



Arizona Medical Board

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FINAL MINUTES FOR ADMINISTRATIVE JOINT LEGISLATION AND RULES COMMITTEE TELECONFERENCE MEETING Scheduled to begin at 4:00 p.m. on Monday, January 29, 2024 1740 W. Adams St., 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 meeting to order at 4:08 p.m.

B. ROLL CALL

Staff present: Ms. McSorley, Ms. Smith, Ms. Rivera, Ms. Butler, Ms. Robles and Ms. Foster.

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

The following Committee members were absent: Dr. Krahn and Dr. Figge.

ALSO PRESENT

The following Board staff participated in the virtual meeting: Patricia McSorley, Executive Director; Raquel Rivera, Interim Deputy Director; Michelle Butler, Chief Operations Officer; Michelle Robles, Board Operations Manager and Heather Foster, Public Records Coordinator. Carrie Smith, Assistant Attorney General ("AAG") was also present.

C. PUBLIC STATEMENTS REGARDING MATTERS LISTED ON THE AGENDA

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

D. APPROVAL OF MINUTES

- August 29, 2022 Administrative Joint Legislative and Rules Committee

MOTION: Ms. Jones moved for the Committee to approve the August 29, 2022 Administrative Joint Legislative and Rules Committee.

SECOND: Dr. Farmer.

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

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

MOTION PASSED.

E. RULEMAKING REVIEW AND POSSIBLE RECOMMENDATIONS

- General Update
- Review of Five-Year Tracking Sheet

Ms. McSorley provided an update to the Committee regarding the Five-Year Review timeline. The next five-year review is due February 2025; for rules related to dispensing and disciplinary action. The Board has an obligation to review the rules every five years and propose any changes as needed or to propose any rulemaking. The last rulemaking that needs to be completed is for office-based surgery. There were two minor changes that were submitted for the 5 year review and will be posted for comment. Ms. McSorley reported that there is nothing under review by GRRC right now and that they have approved the rules for office-based surgery and sedation. The change was to get the rule compliant with the statute and allows the physician to offer office based training.

- Existing Status Five-Year Review Report Status
- Future Five-Year Review Report Critical Date Path

Ms. Bain requested that the next review's draft be available by July 2024 for article 3 and 6. Article 2 should be reviewed by February 2025.

- Pending Rulemaking & Critical Date Path Update
- What to expect in the next 12 to 18 months

Ms. McSorley noted that staff would have a better understanding of potential rulemaking by the end of the legislative session. There are several new licenses that are being proposed, which will come with a share of rulemaking to implement those licenses. Ms. McSorley noted that this type of legislation usually includes a rulemaking exemption, which could be used to implement any needed rules..

F. STAFF UPDATE- REVIEW AND POSSIBLE RECOMMENDATIONS

- General Staffing Update

Ms. McSorley informed the Committee that there are 46 staff members and 10 contract employees. Ms. McSorley explained that the Board is currently using the contract to hire model to ensure that the person who is eventually hired is the best fit for the position. Ms. Rivera informed the Committee of the process for hiring and firing a contract employee through a temp agency.

Ms. Jones spoke in favor of the contract to hire process.

- Investigations - Investigator Role, Capacity & Team Update

Ms. Rivera reported that the Board was able to offer employment to three investigators who were contracted. Ms. Rivera informed the Committee that there are over 1000 open investigations, not including compliance cases. That is an average of about 92 cases for each investigator. The newest contracted investigator has a case load of 40 cases and the largest investigator case load is 172 cases, all with different priority levels. Ms. Rivera informed the Committee that Ms. Samaradellis will be moving into the investigations manager role and of the new changes that will be implemented within the department.

- Medical Director – Role, Focus & Update
- Interim Deputy Director – Role, Capacity & Duties

Ms. Rivera informed the Committee that she will be moving into her role as acting Deputy Director but will still be overseeing PHP and Compliance for now. In her role as Deputy Director she will be implementing the monthly newsletter again and will be highlighting staff members, important laws or certain violations. Ms. Rivera reported that she will also be working on more outreach by continuing to work with medical schools and law enforcement. Ms. Rivera noted that she has a meeting with Mesa SVU in February. She will be assisting with rule making and special projects. Ms. Rivera noted that one of the special projects will be to make a video for the public on how to file a complaint; including the difference between being confidential versus or anonymous.

Ms. Dorrell spoke in favor of educational videos. Ms. Jones spoke in favor of educating medical students.

Ms. Rivera confirmed that the cases and volume of complaints are getting more complex and time consuming.

Dr. Farmer and Ms. Jones agreed that the issues are getting more complex and detailed.

Ms. Rivera noted that with rule and law changes the investigators also require additional training. Ms. McSorley noted that the number of complaints has not dramatically increased but that the complexity of the case and work has changed.

Ms. Bain inquired about medical school outreach and if someone can liaison with the new medical director.

Ms. McSorley confirmed that the medical director can be incorporated with this outreach and noted that Dr. Deschamps has done some outreach.

Ms. Bain commented that outreach to hospitals is helpful since this setting is different from medical schools.

Ms. Rivera confirmed that this is the highest case load since 2013, but noted that there are various factors throughout the investigation that can hold up an investigation. Ms. McSorley noted that there were a few long-term investigators who left and there is a learning curve with the new investigators. Ms. Rivera informed the Committee of a new type of investigation, the CSPMP investigation, which can be time consuming. Ms. McSorley explained that the goal is to complete an investigation within 180 days; however, that is not practical with these complicated cases.

Ms. Jones inquired if with the three new hires is the investigations department fully staffed.

Ms. McSorley informed the Committee that there is a request in the 2024 budget requesting funds for two additional investigators.

G. FY24 BUDGET- REVIEW AND POSSIBLE RECOMMENDATIONS

Patricia E. McSorley, Executive Director

- Review and Discussion of FY24 Budget (July 1, 2023 to June 30, 2024 – current budget)

Ms. McSorley explained that the budget does not change drastically from year to year unless there is a special IT project. Ms. McSorley explained the amount requested for the two new investigators and that when hiring a state employee, she must take into account the salary and the ERE contribution. Ms. McSorley noted that out-of-state travel for training is not a significant expense. Ms. McSorley noted the increase in compensation to outside medical consultants. Ms. McSorley commented that the Board is given a lump sum budget, and sometimes changes have to be made, just to ensure that staff can achieve the Board's mission and stay current with IT.

- Review and Discussion of Historical “Decision Package” Requests versus Approved Appropriation

Ms. McSorley explained that in order to get any additional appropriation, the Board must request it via a decision package. Ms. McSorley noted that in Fiscal Year 2021, the Board was asked to move to Salesforce, which is extremely expensive, and not suited to the type of work that the Board does and she was able to negotiate an exemption from Salesforce. So even though the funds were requested, they were not appropriated. From the regular appropriation, the Board returned \$406 to the Cash Balance Fund, bringing it up to 9.2 million. In Fiscal Year 2022, the Board wanted to move IT operations to the cloud so a decision package for \$450,000 was requested. The Board got the monies and it was spent as allocated. In the end, the Board returned \$139,000. For Fiscal Year 2023, the Governor increased salaries by 10 percent, including the AG's Office, which the Board has a contract for. So an adjustment was made to the Executive Budget and it did not have to be a special appropriation. Ms. Buttler explained that the decision package that was requested in Fiscal Year 2023 was approved and will be in the appropriation for Fiscal Year 2025.

Ms. Jones inquired about the salary that is paid to the temp agency.

Ms. McSorley reiterated that this is a lump sum budget and the Board has room to take from one category and put it in another category, except when the legislature earmarks a particular amount of money. There are still some guidelines on how the Board can spend the monies.

Due to a lack of quorum, the Committee tabled the rest of the discussion items for a future agenda.

H. FY25 BUDGET- REVIEW AND POSSIBLE RECOMMENDATIONS

Patricia E. McSorley, Executive Director

- Review and Discussion of FY25 Proposed Governor's Executive Budget (July 1, 2024 to June 30, 2025)
- AMB FY25 Appropriations Budget Request to increase FY24 budget for FY25 for Funds to Onboard Four Additional Investigators (Ask \$300,000) –Request from Reserves.
- FY25 Executive Budget Endorsing \$174,000 (Ask was \$300,000) Budget Increase for Funds to Onboard Additional Investigators – Request from Revenue (not Reserves).

I. GOVERNOR'S PROPOSED BUDGET RECOVERY

Patricia E. McSorley, Executive Director

- Review and Discussion of the Proposed Governor's Executive Recommendation for FY25 Budget Recovery
 - Budget Recovery from AMB Reserve Fund
 - Expected AMB Reserve Funds Sweep \$8.5M

This item has been tabled for a future agenda.

J. FY26 BUDGET- REVIEW AND POSSIBLE RECOMMENDATIONS

- Review and Discussion of Possible Decision Package (Appropriation Request) for FY26
 - Outreach
 - Programming
 - Other Ideas

This item has been tabled for a future agenda.

K. REVIEW, DISCUSSION AND POSSIBLE RECOMMENDATIONS REGARDING PROPOSED LEGISLATION

The Committee will receive a summary of the following proposed legislation from staff, including but not limited to:

- SB 1263 Anesthesiologist assistant; license
- SB 1249 Psychologists; prescribing authority
- SB 1406 International Medical Licensees; provisional license
- SB 1343 Agency Review; rules; automatic expiration

This item has been tabled for a future agenda.

L. DISCUSSION OF FUTURE TOPICS

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

M. ADJOURNMENT



Patricia E. McSorley
Patricia E. McSorley, Executive Director