



## Arizona Medical Board

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### FINAL MINUTES FOR ADMINISTRATIVE JOINT LEGISLATION AND RULES COMMITTEE TELECONFERENCE MEETING Held on Monday, March 4, 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 5:13 p.m.

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

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

The following Committee member was absent: Ms. Jones

##### **ALSO PRESENT**

The following Board staff and Assistant Attorney(s) General participated in the virtual meeting: Patricia McSorley, Executive Director; Raquel Rivera, Interim Deputy Director; 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. FY24 BUDGET - REVIEW AND POSSIBLE RECOMMENDATIONS**

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

Ms. McSorley provided an excel sheet reflecting the Board's expenditures for half the year. Ms. McSorley noted the ERE number, which is the Board's biggest expenses. The expenses are pretty much set as the Board does not have too many variables.

Ms. Bain inquired about the budget set for IT.

Ms. McSorley informed the Committee that the Board is currently upgrading GLS to the newest version, which will be paid incrementally. Ms. McSorley explained that there is an ongoing evaluation of what the needs of the agency are and that she meets with support services once a month to discuss what the needs are. Ms. McSorley confirmed that the appropriation for the two new investigators will become part of the lump sum budget going forward.

Dr. Krahn commented that hopefully additional investigators will help move our investigations forward in a timely manner.

Ms. McSorley noted that although the Board requested the funding for four new investigators the Governor's office approved funding for two additional investigators and now it must be approved by the legislature.

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

Ms. McSorley reported that the Board has asked for monies which was not approved. There were two vendors that were suggested for the agency to move to and the Board requested monies to moved to Salesforce, which was not approved. In fiscal year 2022 there was monies requested for the Board to move to the cloud which was approved as a special item. Another request was for an appropriation for the AG's office, which was not approved as an appropriation but as an adjustment. Finally, the request for additional investigators was approved in part for two additional investigators.

## **E. FY25 BUDGET - REVIEW AND POSSIBLE RECOMMENDATIONS**

- Review and Discussion of FY25 Proposed Governor's Executive Budget (July 1, 2024 to June 30, 2025)

Ms. McSorley confirmed that the Board will have enough money appropriated to run the agency.

- AMB FY25 Appropriations Budget Request to Increase of Funds to Cover 4 Additional Investigators (\$300,000)
- Executive Budget Approved \$174,000 Budget Increase. Increase Funds from Revenue.

Ms. McSorley confirmed that this amount is for the two new investigators that will begin July 1, 2024 as part of the 2025 budget.

## **F. GOVERNOR'S PROPOSED BUDGET RECOVERY**

- Review and Discussion of the Proposed Governor's Executive Recommendation for FY25 Budget Recovery from the AMB Reserve Fund

Ms. McSorley provided information regarding the State's fiscal budget at this time and why the recovery is needed.

- AMB Reserve Fund – Expect AMB Reserve Funds Sweep \$8.5M

Ms. McSorley reported that all the agencies have to contribute and that the Board is required to contribute 8.5 million dollars.

## **G. FY26 BUDGET - REVIEW AND POSSIBLE RECOMMENDATIONS**

- Review and Discussion of Possible Decision Package (Appropriation Request) for FY26

Ms. McSorley reported that the decision packages are due in August but at this point there we will not be asking for an appropriation.

- Outreach and/or Programming

Ms. Bain suggested providing information and outreach regarding to providers, counsel and the public regarding various topics that effect the Board and practice.

Dr. Krahn commented regarding issues she has identified during Board meetings including physicians not understanding the obligation to check the CSPMP. Dr. Krahn suggested reaching out to the Pharmacy Board to see what materials are offered to a newly licensed physician or to see if this is an area that needs more attention.

Ms. McSorley informed the Committee that the Board's liaison would be Doug Skvarla and that Ms. Rivera can reach out to him.

Ms. Rivera reported that she will be meeting with the Pharmacy Board on March 12<sup>th</sup> and noted that they have a lot of resources on their website. Ms. Rivera opined that as long as staff makes the information available physicians will eventually become aware of the law.

Ms. Dorrell agreed that having a robust website is helpful.

Ms. McSorley confirmed that the Board's website will be worked on in the coming year to be more user friendly.

- MCLE

## **H. REVIEW, DISCUSSION AND POSSIBLE RECOMMENDATIONS REGARDING PROPOSED LEGISLATION**

The Committee will be provided for review relevant pending legislation, including but not limited to:

- SB1406 international medical licenses; provisional licensure

Ms. McSorley reported that this bill has passed through the Senate and is in the House now. There are more guardrails included and Ms. McSorley opined that it has the potential to move forward.

- HB2686 health professional regulatory boards

Ms. McSorley reported that this bill addresses when a physician has an open case and is required to report it during the credentialing process. This bill would require that an investigation be completed within 180 days however; staff can request an additional 100 days if needed or it will need to be administratively closed. An administratively closed case can be reopened when additional information is available.

Dr. Farmer stated that he understood the rationale that a board investigation should proceed expeditiously, but noted that there are factors that the Board does not have power over that could prolong the process. Dr. Farmer inquired if the Board has input on this legislation since prolonging an investigation can become a tactic used to close a case which can be an issue when protecting the public.

Ms. McSorley informed the Committee that staff can utilize administratively closing a case and the case can be reopened once there is more evidence. Ms. McSorley reported that there have been multiple stakeholder meetings regarding cases that take longer due to extenuating circumstances.

Committee members discussed the need for PHP cases to be an exception. Dr. Krahn opined that there is a potential for people to work this system that would not be in the interest of protecting the public.

Ms. Smith informed the Committed that in subsection 8, it does provide the Board with three options at the 180 day period. One is to submit the investigation to the Board for review and the language intends for the investigator submit the investigation to the Board for review so if a licensee is receiving ongoing PHP to the Board for the Board. Putting the investigation on the agenda for the Board's review would make it public. Most PHP's process is to keep it confidential. There is subsection b that would allow the Board staff to report to the Board a list of cases that could not be completed within a 180 for the Board to continue. This would include a case with an interim practice restriction. This continuance would include another 180 days to complete. There is some flexibility built into the statute. Ms. Smith advised that this would be something for the Board and staff to assess and create a process.

Dr. Farmer opined that the whole idea behind encouraging self-reports and for physicians to seek treatment is having a confidential agreement and to disincentivize people entering treatment would be a detriment to public safety. Dr. Krahn agreed that we need to protect those who wish to self-report and would need to create a process to protect confidentiality.

- SB1510 certifying organizations, secretary of state

Ms. McSorley reported this bill has not had any movement but would create certifying organizations that would have you could go to have your operations credentials certified instead of going through a licensing board. Ms. McSorley stated that this is all new territory and noted that a hospital may not want to hire someone who went through an organization instead of a licensing board.

Ms. Bain read the language for the record and inquired if this is really circumventing the Board.

Ms. Smith explained that the language of the bill is challenging in a number of areas.

Ms. McSorley stated that this would put Boards in trouble as they rely on licensing fees.

Ms. Smith commented that the goal of the bill appears to be moving professional regulation away from the state agencies and make way for private market driven organizations to serve that role.

Dr. Krahn inquired if a certified physician would still be held to the Arizona Revised Statutes. Ms. Bain agreed that this is one of the issues about the law.

- SB1507 transitional training permittees; medical licensure

Ms. McSorley explained that this bill is regarding converting the transitional training permit to a license. It is creating an associate level physician for those who don't match but get hands on training for four years. They must still try to match with a residency program. Ms. McSorley recommended that the Board does not take a stance and remain as an enforcement agency.

Dr. Figge commented that the original bill only allowed three years and now it's four years and to get a regular license. Dr. Figge noted that there is not certification or regulation and that there is no safety to the public. Dr. Figge opined that this seems reckless. Dr. Farmer found it very alarming that we would contemplate licensing someone who has had years of training, but still cannot match, which implies they are not qualified. Committee members agreed that the Board should be transparent regarding their concerns for public safety.

Ms. McSorley noted that ARMA is going to introduce this language to their organization next week.

Committee members agreed that this should be considered at the full Board meeting.

- SB1343 Agency Review; rules; automatic expiration

Ms. McSorley reported that this bill is regarding if the Board does not submit their five year review in time they will be deemed automatically expired. Ms. McSorley opined that this one will pass and it gives GRRC the ability to enforce Board's to comply.

## **I. REVIEW AND DISCUSSION OF THE AMB RESPONSE TO GOVERNOR'S REQUESTS IN LETTER DATED FEBRUARY 15, 2024**

Ms. McSorley reported that the Governor's office let the agencies know that this was coming. The letter came in February and asked us about the Board's disciplinary process, conflicts of interest and how we report potential criminal misconduct. Ms. McSorley noted that almost everything the Board does has a statute or policy regarding it and they are updated regularly.

Ms. Bain noted that the letter that was sent was the initial response but the February letter from the Governor asked for a more robust response.

Ms. McSorley confirmed that a more detailed response will be submitted regarding the disciplinary process.

Dr. Figge found it disturbing that the Governor's office does not seem to have a grasp that the Board is limited and constrained by statute regarding confidentiality of the investigation. Dr. Figge found it concerning that this is becoming political as much as maintaining the Board's mission to protect public safety. Dr. Farmer expressed concern that we don't have an effective dialogue with the Governor's office. Dr. Farmer opined that this is not a lack of transparency regarding our response to the report but a situation where we were told to be quiet and now we are being criticized for being quiet. Dr. Farmer found it concerning when one reporter's incomplete take is the primary target of this. When we are talking about sexual misconduct cases the Board needs to protect patients and respect the legislative constraints on the confidentiality process. The Board must also balance not putting something on a physician's record before there is enough evidence.

Ms. McSorley noted that there are also other things happening in the health agencies, unrelated to the medical board that had led to this letter.

Dr. Farmer opined that it would serve all parties well for there to be better communication with the Governor's office regarding what is really happening. Ms. Bain opined that the initial response was really well written and this shows that there is a robust plan in place that addresses rules and statutes. Dr. Krahn opined that the Board's statutes are more outlined than other board's.

Ms. McSorley reported that staff will be creating a conflict of interest statement and policy for Board members. Ms. McSorley further noted that Board members are trained during onboarding regarding conflicts of interest and are provided a form for every meeting.

Ms. McSorley informed the Board regarding reporting misconduct to law enforcement agencies and noted that there must be some discernment regarding what needs to be reported and what doesn't and determining if there is enough evidence.

Dr. Krahn opined that it could be extremely difficult for the licensee if we automatically referred to law enforcement.

## **J. DISCUSSION OF FUTURE TOPICS**

Ms. McSorley suggested having a meeting in May.

Ms. McSorley noted that the Board will have rules due in January of 2025, so the Committee will need to review those rules.

Ms. Bain requested that a board meeting calendar for 2025 be created for the Board's review.

Regarding Board member training, Dr. Figge suggested incorporating them in the already scheduled meetings.

## **K. ADJOURNMENT**

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

**SECOND: Dr. Farmer**

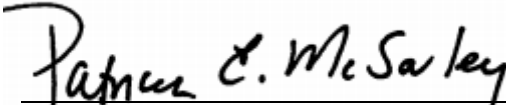
**VOTE: The following Committee members voted in favor of the motion: Ms. Bain, Ms. Dorrell, Dr. Farmer, Dr. Figge and Dr. Krahn. The following Committee member was absent: Ms. Jones**

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

**MOTION PASSED.**

The meeting adjourned at 6:30 p.m.



  
Patricia E. McSorley, Executive Director