC. #3341

MOTION: PA Shaff moved to dismiss.

SECOND: PA Liechty.

PA Shaff commented that cases regarding patient weight loss can be difficult and emotional.

Board staff stated that an MC found that the patient's thyroid tests were normal and that she did not have hypothyroidism. The MC stated that the patient did not need thyroid supplementation which could have caused some side effects.

PA Shaff noted that the patient consented to and was happy with treatment. PA Shaff noted that this case was referred by the patient's primary care physician.

Board staff commented that based on the patient's complaint she was not satisfied.

Dr. Danielsen commented that a physician assistant must justify treatment in the documentation so that the next provider would be able to understand the thought process. Dr. Danielsen opined that an Advisory Letter is appropriate.

Board staff stated that an additional MC who reviewed the case was only concerned about PA Haggard's failure to document the risk of a low calorie diet.

PA Crevier commented that it is the specialist's responsibility to explain the risks so that the patients understand the treatment they are receiving. PA Liechty noted that the other charts show that consents were signed indicating that the patients understood the risks of treatment.

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

VOTE: 2-yay, 4-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

MOTION: Dr. Danielsen moved to issue an Advisory Letter and Order for Non-Disciplinary CME for inappropriate thyroid medication management and inadequate documentation. While there is insufficient evidence to support disciplinary action, the board believes that continuation of the activities that led to the investigation may result in further board action against the licensee. Within six months, complete no less than 5 hours of Board staff pre-approved Category I CME in management of thyroid disorders. The CME hours shall be in addition to the hours required for license renewal.

SECOND: Ms. Crevier.

PA Liechty opined that CME is not necessary regarding thyroid disorders as thyroid medications were only prescribed to this patient.

Board staff noted that the thyroid dose was very low and did not cause any adverse effects.

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

VOTE: 4-yay, 2-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

2. PA-18-0009A, JOHN S. VONKERSBURG, P.A., LIC. #2190

RESOLUTION: Issue an Advisory Letter and Order for Non-Disciplinary CME for inappropriate escalation of controlled substances and for failure to seek out consultation with his supervising physician. 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. Within six months, complete no less than 15 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.

3. PA-18-0021A, NICOLE R. JORGENSON, P.A., LIC. #3806
RESOLUTION: Issue an Advisory Letter and Order for Non-Disciplinary CME for prescribing medications to family members without the approval of a supervising physician and for disclosing a confidential investigative document. 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. Within six months, complete no less than 5 hours of Board staff pre-approved Category I CME in ethics. The CME hours shall be in addition to the hours required for license renewal.
4. PA-18-0086C, BRET L. J. MILLER, P.A., LIC. #5445
RESOLUTION: Issue an Advisory Letter and Order for Non-Disciplinary CME for prescribing medications to coworkers without the supervising physician's approval or an adequate physical exam; and inadequate medical records. While there is insufficient evidence to support disciplinary action, the board believes that continuation of the activities that led to the investigation may result in further board action against the licensee. Within six months, complete no less than 5 hours of Board staff pre-approved Category I CME in medical recordkeeping and no less than 5 hours of Board staff pre-approved Category I CME in ethics. The CME hours shall be in addition to the hours required for license renewal.

L. PROPOSED CONSENT AGREEMENTS (Disciplinary)

1. PA-17-0097A, LISA V. WILLIAMS, P.A., LIC. #2884
Board staff summarized that PA Williams self-reported that she engaged in substance abuse. PA Williams had provided prescriptions for controlled substances for her significant other without adequate examination or patient records. The Board also received notice of unprofessional conduct from PA Williams' employer. On February 2, 2018, PA Williams entered into an Interim Consent Agreement to Participate in PHP for a minimum of twelve months. An MC reviewed the care provided to PA Williams' significant other and found that PA Williams deviated from the standard of care. PA Williams provided proof of completing CME in medical recordkeeping, ethics and boundaries.

MOTION: Dr. Danielsen moved to accept the proposed Consent Agreement for Letter of Reprimand and Minimum Twelve Month Probation, retroactive to February 5, 2018, with terms and conditions consistent with her Interim Consent Agreement. Within six months, complete no less than 5 hours of Board staff pre-approved Category I CME in a course regarding medical recordkeeping and no less than 7 hours of Board staff pre-approved Category I CME in a course regarding boundaries. The CME hours shall be in addition to the hours required for license renewal. The Probation shall not terminate except upon affirmative request of the physician assistant and approval by the Board.

SECOND: Dr. Averite.

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

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

MOTION PASSED.

M. LICENSE APPLICATIONS

i. APPROVE OR DENY LICENSE APPLICATION

MOTION: PA Shaff moved to grant the license in item numbers 2-4.

SECOND: Dr. Averite.

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

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

MOTION PASSED.

1. PA-18-0023A, WILLIAM K. BABB, P.A., LIC. #N/A

MOTION: Dr. Danielsen moved to deny the license based on A.R.S. § 32-2521(A)4 and A.R.S. § 32-2521(D).

SECOND: PA Shaff.

Chairman Whitfield summarized that at the November 28, 2018 Board meeting the Board moved to have the PA complete a neuropsychological evaluation with an emphasis in boundaries before the board considered the license, which the applicant has not completed.

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

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

MOTION PASSED.

2. PA-18-0100A, ASHLEY N. MARSH, P.A., LIC. #N/A

Chairman Whitfield summarized that PA Marsh reported a charge from 2006 that was dismissed following completion of a diversion program.

RESOLUTION: Grant the license.

3. PA-19-0018A, COREY W. D. SEGUINE, P.A., LIC. #N/A

Chairman Whitfield summarized that this is a case where a new graduate misunderstood the process and let his license expire.

RESOLUTION: Grant the license.

4. PA-19-0009A, SHANE C. COOK, P.A., LIC. #N/A

Chairman Whitfield summarized that this is a case where the applicant received an Other than Honorable discharge from the Navy 18 years ago.

RESOLUTION: Grant the license.

N. ADJOURNMENT

MOTION: PA Liechty moved to adjourn the meeting.

SECOND: Ms. Crevier.

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

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

MOTION PASSED.

The meeting adjourned at 10:57 a.m.




Patricia E. McSorley, Executive Director