



## Arizona Medical Board

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### **DRAFT MINUTES FOR ADMINISTRATIVE JOINT LEGISLATION AND RULES COMMITTEE TELECONFERENCE MEETING**

**Held on Tuesday, January 18, 2022**

**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 4:03 p.m.

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

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

#### **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**

- September 2, 2021 Administrative Joint Legislative and Rules Committee

Board staff noted corrections have been made to accurately reflect how Committee members voted.

**MOTION:** Dr. Figge moved for the Committee to approve the September 2, 2021 Administrative Joint Legislative and Rules Committee.

**SECOND:** Ms. Jones.

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

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

**MOTION PASSED.**

#### **E. UPDATE ON RULEMAKING PROCESS**

Ms. McSorley provided a chart with due dates for the articles and rules that have been confirmed with GRRC. The five year review for Articles 1 and 4 will be due in August of 2022. Section 1 is regarding

the definitions of the Rules and Section 4 is regarding medical assistants. There is a need for Rules to be updated to meet the statutory requirements. The whole chart will be updated to reflect when the rules became effective. Ms. McSorley noted that Article 2 rules will become effective in February 2022. Article 7 has to do with sedation and a meeting will be arranged with stakeholders shortly.

Ms. Bain requested that the title and name of the article be added to the table. Ms. Bain requested that the draft report be available by May for the Committee's review and noted that the Board does have a rule writer to assist Board staff in writing the draft.

#### **F. UPDATE ON THE IMPLEMENTATION OF THE TELEHEALTH REGISTRATION AND TRANSITIONAL TRAINING PERMIT FOR MEDICAL SCHOOL GRADUATES (LICENSURE)**

Ms. McSorley provided an update to the Committee regarding this statutory mandate that came out of the last legislative session. Ms. McSorley noted that the Board has received 42 transitional training permit applications since it went live in November 2021. The Board has issued 37 permits and only one supervising physician has reported to the medical board.

Dr. Krahn inquired if it is expected for the graduate to have malpractice insurance or just the supervising physician.

Ms. McSorley commented that malpractice insurance was not contemplated in this legislation.

Dr. Krahn inquired how education and medical care is defined for the physician's annual report.

Ms. McSorley referenced subsection (E)(4) and noted that the trainee is required to have 65 hours of continuing medical education ("CME").

Dr. Figge commented on the origin and history of this type of permit.

Dr. Figge inquired about trainees applying to both the Medical and Osteopathic Board since both Boards offer a permit.

Ms. McSorley informed the Committee that she will follow up after researching the process.

Dr. Figge noted that the education requirements and certification between allopathic or osteopathic licensure is becoming more narrowed.

Ms. Jones inquired whether there needed to be a delegation agreement for a trainee.

Ms. Smith clarified that the delegation agreement is specific to the PAs. Ms. Smith provided the statutory language regarding the contractual agreement required between the qualified supervising physician and the trainee.

Committee members inquired if the Board has jurisdiction over the supervising physician and the trainee or just the supervising physician.

Ms. Smith confirmed that the statute does place trainees under the Board's jurisdiction. The supervising physician may also be subject to Board review for failing to comply with the requirements of the statute.

#### **G. UPDATE, DISCUSSION AND POSSIBLE RECOMMENDATIONS REGARDING 2022 LEGISLATIVE SESSION**

Ms. McSorley reported that a Sunrise Application was submitted by pharmacy organizations. They are trying to expand pharmacists' scope of practice to include the expanded duties that were given by the governor during the state of emergency. Ms. McSorley noted that a rule was offered and tabled regarding the issue of techs giving vaccine shots pending the outcome of the Pharmacy Sunrise Application. HB2429 would recognize the confidentiality of wellness programs and will allow Boards to obtain information when necessary. SB1162 would provide an exception to the 90 day opioid requirements and give the physician more discretion when prescribing opioids.

Dr. Figge commented that this bill will be revised as it moves forward.

#### **H. UPDATE ON THE REQUEST FROM THE ARIZONA MEDICAL ASSOCIATION TO REVIEW THE MEDICAL LICENSING REQUIREMENT FOR GRADUATES OF INTERNATIONAL MEDICAL SCHOOLS**

Ms. McSorley reported that staff was approached by an ArMA representative to hold a meeting to consider the issue.

Dr. Krahn commented that this is an item that needs to be carefully looked at and that the complexities be highlighted. Dr. Figge commented that this is a resolution proposed by ArMA, where various states have different requirements, but the intent is to have adequate and equivalent training for foreign medical graduates.

Ms. McSorley noted that Arizona is in the majority of the states that requires 3 years of post-graduate training.

Dr. Figge noted that the goal is to get the medical board on board prior to requesting a statutory change.

## **I. UPDATE, DISCUSSION AND RECOMMENDATIONS RELATED TO THE AGENCY BUDGET**

Ms. McSorley provided some highlights in the memo for the Committee's review. In fiscal year 2022 the Board received an additional appropriation for updating the board room and to have a second azure cloud environment.

Ms. Bain noted that one time appropriates must be approved and come from the reserve. Ms. Bain also noted that revenue is on target to be higher this year than the prior year due to the increased applications.

Ms. McSorley informed the Committee that the various new license applications have created a higher workload for staff.

Ms. Bain noted the budget that is set for board staff positions. Staff may fill two to four positions as needed.

Ms. McSorley agreed that staff will be hired based on need given the new licensing workload and the open investigations positions. Temp staff positions will be utilized as well based on need.

Dr. Farmer opined that given the current labor market and workload we should not get too far behind on hiring.

Ms. McSorley noted that an investigative staff member resigned, and she is looking to fill the position.

In response to a Committee member's question, Ms. Jensen stated that the Board is funding the majority of the upgrades on board room A, and she confirmed that the Board will still need to share the room with all boards in the building.

Ms. Jensen noted that she will be meeting with the other board executive directors to discuss funding and scheduling priority. The updates may be delayed due to supply chain issues. Staff does not anticipate updates to be completed until the end of fiscal year. The proposed floor plan is replacement of all furniture and dais. Ms. Jensen noted social distancing protocols may be implemented once returning to in-person meetings.

Committee members discussed HVAC and filtration needs for the Board room.

## **J. STAFFING UPDATE**

Discussed under topic I.

## **K. UPDATE ON IT PROJECTS AND BOARD ROOM A RENOVATION**

Ms. Jones acknowledged the hard work that has been done by Ms. Jensen on the Board room renovation and the 3D rendering that was provided.

Ms. Jensen informed the Committee that the Board will be transitioning to a Power BI dashboard as it is more cost effective than Tableau. Staff is anticipating that the financial dashboards will be provided to the Board in about three months.

## **L. UPDATE ON DISCUSSIONS WITH CENTERS FOR MEDICARE AND MEDICAID BILLING SERVICES (CMS) RELATED TO AMB ENFORCEMENT OF NO SURPRISE BILLING STATUTE**

Ms. McSorley reported that Board staff came to an agreement with CMS and agreed that the Board would not have to sign the enforcement agreement and will continue to address complaints with the Board's current investigation process and statutes.

Ms. Bain suggested the next meeting be scheduled for the middle of March.

Ms. McSorley suggested CME requirements/training as a future training topic for the Board but requested that if Committee members have suggestions to let staff know.

## **M. ADJOURNMENT**

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

**SECOND: Dr. Figge.**

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

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

**MOTION PASSED.**

The meeting adjourned at 5:27 p.m.



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Patricia E. McSorley, Executive Director