



## Arizona Medical Board

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### FINAL MINUTES FOR ADMINISTRATIVE JOINT LEGISLATION AND RULES COMMITTEE TELECONFERENCE MEETING

Held on Thursday, September 2, 2021

1740 W. Adams St., Board Room 4100 • Phoenix, Arizona

#### *Committee Members*

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

Laura Dorrell, M.S.N., R.N.

R. Screven Farmer, M.D.

Gary R. Figge, M.D.

Pamela E. Jones

Lois E. Krahn, M.D.

#### GENERAL BUSINESS

##### A. CALL TO ORDER

Chairwoman Bain called the Committee's meeting to order at 5:02 p.m.

##### B. ROLL CALL

The following Committee members participated in the virtual meeting: Chairwoman Bain, Ms. Dorrell, Dr. Farmer, Ms. Jones and Dr. Krahn. The following Committee member was absent: Dr. Figge.

##### ALSO PRESENT

The following Board staff and Assistant Attorney(s) General participated in the virtual meeting: Patricia McSorley, Executive Director; Kristina Fredericksen, Deputy Director; Carrie Smith, Assistant Attorney General ("AAG"); and Michelle Robles, Board Operations Manager.

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

No individuals addressed the Committee during the Public Statements portion of the virtual meeting.

##### D. APPROVAL OF MINUTES

- June 9, 2021 Administrative Joint Legislative and Rules Committee

**MOTION:** Dr. Krahn moved for the Committee to approve the June 9, 2021 Administrative Joint Legislative and Rules Committee.

**SECOND:** Ms. Dorrell.

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

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

**MOTION PASSED.**

##### E. EXECUTIVE DIRECTOR'S REPORT

- Introduction of Michelle Butler, Business Office Manager  
Ms. McSorley introduced Ms. Butler as the new Business Office Manager.
- Update on Engagement of an Auditor

Ms. McSorley informed the Committee that the Board will be hiring an auditor to complete a financial audit. She has met with three firms this week and will be meeting with the auditor general next week to establish a scope of work and to ensure that staff is properly managing the Board's finances. A budget of about \$25,000 has been estimated to complete the audit. Ms. McSorley noted that she is hoping to offer one of the firms the contract by end of the September.

**F. REVIEW, DISCUSSION AND POSSIBLE RECOMMENDATION REGARDING THE NOTICE OF PROPOSED RULEMAKING IN ARTICLE 2 (LICENSURE)**

Ms. McSorley reported that staff has submitted the 5 year review and obtained the Committee, Board and Governor's approval. Staff held a meeting to obtain stakeholder comments and have currently scheduled the public comments meeting for October 6, 2021. The intention is to have these rules approved by GRRC and be in effect by the end of December. Ms. McSorley reported that she does not anticipate there will be any substantive input going forward and that this will move smoothly.

**G. REVIEW, DISCUSSION AND POSSIBLE RECOMMENDATION REGARDING THE NOTICE OF PROPOSED RULEMAKING IN ARTICLE 3 (DISPENSING)**

Ms. McSorley explained that this article went through the same process but did not have as much stakeholder input and is set for public comment meeting on October 6, 2021 with the same goal of getting these rule changes into effect by end of December.

**H. REVIEW OF PROPOSED RULES IN ARTICLE 6 (DISCIPLINARY ACTION) PRIOR TO SUBMISSION TO THE FULL BOARD AND THE GOVERNOR'S OFFICE FOR APPROVAL TO COMMENCE RULEMAKING**

Ms. McSorley explained that Article 6 has to do with disciplinary actions and has five sections. Sections 1, 2 and 3 have been expired. The two sections that remain are regarding aggravating factors and mitigating factors. Ms. McSorley recommended that they should stay status quo as the Board uses these two sections and they do not require a change.

Ms. Bain inquired if this article is affected by the NPDB reporting issue.

Ms. Smith opined that these rules are not relevant to the NPDB issue. Ms. McSorley informed the Committee that if they have any suggestions or recommendations to let her know and it will be placed on a future agenda.

**I. REVIEW OF PROPOSED RULES IN ARTICLE 7 (OFFICE BASED SURGERY USING SEDATION) PRIOR TO SUBMISSION TO THE FULL BOARD AND THE GOVERNOR'S OFFICE FOR APPROVAL TO COMMENCE RULEMAKING**

Ms. McSorley explained this was considered before for rulemaking but was not completed. With a new change in leadership, at the Arizona Society of Anesthesiologists (ASA) rulemaking was postponed and a request for comments was made. Comments were received from the President of ASA and from the Arizona Medical Association. Ms. McSorley noted rule R4-16-704 as one of the rules that needs to be updated. Ms. McSorley noted that Dr. Wolf, the Board's Chief Medical Consultant, assisted with the changes due to the complexity of the rules and requested feedback and guidance from the Committee.

Dr. Krahn opined that the Board needs to carefully define things to protect the public. Dr. Farmer explained that when these rules were first done they were controversial but opined that they improved public safety. Dr. Farmer agreed with the society's comments, however noted that they are very complex and need to be very careful when changing these rules. Dr. Farmer suggested convening a forum with stakeholders so that everyone could get on the same page and recommend how to proceed.

Ms. McSorley opined that the a committee would be able to focus on the comments and go rule by rule to see what needs to be changed and redefined. Ms. McSorley stated that she would facilitate a meeting to work through the rules.

Dr. Farmer suggested that ASA, ArMA and other stakes holders should come together.

Ms. McSorley agreed to schedule a meeting for stakeholders and Board members, and noted that if there is a quorum of Board members present, staff can give public notice.

Ms. Dorrell expressed appreciation for the time given to these rules to ensure safety and continued direction for clinics.

## **J. REVIEW, DISCUSSION AND REQUEST FROM THE ARIZONA MEDICAL ASSOCIATION TO REVIEW THE MEDICAL LICENSING REQUIREMENT FOR GRADUATES OF INTERNATIONAL MEDICAL SCHOOLS**

Ms. Bain opened the discussion on how to move forward with obtaining constituent input to better understand the options and the various potential outcomes.

Ms. McSorley explained that this is being provided as information and noted that she had a discussion with John Morris from ArMA, where they passed the resolution at its annual meeting and encouraged the Board to investigate the disparity a more equitable path for foreign medical school graduates. Ms. McSorley explained that the Board has two distinctions: Approved and Unapproved school of medicine. An applicant that has graduated from an unapproved school must have ECFMG certification and 36 months of training. If the applicant graduated from an approved school they only need 12 months of postgraduate training. The Board has made exception when using the equivalency argument when considering 36 months of training that is not ECFMG approved. This has become a policy issue and noted that many states handle this issue differently. There needs to be a discussion and a policy be put in place. Ms. McSorley noted that the ECFMG is changing certification requirements effective in 2024..

Dr. Krahn opined that the Board needs to be careful when considering this issue given its complexity and recommended being guided by the ECFMG's decision-making.

Ms. McSorley suggested that she write a letter to ArMA to confirm the Board's review of their request.

Dr. Farmer appreciated Dr. Krahn's sentiments and agreed that the Board should proceed with caution.

## **K. STAFFING UPDATE**

Ms. McSorley informed the Committee regarding recent personnel changes and current vacancies. .

Ms. Jones inquired about the personnel report provided for the Committee's review. .

Ms. McSorley explained that the two Boards share staff.

Ms. Jones asked about whether Board staff vacancies are at a normal level or whether they have increased.

Ms. McSorley explained that it is standard to have vacant positions to fill need and provide flexibility to staff where the need arises.

## **L. BUDGET UPDATE**

Ms. McSorley informed the Committee that staff has asked for \$450,000 in the decision package. The Board was given \$320,000 after adjustments for modified pay periods. This is the first time in 20 years that the Board has gotten an increase in appropriation. The Board put the money towards PRE, computers and software maintenance. The Board has increased from its IT budget to support the cloud based system. Special projects will require rearranging the budget where needed. Ms. McSorley noted that at this point no action is needed by the Committee.

## **M. UPDATE ON IT PROJECTS**

Ms. Fredericksen informed the Committee that one of the projects for this year is to refresh Board room A. With the increase in the appropriated the furniture and equipment need to be updated. She has started to obtain quotes for new microphones that will be put in the ceiling and to improve acoustics in the room. Once quotes are obtained for audio, AV and furniture she will go to the other boards who utilize board room A to assist in feedback and to assist in paying for the upgrade. IT is actively working with Microsoft to update the Microsoft Azure Cloud. Ms. Fredericksen explained this goal is to complete this efficiently and cost effective for the state.

Ms. Jones commented regarding the timeline for completion Dr. Krahn recommended taking the room configuration into account when purchasing new furniture.

Ms. Fredericksen commented she will take these concerns into account.

## **N. ADJOURNMENT**

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

**SECOND: Ms. Dorrell.**

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

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

**MOTION PASSED.**

The meeting adjourned at 6:08 p.m.



  
Patricia E. McSorley, Executive Director