



Arizona Regulatory Board of Physician Assistants

1740 W. Adams St, Suite 4000, Phoenix, AZ 85007
Telephone: 480-551-2700 • Fax: 480-551-2702 • www.azpa.gov

FINAL MINUTES FOR TELECONFERENCE MEETING Held on Wednesday, May 11, 2022 1740 W. Adams St., Board Room A, Phoenix, AZ 85007

Board Members

Susan Reina, P.A.-C, Chair
John J. Shaff, PA-C, D.F.A.A.P.A., 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.
Myles A. Whitfield, P.A.-C
Beth E. Zoneraich

GENERAL BUSINESS

A. CALL TO ORDER

Chairwoman Reina called the meeting to order at 10:10 am.

B. ROLL CALL

The following Board members participated in the virtual meeting: Chairman Reina, PA Sheff, Dr. Batizy, Dr. Bennett, PA Clark, Dr. Dang, Dr. Danielsen, Dr. Gosi, Dr. Kelly, PA Whitfield and Ms. Zoneraich.

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 Highlights from the FSMB Meeting
Ms. McSorley provided a summary of the FSMB annual meeting noting that the compact license was a big discussion topic amongst the attendees.
- Update on Board Appointments
Ms. McSorley stated that Dr. Kelly, PA Danielsen and PA Whitfield have termed out and one new Board member has been appointed at this time.
- Update on Board Processes and Procedures
- Request to Use NCCPA Website to Verify Certification

Ms. McSorley requested that the Board approve the use of the NCCPA website to verify certification that an applicant has passed the PANCE. The applicant will need to provide documentation of the grade, but this would provide primary source verification which is typically received through the mail and adds time to the process.

MOTION: PA Shaff moved to approve the request to allow staff to obtain certification electronically via the NCCPA website.

SECOND: Dr. Bennett.

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

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

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

- Introduction of New Board Member

Chairwoman Reina introduced Michelle DiBaise as the newest Board member.

- Acknowledgment of Board Members Service

Chairwoman Reina thanked Dr. Danielsen, PA Whitfield and Dr. Kelly for their service to the Board.

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

No legal report was provided.

G. APPROVAL OF MINUTES

- February 23, 2022 Teleconference Meeting, including Executive Session

MOTION: Ms. Zoneraich moved to approve the February 23, 2022 Teleconference meeting, including executive session.

SECOND: Dr. Batizy.

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

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

LEGAL MATTERS

H. FORMAL INTERVIEWS

1. PA-20-0095A, HA L. PHAM, P.A., LIC. #4442

Dr. Pham was present virtually with counsel Steven Perlmutter.

Board staff summarized that this case was initiated when PA Pham self-reported a DUI arrest. His blood test was positive for nordiazepam and diazepam. PA Pham underwent a php assessment and received diagnoses and the recommendation that he enroll in four years of PHP monitoring. No charges were pursued from PA Pham's DUI arrest; however due to PA Pham's substance use history and completion of a confidential agreement in 2011 and his decision to continue drinking regularly SIRC recommended a four year Probation for PHP monitoring. The Board's policy has been consistent with allowing a licensee one opportunity to enter into a confidential agreement, which PA Pham received in 2009.

PA Pham provided an opening statement to the Board where he informed the Board of the 2021 arrest for an assumption of a DUI, even though PA Pham was not charged with a crime. PA Pham stated that during the PHP assessment he reported that he enjoyed

drinking wine most nights, but never drank while on call or drank to extreme intoxication. PA Pham stated that he has never been impaired by alcohol while treating patients. PA Pham explained that since he's been informed that his drinking was a concern he sought out counseling and has been sober for 8 months. PA Pham requested that the Board not issue a Probationary Order or take disciplinary action.

Mr. Perlmutter also provided an opening statement to the Board. Mr. Perlmutter stated that PA Pham agreed to the terms of PHP but has requested that a second confidential agreement be implemented in lieu of Probation.

During questioning, PA Pham stated that he has learned that turning to substances or alcohol is not the way to deal with personal issues and that it is not shameful to receive help. In the future if a negative situation arises, he will seek professional help. PA Pham acknowledged the PHP assessor's comments regarding his drinking and that the only way to be held accountable is to participate in the structure of the PHP program. PA Pham discussed improvements he could make at work. PA Pham informed the Board of the support system he has in place including his family and group meetings with his colleagues. With regard to the two medications that appeared in his blood test, PA Pham confirmed that he had a valid prescription for both, but stated that he has ceased taking them based on comments from the PHP assessor.

PA Shaff inquired about the Board confidential agreement policy.

Board staff clarified that it is the Board's policy to only offer one confidential agreement. In the rare instance a second confidential agreement is offered, the decision to do so is made by the Board rather than Board staff.

MOTION: PA Whitfield 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 Reina, PA Sheff, Dr. Batizy, Dr. Bennett, PA Clark, Dr. Dang, Dr. Danielsen, Dr. Gosi, Dr. Kelly, PA Whitfield and Ms. Zoneraich.

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

The Board entered into Executive Session at 10:55 a.m.

The Board returned to Open Session at 11:35 a.m.

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

PA Pham informed the Board that his driver's license was suspended automatically after the arrest and that during his court date the cop did not appear, and the suspension was lifted.

In closing, Mr. Perlmutter stated PA Pham did not drink and drive, did not harm patients and did not take medication that was not prescribed to him. PA Pham has shown significant insight into his recovery and has a support system available to him.

During deliberation, Dr. Gosi opined that there has not been unprofessional conduct.

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

SECOND: PA Shaff.

Ms. Zoneraich commented that PA Pham has a history of substance use and while it hasn't been, his judgment may have been impaired while treating patients. Board members discussed the language of the statute and noted that there was no evidence of impairment while performing health care tasks. PA Clark noted that PA Pham is in compliance with the PHP program, noted that he self-reported and opined there are factors in this case that move in favor of leniency.

Ms. Smith informed the Board that if the motion does not pass the case will be dismissed.

Ms. Zoneraich opined that counseling and monitoring do help with sobriety and noted that although there was no alcohol there were two substances in his system while driving that led him to being pulled over. The cause for being pulled over was taking substances while driving. If this is dismissed, there will be no more monitoring in place and that is not in the best interest of the public.

Ms. Smith clarified that the statute can be satisfied if the Board feels there may have been impairment while performing healthcare tasks or a risk that the judgement of the PA could be impaired.

PA Shaff commented that it may become a slippery slope if the Board starts implying things.

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

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

MOTION FAILED.

MOTION: PA Whitfield moved to dismiss and terminate the Interim Consent Agreement for PHP Participation.

SECOND: PA Clark.

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

VOTE: 10-yay, 1-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

CONSENT AGENDA

I. CASES RECOMMENDED FOR DISMISSAL

1. PA-21-0022A, BRITTANY M. JONES, P.A., LIC. #4502
V.D. addressed the Board during the Public Statements portion of the meeting.

MOTION: PA Shaff moved to dismiss.

SECOND: PA Whitfield.

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

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

J. CASES RECOMMENDED FOR ADVISORY LETTERS

MOTION: PA Whitfield moved to issue an Advisory Letter in item number 2 and 3.

SECOND: PA Shaff.

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

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

1. PA-21-0014A, JOHN M. IVERSON, P.A., LIC. #6073

MOTION: PA Shaff moved to dismiss.

SECOND: PA Whitfield.

PA Shaff commented that there is nothing in statute that states something needs to be signed in a specific amount of time and there was no patient harm. Ms. Zonerach agreed that there was no harm and that the notations were made in a timely manner just not signed as timely.

VOTE: The following Board members voted in favor of the motion: Chairman Reina, PA Sheff, Dr. Batizy, Dr. Bennett, PA Clark, Dr. Dang, Dr. Daniels, Dr. Gosi, Dr. Kelly, PA Whitfield and Ms. Zonerach.

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

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

RESOLUTION: Advisory Letter for failure to perform a cervical spine examination in a patient presenting with a traumatic head injury, failure to offer a tetanus vaccination, and performing healthcare tasks without a current delegation agreement. While there is insufficient evidence to support disciplinary action, the board believes that continuation of the activities that led to the investigation may result in further board action against the licensee.

3. PA-20-0025A, RANDALL B. CROCKETT, P.A., LIC. #7107

RESOLUTION: Advisory Letter for inadequate documentation and failure to consult with the supervising physician for a procedure. 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.

K. REVIEW OF EXECUTIVE DIRECTOR DISMISSALS

1. PA-21-0067A, EMMA C. REEVE, P.A., LIC. #7145

S.N. addressed the Board during the Public Statements of the meeting.

MOTION: PA Whitfield moved to uphold the Executive Director's dismissal.

SECOND: PA Clark.

VOTE: The following Board members voted in favor of the motion: Chairman Reina, PA Sheff, Dr. Batizy, Dr. Bennett, PA Clark, Dr. Dang, Dr. Daniels, Dr. Gosi, Dr. Kelly, PA Whitfield and Ms. Zonerach.

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

L. PROPOSED CONSENT AGREEMENTS (Disciplinary)

MOTION: PA Shaff moved to accept the consent agreement in item numbers 1 and 2.

SECOND: PA Whitfield.

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

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

1. PA-21-0069A, MARK S. BROWN, P.A., LIC. #6607

RESOLUTION: Surrender of License.

2. PA-21-0040A, RAICE R. NELSON, P.A., LIC. #5314

RESOLUTION: Two-Year Probation, retroactive to November 4, 2021, with terms and conditions consistent with his Interim Order. The Probation shall not terminate except upon affirmative request of the physician assistant and approval by the Board, and PA Nelson's request for termination shall be accompanied by a recommendation from his PHP Contractor stating that monitoring is no longer required.

M. LICENSE APPLICATIONS

i. APPROVE OR DENY LICENSE APPLICATION

MOTION: PA Shaff moved to grant the license in item numbers 1-3.

SECOND: Dr. Bennett.

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

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

1. PA-22-0027A, MARLO PICHARDO, P.A., LIC. #N/A

RESOLUTION: Grant the license.

2. PA-22-0010A, MARI JO HANSON, P.A., LIC. #N/A

RESOLUTION: Grant the license.

3. PA-21-0118A, SCOTT S. FOXWORTH, P.A., LIC. #N/A

RESOLUTION: Grant the license.

OTHER BUSINESS

N. REQUEST FOR TERMINATION OF BOARD ORDER

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

MOTION: PA Shaff moved to grant the request for termination of the November 3, 2021 Board Order.

SECOND: PA Whitfield.

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

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

O. ADJOURNMENT

MOTION: PA Whitfield moved for the Board to adjourn.

SECOND: Dr. Bennett.

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

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

The Board's meeting adjourned at 12:05 p.m.




Patricia E. McSorley, Executive Director