



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, November 3, 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
Levente G. Batizy, D.O.
David J. Bennett, D.O.
Kendra Clark, P.A.-C
Kevin K. Dang, Pharm D.
Randy D. Danielsen, PhD, P.A., D.F.A.A.P.A.
Shiva K. Y. Gosi, M.D., M.P.H., F.A.A.F.P., C.P.E.
Thomas E. Kelly, M.D., F.A.C.E.P.
John J. Shaff, PA-C, D.F.A.A.P.A.
Beth E. Zonerach

GENERAL BUSINESS

A. CALL TO ORDER

Chairman Whitfield called the meeting to order at 10:00 am

B. ROLL CALL

The following Board members were present: Chairman Whitfield, Dr. Batizy, Dr. Bennett, PA Clark, Dr. Dang, Dr. Danielsen, Dr. Gosi and PA Shaff.

The following Board members were absent: PA Reina, Dr. Kelly and Ms. Zonerach.

ALSO PRESENT

The following Board staff and Assistant Attorney(s) General were present: Patricia McSorley, Executive Director; Kristina Jensen, Deputy Director; Carrie Smith, Assistant Attorney General ("AAG"); Raquel Rivera, Investigations Manager; William Wolf, M.D., Chief Medical Consultant and Michelle Robles, Board Operations Manager.

C. CALL TO THE PUBLIC

Individuals who 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 2022 Meeting Calendar

Ms. McSorley provided the quarterly meeting dates for consideration.

Dr. Danielsen commented that the May meeting conflicts with the AAPA meeting. Board members agreed to change the May meeting date to May 11, 2022 to secure Board room A.

- Update on Staff Processes and Procedures

Ms. McSorley had no update.

- Update on Rulemaking

Ms. McSorley reported the telehealth registration fee will be coming out in the next couple of weeks.

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

- Introduction of New Board Members

Chairman Whitfield thanked Board members for coming back in person and introduced the new members. Chairman Whitfield noted that the next meeting in February is an election meeting. Chairman Whitfield and Dr. Danielsen will term out in July 2022.

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

- 2021 Legislative Advice Memorandum

Ms. Smith highlighted specific bills for the Board's information. SB1063 now allows a licensee seeking review of the agency's final administrative decision the right to request a trial de novo in the notice of appeal or by motion. At this time there is not sure how the procedure will change based on this statutory change. SB1416 amends the definition of lawful health care services to include the off-label use of medications during a public health emergency. HB2067 has to do with criminal convictions and allows a convicted person to apply for a certificate of second chance from the court which would release the applicant from all barriers and disabilities to obtaining an occupational license. HB2787 adds a definition of "moral turpitude" to the Arizona Revised Statutes.

G. APPROVAL OF MINUTES

- August 25, 2021 Teleconference Meeting

MOTION: PA Shaff moved for the Board to approve the May 19, 2021 Teleconference Meeting and the June 11, 2021 Teleconference Meeting.

SECOND: Dr. Dang.

VOTE: The following Board members voted in favor of the motion: Chairman Whitfield, Dr. Batizy, Dr. Bennett, PA Clark, Dr. Dang, Dr. Danielsen, Dr. Gosi and PA Shaff. The following Board members were absent: PA Reina, Dr. Kelly and Ms. Zoneraich.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

LEGAL MATTERS

H. FORMAL INTERVIEWS

1. PA-21-0023A, SARAH E. NEUMANN, P.A., LIC. #2590
PA Neumann was present with counsel Scott King.

Board staff informed the Board that the Board initiated the case after receiving a complaint that PA Neumann was giving medications to her employees without a prescription. PA Neumann dispensed five lorazepam from her personal medication to a work colleague without first establishing a treating relationship. PA Neumann's SP reported he was not consulted prior to the decision and Board staff noted that the delegation agreement is specific to allowing PA Neumann to only treat dermatologic conditions within the practice. Initially the PA reported and documented deferring an exam secondary to telehealth; however, upon receipt of the investigation report and in her supplemental response, the PA reported conducting a brief face to face exam and personally handing the medication to LI, despite text messages confirming that PA Neumann would leave them in a Ziplock bag under the mailbox and no documentation of an exam being performed. PA Neumann offered medication, without LI requesting it and referred to having her own "stash". PA Neumann relied on the Governor's Executive Order to support her dispensing of personal medication to a colleague without an examination or establishing a treating relationship. SIRC did not find PA Neumann's contention that she was providing emergent/temporary care or free samples from her

personal medication persuasive based on the records in the case. PA Neumann failed to document a treating provider or a date to indicate when the records were created. Additionally, there was no documentation to support PA Neumann's report that she performed a brief face-to-face exam.

PA Neumann requested that the Board to dismiss this case. PA Neumann referenced her Supervising Physician's letter of support dated October 14, 2021 where he opined that PA Neumann performed within her scope of practice per her Delegation Agreement. PA Neuman explained that the complainant NN had been calling her office at least ten times per day and threatened her and her team with physical harm. PA Neumann stated that the office was under the safety and at risk protocol and explained Patient LI situation with her partner. PA Neumann engaged with Patient LI via text message and via the phone later that day she was physically distraught. PA Neumann offered to help as she felt it was a critical and emergent situation and that it was not conducive to the patient's physical and mental health to send her to the ER. PA Neumann instructed LI to establish care with a primary physician and psychologist which she subsequently did. At the time PA Neuman stated she met LI at PA Neumann's home where she physically handed LI 5 Lorazepam in a Ziplock bag marked with the lot, expiration and drug name. A brief physical exam was done. PA Neumann opined that she acted appropriately in an emergent situation and asked that the Board take all that into consideration. PA Neumann stated that she will comply with the board but noted that this situation will not occur again as she felt this was an emergent occurrence.

Mr. King provide an opening statement on behalf of his client and requested that the case be dismissed.

During questioning, PA Neumann explained that via text message she discussed with LI her history, allergies, current medications, and their dosages. PA Neumann explained that LI had just moved from Colorado and had not established primary care or psychiatric care yet.

Dr. Dang opined that after reading through the narrative, it appeared PA Neumann lacks the understanding of psychiatric medication prescribing. Dr. Dang also noted that PA Neumann has the right to prescribe controlled substances, but she does not have the right to dispense. Dr. Dang opined that it is difficult to dismiss this case as PA Neumann clearly violated the laws set by the FDA, DEA and Board of Pharmacy.

Dr. Danielsen noted that the Supervising Physician speaks highly of PA Neuman and inquired about the supervising relationship.

PA Neumann informed the Board that she has worked with her Supervising Physician for the past 12 years. They see and speak to each other daily minimum via the telephone, EMR, tasks and pathology. Dr. Rasmussen also does all of PA Neumann's skin cancer surgeries that are of a malignant nature. Dr. Rasmussen does chart reviews once a week.

In response to Board member questions, PA Neumann stated that in the past two years she has prescribed approximately 20 antidepressants or anti-anxiety agents. In the past two years, she has not dispensed medications other than in this situation. PA Neuman agreed that the prescription she had was prescribed for her and not anyone else. PA Neumann agreed that she did not meet the requirements for dispensing, labeling and packaging in this case. PA Neumann stated that she did the right thing in this situation given the circumstances.

Dr. Danielsen commented that the issue in this case is the PA's right to prescribe versus to dispense, not the PA's care and compassion to the patient.

PA Shaff agreed with Board members comments and acknowledged the extenuating circumstances during that day; however, she recognized that the Board's rules needed to be followed.

PA Neumann noted that she gave LI 911 precautions and documented this after the fact. PA Neumann further explained that her thought process had changed with leaving the medications in the mailbox versus face to face at her house. PA Neumann explained that there were two appointments documented with the office. PA Neumann informed the Board that she had previously prescribed Lorazepam for preoperative surgery apprehension and for anxiety regarding the diagnosis. PA Neumann reiterated that LI was clearly anxious and that the prescription and dosage was appropriate. PA Neumann read for the record the last paragraph of Dr. Rasmussen's October 14th letter in support of her treatment.

In closing, Mr. King reiterated that this was an emergent and rare occurrence, and that PA Neumann did dispense the lorazepam but did provide the information on the bag. PA Neumann indicated the whole practice was on edge due to the order of protection and LI was depressed and anxious and that PA Neumann did the best that she could at the time. Mr. King requested that the Board consider PA Neumann's 20 years of practice with no history with the Board, the supervising physician's words of support and the medical records that have been provided.

Board staff clarified the method of delivery, that LI did not disclose that the medication was hand delivered and PA Neumann did not initially disclose that she hand delivered the medication or that she performed a cursory exam at the time. That was disclosed in the supplemental response. Board staff noted the language of the Governor's Executive Order and clarified that PA Neumann did not prescribe a prescription, she provided the patient with her personal medication. Board staff stated that PA Neumann owns the practice; however, she could not confirm if the Supervising Physician is employed by PA Neumann.

During deliberation, Dr. Dang stated that based on the findings he agreed with SIRC's recommendation.

MOTION: Dr. Dang moved for a finding of unprofessional conduct in violation of A.R.S. § 32-2501(18)(a) (for a violation of A.R.S. § 36-2608(A),(i), and (II)) for reasons as stated by SIRC.

SECOND: PA Shaff.

Dr. Dang commented that he left out the recommended (C) violation based on discussion that PA Neumann discussed the care with her supervising physician prior to dispensing the medication. Chairman Whitfield identified the various violations for the record. Chairman Whitfield commented in terms of violation (i) and (II) as there may not have been a full physician examination but there was a face to face with visible anxiety. Dr. Danielsen commented that PA Neumann had the right to prescribe not dispense. Chairman Whitfield provided an example that if he had an epi pen prescribed for someone else would one use it if someone else was having an allergic reaction and it could be justified as an emergent situation. PA Clark commented that she understood that boundaries can become convoluted and it is natural to justify. PA Clark stated that it is the PA's responsibility to understand the laws and hold themselves to a higher standard for regulation and scope of practice. Board staff commented that the Board consider the message that allowing a PA to dispense from a personal stash would send to the community. Dr. Dang agreed with comments, especially using an epi pen in an emergent situation and clarified the law that providers have the right to dispense a sample epi pen but not an epi pen that was a prescription.

VOTE: The following Board members voted in favor of the motion: Chairman Whitfield, Dr. Batizy, PA Clark, Dr. Dang, Dr. Danielsen, Dr. Gosi and PA Shaff. The following Board member voted against the motion: Dr. Bennett. The following Board members were absent: PA Reina, Dr. Kelly and Ms. Zonerach.

VOTE: 7-yay, 1-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

MOTION: Dr. Dang moved for the Board to draft Findings of Fact, Conclusions of Law and Order for a Letter of Reprimand and Probation. Within six months, complete CPEP's ProBE course in ethics. The CME hours shall be in addition to the hours required for license renewal. The Probation shall not terminate except upon affirmative request of the physician assistant and approval by the Board, and PA Neumann's request for termination shall be accompanied by proof of successful completion of the CME.

SECOND: PA Clark.

Dr. Danielsen commented that this situation is a bit of a quandary and opined that this does rise to the level of discipline however this motion seems harsh.

In response to a Board member's inquiry, Ms. Smith informed the Board that they can issue a Letter or Reprimand and/or Probation separately however the Board typically votes for them together.

Dr. Danielsen opined that this does rise to the level of discipline but that he would vote against this motion and vote for probation. PA Shaff commented that it is the Board's mission to protect the public and that this was a onetime situation.

In response to a Board member's inquiry, Ms. Smith informed the Board that it has the option to issue an Advisory Letter with Non-disciplinary CME if it opines that this case does not rise to the level of discipline. This motion would need to fail.

VOTE: The following Board members voted in favor of the motion: Dr. Dang. The following Board members voted against the motion: Chairman Whitfield, Dr. Batizy, Dr. Bennett, PA Clark, Dr. Danielsen, Dr. Gosi and PA Shaff. The following Board members were absent: PA Reina, Dr. Kelly and Ms. Zoneraich.

VOTE: 1-yay, 7-nay, 0-abstain, 0-recuse, 3-absent.

MOTION FAILED.

MOTION: Dr. Danielsen moved to issue an Advisory Letter and Order for Non-Disciplinary CME for dispensing a controlled substance in violation of A.R.S. § 36-2608(A), A.R.S. § 32-2501(18)(i), and (II). 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 CPEP's ProBE course in ethics. The CME hours shall be in addition to the hours required for license renewal.

SECOND: Chairman Whitfield.

Dr. Danielsen commented that PA Neumann admitted what she did was wrong but there were mitigating circumstances and the dispensing violation should not occur again.

VOTE: The following Board members voted in favor of the motion: Chairman Whitfield, Dr. Batizy, Dr. Bennet, Dr. Dang, Dr. Danielsen, Dr. Gosi, PA Clark and PA Shaff. The following Board members were absent: PA Reina, Dr. Kelly and Ms. Zoneraich.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

CONSENT AGENDA

I. CASES RECOMMENDED FOR ADVISORY LETTERS

MOTION: PA Shaff moved to issue an Advisory Letter in cases 1 and 2.

SECOND: PA Clark.

VOTE: The following Board members voted in favor of the motion: Chairman Whitfield, Dr. Batizy, Dr. Bennett, PA Clark, Dr. Dang, Dr. Danielsen, Dr. Gosi and PA Shaff. The following Board members were absent: PA Reina, Dr. Kelly and Ms. Zoneraich.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

1. PA-21-0016A, LEIGH C. KARNELL, P.A., LIC. #4710

RESOLUTION: Issue an Advisory Letter for failing to identify foreign body on an x-ray. 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.

2. PA-20-0078A, SANDRA M. BARBERIE, P.A., LIC. #7080

RESOLUTION: Issue an Advisory Letter for inadequate documentation, failing to perform a physical examination, failing to obtain informed consent prior to starting a new medication, and failing to refer for psychotherapy. 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.

3. PA-20-0023A, JOSEPH SMITH II, P.A., LIC. #6345

PA Shaff noted that staff has requested this case be sent back for further investigation.

MOTION: PA Shaff moved to return the case for further investigation.

SECOND: PA Clark.

PA Shaff clarified that Board staff did not receive the appropriate delegation agreements throughout the investigation and staff has requested that the case be returned for further investigation to obtain those delegation agreements.

VOTE: The following Board members voted in favor of the motion: Chairman Whitfield, Dr. Batizy, Dr. Bennett, PA Clark, Dr. Dang, Dr. Danielsen, Dr. Gosi and PA Shaff. The following Board members were absent: PA Reina, Dr. Kelly and Ms. Zoneraich.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

J. PROPOSED CONSENT AGREEMENTS (Disciplinary)

1. PA-21-0010A, ALBERT R. TUTTLE, P.A., LIC. #1138

Ms. Smith informed the Board of a typographical error in paragraph 4 that has been corrected by Board staff.

MOTION: Chairman Whitfield moved for the Board to accept the proposed Consent Agreement for a Letter of Reprimand.

SECOND: Dr. Danielsen.

VOTE: The following Board members voted in favor of the motion: Chairman Whitfield, Dr. Batizy, Dr. Bennett, PA Clark, Dr. Dang, Dr. Danielsen, Dr. Gosi and PA Shaff. The following Board members were absent: PA Reina, Dr. Kelly and Ms. Zoneraich.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

K. LICENSE APPLICATIONS

i. APPROVE OR DENY LICENSE APPLICATION

1. THIS CASE HAS BEEN PULLED FROM THE AGENDA.

ii. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING RENEWAL APPLICATION AND CONSIDERATION OF RECOMMENDED ADVISORY LETTER

1. PA-21-0005A, VANESSA R. OLDS, P.A., LIC. #5604

MOTION: Chairman Whitfield moved for the Board to grant the license renewal and issue an Advisory Letter for failing to timely report a misdemeanor charge within ten days as required by law. 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: PA Shaff.

VOTE: The following Board members voted in favor of the motion: Chairman Whitfield, Dr. Batizy, Dr. Bennett, PA Clark, Dr. Dang, Dr. Danielsen, Dr. Gosi and PA Shaff. The following Board members were absent: PA Reina, Dr. Kelly and Ms. Zoneraich.
VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.
MOTION PASSED.

iii. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING LICENSE APPLICATION AND CONSIDERATION OF RECOMMENDED ADVISORY LETTER

1. PA-21-0087A, SHANTEL T. GLICK, P.A., LIC. #N/A

Counsel Steven Perlmutter addressed the Board during the public statements portion of the meeting on behalf of the physician assistant.

MOTION: PA Shaff moved for the Board to grant the license application and issue an Advisory Letter for practicing with an expired license. 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.

SECOND: Dr. Danielsen.

Chairman Whitfield inquired about counsel's request for retroactive reinstatement during the call to public. Ms. Smith informed the board that the statute cited by Mr. Perlmutter during his statements appears to pertain to the Respiratory Care Board Act which is not applicable to PAs. Ms. Smith further stated that there is a statute that allows for an extension for members of active duty military which would need to be granted prior to the expiration of the license. Ms. Young confirmed that only the PA's work address was updated, and not the mailing address.

VOTE: The following Board members voted in favor of the motion: Chairman Whitfield, Dr. Batizy, Dr. Bennett, PA Clark, Dr. Dang, Dr. Danielsen, Dr. Gosi and PA Shaff. The following Board members were absent: PA Reina, Dr. Kelly and Ms. Zoneraich.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

ACTION ON CASE(S)

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

1. PA-20-0039B, JULIE F. SILVER, P.A., LIC. #2397

MOTION: PA Shaff moved to approve the draft Findings of Fact, Conclusions of Law and Order for a Letter of Reprimand and Six Month Probation. Within six months, complete the Professional/Problems-Based Ethics ("ProBE") program offered by the Center for Personalized Education for Physicians ("CPEP"). The CME hours shall be in addition to the hours required for license renewal. The licensee shall obtain an unconditional or conditionally passing grade. The Probation shall not terminate except upon affirmative request of the physician assistant and approval by the Board.

SECOND: Dr. Danielsen.

VOTE: The following Board members voted in favor of the motion: Chairman Whitfield, Dr. Batizy, Dr. Bennett, PA Clark, Dr. Dang, Dr. Danielsen, Dr. Gosi and PA Shaff. The following Board members were absent: PA Reina, Dr. Kelly and Ms. Zoneraich.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

OTHER BUSINESS

M. REQUEST FOR TERMINATION OF BOARD ORDER

1. PA-19-0036A, KORTNI R. JONES, P.A., LIC. #7414

MOTION: Chariman Whitfield moved for the Board to grant the request to terminate the June 4, 2019 Board Order.

SECOND: PA Shaff.

VOTE: The following Board members voted in favor of the motion: Chairman Whitfield, Dr. Batizy, Dr. Bennett, PA Clark, Dr. Dang, Dr. Danielsen, Dr. Gosi and PA Shaff. The following Board members were absent: PA Reina, Dr. Kelly and Ms. Zoneraich.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

2. PA-18-0065A, ALBERT R. TUTTLE, P.A., LIC. #1138

MOTION: Chairman Whitfield moved for the Board to grant the request to terminate the May 27, 2020 Board Order.

SECOND: PA Clark

VOTE: The following Board members voted in favor of the motion: Chairman Whitfield, Dr. Batizy, Dr. Bennett, PA Clark, Dr. Dang, Dr. Danielsen, Dr. Gosi and PA Shaff. The following Board members were absent: PA Reina, Dr. Kelly and Ms. Zoneraich.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

3. PA-16-0060A, LLOYD G. BARKER, P.A., LIC. #2193

PA Barker address the board during the public statements portion of the meeting.

MOTION: Chairman Whitfield moved for the Board to grant the request to terminate the August 30, 2017 Board Order.

SECOND: PA Shaff

VOTE: The following Board members voted in favor of the motion: Chairman Whitfield, Dr. Batizy, Dr. Bennett, PA Clark, Dr. Dang, Dr. Danielsen, Dr. Gosi and PA Shaff. The following Board members were absent: PA Reina, Dr. Kelly and Ms. Zoneraich.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

4. PA-19-0074A, AMI N. MIKHAIL, P.A., LIC. #4942

PA Mikhail addressed the Board during the public statements portion of the meeting.

MOTION: Danielsen moved for the Board to grant the request to terminate the May 19, 2021 Board Order.

SECOND: Clark

Chairman Whitfield express concern that there was no evidence of chart reviews and that he is not inclined to grant early termination without meeting all the requirements.

Board staff informed the Board that on May 19, 2021 PA Mikhail and the Board entered into a Letter of Reprimand and Three Year Probation with Practice Restriction for inappropriate prescribing of controlled substances. Board staff noted that this was a negotiated consent agreement and staff knew that she was in a teaching roll at the time of signing of this Order. Therefore the Order restricted her from prescribing controlled substances until she completed the required CME and chart reviews. The Order states that no less than 30 days prior to returning to a practice setting with active patient care, Respondent shall enter into a contract with a Board-approved monitoring company to perform periodic chart reviews. The PA did complete the CME in June of 2021, however; the practice restriction is still in effect since the PA has not enrolled in chart reviews since

she remains in an academic setting. The Order stipulates that after three successful chart reviews she can petition for early termination. However, it also stipulates that if the practice restriction is still in effect at the time of her request the Board may require any combination of exams and/or evaluations in order to determine whether or not she is safe to prescribe controlled substances or they can continue the practice restriction. Board staff noted that it is the Board's normal process not to terminate the practice restriction until the PA has enrolled in chart reviews. As chart reviews are an essential component of monitoring the prescribing of controlled substances concerns since they help staff to identify whether the education that was obtained in the CME has been incorporated into the licensee's practice. If the concerns remain the staff has the ability to take action if necessary. In response to a Board member inquiry, Ms. Smith confirmed that the Order does require three consecutive chart reviews prior to a request for termination. Board staff noted that there was a death associated with this case.

PA Clark inquired how the Board would accommodate an academic setting. Chairman Whitfield noted the Board cannot grant a license for an academic setting only that if the PA is granted a license it is a full license unless there is a restriction or limitation.

Board staff noted that without probation the PA can go back to prescribing and the Board would not know since there is no monitoring in place.

Dr. Danielsen commented that the Board does not want to set a precedent to grant early termination without completing the terms of the Order.

MOTION WITHDRAWN.

MOTION: PA Shaff moved for the Board to deny the request to terminate the August 30, 2017 Board Order.

SECOND: Dr. Dang.

PA Shaff commented that the PA fulfill the requirements of the Order and obtain a position that allows her to meet the chart review requirement.

Dr. Danielsen opined that this is a catch 22 situation. That she's in an academic position but needs to return to practice in order to meet the requirements. However, the Board must protect the public. Chairman Whitfield noted that the PA does not need a full license for academia however if she wants to practice without a restriction she has to meet the requirements of the Order. Board staff reiterated that this was a negotiated settlement and that the PA was aware of the language when she signed. Dr. Danielsen suggested that the PA can still see patients and practice while in academia so that she can start chart reviews.

VOTE: The following Board members voted in favor of the motion: Chairman Whitfield, Dr. Batizy, Dr. Bennett, PA Clark, Dr. Dang, Dr. Danielsen, Dr. Gosi and PA Shaff. The following Board members were absent: PA Reina, Dr. Kelly and Ms. Zoneraich.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

N. ADJOURNMENT

MOTION: Dr. Danielsen moved for the Board to adjourn.

SECOND: PA Clark.

VOTE: The following Board members voted in favor of the motion: Chairman Whitfield, Dr. Batizy, Dr. Bennett, PA Clark, Dr. Dang, Dr. Danielsen, Dr. Gosi and PA Shaff. The following Board members were absent: PA Reina, Dr. Kelly and Ms. Zoneraich.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

The Board's meeting adjourned at 11:58 am



Patricia E. McSorley
Patricia E. McSorley, Executive Director