



Arizona Regulatory Board of Physician Assistants

1740 W. Adams St, Suite 4000, Phoenix, AZ 85007
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FINAL MINUTES FOR REGULAR SESSION MEETING Held on Wednesday, February 26, 2020 At: 1740 W. Adams St., Board Room A, Phoenix, AZ 85007

Board Members

Myles A. Whitfield, P.A.-C, Chair
Randy D. Danielsen, PhD, P.A., D.F.A.A.P.A., Vice Chair
Richard L. Averitte, Jr., M.D.
Kendra Clark, P.A.-C
Kevin K. Dang, Pharm D.
Thomas E. Kelly, M.D., F.A.C.E.P.
John J. Shaff, PA-C, D.F.A.A.P.A.
Susan Reina, P.A.-C
Beth E. Zonerach

GENERAL BUSINESS

A. CALL TO ORDER

Chairman Whitfield called the Board's meeting to order at 10:01 a.m.

B. ROLL CALL

The following Board members were present: Dr. Averitte, PA Clark, Dr. Dang, Vice-Chairman Danielsen, PA Shaff, PA Reina, Chairman Whitfield, and Ms. Zonerach. The following Board member was absent: Dr. Kelly.

ALSO PRESENT

Patricia McSorley, Executive Director; Kristina Fredericksen, Deputy Director; Carrie Smith, Assistant Attorney General ("AAG"); William Wolf, M.D., Chief Medical Consultant; Raquel Rivera, Investigations Manager; Amy Skaggs, Staff Investigational Review Committee ("SIRC") Coordinator; Michelle Robles, Board Operations Manager; and, Andrea Cisneros, Minutes Administrator.

C. CALL TO THE PUBLIC

Individuals that addressed the Board during the Call to the Public appear beneath the matter(s) referenced.

D. REVIEW, DISCUSSION, AND POSSIBLE ACTION REGARDING EXECUTIVE DIRECTOR'S REPORT

- Update on Five Year Rule Review

Executive Director McSorley provided the Board with a report regarding the Five Year Rule Review, and stated that four rules are going to be clarified through that process. She stated that a new rule will be included that involves a process already in use by the Board in relation to the ability to appeal the Executive Director's decisions.

MOTION: Vice-Chairman Danielsen moved for the Board to instruct the Executive Director to proceed with the Five Year Rule Review and submit the report.

SECOND: Dr. Dang

VOTE: The following Board members voted in favor of the motion: Dr. Averitte, PA Clark, Dr. Dang, Vice-Chairman Danielsen, PA Shaff, PA Reina, Chairman Whitfield, and Ms. Zoneraich. The following Board member was absent: Dr. Kelly.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

E. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING CHAIR'S REPORT

- New Board Member Introduction

The Board welcomed Ms. Zoneraich to the Board. Chairman Whitfield stated that the Board's public members are incredibly valuable and provide a different perspective when reviewing Board matters.

F. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING LEGAL ADVISOR'S REPORT

AAG Smith stated that she had nothing to report at this time.

G. UPDATE, DISCUSSION AND POSSIBLE ACTION REGARDING JOINT LEGISLATIVE AND RULES COMMITTEE (JLRC) STAKEHOLDERS MEETING

Vice-Chairman Danielsen informed the Board that the JLRC met on February 21, 2020 and that representatives from ASAPA were in attendance, including Stuart Goodman. Vice-Chairwoman Danielsen stated that there was good discussion regarding the different matters pending legislation, and thanked staff for facilitating the Committee's meeting.

H. UPDATE AND DISCUSSION WITH ASAPA REGARDING LEGISLATION AND CURRENT ASAPA INITIATIVES

Kristen Bonnin, DMSc, MMS, PA-C, President of ASAPA; and, Jennifer Feirstein, PA-C, Immediate Past President of ASAPA and current Chair of ASAPA's Legislative and Legal Affairs Committee, were present and updated the Board regarding ASAPA's position on pending legislation that may impact the practice of medicine. PA Bonnin informed the Board that representatives from ASAPA attended the session held by the House Health and Human Services Committee and opposed the assistant physician bill that was introduced. She stated that the bill was ultimately held and will not progress any further in the current session. PA Bonnin stated that ASAPA's request to be included in the bill regarding epinephrine injections was granted and the bill has since been amended to include PAs. She stated that ASAPA offered their support in the form of signing on to a letter regarding healthcare transparency and fairness. PA Bonnin added that there were a number of other bills that have included PAs for which ASAPA has indicated their support, and that ASAPA is engaged in a variety of ways to monitor what is happening nationwide.

Vice-Chairman Danielsen thanked the ASAPA representatives for their report to the Board, and questioned whether ASAPA will be monitoring HB 2419 when it returns in 2021. PA Bonnin confirmed that ASAPA will be monitoring the bill and providing testimony next year. PA Feirstein informed the Board that ASAPA submitted a formal letter to Representative Barto regarding ASAPA's position and concerns regarding the legislation. Vice-President Danielsen also recognized that representatives from ASAPA attended the Board's JLRC meeting held on February 21, 2020.

I. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING ELECTION OF BOARD OFFICERS

Chairman Whitfield thanked the Board and its staff for their hard work and efforts.

MOTION: Chairman Whitfield moved to nominate Vice-Chairman Danielsen to continue as the Board's Vice-Chair.

SECOND: Dr. Dang

VOTE: The following Board members voted in favor of the motion: Dr. Averitte, PA Clark, Dr. Dang, Vice-Chairman Danielsen, PA Shaff, PA Reina, Chairman Whitfield, and Ms. Zoneraich. The following Board member was absent: Dr. Kelly.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

MOTION: Vice-Chairman Danielsen nominated Chairman Whitfield to continue as the Board's Chair.

SECOND: Dr. Dang

VOTE: The following Board members voted in favor of the motion: Dr. Averitte, PA Clark, Dr. Dang, Vice-Chairman Danielsen, PA Shaff, PA Reina, Chairman Whitfield, and Ms. Zoneraich. The following Board member was absent: Dr. Kelly.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

J. APPROVAL OF MINUTES

- November 13, 2019 Regular Session Meeting
- January 23, 2020 Special Teleconference Meeting

MOTION: PA Shaff moved for the Board to approve the November 13, 2019 Regular Session Meeting, and the January 23, 2020 Special Teleconference Meeting.

SECOND: Dr. Averitte

VOTE: The following Board members voted in favor of the motion: Dr. Averitte, PA Clark, Dr. Dang, Vice-Chairman Danielsen, PA Shaff, PA Reina, Chairman Whitfield, and Ms. Zoneraich. The following Board member was absent: Dr. Kelly.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

LEGAL MATTERS

K. FORMAL INTERVIEWS

1. PA-18-0046A, MISTY M. WRIGHT, P.A., LIC. #2308

PA Wright was present with Attorney Patrick White. Board staff summarized that this case was initiated after the Board was notified by the National Practitioner's Databank ("NPDB") that PA Wright voluntarily resigned while under, or to avoid, investigation relating to professional competence or conduct regarding four patients. The Board's Medical Consultant (MC) reviewed the care and treatment of the four patients and identified deviations from the standard of care in relation to her prescribing and documentation practices. Based on the information gathered in this case, PA Wright was issued an Interim Order to complete a competency evaluation and deficiencies were identified relating to gaps in the PA's medical and clinical knowledge. PA Wright's evaluators recommended remediation to include the completion of courses in communication, pharmacotherapeutics, as well as ECG/rhythm recognition and board review courses. SIRC determined that this matter rises to the level of discipline and recommended incorporation of the remediation recommendations and that the PA be closely supervised by her Supervising Physician ("SP") for the duration of Probation.

Mr. White stated that PA Wright has no prior Board history in her 19 years of practice over the course of thousands of patient visits. Mr. White stated that the patient care reviewed by the Board occurred at the time that the PA was learning a new system at a new location and was in an area of medicine unfamiliar to her. Mr. White informed the Board that PA Wright has completed some of the CME coursework that was recommended, and that she is in the process of completing additional CMEs. Mr. White

emphasized that there was no patient harm that occurred in any of the patients reviewed by the Board. PA Wright stated that she took on the new job in good faith and did the best that she could under the circumstances with different staff and a different system. PA Wright stated that it felt as though the staff was sabotaging her there, and that it did not make sense to her why she was being investigated by the hospital. PA Wright added that she has learned from this case, and that she feels she is a better practitioner and is ready to move on from this.

In response to the Board's questions, PA Wright stated that she only received one full day of training and that her attempts to discuss her concerns with the administration regarding the lack of oversight were unsuccessful. She stated that overall, the supervision was inadequate when she worked for the family practice side of the clinic, and that it made her feel uneasy and discombobulated. PA Wright stated that she was initially hired for respite care, and that she was required to cover the family practice side of the clinic for three and a half weeks in order for her request for time off to be approved. The Board noted that there was no documentation to that affect in the case file.

PA Wright was questioned by Board members regarding her involvement in the care provided to the four patients for the time period in review. PA Wright stated that this was a new field of medicine to which she was unfamiliar without any support or supervision. PA Wright further stated that if she were faced with similar circumstances in the future, she would do her best to have better documentation and request assistance when issues are encountered. The Board observed that KSTAR made several recommendations for remediation in the form of CME coursework as a result of PA Wright's evaluation, and questioned PA Wright as to what CME has completed since that time. PA Wright testified that she has not completed a specific medical recordkeeping CME course, but feels as though she has received ongoing training in recordkeeping based on review by her current SP and the feedback she's received.

In closing, PA Wright thanked the Board for their time, and stated that she was thankful that there was no patient harm involved in any of the patients reviewed. She reiterated that she is ready to move on from this, and assured the Board that she does not take her privilege of practicing medicine as a PA for granted. Mr. White stated that this was an anomaly and that the PA has performed in an exemplary manner in the past. He reiterated that at the time of the events in question, the PA was in a training period under the family practice branch of the clinic. Board staff reported that the Board has not received proof of completion of any of the recommended CME coursework. Board staff also referred the Board to the facility records that show there were issues identified from the time that the PA was hired that were discussed with PA Wright as well as plans for moving forward.

PA Reina stated that she found the PA engaged in unprofessional conduct and spoke in support of sustained the statutory violations as stated by SIRC.

MOTION: PA Reina moved for findings of unprofessional conduct in violation of A.R.S. § 32-2501(18)(j) and (p) for reasons as stated by SIRC.

SECOND: PA Shaff

VOTE: The following Board members voted in favor of the motion: Dr. Averitte, PA Clark, Dr. Dang, Vice-Chairman Danielsen, PA Shaff, PA Reina, Chairman Whitfield, and Ms. Zoneraich. The following Board member was absent: Dr. Kelly.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

PA Reina stated that this case does not rise to the level of discipline and recommended the issuance of an Advisory Letter with Non-Disciplinary CME Order to incorporate KSTAR's remediation recommendations.

MOTION: PA Reina moved for the Board to issue an Advisory Letter and Order for Non-Disciplinary CME for failing to document a clinical rationale for medication changes; and for prescribing a medication with an incorrect dosage and duration. While the licensee has demonstrated substantial compliance through rehabilitation or remediation that has mitigated the need for disciplinary action, the Board believes that repetition of the activities that led to the investigation may result in further board action against the licensee. Within twelve months, complete a Board staff pre-approved 40 hour board review course, complete no less than 5 hours of Category I CME in practitioner/patient communication, complete no less than 5 hours of Category I CME in ECG/rhythm recognition, and complete a ten week pharmacotherapeutics course. The CME hours shall be in addition to the hours required for license renewal. The licensee may provide proof of completion of any CME previously completed in lieu of completing an additional course.
SECOND: PA Shaff

The Board members discussed the CME remediation recommended by KSTAR, and noted that the PA testified that she has since completed some of the CME courses that were recommended. The Board stated that proof of successful completion of any CME already completed by PA Wright could be submitted to satisfy the CME requirements in lieu of the PA having to obtain additional CME, subject to Board staff's approval.

VOTE: The following Board members voted in favor of the motion: Dr. Averitte, PA Clark, Dr. Dang, Vice-Chairman Danielsen, PA Shaff, PA Reina, Chairman Whitfield, and Ms. Zoneraich. The following Board member was absent: Dr. Kelly.
VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.
MOTION PASSED.

CONSENT AGENDA

L. CASES RECOMMENDED FOR ADVISORY LETTERS WITH NON-DISCIPLINARY CONTINUING MEDICAL EDUCATION ("CME") ORDER

MOTION: Vice-Chairman Danielsen moved for the Board to issue an Advisory Letter with Non-Disciplinary CME Order in item numbers 1-3.

SECOND: Dr. Dang

VOTE: The following Board members voted in favor of the motion: Dr. Averitte, PA Clark, Dr. Dang, Vice-Chairman Danielsen, PA Shaff, PA Reina, Chairman Whitfield, and Ms. Zoneraich. The following Board member was absent: Dr. Kelly.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

1. PA-18-0075A, NICOLAS J. ZASTROW, P.A., LIC. #3658

Complainant TK addressed the Board during the Call to the Public. PA Zastrow also addressed the Board during the Call to the Public with Attorney Scott King.

RESOLUTION: Issue an Advisory Letter and Non-Disciplinary CME Order for inadequate medical records and failing to recognize and document an abnormal mean arterial pressure in a severely ill patient. While there is insufficient evidence to support disciplinary action, the board believes that continuation of the activities that led to the investigation may result in further board action against the licensee. Within six months, complete no less than 10 hours of Board staff pre-approved Category I CME in an intensive, in-person course regarding medical recordkeeping. The CME hours shall be in addition to the hours required for license renewal.

2. PA-18-0075B, LAUREN E. MILLER, P.A., LIC. #6142

Complainant TK addressed the Board during the Call to the Public. PA Miller also addressed the Board during the Call to the Public with Attorney Scott King.

RESOLUTION: Issue an Advisory Letter and Non-Disciplinary CME Order for inadequate medical records and failure to appropriately address and document findings regarding a surgical wound infection and hypoxia. While there is insufficient evidence to support disciplinary action, the board believes that continuation of the activities that led to the investigation may result in further board action against the licensee. Within six months, complete no less than 10 hours of Board staff pre-approved Category I CME in an intensive, in-person course regarding medical recordkeeping and complete no less than 5 hours of Board staff pre-approved Category I CME in the assessment of joint infections. The CME hours shall be in addition to the hours required for license renewal.

3. PA-18-0075C, DAVID J. ESCHLER, P.A., LIC. #6022

Complainant TK addressed the Board during the Call to the Public. PA Eschler also addressed the Board during the Call to the Public with Attorney Scott King.

RESOLUTION: Issue an Advisory Letter and Non-Disciplinary CME Order for inadequate medical records and failure to appropriately monitor and examine a patient with sepsis due to a postoperative wound infection. While there is insufficient evidence to support disciplinary action, the board believes that continuation of the activities that led to the investigation may result in further board action against the licensee. Within six months, complete no less than 10 hours of Board staff pre-approved Category I CME in an intensive, in-person course regarding medical recordkeeping and complete no less than 5 hours of Board staff pre-approved Category I CME in the assessment of joint infections. The CME hours shall be in addition to the hours required for license renewal.

M. REVIEW OF EXECUTIVE DIRECTOR DISMISSALS

1. PA-19-0066A, AMANDA V. STEFFENSEN, P.A., LIC. #7336

PA Steffensen addressed the Board during the Call to the Public.

Board staff summarized that this case involved a patient who underwent treatment with the physician and was prescribed Cytotec after presenting with a non-viable pregnancy in the first trimester. The patient had significant bleeding that required an emergency room visit and a transfusion. PA Steffensen subsequently saw the patient and an ultrasound noted a mass that was thought to be products of conception. Conservative management was initially elected, and the patient requested repeat treatment with Cytotec when the mass persisted. The mass subsequently diminished and the patient reported that she had a normal menstrual cycle after 12 days. The MC who reviewed the case opined that the care and treatment rendered was appropriate, and stated that the allegations were not supported.

MOTION: Vice-Chairman Danielsen moved for the Board to uphold the dismissal.

SECOND: PA Reina

VOTE: The following Board members voted in favor of the motion: Dr. Averitte, PA Clark, Dr. Dang, Vice-Chairman Danielsen, PA Shaff, PA Reina, Chairman Whitfield, and Ms. Zoneraich. The following Board member was absent: Dr. Kelly.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

N. LICENSE APPLICATIONS

i. APPROVE OR DENY LICENSE APPLICATION

1. PA-19-0095A, EDWARD A. CRADER, P.A., LIC. #N/A

PA Crader addressed the Board during the Call to the Public.

MOTION: Chairman Whitfield moved for the Board to approve the license application.

SECOND: Dr. Averitte

PA Shaff questioned whether the Board should consider requiring the PA to undergo monitoring based on the confidential information in the file. Board staff noted information in the file regarding the PA's safety to perform healthcare tasks..

VOTE: The following Board members voted in favor of the motion: Dr. Averitte, PA Clark, Dr. Dang, Vice-Chairman Danielsen, PA Shaff, PA Reina, Chairman Whitfield, and Ms. Zoneraich. The following Board member was absent: Dr. Kelly.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

2. PA-19-0094A, CLAUDIA L. GALLAGHER, P.A., LIC. #N/A

PA Gallagher addressed the Board during the Call to the Public.

MOTION: Chairman Whitfield moved for the Board to approve the license application.

SECOND: PA Clark

VOTE: The following Board members voted in favor of the motion: Dr. Averitte, PA Clark, Dr. Dang, Vice-Chairman Danielsen, PA Shaff, PA Reina, Chairman Whitfield, and Ms. Zoneraich. The following Board member was absent: Dr. Kelly.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

ACTION ON CASE(S)

O. APPROVAL OF DRAFT FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

1. PA-17-0096A, NATHANIEL A. WELLY, P.A., LIC. #3406

MOTION: Vice-Chairman Danielsen moved for the Board to approve the draft Findings of Fact, Conclusions of Law and Order for a Decree of Censure and Three Year Probation with Practice Restriction. PA Welly shall continue to be prohibited from prescribing controlled substances. Within six months, complete no less than 10 hours of Board staff pre-approved Category I CME in an intensive, in-person course regarding medical recordkeeping; and, complete no less than 5 hours of Board staff pre-approved Category I CME in ethics. The CME hours shall be in addition to the hours required for license renewal. Following successful completion of the CME, the PA shall enter into a contract with a Board-approved monitoring company to perform periodic chart reviews, at the PA's expense. Once the PA has completed the CME and entered into the contract for chart reviews, he may petition the Executive Director to request termination of the Practice Restriction. After two consecutive favorable chart reviews, the PA may petition the Board to terminate the Probation. The Probation shall not terminate except upon affirmative request of the PA and approval by the Board.

SECOND: PA Shaff

VOTE: The following Board members voted in favor of the motion: Dr. Averitte, PA Clark, Dr. Dang, Vice-Chairman Danielsen, PA Shaff, PA Reina, Chairman Whitfield, and Ms. Zoneraich. The following Board member was absent: Dr. Kelly.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

OTHER BUSINESS

P. REQUEST FOR MODIFICATION/TERMINATION OF BOARD ORDER

1. PA-15-0006A, JANET L. SWAN, P.A., LIC. #4539

MOTION: PA Shaff moved for the Board to grant the PA's request for termination of the February 25, 2016 Board Order.

SECOND: Vice-Chairman Danielsen

VOTE: The following Board members voted in favor of the motion: Dr. Averitte, PA Clark, Dr. Dang, Vice-Chairman Danielsen, PA Shaff, PA Reina, Chairman Whitfield, and Ms. Zoneraich. The following Board member was absent: Dr. Kelly.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

Q. ADJOURNMENT

MOTION: PA Reina moved for adjournment.

SECOND: Chairman Whitfield

VOTE: The following Board members voted in favor of the motion: Dr. Averitte, PA Clark, Dr. Dang, Vice-Chairman Danielsen, PA Shaff, PA Reina, Chairman Whitfield, and Ms. Zoneraich. The following Board member was absent: Dr. Kelly.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

The Board's meeting adjourned at 12:33 p.m.



Patricia E. McSorley
Patricia E. McSorley, Executive Director