



# Arizona Regulatory Board of Physician Assistants

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## FINAL MINUTES FOR TELECONFERENCE MEETING Held on Wednesday, February 23, 2022 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. Zoneraich

## GENERAL BUSINESS

### A. CALL TO ORDER

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

### B. ROLL CALL

The following Board members were present: Chairman Whitfield, PA Reina, Dr. Batizy, Dr. Dang, Dr. Danielsen, Dr. Gosi, Dr. Kelly, PA Shaff and Ms. Zoneraich.

The following Board members were absent: Dr. Bennett and PA Clark.

### 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

- Update on Enforcement of A.R.S. §§ 36-2606(F) and 36-2607(C) and the Requirement to Register with the Arizona Controlled Substances Prescription Monitoring Program (CSPMP)

Ms. McSorley informed the Board of the steps Board staff have made to get individuals to register with the CSPMP. Those who are not compliant with the requirement will have an investigation opened with the Board.

Chairman Whitfield opined that the CSPMP is difficult to work with. Dr. Kelly commented that most EMRs have integrated the CSPMP but not all. Dr. Dang noted that if the

individual does not consistently log in to the CSPMP it will become inactive. Ms. Zoneraich noted that for small practices it can be very expensive to integrate the CSPMP.

- Legislative Update:
  - SB 1568 Health Professionals, Complaints, and Investigations  
Ms. McSorley informed the Board that this bill tightens up the deadlines for investigations.
  - SB 1367 Physician Assistants, Oversight, and Practice (Collaborative Practice)  
Ms. McSorley informed the Board that this bill is regarding creating a collaborative working environment between providers.
- Update on Federation of State Medical Board's Annual Meeting  
Ms. McSorley informed the Board that if they are interested in attending the meeting Board staff can make arrangements.  
Dr. Danielsen recommended Board members attend as it can be very informative.
- Discussion Regarding Board's Processes and Procedures
  - Introduction of Envelope for PA Renewals  
Ms. McSorley informed the Board that staff is now sending renewal notifications in a bright green envelope. The notification is only helpful if licensees keep their contact information up to date.
- Discussion and Approval of 2023 Board Meeting Calendar

**MOTION: Chairman Whitfield moved to approve the 2023 Board meeting schedule.**

**SECOND: Dr. Danielsen.**

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

**VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.**

**MOTION PASSED.**

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

Chairman Whitfield expressed his gratitude to Board staff and members.

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

Ms. Smith had no legal report to provide.

## **G. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING ELECTION OF BOARD OFFICERS**

**MOTION: PA Shaff moved to nominated himself for Vice Chair.**

**SECOND: Ms. Zoneraich.**

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

**VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.**

**MOTION PASSED.**

**MOTION: Dr. Danielsen moved to nominated PA Reina for Chair.**

**SECOND: PA Shaff.**

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

**VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.**

**MOTION PASSED.**

## **H. APPROVAL OF MINUTES**

- November 3, 2021 Regular Session
- December 21, 2021 Special Teleconference

**MOTION: PA Shaff moved for the Board to approve the November 3, 2021 Regular Session Meeting and the December 21, 2021 Special Teleconference Meeting.**

**SECOND: Dr. Danielsen.**

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

**VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.**

**MOTION PASSED.**

## **LEGAL MATTERS**

### **I. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON SETTLEMENT CONFERENCE AS REQUESTED BY RESPONDENT**

1. PA-21-0060A, JAMES E. SMITH, M.D., LIC. #TP7937

PA Smith was not present. Counsel Sara Stark participated virtually on PA Smith's behalf. AAG Coady participated virtually as the Board Independent Legal Advisor. AAG Hargraves participated virtually on behalf of the State.

Ms. Stark stated that both parties have reached an agreement for surrender of his license and PA Smith will be signing the consent agreement today.

Mr. Hargraves informed the Board that the proposed consent agreement was included in the State's memo. The State requested that the Board accept the agreement if it is signed by the end of the day. The hearing can be vacated if signed and if PA Smith does not sign then the case can proceed with the hearing.

**MOTION: Chairman Whitfield moved to accept the signed ca if received by 5:00 p.m. today and vacate the formal hearing, otherwise the case will proceed to formal hearing.**

**SECOND: Dr. Danielsen.**

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

**VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.**

**MOTION PASSED.**

2. PA-19-0092A, ROBERT J. SEALS, M.D., LIC. #2991

PA Seals participated virtually with counsel Sara Stark. AAG Coady participated virtually as the Board Independent Legal Advisor. AAG Josyula participated virtually on behalf of the State. A.L. addressed the Board during the Public Statements portion of the meeting.

Ms. Stark requested that the Board issue an Advisory Letter with non-disciplinary CME be issued in this case given the quality of evidence in this case. Ms. Stark opined that the State cannot sustain its burden of proof regarding the allegations at hearing. Ms. Stark also commented that the text messages appear to have been altered. Ms. Stark noted

that PA Seals acknowledges he should have stricter boundaries when using his personal phone and is willing to take the PBI course.

Ms. Josyula stated that the State disagreed with Ms. Stark's comments that the State does not have substantial evidence regarding the recordkeeping, sexual misconduct and failing to refer the patient to a nephrologist. Ms. Josyula commented that it is incorrect to say the text messages that were submitted are ineligible and noted that this is the first time that the accusation that the texts were altered has been raised. PA Seals has refused to accept that he made poor choices and judgment. Ms. Josyula stated that the State has sufficient evidence to proceed with the hearing.

**MOTION: Dr. Danielsen moved for the Board to enter into Executive Session to obtain legal advice pursuant to A.R.S. § 38-431.03(A)(3).**

**SECOND: Dr. Kelly.**

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

**VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.**

The Board entered into Executive Session at 10:44 a.m.

The Board returned to Open Session at 10:57 a.m.

No legal action was taken by the Board during Executive Session.

PA Seals provided a statement to the Board. PA Seals stated that he understands this is controversial and further explained what occurred regarding the back exam and the referral the patient wanted to a nephrologist. PA Seals stated that he did let the patient text him regarding needs and medicine. PA Seals explained that the patient filed a complaint when she was dismissed from the practice.

MS. Coady advised the Board that this is not the time for sworn testimony and commented need to be related to the settlement conference.

PA Seals confirmed that he will agree to the CME course. Ms. Stark reiterated that the texts were unclear and that this was not the first time that this issue was raised.

**MOTION: Chairman Whitfield moved to reject the proposed settlement proposal and offer PA Seals a Decree of Censure and Two Year Probation Within six months, complete PBI's Professional Boundaries and Ethics: Extended Edition (PB-24EX) course. Within thirty days of completing the Board ordered CME, the physician assistant shall enroll into PBI's post-course maintenance and accountability seminars. 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. Respondent's request for termination shall be accompanied by proof of successful completion of the CME. PA Seals must return the signed consent agreement within 5 business days and the formal hearing will be vacated, if not received the case will continue to formal hearing.**

**SECOND: Dr. Danielsen.**

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

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

**MOTION PASSED.**

## **J. FORMAL INTERVIEWS**

1. PA-20-0019A, BRETT W. EMERY, P.A., LIC. #6538

PA Emery participated virtually with counsel Marc Fredenberg. Dr. Kelly stated that his position at Mayo does not affect his ability to adjudicate this case. Dr. Gosi stated that he worked at the previous place of employment, but it would not affect his ability to adjudicate this case.

Board staff summarized that the Board initiated case based on a confidential complaint alleging that PA Emery had entered treatment for a substance use disorder and that he had left treatment early. Board staff issued an Interim Order for a PHP assessment. PA Emery presented for his PHP assessment; however, the PHP Assessor determined that there was a conflict of interest but did provide Board staff with a lab report that showed high PEth results. PA Emery presented to a second PHP assessor who opined no further treatment or monitoring was necessary despite making recommendations for therapy and counseling. Board staff also obtained employment records documenting failure to respond to nurses and supervisors resulting in a performance improvement plan. PA Emery entered into a 5 year ICA for PHP monitoring and has been compliant to date. SIRC determined that this rises to the level of discipline and recommended a Letter of Reprimand and 5 year PHP Probation.

Mr. Fredenberg provided an opening statement to the Board, where he clarified aspects of the SIRC report they found misleading and noted supplemental material that was provided the day prior. Mr. Fredenberg commented that PA Emery accepts responsibility for his actions and has learned important lessons. PA Emery is committed to his sobriety and requested an Advisory Letter with continued monitoring.

PA Emery provided an opening statement to the Board. PA Emery stated that being a physician assistant is a privilege and he must be committed to his sobriety. PA Emery explained that he has learned to identify his triggers, how to address them appropriately and stay on a pathway of active recovery.

Board staff noted that staff did not receive the supplemental document referenced in the attorney's opening statement and noted that concerns had been raised with regard to Respondent's conduct at work prior to implementation of the performance improvement plan.

Ms. Smith advised the Board that they should clarify the issue of the documents that counsel referred to in the opening statement.

During questioning, PA Emery explained the rotating shift and on call rotations at the time these issues occurred. PA Emery also explained the issue regarding his supervising physician's complaint about responding to his pager. PA Emery noted that at the time they thought he was distracted but a drug and alcohol test was not requested. PA Emery confirmed that when he first received this complaint, he did reach out to the treatment facility three times about who filed the complaint. PA Emery explained that he discussed the conflict with the PHP assessor during his assessment and not to Board staff. PA Emery confirmed that he has been sober since June 2020 and informed the board of his current position and the hours he works on a weekly basis. He has a great relationship with his supervising physician who he communicates with throughout the day. PA Emery explained that he is on call at Mayo and has not missed or have delayed responses to his pages. He has never been impaired while on duty and the phone calls referenced were while he was on a leave of absence or FMLA.

Ms. Smith clarified the statutes and unprofessional conduct for which PA Emery had been provided notice. Ms. Smith noted that there is no criminal charge at issue in this case.

In closing, Mr. Fredenberg requested a non-disciplinary advisory letter and continued monitoring, retroactive to September, 2020.

In closing, PA Emery stated that he has learned from this experience and is committed to his recovery to ensure that this does not happen again.

Board staff noted the PHP Assessor's emails in the file regarding why he felt there was a conflict of interest. Board staff further clarified that employment documents show PA Emery did not tell his employer about going to IOP in April and prior to that there were other issues at work not related to the phone calls. PA Emery admitted to continued substance use after his IOP and PHP assessments. PA Emery submitted additional information yesterday. Board staff also noted PA Emery's request for 3 years of monitoring when staff's recommendation was for 5 years.

**MOTION: PA Reina moved for a finding of unprofessional conduct in violation of A.R.S. § 32-2501(18)(a) (for a violation of A.R.S. § 32-2527(A)) and (d) for reasons as stated by SIRC.**

**SECOND: Chairman Whitfield.**

PA Shaff opined that with regards to the violation of A.R.S. § 32-2501(18)(d), there was no proof that PA Emery was under the influence of substances while performing healthcare tasks.

Ms. Smith clarified the meaning of that provision for the Board.

Ms. Zoneraich commented while there was no definitive evidence of being impaired while at work, Banner was concerned that he was impaired while at work. Dr. Danielsen opined that there was some suspicion, but the proof is not there. Dr. Danielsen noted the PA's recovery up to this point and spoke against the motion as stated.

Ms. Smith explained that the Board's ultimate recommendation for monitoring or probation would need to have some rational relationship to the violations identified in the case.

Chairman Whitfield noted if the Board does not uphold the violation of A.R.S. § 32-2551(18)(d), the only violation identified in the case would be failing to update his address. Dr. Danielsen commented that given that clarification, he retracted his previous statement.

Board staff noted a pattern of needing assistance requiring treatment from the SIRC report.

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

**VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.**

**MOTION PASSED.**

**MOTION: PA Reina moved for an Advisory Letter for failure to update licensee's practice address within thirty days as required in statute and for exhibiting a pattern of use of alcohol to the extent that judgement may be impaired. Continuing five year Probation retroactive to September 29, 2020.**

**SECOND: PA Shaff.**

**MOTION: PA Reina moved for the Board to enter into Executive Session to obtain legal advice pursuant to A.R.S. § 38-431.03(A)(3).**

**SECOND: Dr. Dang.**

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

**VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.**

The Board entered into Executive Session at 12:40 p.m.  
The Board returned to Open Session at 1:06 p.m.  
No legal action was taken by the Board during Executive Session.  
**MOTION WITHDRAWN.**

**MOTION:** PA Reina moved to offer the licensee an SRA for 5 years, retroactive to September 29, 2020 with terms and conditions consistent with the ICA for PHP Participation, and if accepted within 14 days, issue an Advisory Letter for failing to update his address within 30 days as required by board statute and for exhibiting a pattern of use of alcohol that may have impaired his ability to perform health care tasks. 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. If not accepted within 14 days, return the matter to the next Board meeting for further consideration.

**SECOND:** Dr. Kelly.

Ms. Zoneraich spoke against the motion and opined that not issuing a Letter of Reprimand as recommended by SIRC is a mistake as the PA has struggled with this issue for a long time.

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

**VOTE:** 7-yay, 2-nay, 0-abstain, 0-recuse, 2-absent.

**MOTION PASSED.**

## **CONSENT AGENDA**

### **K. CASES RECOMMENDED FOR DISMISSAL**

1. PA-20-0013A, MARIANNE CONTRERAS, P.A., LIC. #4274  
Counsel Steven Perlmutter addressed the Board during the Public Statements portion of the meeting on behalf of the physician assistant.

**MOTION:** PA Shaff moved to dismiss.

**SECOND:** Dr. Daneilsen.

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

**VOTE:** 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

**MOTION PASSED.**

2. PA-21-0075A, ALBERT R. TUTTLE, P.A., LIC. #1138  
PA Whitfield explained that the PA was unaware that his supervising physician did not hold an unrestricted license.

**MOTION:** Dr. Danielsen moved to dismiss.

**SECOND:** Dr. Kelly.

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

**VOTE:** 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

**MOTION PASSED.**

### **L. CASES RECOMMENDED FOR ADVISORY LETTERS**

1. PA-21-0025A, ZSUZSANNA PREVILLY, P.A., LIC. #4556

PA Preville and Counsel Steven Perlmutter addressed the Board during the Public Statements portion of the meeting.

**MOTION:** Chairman Whitfield moved to issue an Advisory Letter for failing to obtain urine testing in a diagnostic evaluation of a patient for STDs. 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:** PA Reina.

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

**VOTE:** 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

**MOTION PASSED.**

2. PA-20-0044A, RYAN W. BROWER, P.A., LIC. #4348

Chairman Whitfield summarized that this case is regarding a trigger point injection that developed a pneumothorax.

**MOTION:** Dr. Batizy moved to issue an Advisory Letter for failure to obtain written consent for trigger point injections. 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:** Ms. Zoneraich.

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

**VOTE:** 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

**MOTION PASSED.**

3. PA-21-0041A, ROSE M. MINTZ, P.A., LIC. #5991

Chairman Whitfield noted that this was a case regarding the use of Wellbutrin in a patient.

**MOTION:** PA Shaff moved to dismiss.

**SECOND:** Dr. Kelly.

Dr. Danielsen opined that the recommendation for an Advisory Letter is appropriate as the discussion regarding the clinical rationale and side effects should be documented. PA Shaff noted that it was noted in the medical record that the medication's benefits and risks were discussed. Ms. Zoneraich agreed and noted that that the patient was mad that the medication they wanted was not given. Dr. Gosi noted that there were no side effects from the medication.

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

**VOTE:** 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

**MOTION PASSED.**

4. PA-21-0034A, ERIC J. PIPPI, P.A., LIC. #7842

PA Pippi addressed the Board during the Public Statements portion of the meeting.

**MOTION:** PA Reina moved to issue an Advisory Letter for having action taken by the Oklahoma State Board of Medical Licensure. 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. Dang.**

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

**VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.**

**MOTION PASSED.**

## **M. REVIEW OF EXECUTIVE DIRECTOR DISMISSALS**

1. PA-21-0032A, KENAN ARKAWI, P.A., LIC. #4289  
B.M. addressed the Board during the Public Statements portion of the meeting.

**MOTION: Dr. Danielsen moved to uphold the Executive Director's dismissal.**

**SECOND: Ms. Zoneraich.**

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

**VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.**

**MOTION PASSED.**

## **N. PROPOSED CONSENT AGREEMENTS (Disciplinary)**

1. PA-20-0075A, ANTHONY KELLY, P.A., LIC. #4386

**MOTION: Chairman Whitfield moved to accept the Letter of Reprimand.**

**SECOND: Dr. Danielsen.**

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

**VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.**

**MOTION PASSED.**

2. PA-21-0049A, ERIC T. FERGEN, P.A., LIC. #7075

**MOTION: PA Shaff moved to accept the Letter of Reprimand and Five Year Probation for participation in Board's PHP, retroactive to July 30, 2021. The Probation shall not terminate except upon affirmative request of the physician assistant and approval by the Board, and PA Fergen's request for termination shall be accompanied by a recommendation from his PHP Contractor stating that monitoring is no longer required.**

**SECOND: Dr. Batizy.**

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

**VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.**

**MOTION PASSED.**

## **O. LICENSE APPLICATIONS**

### **i. APPROVE OR DENY LICENSE APPLICATION**

1. PA-21-0043A, BIKRAMJIT S. GILL, P.A., LIC. #N/A

**MOTION: Dr. Danielsen moved to grant the license.**

**SECOND: PA Shaff.**

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

**VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.**

**MOTION PASSED.**

2. PA-21-0093A, HUNTER B. MARTENEY, P.A., LIC. #N/A

**MOTION: PA Shaff moved to grant the license.**

**SECOND: PA Reina.**

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

**VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.**

**MOTION PASSED.**

3. PA-21-0123A, LOLA T. MARGRON, P.A., LIC. #N/A

**MOTION: PA Reina moved to grant the license.**

**SECOND: PA Shaff.**

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

**VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.**

**MOTION PASSED.**

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

1. PA-22-0008A, HALEY G. FRAZIER, P.A., LIC. #N/A

**MOTION: PA Shaff moved to grant the license 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. Gosi.**

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

**VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.**

**MOTION PASSED.**

2. PA-22-0007A, PATRICK J. PURVES, P.A., LIC. #N/A

**MOTION: PA Shaff moved to grant the license 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. Batizy.**

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

**VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.**

**MOTION PASSED.**

## **OTHER BUSINESS**

### **P. REQUEST FOR MODIFICATION OF BOARD ORDER**

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

Board staff summarized that this case was considered at the last meeting for early termination. This request was denied since she did not enroll in chart reviews. After the meeting, Board staff was contacted by another agency who reported that based on her restriction it would require PA Mikhail to surrender her DEA license. This would have adverse reactions for her place of employment. Board staff presented PA Mikhail with a modified Board Order which would restrict her to working in an academic setting only and remove the controlled substance restriction. The chart reviews will only commence if she goes back to active patient care.

**MOTION: Dr. Batizy moved to grant modification of the May 19, 2021 Board Order.**

**SECOND: PA Shaff.**

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

**VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.**

**MOTION PASSED.**

### **Q. REQUEST FOR TERMINATION OF BOARD ORDER**

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

Counsel Scott Hergenroether addressed the Board during the Public Statements portion of the meeting on behalf of the physician assistant.

Board staff noted that this is a request for early termination. The terms required PA Welly to complete CME and enter into a contract for periodic chart reviews. Prior to PA Welly's request for termination he must complete two favorable chart reviews. In December 2019 PA Welly completed the required CME. On March 13, 2021 PA Welly enrolled in chart monitoring and the practice restriction was lifted. Chart reviews 1, 2 and 3 were unfavorable and the Board issued an Advisory Letter and CME. On March 19, 2021 he completed the CME. Chart reviews 4 and 5 were unfavorable and SIRC considered them together and recommended discipline. On October 18, 2021 PA Welly elected formal hearing for these cases. Chart reviews 6 and 7 were unfavorable and SIRC considered them together and recommended discipline in these cases. Review 8 was unfavorable and is pending SIRC. PA welly has not met the requirement for termination as he has not received two favorable chart reviews.

**MOTION: Chairman Whitfield moved to deny the request for early termination of the February 26, 2021 Board Order.**

**SECOND: Dr. Kelly.**

PA Shaff noted that the PA's counsel stated there have been favorable chart reviews at call to public.

Board staff confirmed that there has not been a favorable chart review. The MC has commented that there have been improvements in the medical records.

**VOTE: The following Board members voted in favor of the motion: Chairman Whitfield, PA Reina, Dr. Batizy, Dr. Dang, Dr. Danielsen, Dr. Gosi, Dr. Kelly, PA**

Shaff and Ms. Zoneraich. The following Board members were absent: Dr. Bennett and PA Clark.

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

## R. ADJOURNMENT

MOTION: Ms. Zoneraich moved for the Board to adjourn.

SECOND: Chairman Whitfield.

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

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

The Board's meeting adjourned at 2:00 p.m.



A handwritten signature in black ink that reads "Patricia E. McSorley".

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Patricia E. McSorley, Executive Director