



## Arizona Medical Board

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### **DRAFT MINUTES FOR THE PHYSICIAN HEALTH PROGRAM COMMITTEE TELECONFERENCE Held on Wednesday, April 24, 2024 1740 W. Adams St, Board Room 4100, Phoenix, AZ 85007**

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

Lois E. Krahn, Chair

Jodi A. Bain, Esq.

R. Screven Farmer, M.D.

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

Chair Krahn called the meeting to order at: 4:04 p.m.

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

The following Committee members participated virtually: Dr. Krahn, Dr. Farmer and Ms. Bain.

#### **ALSO PRESENT**

The following Board staff participated in the meeting: Patricia McSorley, Executive Director; Raquel Rivera, Interim Deputy Director; Claude Deschamps, M.D., Chief Medical Consultant; Erinn Downey, PHP Manager; and Michelle Robles, Board Operations Manager. Jeanne Galvin, Assistant Attorney General ("AAG") and Carrie Smith, AAG also participated in the meeting.

#### **C. GENERAL CALL TO THE PUBLIC**

Individuals who addressed the Committee during the Call to the Public appear beneath the items on the agenda.

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

- March 9, 2023 Physician Health Program Committee Meeting

**MOTION:** Dr. Farmer moved to approve the March 9, 2023 Physician Health Program Committee meeting minutes.

**SECOND:** Ms. Bain.

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

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

**MOTION PASSED.**

#### **E. DISCUSSION OF CURRENT HEALTH PROFESSIONALS MONITORING CONTRACT STATUS AND PHYSICIAN HEALTH PROGRAM (PHP)**

Ms. McSorley provided an introduction of the Arizona PHP. The contract that the Board has been operating under is no longer valid and the hope is to continue the status quo with the Board's two contactors until changes are made or proposed.

#### **F. DISCUSSION WITH STAKEHOLDERS AND CONSIDERATION OF SUGGESTIONS RELATED TO THE PHP**

Dr. Lott highlighted the four components of the preliminary proposal he submitted for the Committee's consideration which include confidentiality, the quality of the program, the clarity of the program so that members can better understand where they can go for help and the cost.

Dr. Baron provided a presentation on the Tennessee PHP.

Ms. Bresnahan provided a presentation on the Triad of Confidentiality and how this has been incorporated into other state PHPs.

Dr. Kim provided a presentation on the Pennsylvania PHP and the importance of a confidential track.

Dr. Baron informed the Committee of how their program is funded and noted the importance of keeping the costs low for participants.

Dr. Kim noted that most state PHPs are non-profits and how the fees are assessed in the Pennsylvania PHP.

Dr. Krahn summarized the Arizona PHP's history and pathway and noted that participants have reported that the costs are burdensome.

Ms. Bresnahan summarized where the Massachusetts's funding comes from.

Dr. Krahn stated that the Board needs to review the applicable statutes to assess if statutory changes must be made and requested input from Ms. Smith.

Ms. Smith informed the Committee of the two statutes that are applicable to the Board's PHP, A.R.S. §§ 32-1452 and 32-1452.01. Ms. Smith discussed the mandatory reporting and record disclosure provisions in each statute. Ms. Smith stated that changes would likely need to be made in order to have a program that is confidential not only to the public but also to the Board. Ms. Smith noted that changes would also need to be made to other provisions in the Medical Practice Act that create a mandatory obligation to report impaired physicians directly to the Board.

Dr. Krahn agreed that we would need to seek legislative action before the Board would have the latitude to consider different models.

Dr. Lott noted that his proposal did incorporate an exemption for reporting and naturally allowing a confidential track within the parameters of the law.

Ms. Smith opined that with the immediate reporting requirements and documentation production requirements it would be difficult without changing the statute.

Dr. Krahn appreciated the discussion but noted that change cannot be made prior to the contract expiring and would need to be discussed with the full Board.

Dr. Farmer commented that PHPs around the country have outstanding success rates and that he would like to see more data regarding lower malpractice rates. Dr. Farmer opined that additional data can be taken to support the change of laws by showing that this really is in the best interest of public safety.

Ms. Bain agreed that the conversation today provides options and that some of the statutory restrictions are difficult to modify.

Dr. Krahn agreed that the data is compelling that when confidentiality is promoted and protected there seems to be more willingness of individuals who may be in an earlier stage of an addiction illness participating and obtaining help and hopefully being able to address the issue so that they don't have any further progression.

Ms. Bresnahan commented regarding Arizona's mandatory reporting for impairment and that there is a grey area regarding impairment where an individual can be in need of help that may not meet the requirement for reporting.

Dr. Kim agreed that cost remains to be a barrier in all PHPs across the country however that does not change the model, which works.

Dr. Baron provided a document regarding the risks post monitoring.

Dr. Karp volunteered to assist Board staff with consultation.

## **G. DISCUSSION AND CONSIDERATION OF FUTURE PHP MONITORING, ASSESSMENT AND INTERESTED CONTRACTORS**

Ms. McSorley noted that the data has changed and developed since the enactment of many of the statutes in Arizona that address PHP and monitoring issues. This is a critical moment to assess what changes need to be made to better help physician health in Arizona. Ms. McSorley noted that changes would need to be made either statutorily or through some type of rule or policy first before we could get to the type of PHP program that the State Federation of Physician Health Programs really endorses.

## **H. TOPICS FOR FUTURE MEETING**

Dr. Krahn requested that these topics and documents be agendaized for a full Board meeting. Dr. Krahn requested that another topic be regarding having a PA representative on the Committee to ensure the Committee is addressing the PA community.

Ms. Rivera inquired about how the Committee would like Board staff to handle new requests for monitoring providers.

Dr. Krahn opined that we would certainly review new applicants and be convinced that any additional monitors are offering services that are substantially similar to the licensees that the current providers are offering and the resources available.

Ms. Rivera noted that both interested parties are currently board approved assessors.

## I. ADJOURNMENT

**MOTION: Ms. Bain moved to adjourn the meeting.**

**SECOND: Dr. Farmer.**

**VOTE: The following Committee members voted in favor of the motion:**

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

**MOTION PASSED.**

The meeting adjourned at: 5:21 p.m.



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Patricia E. McSorley, Executive Director