



Arizona Regulatory Board of Physician Assistants

1740 W. Adams St, Suite 4000, Phoenix, AZ 85007
Telephone: 480-551-2700 • Fax: 480-551-2702 • www.azpa.gov

DRAFT MINUTES FOR REGULAR SESSION MEETING Held on Wednesday, May 29, 2019 At 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.
Kendra Clark, P.A.-C
Carole A. Crevier
Kevin K. Dang, Pharm D.
Thomas E. Kelly, M.D., F.A.C.E.P.
John J. Shaff, PA-C, DFAAPA
Susan Reina, P.A.-C

GENERAL BUSINESS

A. CALL TO ORDER

Chairman Whitfield called the meeting to order at 10:01 a.m.

B. ROLL CALL

The following Board members were present: Dr. Averitte, PA Clark, Ms. Crevier, Dr. Danielsen, PA Shaff, PA Reina, and Chairman Whitfield. The following Board member was absent: Drs. Dang and Kelly.

Present among Board staff include: Patricia McSorley, Executive Director; Kristina Fredericksen, Deputy Director; William Wolf, M.D., Chief Medical Consultant; Amy Skaggs, Staff Investigational Review Committee (SIRC) Coordinator; Raquel Rivera, Investigations Manager; Michelle Robles, Board Operations Manager; and Andrea Cisneros, Projects/Meeting Specialist. Additionally present: Carrie Smith, Assistant Attorney General (AAG); and Seth Hargraves, AAG, appearing as the Board's Independent Legal Advisor.

C. CALL TO THE PUBLIC

Individuals that addressed the Board during the Call to Public appear beneath the matter(s) referenced.

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

Patricia E. McSorley, Executive Director

- Legislative Update – Discussion Regarding Pending Legislation Including But Not Limited To:
 - HB2118 unauthorized practice; health professions
 - HB2519 supervision; physician assistants
 - HB2569 occupational licensing; reciprocity
 - SB1086 health professions; temporary licensure
 - SB1096 health professionals data; repository
- IT Update

Ms. McSorley reported to the Board that the legislative session has ended, and that the Board has 90 days to implement most of the statutes. HB2118 requires health professional regulatory boards to take specific actions regarding the unauthorized practice of the health profession. Ms. McSorley stated that it is currently the practice of Board staff to report to and work with law enforcement in these matters, but that there has been an additional step added to the process that involves maintaining a list of these types of complaints. HB2519 involves the supervision of PAs. Ms. McSorley explained that this Bill initially came about as a collaborative medicine statute that was not accepted by the Legislature, but that an increase was made to the number of PAs a SP is permitted to supervise at one time, from 4 – 6.

HB2569 is a reciprocity Bill that regards the acceptance of a licensee from another state if the practitioner has held that professional license for at least one year. Ms. McSorley explained that the vetting of the applicant in these instances will be less than what is currently required for initial licensure. She added that the staff will be required to establish whether the individual resides in Arizona, and if there is a history of discipline which the Board would then investigate to determine whether those concerns have been resolved. Ms. McSorley stated that staff will not be looking at malpractice history at the time of initial licensure, but that this will need to be reported at the time of license renewal and only applies to the time that the license was granted. Board members questioned how long an individual will have to have established residency in Arizona when applying under this new item. Ms. McSorley stated that the Agency is currently working with the Attorney General's Office for implementation of the statute. SB1086 involves the issuance of temporary licenses. Ms. McSorley reported that the staff is currently working on creating an application for this new item. SB1096 addresses the data repository of health professionals. Ms. McSorley stated that this data will be helpful in determining where the needs are across the State, and will benefit practitioners in many areas.

Additionally, Ms. McSorley reported that the Agency continues to work on its IT system. She explained that a hardware-based system is currently in place, and that the Agency will be converting to a software-based system and is hopeful for a smooth transition with GLSuite.

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

Myles A. Whitfield, P.A.-C., Chair

- Presentation of Appreciation Plaques for Mr. VanZanen and PA Liechty
- Introduction of New Board Members
- Introduction and Discussion of the Federation of State Medical Boards (FSMB) and the Federation of Physician Assistant Regulators: An Overview of the FPAR, Membership and Participation
- Discussion and Possible Action Regarding Delegation to Joint Legislation and Rules Committee (JLRC) for Implementation of Board Processes for New Reciprocity and Temporary Licenses
- Appointment of New Committee Member to JLRC
- Discussion Regarding a Resolution on American Academy of Physician Assistants (AAPA) Optimal Team Practice

Chairman Whitfield presented PA Liechty with a plaque for his service on the Board from May 2012 through February of 2019. Mr. Van Zanen was not present and Chairman Whitfield

stated that the plaque would be mailed to him, in recognition of his services on the Board from November of 2010 to February of 2019. Chairman Whitfield expressed his appreciation on behalf of the Board for the two former members' service.

Chairman Whitfield introduced the two new Board members, PA Clark and PA Reina, who were both present. Dr. Dang is the third new member of the Board, but was absent from the meeting. Chairman Whitfield stated that he looks forward to working with the new members.

With regard to the JLRC, Chairman Whitfield appointed Dr. Kelly and PA Reina as new members of the Committee. Dr. Danielsen, Chairman of the JLRC, explained that the Committee meets to review and discuss different statutes and rules changes. He reported that the Committee will meet within the next month to review and discuss the implementation of the new legislation that is scheduled to become effective on August 26, 2019.

Chairman Whitfield reported that the FSMB's recent meeting was attended by Ms. McSorley, Ms. Fredericksen, Ms. Crevier, and Dr. Danielsen. He stated that the Board has offered the FSMB an opportunity to collaborate with the Board to meet its standards. Dr. Danielsen stated that it was a great meeting where he learned a great deal, and pointed out that the newly appointed Chairman of the FSMB is a physician from Arizona. Ms. Crevier stated the highlight of her experience at the meeting was observing Ms. McSorley receive the Doug Serf Award. Ms. McSorley stated that the most memorable presentation from the meeting was the one that addressed the aging workforce, which she stated is a difficult issue that the Board deals with on a case-by-case basis. Chairman Whitfield stated that the Board withdrew itself from the FSMB several years ago, and that he hopes some middle ground can be found by re-engaging with the organization. Dr. Danielsen recognized that one of the Committees that met on that Saturday was reported on by a PA, and he stated that there appears to be a lot of acceptance going on there. Chairman Whitfield provided a brief overview of the FPAR and stated that it is important as the PA profession continues to grow and expand, that PAs have specific representation in some capacity at the FSMB. Chairman Whitfield stated that while he does not see this organization as a replacement for the FSMB, it is his vision that the FPAR and the FSMB could work together collaboratively in the future.

Additionally, Chairman Whitfield expressed his disappointment with the changes made to HB2519 with regard to the removal of collaborative language. He stated that he does not see this as progress particularly, but that the Board will continue to work on this. Dr. Averitte questioned what the ultimate goal was for HB2519. AAG Smith explained that the Bill was originally drafted to change the language that would replace the supervising physician role with that of a collaborative one, and to change some of the dynamics of that relationship. She stated that ultimately, it became a "strike-everything" Bill to change it by increasing the number of PAs that a single SP can supervise, from 4 – 6.

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

There was no report to the Board under this item.

G. APPROVAL OF MINUTES

- February 27, 2019 Regular Session

MOTION: PA Shaff moved to approve the February 27, 2019 Regular Session.

SECOND: Dr. Averitte

VOTE: The following Board members voted in favor of the motion: Dr. Averitte, PA Clark, Ms. Crevier, Dr. Danielsen, PA Shaff, PA Reina, and Chairman Whitfield. The following Board members were absent: Drs. Dang and Kelly.

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

LEGAL MATTERS

H. REVIEW, CONSIDERATION AND POSSIBLE ACTION ON PROPOSED BOARD ORDER ARISING FROM ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION

1. PA-17-0030A, SEAN W. SMITH, P.A., LIC. #5082

AAG Sabrina Kahn represented the State in this matter. She summarized that this PA was terminated from employment as a result of diverting substances with his co-worker, which occurred over the course of several months. AAG Kahn reported that the PA also prescribed controlled substances outside the scope of his supervising physician and failed to cooperate with the Board's investigation. She further stated that the State's motion outlined typographical errors and minor edits to clarify the record. She requested that the Board adopt and modify the ALJ's recommended decision for license revocation in this case.

AAG Hargraves advised the Board to include in its motions the reasoning for the modifications as proposed by the State when voting on the ALJ's recommended decision.

MOTION: Ms. Crevier moved to modify and adopt the ALJ's recommended Findings of Fact #4 to include A.R.S. § 32-2501(2) with the deletion of A.R.S. § 32-1501(2). This modification is requested to correct a typographical error and to include the correct statutory citation, A.R.S. § 32-2501(2).

SECOND: Dr. Danielsen

VOTE: The following Board members voted in favor of the motion: Dr. Averitte, PA Clark, Ms. Crevier, Dr. Danielsen, PA Shaff, PA Reina, and Chairman Whitfield. The following Board members were absent: Drs. Dang and Kelly.

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

MOTION: Ms. Crevier moved to modify and adopt the ALJ's recommended Findings of Fact #8 to strike the word "Advisory" from line 26, to more accurately reflect the correspondence that was sent to Respondent, as the letter sent on March 22, 2017 was not an Advisory Letter (which is a specific letter defined in A.R.S. § 32-2501(3)), but rather a notification that the Board had opened an investigation into Respondent's license.

SECOND: Dr. Danielsen

VOTE: The following Board members voted in favor of the motion: Dr. Averitte, PA Clark, Ms. Crevier, Dr. Danielsen, PA Shaff, PA Reina, and Chairman Whitfield. The following Board members were absent: Drs. Dang and Kelly.

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

MOTION: Dr. Danielsen moved to modify and adopt the ALJ's recommended Findings of Fact #11 to change "her treating" to "his supervising" on line 11, to clarify, consistent with the record, that Respondent was prescribing narcotics outside the authorization of his supervising physician.

SECOND: Dr. Averitte

VOTE: The following Board members voted in favor of the motion: Dr. Averitte, PA Clark, Ms. Crevier, Dr. Danielsen, PA Shaff, PA Reina, and Chairman Whitfield. The following Board members were absent: Drs. Dang and Kelly.

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

MOTION: PA Shaff moved to modify and adopt the Findings of Fact #14 to change “Board” and to “Staff Investigational Review Committee” or “SIRC” on line 4, to clarify, consistent with the record, that it was SIRC and not the Board that had been presented the investigative summary on April 05, 2018 and had recommended discipline against Respondent.

SECOND: Ms. Crevier

VOTE: The following Board members voted in favor of the motion: Dr. Averitte, PA Clark, Ms. Crevier, Dr. Danielsen, PA Shaff, PA Reina, and Chairman Whitfield. The following Board members were absent: Drs. Dang and Kelly.

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

MOTION: Ms. Crevier moved to adopt the remaining Findings of Fact ALJ’s recommended Order for license revocation.

SECOND: Dr. Danielsen

VOTE: The following Board members voted in favor of the motion: Dr. Averitte, PA Clark, Ms. Crevier, Dr. Danielsen, PA Shaff, PA Reina, and Chairman Whitfield. The following Board members were absent: Drs. Dang and Kelly.

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

MOTION: Chairman Whitfield moved to modify and adopt the ALJ’s recommended Conclusions of Law #5 to delete and replace with citation A.R.S. § 32-2501(2) and its definition, and modify Conclusions of Law #17 to correct a typographical error regarding A.R.S. § 32-2501(2).

SECOND: Dr. Danielsen

VOTE: The following Board members voted in favor of the motion: Dr. Averitte, PA Clark, Ms. Crevier, Dr. Danielsen, PA Shaff, PA Reina, and Chairman Whitfield. The following Board members were absent: Drs. Dang and Kelly.

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

MOTION: Dr. Danielsen moved to adopt the ALJ’s recommended Order for License Revocation.

SECOND: PA Clark

PA Shaff questioned whether the PA was offered the opportunity to surrender the license in lieu of formal license revocation. Ms. Rivera informed the Board that when SIRC recommends license revocation, the licensee is offered the option of surrendering their license versus formal hearing for revocation. She further reported that the licensee in this case did not engage with Board staff during the course of the investigation.

VOTE: The following Board members voted in favor of the motion: Dr. Averitte, PA Clark, Ms. Crevier, Dr. Danielsen, PA Shaff, PA Reina, and Chairman Whitfield. The following Board members were absent: Drs. Dang and Kelly.

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

I. FORMAL INTERVIEWS

1. PA-18-0086A, KATHERINE L. KRAHE, P.A., LIC. #4955

DM addressed the Board during the Call to Public on behalf of the PA. PA Krahe was present with Attorney Mike Goldberg.

Dr. Coffey presented the case for the Board, summarizing that this matter involved improper prescribing to co-workers, including the Supervising Physician (SP). The Board

noted that at the time of the prescribing violations, there existed a culture which permitted prescribing amongst co-workers and there were also concerns regarding inadequate recordkeeping identified in this case. In her opening statement, PA Krahe stated that she recognized and accepted that she was the one who chose to write the prescriptions for her two colleagues. PA Krahe informed the Board that she has read the regulations for PA's many times and that she understands the importance in their value. PA Krahe acknowledged that her judgment was poor and her documentation in this matter was less than acceptable. She stated that as a result of the investigation, she feels she has grown as a practitioner and has been humbled by her previous actions.

Ms. Crevier questioned whether the PA had completed CME courses specific to medical recordkeeping and conducting physical exams appropriate for patient complaints prior to prescribing medication. PA Krahe reported that there have been courses assigned to and taken by all providers in the practice, but stated that she could not recall if they were specific to medical recordkeeping or prescribing. Dr. Danielsen questioned the PA regarding the delegation agreement concerns identified in the case. Dr. Danielsen expressed concern regarding the failure to update the delegation agreement on an annual basis, stating that the providers lose the opportunity to discuss how the supervision will occur. PA Krahe informed the Board that the practice has updated the delegation agreement document itself to clearly outline the roles of the SP and PA, making those professional lines very clear and concise. She stated that she has made it a personal mission to not only document and keep track of the timing of the documents, but to also ensure that the degree of supervision and scope of practice is identified and updated at least yearly. PA Clark observed in the record that the PA wrote notes on co-worker BJM and kept them in a lockbox in the office. PA Krahe explained that the locked file in the office contained records that pertained to WR and BJM. She added that it was anticipated that the providers would soon be allowed to be established patients at their clinic, and that she had every intention to have each note go into the electronic record but forgot.

In closing, Attorney Goldberg stated that this was a true self-report to the PA's employer, which he stated is not always the case. He stated that the fact that the CEO attended the Formal Interview with the Board demonstrates their support of the PA, commenting that in many cases this conduct would result in termination. He requested a non-disciplinary result, pointing out that the PA has implemented safeguards within the practice. During the Board's deliberations, Ms. Crevier stated she found the PA to be genuinely remorseful, but stated that she did find unprofessional conduct violations as indicated by SIRC.

MOTION: Ms. Crevier moved for a finding of unprofessional conduct in violation of A.R.S. § 32-2501(18)(c), (j), (p), and (l) for reasons as stated by SIRC.

SECOND: PA Clark

Dr. Danielsen spoke against the motion, stating that mitigating circumstances exist in this case that include having safeguards put in place to prevent a future occurrence.

VOTE: The following Board members voted in favor of the motion: Dr. Averitte, PA Clark, Ms. Crevier, PA Shaff, and Chairman Whitfield. The following Board members voted against the motion: Dr. Danielsen and PA Reina. The following Board members were absent: Drs. Dang and Kelly.

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

MOTION PASSED.

MOTION: Ms. Crevier moved for the Board to draft Findings of Fact, Conclusions of Law and Order for a Letter of Reprimand and Probation. Within six months, complete no less than 10 hours of Board staff pre-approved Category I CME in boundaries. The CME hours shall be in addition to the hours required for license

renewal. The Probation shall terminate upon proof of successful completion of the CME coursework.

SECOND: Chairman Whitfield

Dr. Danielsen spoke against the motion, stating that there are mitigating circumstances that exist in this case and that he does not find that it rises to the level of Reprimand. Dr. Danielsen added that he would be in favor of issuing an Advisory Letter.

VOTE: The following Board members voted in favor of the motion: Dr. Averitte, Ms. Crevier, and Chairman Whitfield. The following Board members voted against the motion: PA Clark, Dr. Danielsen, PA Reina, and PA Shaff. The following Board members were absent: Drs. Dang and Kelly.

VOTE: 3-yay, 4-nay, 0-abstain, 0-recuse, 2-absent.

MOTION FAILED.

MOTION: Dr. Danielsen moved for the Board to issue an Advisory Letter and Order for Non-Disciplinary CME for failure to maintain adequate records, failure to document and complete a physical exam(s) prior to prescribing controlled substances, and performing healthcare tasks that were not delegated by a supervising physician. 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 10 hours of Board staff pre-approved Category I CME in boundaries. The CME hours shall be in addition to the hours required for license renewal.

SECOND: PA Clark

Ms. Crevier stated that she would support the motion if the maker of the motion would accept her friendly amendment to include non-disciplinary CME in boundaries. As the seconder of the motion, PA Shaff rejected the friendly amendment. PA Shaff stated that mitigating factors in this case include corrective action taken by the PA to address this not only with herself, but also within the practice as a whole, which he found mitigated the need for further CME. PA Shaff withdrew as the seconder of the motion, and PA Clark seconded the motion with the friendly amendment of adding the CME requirement. PA Clark recalled the PA's testimony wherein she was not sure if she did have specific boundaries CME. PA Clark stated that, in light of this information, the addition of non-disciplinary CME is appropriate.

VOTE: The following Board members voted in favor of the motion: Dr. Averitte, PA Clark, Ms. Crevier, Dr. Danielsen, PA Shaff, PA Reina, and Chairman Whitfield. The following Board members were absent: Drs. Dang and Kelly.

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

CONSENT AGENDA

J. CASES RECOMMENDED FOR ADVISORY LETTERS

MOTION: Chairman Whitfield moved for the Board to issue an Advisory Letter in item numbers 2 – 7.

SECOND: Ms. Crevier

VOTE: The following Board members voted in favor of the motion: Dr. Averitte, PA Clark, Ms. Crevier, Dr. Danielsen, PA Shaff, PA Reina, and Chairman Whitfield. The following Board members were absent: Drs. Dang and Kelly.

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

1. PA-18-0087A, CHELSEY R. HANSEL, P.A., LIC. #3298
Complainant AG addressed the Board during the Call to Public along with AG. PA Hansel also addressed the Board during the Call to Public with Attorney Scott King.

MOTION: PA Shaff moved for dismissal.
SECOND: PA Clark

PA Shaff stated he did not find that an Advisory Letter is warranted in this case. He noted that the PA had full support from her Supervising Physician. Ms. Crevier spoke against the motion and stated the fact that the PA's Supervising Physician support her doing something that is not within the Board's statutory guidelines does not excuse it. Chairman Whitfield agreed with Ms. Crevier's comments and stated that the Supervising Physician position is a supervisory role and not a legal one. PA Shaff pointed out that the delegation agreement outlined that the scope of practice did include at-home care and that there was a SOAP note included in the file.

VOTE: The following Board members voted in favor of the motion: Dr. Averitte, PA Clark, Ms. Crevier, Dr. Danielsen, PA Shaff, PA Reina, and Chairman Whitfield. The following members voted against the motion: Dr. Averitte and Ms. Crevier. The following Board members were absent: Drs. Dang and Kelly.
VOTE: 5-yay, 2-nay, 0-abstain, 0-recuse, 2-absent.
MOTION PASSED.

2. PA-18-0040A, EUGENE V. GODOY, P.A., LIC. #1429
RESOLUTION: Issue an Advisory Letter for failing to provide information to the Board in a timely manner and failing to have a current delegation agreement. 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.
3. PA-18-0086B, JARED N. BEVELL P.A., LIC. #6079
Dr. Danielsen stated that he knows the PA professionally, but that it would not affect his ability to adjudicate the case.

RESOLUTION: Issue an Advisory Letter for inappropriate prescribing. While the licensee has demonstrated substantial compliance through rehabilitation 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.

4. PA-18-0019A, MICHELE. R. VANDERLIN, P.A., LIC. #3646
RESOLUTION: Issue an Advisory Letter for accessing a patient's health record without adequate justification and without direction by her supervising physician. 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.
5. PA-18-0074A, HANNE M. MATERO, P.A., LIC. #5550
Complainant JK addressed the Board during the Call to Public.

RESOLUTION: Issue an Advisory Letter for inadequate documentation of the location, severity, and size of a wound to the toe following injury. There is insufficient evidence to support disciplinary action.

6. PA-18-0042A, DEREK R. BROWN, P.A., LIC. #2685

RESOLUTION: Issue an Advisory Letter for failing to order a repeat x-ray, insufficient examination of an injured limb, and inadequate documentation. There is insufficient evidence to support disciplinary action.

7. PA-18-0058A, KRISTEN A. KALKBRENNER, P.A., LIC. #2724

RESOLUTION: Issue an Advisory Letter for continuing to prescribe benzodiazepine to a patient who was misusing his medications and for documenting a diagnosis of Bipolar Disorder-hypomanic episode without symptomatology to support the diagnosis. There is insufficient evidence to support disciplinary action.

K. CASES RECOMMENDED FOR ADVISORY LETTERS WITH NON-DISCIPLINARY CONTINUING MEDICAL EDUCATION (CME) ORDER

1. PA-18-0076A, THOMAS J. WILLIM, P.A., LIC. #1559

MOTION: Dr. Danielsen moved to issue an Advisory Letter with Order for Non-Disciplinary CME for performing health care tasks that were not delegated by his supervising physician, failure to document a prescription for Xanax in a patient's record, and misrepresentation to a pharmacist. 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 CPEP's ProBE course in ethics. The CME hours shall be in addition to the hours required for license renewal.

SECOND: Ms. Crevier

VOTE: The following Board members voted in favor of the motion: Dr. Averitte, PA Clark, Ms. Crevier, Dr. Danielsen, PA Shaff, PA Reina, and Chairman Whitfield. The following Board members were absent: Drs. Dang and Kelly.

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

L. PROPOSED CONSENT AGREEMENTS (Disciplinary)

MOTION: Dr. Danielsen moved to accept the proposed Consent Agreements in item numbers 1 and 2.

SECOND: PA Shaff

VOTE: The following Board members voted in favor of the motion: Dr. Averitte, PA Clark, Ms. Crevier, Dr. Danielsen, PA Shaff, PA Reina, and Chairman Whitfield. The following Board members were absent: Drs. Dang and Kelly.

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

1. PA-19-0011A, GERALD R. KEENAN, P.A., LIC. #5593

Dr. Danielsen stated that he knows the PA professionally, but that it would not affect his ability to adjudicate the case.

RESOLUTION: Accept the proposed Consent Agreement for surrender of licensure.

2. PA-18-0057A, STEVEN B. MOSS, P.A., LIC. #4818

RESOLUTION: Accept the proposed Consent Agreement for surrender of licensure.

M. LICENSE APPLICATIONS

i. APPROVE OR DENY LICENSE APPLICATION

MOTION: Chairman Whitfield moved to approve the license in item numbers 1-5.

SECOND: Ms. Crevier

VOTE: The following Board members voted in favor of the motion: Dr. Averitte, PA Clark, Ms. Crevier, Dr. Danielsen, PA Shaff, PA Reina, and Chairman Whitfield. The following Board members were absent: Drs. Dang and Kelly.
VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.
MOTION PASSED.

1. PA-19-0034A, MEAGEN L. ANDERSON, P.A., LIC. #N/A
RESOLUTION: Approve the license.

2. PA-19-0028A, MICHELLE Q. N. NGUYEN, P.A., LIC. #N/A
RESOLUTION: Approve the license.

3. PA-19-0043A, ANDREW K. MCBRIDE, P.A., LIC. #N/A
RESOLUTION: Approve the license.

4. PA-19-0023A, JOSIAH M. HORNEMAN, P.A., LIC. #N/A
RESOLUTION: Approve the license.

5. PA-19-0036A, KORTNI R. JONES, P.A., LIC. #N/A
PA Jones addressed the Board during the Call to Public.

RESOLUTION: Approve the license.

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

MOTION: Chairman Whitfield moved to grant licensure and issue an Advisory Letter in item numbers 1 and 2.

SECOND: Dr. Danielsen

VOTE: The following Board members voted in favor of the motion: Dr. Averitte, PA Clark, Ms. Crevier, Dr. Danielsen, PA Shaff, PA Reina, and Chairman Whitfield. The following Board members were absent: Drs. Dang and Kelly.

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

1. PA-19-0035A, ELLANA DAVIDOV, P.A., LIC. #N/A
PA Davidov addressed the Board during the Call to Public.

RESOLUTION: Grant the license and issue an Advisory Letter for performing healthcare tasks with an expired license. There is insufficient evidence to support disciplinary action.

2. PA-19-0042A, KARLA A. IPPOLITO, P.A., LIC. #N/A
PA Ippolito addressed the Board during the Call to Public.

RESOLUTION: Grant the license and issue an Advisory Letter for performing healthcare tasks with an expired license. There is insufficient evidence to support disciplinary action.

OTHER BUSINESS

N. REQUEST FOR TERMINATION OF BOARD ORDER

1. PA-17-0097A, LISA V. WILLIAMS, P.A., LIC. #2884

MOTION: Chairman Whitfield moved for the Board to grant the request to terminate the February 27, 2019 Board Order.

SECOND: PA Clark

Chairman Whitfield questioned whether the PA completed the CME requirements. Board staff reported that the PA has complied with the terms of his Probation.

VOTE: The following Board members voted in favor of the motion: Dr. Averitte, PA Clark, Ms. Crevier, Dr. Danielsen, PA Shaff, PA Reina, and Chairman Whitfield. The following Board members were absent: Drs. Dang and Kelly.

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

2. PA-14-0023A, CHARLES S. LARSEN, P.A., LIC. #3179

MOTION: Dr. Danielsen moved for the Board to grant the request to terminate the February 26, 2015 Board Order.

SECOND: PA Clark

VOTE: The following Board members voted in favor of the motion: Dr. Averitte, PA Clark, Ms. Crevier, Dr. Danielsen, PA Shaff, PA Reina, and Chairman Whitfield. The following Board members were absent: Drs. Dang and Kelly.

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

3. PA-17-0099A, GERALD D. MARINI, P.A., LIC. #5588

PA Reina was recused from this case. PA Marini addressed the Board during the Call to Public.

MOTION: PA Clark moved for the Board to grant the request to terminate the December 11, 2017 Board Order.

SECOND: PA Shaff

VOTE: The following Board members voted in favor of the motion: Dr. Averitte, PA Clark, Ms. Crevier, Dr. Danielsen, PA Shaff, and Chairman Whitfield. The following Board member was recused from the case: PA Reina. The following Board members were absent: Drs. Dang and Kelly.

VOTE: 6-yay, 0-nay, 0-abstain, 1-recuse, 2-absent.

MOTION PASSED.

O. APPEAL OF EXECUTIVE DIRECTOR'S INTERIM ORDER

1. PA-19-0001A, RODE E. GENCK, P.A., LIC. #1963

PA Genck addressed the Board during the Call to Public along with Attorney Doug Collins.

MOTION: Dr. Danielsen moved for the Board to enter into Executive Session for legal advice, pursuant to A.R.S. § 38.431.03(A)(2).

SECOND: Ms. Crevier

VOTE: The following Board members voted in favor of the motion: Dr. Averitte, PA Clark, Ms. Crevier, Dr. Danielsen, PA Shaff, PA Reina, and Chairman Whitfield. The following Board members were absent: Drs. Dang and Kelly.

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

The Board entered into Executive Session at 11:58 a.m.

The Board returned to Open Session at 12:08 p.m.

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

Chairman Whitfield clarified that this matter was before the Board to determine whether a neuropsychological evaluation is warranted in this case. Board members were also informed that the case is currently pending and that once completed, it will be agendized at a future meeting for final action.

**MOTION: Chairman Whitfield moved to deny the appeal and accept the proposed Interim Order for Neuropsychological Evaluation with an emphasis in boundaries.
SECOND: PA Clark**

Dr. Danielsen questioned the length of time for the evaluation to be completed and the associated costs. Ms. Rivera reported that the timeframe to complete the evaluation begins once the Order becomes effective, and that it could take up to four weeks to receive the final evaluation report. Ms. Rivera explained that if the evaluator identifies serious concerns, they are typically reported to the Board's staff within a few days of the evaluation. She also stated that the costs associated with the evaluation depend on the Assessor.

Dr. Wolf explained that the recommendation to complete a neuropsychological evaluation was a compromise in that when asked to opine as to whether a psychosexual evaluation was warranted, he recommended the neuropsychological evaluation versus doing nothing. Dr. Wolf stated that he did confer with Dr. Coffey, who was present during the investigational interviews, that the complainant was found to be credible, and that the evaluation was recommended as the next interim step for the investigation process.

Chairman Whitfield reiterated that the matter is still ongoing, and that the Interim Order was issued by the Executive Director, which he stated is an appropriate tool to aid in SIRC's review of the case. Chairman Whitfield reminded Board members that PA Genck and his attorney spoke during the Call to Public, and that their opinion was clearly stated and important to take into account when making a decision in this case. Chairman Whitfield also pointed out that a police report was filed by the complainant and that the allegation was unfounded.

Dr. Danielsen stated that he takes sexual boundaries cases extremely serious. He stated that over the years, there have been cases where the Board has had to take quick action. Dr. Danielsen commented that in this particular case, the point is well made that one complaint may not lead to the requirement to complete a neuropsychological evaluation. Dr. Danielsen opined that the investigation should continue without the requirement to complete the neuropsychological evaluation in light of the fact that there have been no other complaints of similar allegations. PA Clark stated that in light of the fact of what she heard during the Call to Public from the PA regarding his many years of practice without a record of accusations of wrongdoing and looking at the complainant's narrative, she would support accepting the appeal and foregoing the evaluation. Dr. Averitte observed that there was no chaperone present during the examination and stated that things would be clearer had there been one in the exam room during the patient encounter.

Board members recognized that the motion on the floor was to deny the appeal and accept the Interim Order for Neuropsychological Evaluation.

VOTE: The following Board members voted against the motion: Dr. Averitte, PA Clark, Ms. Crevier, Dr. Danielsen, PA Shaff, PA Reina, and Chairman Whitfield. The following Board members were absent: Drs. Dang and Kelly.

VOTE: 0-yay, 7-nay, 0-abstain, 0-recuse, 2-absent.

MOTION FAILED.

MOTION: PA Shaff moved to grant the appeal and continue the investigation.

SECOND: PA Reina

VOTE: The following Board members voted in favor of the motion: Dr. Averitte, PA Clark, Ms. Crevier, Dr. Danielsen, PA Shaff, PA Reina, and Chairman Whitfield. The following Board members were absent: Drs. Dang and Kelly.

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

P. ADJOURNMENT

MOTION: Dr. Danielsen moved for adjournment.

SECOND: Ms. Crevier

VOTE: The following Board members voted in favor of the motion: Dr. Averitte, PA Clark, Ms. Crevier, Dr. Danielsen, PA Shaff, PA Reina, and Chairman Whitfield. The following Board members were absent: Drs. Dang and Kelly.

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

The Board's meeting adjourned at 12:58 p.m.



Patricia E. McSorley, Executive Director

DRAFT