



Arizona Regulatory Board of Physician Assistants

1740 W. Adams St, Suite 4000, Phoenix, AZ 85007
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FINAL MINUTES FOR TELECONFERENCE MEETING Held virtually via Zoom on Wednesday, November 4, 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 virtual meeting: Chairman Whitfield, Vice-Chairman Danielsen, Dr. Averitte, PA Clark, Dr. Dang, PA Shaff, PA Reina, and Ms. Zoneraich. The following Board member was absent: Dr. Kelly.

ALSO PRESENT

The following Board staff participated in the virtual meeting: Patricia McSorley, Executive Director; Alicia Cauthon, Executive Assistant; William Wolf, M.D., Chief Medical Consultant; Kathleen Coffey, M.D., Internal Medical Consultant; Raquel Rivera, Manager of Investigations; James Silva, Assistant Manager of Investigations; Michelle Robles, Board Operations Manager; and, Andrea Cisneros, Minutes Administrator. Also present: Carrie Smith, Assistant Attorney General ("AAG").

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 Proposed Legislation
- Discussion of Board Processes

Executive Director McSorley updated the Board regarding pending legislation, and she reported that the Board's prior Bill that was not considered at the last legislative session will be pursued during the next legislative session. She explained that the Bill addressed two items, one that involved changing statutory language pertaining to Board member reimbursement, and the second piece of the Bill related to clarifying that an individual who surrenders a license must wait two years to reapply, similar to an individual whose license was revoked.

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

Chairman Whitfield reported that the Board's next meeting is scheduled for February 2021. He stated his appreciation for Ms. Robles and the Board's staff, and thanked them for their hard work and efforts.

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

G. APPROVAL OF MINUTES

- August 26, 2020 Teleconference Meeting
MOTION: Ms. Zoneraich moved for the Board to approve the August 26, 2020 Teleconference Meeting minutes.
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, PA Shaff, PA Reina, 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

H. FORMAL INTERVIEWS

1. PA-19-0012A, TODD A. STIRLING, P.A., LIC. #5081
PA Stirling participated in the virtual meeting during the Board's consideration of this matter, made statements, and answered questions from the Board.

The Board received a complaint regarding PA Stirling's care and treatment of patient RF alleging patient abandonment. A Medical Consultant ("MC") reviewed a total of four patients' charts that included the index patient (RF), and three patients whose charts were selected based on data collected from the Controlled Substance Prescription Monitoring Program ("CSPMP"). The MC did not identify a deviation from the standard of care, but noted that the patients were on fairly high doses of narcotics and the MC was not able to locate urine drug screens in the patients' charts. The Staff Investigational Review Committee ("SIRC") reviewed the case and returned the case for a new quality of care review by a second MC. The second MC identified multiple deviations from the standard of care after reviewing the four patients' charts, including inadequate documentation and inaccurate medication lists, lack of prior record review, failure to document examination of areas of pain, failure to review CSPMP data or perform urine drug screens, lack of justification for significant opioid doses, and provision of prescriptions without discussion of potential risks.

The Board noted that PA Stirling's supervising physicians were not licensed in Arizona, and that on February 27, 2019, the PA entered into an Interim Consent Agreement ("ICA") for Practice Restriction prohibiting him from engaging in health care tasks while the matter was pending. During the course of the investigation, PA Stirling was charged with two second degree felonies in Utah and did not report the charges to the Arizona Board within ten working days as required by statute. On October 8, 2019, PA Stirling was found not guilty on both counts.

During the Board's deliberation discussion, Dr. Dang spoke in favor of placing the license on Probation. Chairman Whitfield instructed the Board to focus on whether there were any findings of unprofessional conduct in this matter. The Board observed the multiple statutory violations sustained by SIRC.

MOTION: Dr. Dang moved for findings of unprofessional conduct in violation of A.R.S. § 32-2501(18)(a), (c), (j), (p), (aa), and (cc) for reasons as stated by SIRC.

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, PA Shaff, PA Reina, and Ms. Zoneraich. The following Board member was absent: Dr. Kelly.

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

MOTION PASSED.

Dr. Dang found that discipline was warranted and recommended placing the license on Probation. The Board observed SIRC's recommendation for a Decree of Censure and Five Year Probation with Practice Restriction as well as a number of terms and conditions, including CME and chart monitoring.

MOTION: Chairman Whitfield moved for draft Findings of Fact, Conclusions of Law and Order for a Decree of Censure and Five Year Probation with Practice Restriction. PA Stirling shall be prohibited from performing health care tasks until a delegation agreement with a physician licensed and in good standard in Arizona is executed and approved by the Board or its staff, and the controlled substance prescribing CME required by this Order has been completed. Within 12 months, PA Stirling shall complete CPEP's ProBE course in ethics; complete no less than 10 hours of Board staff pre-approved Category I CME in an intensive, in-person course regarding controlled substance prescribing; and, complete no less than 10 hours of Board staff pre-approved Category I CME in an intensive, in-person course for medical recordkeeping. The CME hours shall be in addition to the hours required for license renewal and may be obtained through virtual services, subject to Board staff approval. Within 30 days from the successful completion of the CME coursework, PA Stirling shall enter into a contract with a Board approved monitoring company to perform periodic chart reviews, at the PA's expense. After three consecutive favorable chart reviews, the PA may petition the Board for Probation termination. The Probation shall not terminate except upon affirmative request of the PA and approval by the Board.

SECOND: Dr. Dang

The Board discussed allowing the licensee to complete the CME requirements via virtual sessions in light of the current health crisis. Vice-Chairman Danielsen stated that he reluctantly supported the motion, and that he believed the PA was doing the best he could, given the circumstances in a very complex environment. Vice-Chairman Danielsen stated his concerns regarding the PA's lack of knowledge of statutes and rules regarding supervision and delegation agreements, and stated that the patient care could have been handled better had there been appropriate supervision in place.

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

I. CASES RECOMMENDED FOR ADVISORY LETTERS

1. PA-19-0075A, MICHAEL D. JACKSON, P.A., LIC. #1987

The Board received notification of a malpractice settlement involving PA Jackson alleging failure to properly diagnose and treat pancreatitis in March of 2015 resulting in patient death. The MC reviewed the underlying patient care and determined that the PA met the standard of care. During the course of the Board's investigation, PA Jackson was not able to provide evidence of an annually reviewed and signed Delegation Agreement that covered the timeframe in question. The Board noted that PA Jackson has no prior Board history and that other mitigating factors were identified in this case.

MOTION: Vice-Chairman Danielsen moved for the Board to issue an Advisory Letter for performing health care tasks without an annually updated delegation agreement with his supervising physician. The violation is a minor or technical violation that is not of sufficient merit to warrant disciplinary action.

SECOND: PA Shaff

VOTE: The following Board members voted in favor of the motion: Chairman Whitfield, Vice-Chairman Danielsen, Dr. Averitte, PA Clark, Dr. Dang, PA Shaff, PA Reina, 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-19-0089A, JEANNE L. PETERSON, P.A., LIC. #5187

Attorney Cal Raup addressed the Board during the Call to the Public portion of the virtual meeting on behalf of the complainant. Complainant JK also addressed the Board during the Call to the Public.

Chairman Whitfield recalled the statements made during the Call to the Public regarding the availability of additional information for the Board's review in this matter. Chairman Whitfield spoke in support of returning the case for further investigation and SIRC review.

MOTION: Chairman Whitfield moved for the Board to return the case for further investigation and SIRC review.

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, PA Shaff, PA Reina, 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. CASES RECOMMENDED FOR ADVISORY LETTERS WITH NON-DISCIPLINARY CONTINUING MEDICAL EDUCATION ORDER

1. PA-20-0017A, JUNIPER DERY-CHAFFIN, P.A., LIC. #6500

Dr. Coffer summarized that in March of 2020, the Board received a confidential complaint regarding PA Dery-Chaffin's care and treatment of a patient presenting with testicular pain and history of epididymitis. The MC found that the PA inappropriately prescribed levofloxacin for epididymitis and inadequate documentation. The MC opined that levofloxacin was inappropriate in that it was not the first line of treatment for this patient and was prescribed at a dose higher than what is recommended. The MC also stated that the documentation was lacking of a discussion regarding the risks and black box warning with the prescribed antibiotic.

MOTION: Vice-Chairman Danielsen moved for the Board to issue an Advisory Letter and Order for Non-Disciplinary CME for inappropriately prescribing levofloxacin for epididymitis and inadequate documentation. 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 6 months, the PA shall complete no less than 5 hours of Board staff pre-approved Category I CME in the appropriate prescribing of antibiotics. The CME hours shall be in addition to the hours required for license renewal.

SECOND: Dr. Dang

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

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

MOTION PASSED.

K. PROPOSED CONSENT AGREEMENTS (Disciplinary)

1. PA-19-0098A, ASHLEY L. ORTIZ, P.A., LIC. #5926

The Board received a complaint from the PA's direct supervisor reporting that PA Ortiz presented to work appearing intoxicated and treated three patients prior to being removed from the urgent care. PA Ortiz subsequently tested positive for alcohol and her employment was terminated. PA Ortiz entered into an ICA for Practice Restriction and subsequently underwent a Physician Health Program ("PHP") assessment. The PHP Contractor noted in the assessment report that PA Ortiz tested positive for alcohol, which was inconsistent with the history provided by the PA during the assessment. The PHP Contractor found that the PA was not safe to perform health care tasks at that time and recommended treatment with subsequent enrollment in aftercare monitoring. PA Ortiz completed intensive outpatient treatment on March 11, 2020 and a post-treatment assessment with the PHP Contractor found the licensee safe to perform health care tasks while enrolled in PHP for aftercare monitoring as well as continued follow up with therapy. On April 6, 2020, PA Ortiz entered into an ICA for PHP participation and the Interim Practice Restriction was terminated.

Additionally, during the course of the Board's investigation, the charts of the three patients seen by the PA on the date that she allegedly reported to work intoxicated were reviewed by an MC. No actual patient harm was identified; however, there was potential for patient harm relative to medication side effects for two of the patients reviewed. Board staff also obtained employment documentation that demonstrated prior counseling in 2016 and 2017 due to instances involving the PA's failure to respond while on call as well as calling out or failure to present to work. The Board noted that a previous case involving the PA was administratively closed nine months prior to the events that took place in the current case, and that PA Ortiz had indicated that the prior concerns were related to poorly managed transient medical issue. The Board also noted that PA Ortiz has been compliant with the terms of her aftercare monitoring.

MOTION: PA Clark moved for the Board to accept the proposed Consent Agreement for a Letter of Reprimand and Five Year Probation to participate in the Board's Physician Health Program ("PHP"). PA Ortiz's PHP participation shall be retroactive to April 6, 2020. PA Ortiz shall enter treatment with an addiction medicine provider as recommended by the Contractor in his post-treatment assessment and shall comply with any and all treatment recommendations. At the expiration of one year or any time thereafter, the PA may submit a written request to the PHP Contractor requesting termination of the requirement to remain in treatment with an addiction medicine provider. The Probation shall not terminate except upon affirmative request of the PA and approval by the Board. The PA's request for Probation termination must provide the Board with evidence establishing that he has successfully satisfied all of the terms and conditions of Probation, and shall include a report from the PHP Contractor supporting Probation termination.

SECOND: PA Shaff

The Board observed that the Order would not terminate until a request is made by the licensee and approval by the Board, which is typically accompanied by correspondence from the PHP Contractor regarding whether further monitoring is required at that time.

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

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

MOTION PASSED.

L. LICENSE APPLICATIONS

i. APPROVE OR DENY LICENSE APPLICATION

1. PA-20-0056A, ERIC S. HONAKER, P.A., LIC. #N/A

PA Honaker addressed the Board during the Call to the Public portion of the virtual meeting.

MOTION: Chairman Whitfield moved for the Board to grant licensure.

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, PA Shaff, PA Reina, 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-20-0068A, MICHAEL T. FRANCISCO, P.A., LIC. #N/A

Attorney Anne McClellan addressed the Board during the Call to the Public portion of the virtual meeting on behalf of PA Francisco.

MOTION: Chairman Whitfield moved for the Board to grant licensure.

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, PA Shaff, PA Reina, and Ms. Zoneraich. The following Board member was absent: Dr. Kelly.

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

MOTION PASSED.

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

1. PA-20-0082A, CARTER S. ANDERSON, P.A., LIC. #N/A

PA Anderson addressed the Board during the Call to the Public portion of the virtual meeting.

The Board observed that PA Anderson inadvertently allowed his license to lapse and performed health care tasks for a period of time with an expired license.

MOTION: Chairman Whitfield moved for the Board to grant licensure and issue an Advisory Letter for practicing with an expired license. While the licensee has demonstrated substantial compliance through remediation or rehabilitation 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.

SECOND:

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

M. REQUEST FOR TERMINATION OF BOARD ORDER

1. PA-15-0105A, TRACY S. POSTON, P.A., LIC. #2503

Ms. Rivera summarized that PA Poston's Board Order for Letter of Reprimand and Five Year Probation to participate in PHP became effective December 1, 2016, and that PA Poston's PHP participation was retroactive to January 11, 2016. PA Poston previously requested early termination of Probation in September of 2018, which was considered by the Board and denied at the time. PA Poston has submitted a request for Probation

termination. PHP reported that the PA has been compliant with the terms and conditions of her monitoring agreement, and supported Probation termination.

MOTION: Vice-Chairman Danielsen moved for the Board to grant the request to terminate the December 1, 2016 Board Order.

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, PA Shaff, PA Reina, 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. ADJOURNMENT

MOTION: Ms. Zoneraich moved for adjournment.

SECOND: PA Reina

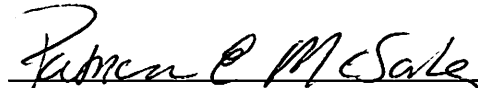
VOTE: The following Board members voted in favor of the motion: Chairman Whitfield, Vice-Chairman Danielsen, Dr. Averitte, PA Clark, Dr. Dang, PA Shaff, PA Reina, and Ms. Zoneraich. The following Board member was absent: Dr. Kelly.

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

MOTION PASSED.

The Board's meeting adjourned at 12:30 p.m.




Patricia E. McSorley, Executive Director