



## Arizona Medical Board

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### **DRAFT MINUTES FOR ADMINISTRATIVE JOINT LEGISLATION AND RULES COMMITTEE TELECONFERENCE MEETING Held via Zoom on Thursday, October 22, 2020**

#### ***Committee Members***

Jodi A. Bain, M.A., J.D., LL.M., Chair

R. Screven Farmer, M.D.

Edward G. Paul, M.D.

Pamela E. Jones

Lois E. Krahn, M.D.

#### **GENERAL BUSINESS**

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

Chairwoman Bain's called the Committee meeting to order at 4:03 p.m.

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

The following Committee members participated telephonically: Ms. Bain, Dr. Farmer, Ms. Jones and Dr. Krahn. The following Committee member was absent: Dr. Paul.

##### **ALSO PRESENT**

The following Board staff participated in the virtual meeting: Patricia McSorley, Executive Director; Kristina Fredericksen, Deputy Director; Carrie Smith, Assistant Attorney General (AAG); Evangeline Webster, Human Resources; Michelle Robles, Board Operations Manager; and, Andrea Cisneros, Minutes Administrator.

##### **C. PUBLIC STATEMENTS REGARDING MATTERS LISTED ON THE AGENDA**

No individuals addressed the Committee during the Public Statements.

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

- May 19, 2020 Administrative Joint Legislation and Rules Committee

**MOTION:** Ms. Jones moved to approve the May 19, 2020 Administrative Joint Legislation and Rule Committee.

**SECOND:** Dr. Krahn

**VOTE:** The following Board members voted in favor of the motion: Ms. Bain, Dr. Farmer, Ms. Jones and Dr. Krahn. The following Committee member was absent: Dr. Paul.

**VOTE:** 4-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

**MOTION PASSED.**

##### **E. REVIEW, DISCUSSION AND POSSIBLE RECOMMENDATION REGARDING THE DRAFT FIVE YEAR REVIEW REPORT FOR ARTICLE 2 (LICENSING)**

Executive Director McSorley reported that the draft five year review report for Article 2 is due at GRRC by the end of December. She stated that she was introducing the items to the Committee

today for review and consideration of suggestions made by staff. She stated that staff has identified four potential changes or edits to the rules that are warranted.

The Committee discussed the suggested change to R4-16-201(C) to remove the term “hospital affiliation” as “medical employment” is already defined in statute and will eliminate any potential confusion. Dr. Krahn and Ms. Bain commented that this change appeared to be technical and straightforward. Ms. Jones stated her concerns regarding removing the language from the rule as she recalled the language was added years ago in order for the Board to obtain additional information regarding hospital affiliations in addition to receiving info from the databank and the one hospital employing the individual. Executive Director McSorley explained that the rule is to be read in conjunction with the statute, and that statute defines “medical employment” to include all medical professional activities; therefore, hospital affiliations would fall under that activity. She stated that in this instance, the rule should conform with the statute as it is clear on what applicants should be reporting in terms of medical employment for the past five years. Dr. Farmer and Dr. Krahn spoke in support of the recommendation to change R4-16-201(C).

The Committee discussed the suggested change to include the ability to accept either a notarized statement or notarized copy pertaining to passports or birth certificates. The Committee observed that the rule currently requires the provision of a notarized copy of the individual's birth certificate or passport, and that years ago the Board removed the language of certified copies. Board staff has reported that individuals are submitting certified copies from a certifying agency for instances wherein documentation is no longer available. Dr. Krahn commented that this request seemed reasonable. Ms. Bain commented that adding the language back into the rule seemed reasonable as this is what Board staff has reported to have been receiving during the application review process.

The Committee discussed the proposed changes to place a time limit on the malpractice documentation requirement as suggested by staff. The Committee noted that historically, the Board has issued waivers of the documentation requirement as there have been instances where the documents have been destroyed per the various retention schedules. The Committee also recognized that patient medical records are required to be maintained for at least six years and that according to current rules, a copy of the complaint and claim are requested with no other standards specified. Dr. Krahn commented that the Board often sees incidents that are deemed remote and holding no bearing on the individual's current practice. She spoke in support of a mechanism that would not require full Board review in these instances; however, she stated that she pauses with concern when an individual appears to have a steady stream of incidents that continue to go unabated over the course of their career, and stated that there is some value in seeing older records in these instances. Ms. Bain commented that the concept was worth including in the five year review report and stated that the language would require some minor adjustments in order to provide the Board with some flexibility in these matters. Board staff confirmed that applicants would continue to be required to disclose prior malpractice claims. Dr. Farmer stated that he agreed with the comments from other Committee members, and that the issue was certainly worth considering.

Executive Director McSorley reported that the recommendations would be presented to the full Board for discussion and consideration, and will return to the Committee thereafter to finalize the report. Dr. Farmer spoke in favor of authorizing the Executive Director to work with the Committee's Chair to put together the recommended package for the Board's approval at its next meeting.

**MOTION: Dr. Farmer moved for the Committee to authorize the Executive Director to work with the Committee Chair to finalize the proposed amendments and forward to the Board for further consideration and possible approval.**

**SECOND: Dr. Krahn**

**VOTE: The following Board members voted in favor of the motion: Ms. Bain, Dr. Farmer, Ms. Jones and Dr. Krahn. The following Committee member was absent: Dr. Paul.**

**VOTE: 4-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.**

**MOTION PASSED.**

## **F. UPDATE ON THE STATUS OF THE FIRST QUARTER 2021 BUDGET**

Executive Director McSorley reported that rather than report the budget to the Committee on an annual basis, she will be presenting the budget on a quarterly basis in order for the Committee to review the Agency's expenditures. She informed the Committee that the Agency is on target with the budget and expenses as expected.

Dr. Krahn recognized that the majority of staff is currently teleworking, and questioned how this has affected the Agency's expenses. Executive Director McSorley stated that the new concept of "hoteling" the office space is being considered by a committee established by the Governor's Office and will be a cost effective measure. Dr. Krahn stated her concerns regarding the potential hoteling of the offices, noting that sharing the space could be disruptive to the Board's and staff's schedules.

Ms. Jones questioned the cost savings if the Agency were to share office space in the future. Executive Director McSorley stated that the matter is currently being staffed by the committee per the Governor's Office, and that the shared space would result in a rent reduction. Ms. Jones observed that there are currently three vacant IT positions with no plan to fill and questioned whether this was a result of the Board transitioning to a cloud-based system. Executive Director McSorley reported that due to the cloud-based system the Agency is now utilizing, and stated that the Agency will reassess the need for additional personnel after the Board's database has moved to the cloud in the next thirty days. Executive Director McSorley informed the Committee that Deputy Director Fredericksen has been managing the IT team and that she has done a wonderful job leading their group to see their vision of breaking away from hardware and into the cloud come to fruition. She reported that the Agency has contracted with a new provider to manage the cloud with the most sophisticated security analytics, and also with the benefit of utilizing the services of a group of individuals with the newest skillset to address constant changes in the system. Dr. Farmer spoke in support of utilizing the contracted services of a State-approved entity to provide IT services for the Agency. Ms. Jones recognized that the field of IT is constantly evolving and that the ability to keep one staff member up to date on all of those changes can be difficult and expensive.

Ms. Jones stated that the Committee benefited from seeing the budget summary on a quarterly basis and thanked the Executive Director for her hard work and efforts.

## **G. UPDATE ON RULEMAKING IN PROGRESS AND RULEMAKING CALENDAR**

Executive Director McSorley reported that the Agency is currently working on submitting Article 2 Five Year Review Report, and stated that the reports for Articles 3, 6, and 7 were submitted to GRRC and approved. She stated that the Agency is working on requesting exemption from the Governor's Office for rulemaking and will then proceed to publishing and soliciting public comments.

## **H. DISCUSSION AND POSSIBLE RECOMMENDATION REGARDING PROPOSING LEGISLATION IN 2021 AND ADDITIONAL RULEMAKING**

The Committee discussed potential future legislation topics, including Dr. Farmer's expressed interest in identifying a sanction less than an Advisory Letter to be included in the Board's non-disciplinary options. The Committee recognized staff's request to expand the reasons for granting an extension to complete CME required for license renewal to include other extenuating circumstances. The Committee further discussed the use of journal articles and the potential criteria to use when determine whether journal articles are acceptable CME. Dr. Krahn suggested acceptance of journal articles as approved CME only in instances where there is an extra step involved, such as a self-assessment quiz, to ensure comprehension and/or self-assessment. Dr. Farmer questioned whether the CME requirements are dictated by statute or Board policy. The Committee observed that the CME requirements are discussed under A.R.S. § 32-1434, and was informed that further outlining of CME requirements would require a policy decision by the Board.

and to establish later in rule. Dr. Farmer spoke in support of Dr. Krahn's suggestion relating to the journal articles. Executive Director McSorley stated that she will conduct further research to see how this can be incorporated into rule.

The Committee also discussed holding a special educational session with the full Board to review the statutes pertaining to its regulated community to gain a better understanding of what is required. Executive Director McSorley reported that the Board previously elected to include small educational pieces in their regular meetings as an alternative to holding one annual, lengthy special educational session. She stated that with the Board's new process for conducting Formal Interviews through the Committee meetings, there will be opportunities to include educational pieces in the full Board meetings in the future.

## **I. REVIEW AND DISCUSSION ON EMPLOYEE SATISFACTION SURVEY RESULTS**

Executive Director McSorley informed the Committee regarding the recent Employee Satisfaction Survey results. She stated that most employees are happy working at the Agency, and that she met with the managers to discuss the survey results. She stated that the managers came to the consensus based on employee feedback that the Agency is lacking a process for employee recognition and will be researching how to establish a formal employee recognition program.

Ms. Bain suggested a team building exercise at the lunch break during in-person meetings for the Board to engage with staff. Ms. Jones proposed holding a luncheon for the Board and staff. Dr. Farmer stated that he would with the Executive Director to come up with ideas regarding staff appreciation.

## **J. ADJOURNMENT**

**MOTION: Dr. Krahn moved for adjournment.**

**SECOND: Ms. Jones**

**VOTE: The following Board members voted in favor of the motion: Ms. Bain, Dr. Farmer, Ms. Jones and Dr. Krahn. The following Committee member was absent: Dr. Paul.**

**VOTE: 4-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.**

**MOTION PASSED.**

The Board's meeting adjourned at 5:00 p.m.



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Patricia E. McSorley, Executive Director