



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, August 26, 2020 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. Zoneraich

GENERAL BUSINESS

A. CALL TO ORDER.

Chairman Whitfield called the Board's meeting to order at 10:00 a.m.

B. ROLL CALL

The following Board members participated in the teleconference: Chairman Whitfield, Vice-Chairman Danielsen, Dr. Averitte, PA Clark, Dr. Dang, Dr. Kelly, PA Shaff, PA Reina, and Ms. Zoneraich.

ALSO PRESENT

The following Board staff participated in the teleconference: Patricia McSorley, Executive Director; Carrie Smith, Assistant Attorney General (AAG); Michelle Robles, Board Operations Manager; William Wolf, M.D., Chief Medical Consultant; 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

- Discussion and Approval of 2021 Meeting Calendar

Executive Director McSorley requested the Board consider modifying the 2021 Meeting Calendar by rescheduling the May 26, 2021 meeting date to May 19, 2021 due to a scheduling conflict.

MOTION: Vice-Chairman Danielsen moved for the Board to approve the 2021 Meeting Calendar as modified, changing the May 26, 2021 meeting date to May 19, 2021.

SECOND: Ms. Zoneraich

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

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

- **Review and Discussion of Draft Annual Report**

Executive Director McSorley reported that she corrected the report by adding Ms. Zoneraich as a public member, and apologized for the inadvertent error. She informed the Board that the report would be submitted to the Governor's Office and published on the Board's website.

In response to the Chair's inquiry, Executive Director McSorley reported that there is potential for an increase in licensed PAs this year. Ms. Zoneraich commented that there appeared to be more individuals graduating and electing to pursue a career in becoming a PA in order to practice sooner and not have as much debt. Chairman Whitfield questioned whether the Board's staff had the necessary resources to handle such an increase in license applications. Executive Director McSorley stated that the Board received a number of applications for temporary licensure and has approved and issued licenses to at least half. She reported that staff reassesses the situation on a weekly basis to review the workload.

Vice-Chairman Danielsen stated his appreciation for the Executive Director's Annual Report and commented that having served on the Board for many years, he finds her reports to be both professional and well-thought out. He thanked the Executive Director for her great work. Chairman Whitfield echoed the Vice-Chair's comments, and stated he looks forward to reviewing them.

- **Discussion and Possible Action Regarding Renewal Process for Temporary Emergency Licenses**

Executive Director McSorley summarized that on April 22, 2020, the Board adopted measures to issue temporary licenses that allow a PA to practice for a period of 180 days or until the Governor's declared state of emergency has been terminated. She stated that the 180 days are approaching, and requested the Board provide guidance regarding whether to allow renewal of the temporary licenses. Executive Director McSorley described for the Board the steps involved with the Arizona Medical Board's renewal process for temporary licenses. The Board discussed allowing the temporary licenses to be renewed for an additional 180 days, and to request those applicants whether they would be interested in applying for full licensure. The Board also discussed concerns regarding the uncertainty as to the date for which the declared state of emergency will terminate and how such an abrupt termination could potentially have a negative impact on patient care.

- **Discussion Regarding Board Processes and Staffing**

Executive Director McSorley informed the Board that AAG Anne Froedge has notified the Agency of her plans to retire September 4, 2020. She stated that AAG Froedge has worked for the Board for over ten years, and has been an asset to both the ARBoPA as well as the AMB and will be greatly missed. Chairman Whitfield stated his appreciation for AAG Froedge hard work and efforts over the years.

Chairman Whitfield acknowledged the Board's staff, and stated his appreciation for Ms. Robles and her efforts in facilitating the Board's proceedings. He reported that staff continues to monitor when the Board will have the ability to return to in-person sessions.

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

- **Discussion Regarding Telehealth Concerns**

Chairman Whitfield stated that the practices of telehealth and telemedicine have been a common topic as of late, and stated his concerns regarding the lack of ability for practitioners to perform an adequate physical examination when providing telehealth/telemedicine services. He proposed the Board establish a Task Force or Committee to further research and discuss this topic, and provide guidance recommendations for the Board's consideration. PA Shaff pointed out that placing less

emphasis on physical examinations is causing companies to place less emphasis on the physical examination documentation as well. Vice-Chairman Danielsen spoke in favor of the Board establishing a Committee to further research and discuss concerns relating to telehealth/telemedicine services and to engage with other stakeholders.

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

G. APPROVAL OF MINUTES

- May 27, 2020 Teleconference Meeting

MOTION: Chairman Whitfield moved for the Board to approve the May 27, 2020 Teleconference Meeting.

SECOND: Dr. Averitte

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

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

CONSENT AGENDA

H. CASES RECOMMENDED FOR DISMISSAL

1. PA-20-0007A, MITZI D. NALLEY, P.A., LIC. #2945

Board staff summarized that the Board received a complaint regarding PA Nalley's care and treatment of patient AJ, an 11 month-old female, alleging inadequate examination and care of eye concerns and failure to timely discuss lab results. The Medical Consultant ("MC") found that the PA diagnosed the patient with hyperpigmented sclera of the eye without performing a fluorescein test. The Staff Investigational Review Committee ("SIRC") reviewed the case and recommended dismissal.

MOTION: Vice-Chairman Danielsen moved for dismissal.

SECOND: PA Clark

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

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

I. CASES RECOMMENDED FOR ADVISORY LETTERS

1. PA-19-0082A, JANICE F. HAMILTON, P.A., LIC. #3526

Board staff summarized that the Board received a complaint regarding PA Hamilton's care and treatment of a 17 year-old female patient alleging failure to properly treat a dog bite and drug ingestion, resulting in death. The MC opined that PA Hamilton deviated from the standard of care by failing to appropriately treat a patient with acute methamphetamine intoxication. The MC commented that the PA documented the patient was too agitated to allow an IV, fluids, or cardiac monitoring, which should have prompted aggressive sedation. Once the patient was adequately sedated, she should have been placed on a cardiac monitor, IV fluids administered, and an EKG and lab studies performed. SIRC reviewed the matter and recommended the issuance of an Advisory Letter for failing to appropriately treat a patient with possible acute methamphetamine intoxication.

Vice-Chairman Danielsen spoke in favor of issuing the recommended Advisory Letter and recommended adding a Non-Disciplinary CME Order requiring the licensee to obtain further education in the management of overdosed patients.

MOTION: Vice-Chairman Danielsen moved for the Board to issue an Advisory Letter and Order for Non-Disciplinary CME for failing to appropriately treat a

patient with possible acute methamphetamine intoxication. There is insufficient evidence to support disciplinary action. Within six months, complete no less than 5 hours of Board staff pre-approved Category I CME in the treatment of overdose patients. The CME hours shall be in addition to the hours required for license renewal.

SECOND: Ms. Zoneraich

The Board discussed requiring a more specific CME course to address the concerns raised in this case. Board staff reported that the more specific a course, the harder it would be to find one that meets the Board's requirements. Chairman Whitfield spoke in support of the motion, and also stated that he was confident in Board staff's ability to locate an appropriate course to address the concerns that have been raised.

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

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

2. PA-19-0067A, SCOTT E. NELSON, P.A., LIC. #6539

Board staff summarized that the Board received a complaint from a pharmacist alleging that the PA failed to update his address and contact information. The Board noted that PA Nelson left the practice in October of 2018, and has a policy that allows patients to continue to refill medications from practitioners up to six months after departing from the practice in order to promote the continuity of patient care. PA Nelson relocated to New York and failed to update the Board with his current contact information. SIRC reviewed the matter, noted that PA Nelson has no prior Board history, and recommended issuing an Advisory Letter for failure to timely file a change of address with the Board.

In response to the Chair's questions, Board staff clarified that the violation identified in this case involved the PA's failure to timely update the Board regarding his change of address. Board staff also reported that the Board would not have become aware of this failure had the pharmacist not filed this complaint.

MOTION: Chairman Whitfield moved for dismissal.

SECODN: Vice-Chairman Danielsen

Chairman Whitfield stated his concerns regarding the practice's policies that allow for patients to continue receiving prescription refills after a practitioner has departed from the practice. He suggested the Board refer this matter to the Arizona Pharmacy Board for further review of their prescription practices and policies. Chairman Whitfield stated that while he agreed that the licensee has a responsibility to update the Board with current contact information, he found that this matter does not rise to the level of an Advisory Letter.

Ms. Zoneraich spoke in support of the Chair's comments and the motion. She stated that while it is best to notify the Board timely of an address change, an Advisory Letter was not warranted in this matter. Dr. Dang stated that from a Pharmacy Board perspective, when a practitioner changes location or employment, they are expected to notify the Board within ten business days. Dr. Dang stated that he found this matter warranted the issuance of an Advisory Letter for the untimely filing of a change in address. Dr. Dang stated his concerns regarding the importance of the Board as well as pharmacies having current contact information for prescribers, especially if an issue were raised regarding a patient's prescription. He added that failure to notify of the change in address could result in prescriptions being sent to the wrong address and potentially violate HIPAA.

Vice-Chairman Danielsen spoke in support of the motion and stated that the only point of issue in this case is the PA's failure to update his current contact information timely.

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

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

Chairman Whitfield instructed the Executive Director to refer this matter to the Arizona Pharmacy Board.

J. CASES RECOMMENDED FOR ADVISORY LETTERS WITH NON-DISCIPLINARY CONTINUING MEDICAL EDUCATION ORDER

1. PA-18-0112A, DANIELLE B. HARTLE, P.A., LIC. #3782

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

Board staff summarized that the Board received a complaint regarding PA Hartle's care and treatment of a 65 year-old male patient alleging inappropriate prescribing of allopurinol. The MC opined that PA Hartle deviated from the standard of care by prescribing allopurinol in combination with Imuran without clinical justification. During the course of the Board's investigation, the PA was unable to provide a delegation agreement for the period prior to January 1, 2019. Board staff noted that the care provided to the patient reviewed in this case occurred in September 2018. PA Hartle's Supervising Physician submitted correspondence to the Board indicating that he reviewed the PA's care of the patient, noted that this particular patient had a unique combination of disease, and reported that all new visits and second visits are staffed with him directly.

SIRC reviewed the matter and determined that the PA prescribed a potentially dangerous drug combination with known contraindications, and practiced with a delegation agreement prior to January of 2019 although her Supervising Physician confirmed that he was acting as her supervisor during the time in question. SIRC recommended the issuance of an Advisory Letter and Order for Non-Disciplinary CME requiring the PA to complete CME regarding drug interactions.

MOTION: Chairman Whitfield moved for the Board to issue an Advisory Letter and Order for Non-Disciplinary CME for inappropriately prescribing allopurinol in combination with Imuran and performing healthcare tasks without a signed delegation agreement. 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 3 hours of Board staff pre-approved Category I CME regarding drug interactions. The CME hours shall be in addition to the hours required for license renewal.

SECOND: PA Clark

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

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

K. LICENSE APPLICATIONS

i. APPROVE OR DENY LICENSE APPLICATION

1. PA-20-0027A, WILLIAM K. BABB, P.A., LIC. #N/A

Board staff summarized that PA Babb previously applied for licensure and was denied in April of 2019. PA Babb re-applied for licensure in February of 2020 and made multiple disclosures on his application, including Military discharge, prior action against his Minnesota license, and termination from employment. The Board noted that PA Babb was previously denied licensure after he refused to undergo an evaluation to determine whether the PA is safe to perform health care tasks with no

risk to the public prior to being considered for licensure. SIRC reviewed this matter and recommended denying the license, and offering the PA an opportunity to withdraw the application in lieu of formal license denial.

MOTION: Chairman Whitfield moved for the Board to deny the license application based on A.R.S. § 32-2521(A)(4) and (D).

SECOND: Ms. Zoneraich

Chairman Whitfield spoke in favor of the motion to deny licensure without offering the PA the ability to withdraw the license application. He stated his concerns regarding the PA's history and the PA's refusal to undergo an evaluation prior to being considered for licensure. Chairman Whitfield stated that the PA has been offered multiple opportunities to comply with the Board's standards, and stated that he did not recommend allowing the applicant to withdraw, noting that the license denial is public and will remain on the PA's record. PA Shaff agreed with the Chair's comments and spoke in support of the motion. He stated that the applicant has been given a clear path as to the Board's requirements for consideration of licensure and has refused to comply. PA Reina agreed with the comments made by other members, and stated that it is the Board's duty to protect the citizens of Arizona. Ms. Zoneraich also spoke in support of the motion and agreed with comments made by other members. She stated her concerns regarding the PA's lack of willingness to repeatedly follow instructions by the Board raises questions regarding the individual. Dr. Kelly also spoke in favor of the motion to deny the license without allowing the applicant to withdraw.

PA Clark was disconnected from the teleconference during the Board's vote in this matter.

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

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

MOTION PASSED.

2. THIS CASE WAS PULLED FROM THE AGENDA.

ii. **REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING LICENSE APPLICATION AND RECOMMENDED ADVISORY LETTER**

1. PA-20-0050A, CLYDE E. MERRILL, P.A., LIC. #N/A

PA Merrill and Attorney Libby Petersen addressed the Board during the Call to the Public.

PA Clark re-joined the meeting during the Board's consideration of this matter.

Board staff summarized that PA Merrill inadvertently allowed his license to expire on June 6, 2020 and practiced for three days on an expired license from June 8, 2020 to June 10, 2020. SIRC reviewed the re-application, noted that the PA unintentionally practiced on an expired license for three days, and has no prior Board history. SIRC recommended approving the license and issuing the PA an Advisory Letter for practicing on an expired license.

Ms. Zoneraich questioned whether a grace period existed prior to the expiration of the license, and what notification is made by Board staff to the licensee regarding their upcoming renewal. AAG Smith informed the Board that pursuant to A.R.S. § 32-2523, the license is due to expire on the licensee's birthday; however, the licensee has an additional 90 days to file the renewal before the license expires. Executive Director McSorley reported that Board staff emails the individual on their birthday if

they have not yet filed a renewal, and that the licensee then has the additional 90-day grace period to file the renewal before the license expires.

MOTION: Vice-Chairman Danielsen moved for the Board to grant the license and issue an Advisory Letter for practicing with an expired license. The violation was a minor or technical violation that does not rise to the level of disciplinary action.

SECOND: Chairman Whitfield

Ms. Zoneraich spoke in favor of approving the license and questioned whether an Advisory Letter was warranted. PA Shaff stated that there were measures in place to assist the PA in remembering to renew the license timely, and spoke in favor of the motion to approve the license with the issuance of an Advisory Letter. Vice-Chairman Danielsen spoke in favor of the motion, and noted that an Advisory Letter is a non-disciplinary sanction. Ms. Zoneraich stated that based upon further discussion, she is comfortable with the measures taken to notify the licensee that the license was due for renewal, and spoke in favor of issuing the Advisory Letter. Dr. Kelly spoke in support of the motion and noted that the proposed action was consistent with actions taken by the Board in similar matters in the past.

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

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

Executive Director McSorley stated that Board staff monitors the upcoming renewals and reaches out to licensees in an effort to prevent a lapse in licensure.

L. ADJOURNMENT

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

SECOND: PA Reina

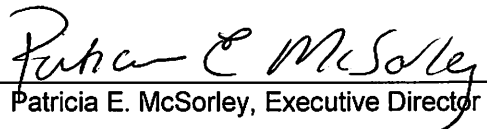
VOTE: The following Board members voted in favor of the motion: Chairman Whitfield, Vice-Chairman Danielsen, Dr. Averitte, PA Clark, Dr. Dang, Dr. Kelly, PA Shaff, PA Reina, and Ms. Zoneraich.

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

The Board's meeting adjourned at 11:35 a.m.




Patricia E. McSorley, Executive Director