



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 on Wednesday, May 19, 2021 1740 W. Adams St., Board Room A, Phoenix, AZ 85007

Board Members

Myles A. Whitfield, P.A.-C, Chair
Susan Reina, P.A.-C, Vice Chair
Richard L. Averitte, Jr., M.D.
Kendra Clark, P.A.-C
Kevin K. Dang, Pharm D.
Randy D. Danielsen, PhD, P.A., D.F.A.A.P.A.
Thomas E. Kelly, M.D., F.A.C.E.P.
John J. Shaff, PA-C, D.F.A.A.P.A.
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-Chairwoman Reina, Dr. Averitte, PA Clark, Dr. Dang, Dr. Danielsen, PA Shaff and Ms. Zoneraich. The following Board member was absent: Dr. Kelly.

ALSO PRESENT

The following Board staff and Assistant Attorney(s) General participated in the virtual meeting: Patricia McSorley, Executive Director; Kristina Fredericksen, Deputy Director; Raquel Rivera, Investigations Manager; William Wolf, M.D., Chief Medical Consultant; Michelle Robles, Board Operations Manager; and Andrea Cisneros, Minutes Administrator. Also present: Carrie Smith, Assistant Attorney General ("AAG").

C. CALL TO THE PUBLIC

No individuals addressed the Board during the Call to the Public.

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

- Review, Discussion and Possible Action Regarding Extension of COVID Renewal Applications Until the End of the State of Emergency

Executive Director McSorley reported that the temporary emergency licenses issued during the state of emergency have had the ability to renew for 180 days. She asked the Board to consider approving an extension of these renewals until such time that the declared state of emergency is terminated.

MOTION: Chairman Whitfield moved for the Board to extend the renewal period for the temporary emergency license until the end of the state of emergency.

SECOND: Ms. Zoneraich

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

- Review, Discussion and Possible Action Regarding Potential Modification to Confidential Questions on Initial and Renewal Applications.

Executive Director McSorley summarized that a request was made by the Arizona Society of Psychiatrists and Arizona Medical Association asking the Board to consider proposed language that would modify the confidential licensing questionnaire to read: "Do you currently have a medical condition that impairs your judgment or adversely affects your ability to practice in a competent and professional manner?"

Chairman Whitfield spoke in favor of consolidating the health, substance abuse and mental health questions on the confidential questionnaire and adopting the new language for the initial and renewal license applications. Ms. Zoneraich asked whether the State would do anything different if an applicant had a previous substance or alcohol abuse problem that they did not feel interfered with their ability to currently practice. Chairman Whitfield stated that the proposed change allows for more clarity as to the disclosure.

Executive Director McSorley stated that the renewal application questionnaire would also include a question asking the licensee if they have since the time of their last renewal entered into any public or confidential agreement related to health issues with another state. Ms. Zoneraich questioned whether this same question should be asked at the time of initial licensure. AAG Smith recalled that the prior discussion was for the initial application to also request copies of any current public or confidential monitoring agreements that the applicant may be under. AAG Smith stated that the Board would need to direct its Executive Director and staff to initiate the rule making process to conform R4-17-203(A)(6) with the change in the application. She clarified that the rule change should occur prior to changing the application.

MOTION: Chairman Whitfield moved for the Board to adopt the proposed modification to confidential questions on the initial and renewal applications as follows: Initial Application – "Do you currently have a medical condition that impairs your judgment or adversely affects your ability to perform healthcare tasks in a competent, ethical, and professional manner?" and "Are you currently being monitored by another state licensing board, public or confidential?" Renewal Application – "Do you currently have a medical condition that impairs your judgment or adversely affects your ability to perform healthcare tasks in a competent, ethical, and professional manner?" and "Within the last two years, have you entered into a monitoring agreement for any health condition with a state licensing board?"

SECOND: PA Clark

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

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

MOTION PASSED.

- Review, Discussion and Possible Action Regarding the Setting of Fees for the Interstate Practice of Telehealth Registration Pursuant to A.R.S. § 36-3606.

Executive Director McSorley reported that HB2454 passed and effective immediately, expanding the practice of telehealth, encompassed multiple health care professions and requires the regulatory agencies to issue telehealth registrations. She clarified that these individuals must hold an active license in another state that is in good standing and will have to show proof of malpractice coverage. She asked the Board to consider adopting the proposed fee schedule for the telehealth registration, \$200 initial and \$150 renewal annually, and to pursue a rule change.

PA Shaff noted that the registration limits telehealth providers to less than ten encounters. Executive Director McSorley explained that the registration is required to practice via telehealth and that out of state physicians would need to apply for a regular medical license if there are more than ten encounters. The Board questioned what constituted an encounter. Ms. Zoneraich questioned whether it meant that the provider was limited to the number of encounters per patient versus the number of patients. Executive Director McSorley stated that she will request clarification and guidance from the Governor's Office and report back to the Board on this issue.

MOTION: Ms. Zoneraich moved for the Board to approve the proposed fee schedule for the telehealth permit with the understanding that the interpretation of the new law means less than ten patients per year, not less than ten patient encounters in unlimited number of patients per year.

SECOND: Chairman Whitfield

Executive Director McSorley requested the Board table this matter until further clarification is obtained to have a better understanding of this new law.

MOTION: Chairman Whitfield moved for the Board to table this matter and pending motion.

SECOND: Ms. Zoneraich

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

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

MOTION PASSED.

- Update on 2021 Legislation

Executive Director McSorley reported that SB1271 has passed, which created a transitional postgraduate training permit for medical graduates who failed to match in a residency program. The permit requires the physician to work with another physician supervisor to supervise their training outside of an established program.

Chairman Whitfield stated his concerns regarding this new postgraduate training permit and stated that it needed to be on the professional association's radar. PA Shaff pointed out that this permit applied to medical graduates to work under the supervision of another physician until matched in a residency program. Executive Director McSorley clarified that the permit runs for one year with the ability to apply for two additional years under this permit. PA Shaff stated that he did not see this as an issue for the PA profession at this time. Chairman Whitfield reiterated the need for the professional association to have this permit on its radar as it has the potential to financially impact PAs.

- Update on Staffing and Administrative Issues

Executive Director McSorley reported that the Agency is currently working on establishing a mechanism for staff to return to in-person work on a hybrid schedule as well as in-person Board meetings.

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

Chairman Whitfield stated his appreciation for the PHP Committee members and staff who assisted with the changes to the confidential licensing questionnaire and pointed out that CME programs were attended, and a lot of hard work was done to facilitate the meetings and come up with a recommendation. Chairman Whitfield also stated his appreciation for the JLRC and Vice-Chairman Daniels's hard work and efforts, and stated that he believed they came up with recommendations that represented the profession well while protecting the public. Chairman Whitfield acknowledged Ms. Robles for her hard work with facilitating the Board's meetings and assisting the Board officers.

The Board's next meeting will be held on August 25, 2021 and it has not yet been determined whether it will be held in person.

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

- Introduction of New Assistant Attorney General
The Board welcomed AAG Parvati Josyula to the team.

G. UPDATE ON THE JOINT LEGISLATION AND RULES COMMITTEE ("JLRC") MEETING

- Review, Discussion and Possible Action on Recommendations Related to the Certification of Prescribing Privileges for Applicants Under the Universal Recognition Application

Vice-Chairman Danielsen thanked the members and staff for their hard work and efforts on this, and stated that because the pharmacology training in schools cannot be measured, the JLRC recommended creating the appropriate rules and developing a test to determine whether applicants meet the requirements for prescribing in the State of Arizona.

Chairman Whitfield stated his appreciation for the JLRC's efforts. Dr. Dang volunteered to assist with developing the test and provide input from a pharmacology perspective.

MOTION: Vice-Chairman Danielsen moved for the Board to instruct the Executive Director and Board staff to create the appropriate rules for the development of test involving pharmacology and drug therapy to allow these individuals the ability to prescribe in Arizona.

SECOND: Ms. Zoneraich

Ms. Zoneraich spoke in support of the motion and questioned whether the test should cover other basic PA knowledge in addition to pharmacology. Vice-Chairman Danielsen clarified that the test should address pharmacology and drug therapy. Chairman Whitfield pointed out that the board exam covers basic PA knowledge and stated his concerns that this should be done through the NCCPA and require individuals to take the same board exam as practicing PAs. Vice-Chairman Danielsen explained that the issue was raised due to individuals applying for licensure who graduated from an unaccredited school, and who are ineligible to take the NCCPA examination.

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

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

MOTION PASSED.

Vice-Chairman Danielsen thanked the members and staff for their assistance with this task. Chairman Whitfield thanked the Vice-Chair for his hard work and efforts.

H. APPROVAL OF MINUTES

- February 24, 2021 Teleconference, including Executive Session

MOTION: Dr. Danielsen moved for the Board to approve the February 24, 2021 Teleconference, including Executive Session.

SECOND: Ms. Zoneraich

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

1. PA-20-0032A, PAMELA K. KELLY, P.A., LIC. #1608
MOTION: PA Shaff moved for dismissal.
SECOND: Dr. Danielsen
VOTE: The following Board members voted in favor of the motion: Chairman Whitfield, Vice-Chairwoman Reina, Dr. Averitte, PA Clark, Dr. Dang, Dr. Danielsen, PA Shaff 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-20-0081A, MANILA BOBBA, P.A., LIC. #4576
MOTION: Ms. Zoneraich moved for dismissal.
SECOND: Vice-Chairwoman Reina
VOTE: The following Board members voted in favor of the motion: Chairman Whitfield, Vice-Chairwoman Reina, Dr. Averitte, PA Clark, Dr. Dang, Dr. Danielsen, PA Shaff 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

1. PA-20-0042A, ELIZABETH F. WILLIAMS, P.A., LIC. #3534
Vice-Chairwoman Reina was recused from this matter.

MOTION: Chairman Whitfield moved for the Board to issue an Advisory Letter for prescribing Bactrim to a patient with stage 4 chronic kidney disease. 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.

SECOND: Dr. Danielsen

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

VOTE: 7-yay, 0-nay, 0-abstain, 1-recuse, 1-absent.

MOTION PASSED.

K. REVIEW OF EXECUTIVE DIRECTOR DISMISSALS

1. PA-20-0049A, TERESA L. RYAN, P.A., LIC. #1192
MOTION: Dr. Danielsen moved for the Board to uphold the dismissal.
SECOND: PA Shaff
VOTE: The following Board members voted in favor of the motion: Chairman Whitfield, Vice-Chairwoman Reina, Dr. Averitte, PA Clark, Dr. Dang, Dr. Danielsen, PA Shaff and Ms. Zoneraich. The following Board member was absent: Dr. Kelly.
VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.
MOTION PASSED.

L. PROPOSED CONSENT AGREEMENTS (Disciplinary)

1. PA-19-0074A, AMI N. MIKHAIL, P.A., LIC. #4942
Dr. Danielsen was recused from this matter.

MOTION: Vice-Chairwoman Reina moved for the Board to accept the revised proposed Consent Agreement for Letter of Reprimand and Three Year Probation with Practice Restriction. The PA shall be prohibited from prescribing controlled substances until she has complied with CME requirements, enters into an agreement for chart reviews with a Board-approved monitoring company, and has provided Board staff with satisfactory proof of compliance with these requirements. Within six months, the PA shall complete no less than 15 hours of Board staff pre-approved Category I CME in an intensive, in-person course regarding controlled substance prescribing. The CME hours shall be in addition to

the hours required for license renewal. No less than 30 days prior to returning to a practice setting involving active patient care, the PA shall enter into a contract with a Board-approved monitoring company to perform period chart reviews at her expense. After three consecutive, favorable chart reviews, the PA may petition the Board for Probation termination.

SECOND: Ms. Zoneraich

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

VOTE: 7-yay, 0-nay, 0-abstain, 1-recuse, 1-absent.

MOTION PASSED.

2. PA-20-0010A, MARK R. SCOTT, P.A., LIC. #2319

MOTION: Dr. Danielsen moved for the Board to accept the proposed Consent Agreement for Letter of Reprimand and Three Year Probation with Practice Restriction. The PA shall be prohibited from prescribing controlled substances until he has completed the CME requirements, enters into an agreement for chart reviews with a Board-approved monitoring company and has provided Board staff with satisfactory proof of compliance with these requirements. Within six months, the PA shall complete no less than 15 hours of Board staff pre-approved Category I CME in an intensive, in-person course regarding controlled substance prescribing. The CME hours shall be in addition to the hours required for license renewal. Within 30 days of completion of the CME, the PA shall enter into a contract with a Board-approved monitoring company to perform period chart reviews at his expense. After three consecutive, favorable chart reviews, the PA may petition the Board to request Probation termination.

SECOND: PA Shaff

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

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

MOTION PASSED.

M. ADJOURNMENT

MOTION: PA Shaff moved for the Board to adjourn.

SECOND: Vice-Chairwoman Reina

VOTE: The following Board members voted in favor of the motion: Chairman Whitfield, Vice-Chairwoman Reina, Dr. Averitte, PA Clark, Dr. Dang, Dr. Danielsen, PA Shaff 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 10:51 a.m.




Patricia E. McSorley, Executive Director