



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, November 9, 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.
Michelle DiBaise, D.H.S.c., P.A.-C., D.F.A.A.P.A.
Shiva K. Y. Gosi, M.D., M.P.H., F.A.A.F.P., C.P.E.
Amanda Graham, P.A.
Beth E. Zonerach

GENERAL BUSINESS

A. CALL TO ORDER

Chairwoman Reina called the meeting to order at 10:02 a.m.

B. ROLL CALL

The following Board members participated in the virtual meeting: PA Reina, PA Shaff, Dr. Batizy, Dr. Bennett, PA Clark, Dr. Dang, Dr. DiBaise, Dr. Gosi, PA Graham 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; Kathleen Coffey, M.D., Interim 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

Ms. Jensen provided an update regarding Board Room A. Ms. Jensen explained that there continues to be a delay due to supply chain issues and Board staff is working towards an alternative solution to hold an in-person meeting until the Board Room is ready. Ms. Jensen confirmed we will have an in-person meeting in Board Room A for the February meeting.

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

- Welcome New Board Member

Chairwoman Reina welcomed PA Graham for her first meeting.

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

- Legislative Update

Ms. Smith provided a memorandum for the Board's review. Ms. Smith noted the change in HB2599 regarding administrative hearing procedures. Ms. Smith also noted a change in SB1162 regarding a new exception for opioid prescribing.

G. APPROVAL OF MINUTES

- August 24, 2022 Teleconference meeting

MOTION: Dr. Bennett moved to approve the August 24, 2022 Teleconference meeting.

SECOND: PA Shaff.

VOTE: The following Board members voted in favor of the motion: PA Reina, PA Shaff, Dr. Batizy, Dr. Bennett, PA Clark, Dr. Dang, Dr. DiBaise, Dr. Gosi, PA Graham and Ms. Zoneraich.

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

MOTION PASSED.

LEGAL MATTERS

H. RESCIND REFERRAL TO FORMAL HEARING AND ACCEPT PROPOSED CONSENT AGREEMENT

1. PA-20-0094A, PA-21-0012A, PA-21-0047A, PA-21-0074A, NATHANIEL A. WELLY, P.A., LIC. #3406

Counsel Scott Hergenroether was present virtually. AAG Smith participated virtually on behalf of the State.

MOTION: PA Shaff moved to rescind the referral to formal hearing and accept the consent agreement for a Letter of Reprimand.

SECOND: PA Zoneraich.

AAG Smith clarified that the consent agreement that the parties are proposing is for a Letter of Reprimand.

VOTE: The following Board members voted in favor of the motion: PA Reina, PA Shaff, Dr. Batizy, Dr. Bennett, PA Clark, Dr. Dang, Dr. DiBaise, Dr. Gosi, PA Graham and Ms. Zoneraich.

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

MOTION PASSED.

CONSENT AGENDA

I. CASES RECOMMENDED FOR DISMISSAL

1. PA-22-0022A, JEFFREY M. YOUNG, P.A., LIC. #2072

MOTION: PA Shaff moved to dismissed.

SECOND: Dr. Bennett.

VOTE: The following Board members voted in favor of the motion: PA Reina, PA Shaff, Dr. Batizy, Dr. Bennett, PA Clark, Dr. Dang, Dr. DiBaise, Dr. Gosi, PA Graham and Ms. Zoneraich.

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

MOTION PASSED.

2. PA-22-0042A, NATHANIEL A. WELLY, P.A., LIC. #3406

MOTION: PA Shaff moved to dismiss.

SECOND: PA Clark.

VOTE: The following Board members voted in favor of the motion: PA Reina, PA Shaff, Dr. Batizy, Dr. Bennett, PA Clark, Dr. Dang, Dr. DiBaise, Dr. Gosi, PA Graham and Ms. Zoneraich.

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

MOTION PASSED.

J. CASES RECOMMENDED FOR ADVISORY LETTERS WITH NON-DISCIPLINARY CONTINUING MEDICAL EDUCATION ORDER

MOTION: PA Shaff moved to issue an Advisory Letter with Non-Disciplinary CME in item numbers 1 and 2.

SECOND: PA Zonerach.

VOTE: The following Board members voted in favor of the motion: PA Reina, PA Shaff, Dr. Batizy, Dr. Bennett, PA Clark, Dr. Dang, Dr. DiBaise, Dr. Gosi, PA Graham and Ms. Zonerach.

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

MOTION PASSED.

1. PA-21-0029A, JOANNE R. PADILLA, P.A., LIC. #2674

RESOLUTION: Advisory Letter and Order for Non-Disciplinary CME for inappropriate prescribing of phentermine, failing to access the CSPMP and report dispensed controlled substance medications to the CSPMP, and inadequate medical records. 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 PBI's Ethics and Professionalism (ME-15) course and complete no less than 2 hours of Board staff preapproved Category I CME in the appropriate prescribing of Phentermine. The CME hours shall be in addition to the hours required for license renewal.

2. PA-22-0031A, ADAM R. ROBERTS, P.A., LIC. #5279

K.G. addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Advisory Letter and Order for Non-Disciplinary CME for failing to treat a pregnant patient with prophylactic antibiotics until a urine culture was available; and for failing to perform a physical examination of a pregnant patient complaining of low back pain. 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 no less than 2 hours of Board staff pre-approved Category I CME in the proper management of urinary tract infections in pregnant patients. The CME hours shall be in addition to the hours required for license renewal.

K. PROPOSED CONSENT AGREEMENTS (Disciplinary)

Dr. DiBaise inquired about adding probation to a signed consent agreement.

Ms. Smith informed the Board that if the Board does not agree with the proposed consent agreement it can be sent back with their recommendation for the PA's consideration.

MOTION: PA Shaff moved to accept the consent agreement in item numbers 1-3.

SECOND: Dr. Dang.

VOTE: The following Board members voted in favor of the motion: PA Reina, PA Shaff, Dr. Batizy, Dr. Bennett, PA Clark, Dr. Dang, Dr. DiBaise, Dr. Gosi, PA Graham and Ms. Zonerach.

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

MOTION PASSED.

1. PA-22-0054A, LEDA B. REID, P.A., LIC. #2304

RESOLUTION: Surrender of License.

2. PA-21-0108A, DEREK R. BROWN, P.A., LIC. #2685

RESOLUTION: Letter of Reprimand.

3. PA-21-0062A, DAVID L. STEVENS, P.A., LIC. #2048
Counsel Cody Hall addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Letter of Reprimand and Two-Year Probation. Within six months, complete no less than 10 hours of Board staff pre-approved Category I CME in an intensive, in-person course regarding medical recordkeeping and no less than 15 hours of Board staff pre-approved Category I CME in an intensive, in-person course regarding prescribing controlled substances. The CME hours shall be in addition to the hours required for license renewal. Within thirty days of completing the Board ordered CME, PA Stevens shall enter into a contract with a Board approved monitoring company to perform periodic chart reviews, at the physician assistant's expense. After two consecutive favorable chart reviews, the physician assistant may petition the Board for probation termination. The Probation shall not terminate except upon affirmative request of the physician assistant and approval by the Board.

L. LICENSE APPLICATIONS

i. APPROVE OR DENY LICENSE APPLICATION

MOTION: PA Shaff moved to allow applicant 30 days to withdraw and if not, deny for the violations as stated by SIRC.

SECOND: PA Clark.

VOTE: The following Board members voted in favor of the motion: PA Reina, PA Shaff, Dr. Batizy, Dr. Bennett, PA Clark, Dr. Dang, Dr. DiBaise, Dr. Gosi, PA Graham and Ms. Zoneraich.

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

MOTION PASSED.

1. PA-21-0121A, EDITH PIERRE-LOUIS, P.A., LIC. #N/A

RESOLUTION: Allow applicant 30 days to withdraw and if not, deny for the reasons stated by SIRC.

2. PA-21-0089A, ROCKEFELLER CHERY, P.A., LIC. #N/A

RESOLUTION: Allow applicant 30 days to withdraw and if not, deny for the reasons stated by SIRC.

3. PA-21-0088A, SIMSON RAYMOND, P.A., LIC. #N/A

RESOLUTION: Allow applicant 30 days to withdraw and if not, deny for the reasons stated by SIRC.

4. PA-21-0090A, MICHE DORVELUS, P.A., LIC. #N/A

RESOLUTION: Allow applicant 30 days to withdraw and if not, deny for the reasons stated by SIRC.

ACTION ON CASE(S)

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

1. PA-21-0017A, FRANCIS R. LUCIANO, P.A., LIC. #5965

MOTION: PA Shaff moved to approve the Findings of Fact, Conclusions of Law and Order for a Letter of Reprimand and Probation. Within six months, complete no less than 3 hours of Board staff pre-approved Category I CME in the evaluation and management of respiratory distress, and complete no less than 3 hours of

Board staff pre-approved Category I CME in medical record documentation. The CME hours shall be in addition to the hours required for license renewal. The Probation shall terminate upon proof of successful completion of the CME coursework.

SECOND: PA Clark.

VOTE: The following Board members voted in favor of the motion: PA Reina, PA Shaff, Dr. Batizy, Dr. Bennett, PA Clark, Dr. Dang, Dr. DiBaise, Dr. Gosi, PA Graham and Ms. Zoneraich.

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

MOTION PASSED.

OTHER BUSINESS

N. REQUEST FOR TERMINATION OF BOARD ORDER

1. PA-19-0092A, ROBERT J. SEALS, P.A., LIC. #2991

Board staff summarized that on March 9, 2021, PA Seals and the Board entered into a Decree of Censure with two-year Probation. According to the terms, PA Seals was required to complete the Professional Boundaries and Ethics: Extended Edition (PB-24EX), offered by Professional Boundaries Inc. (PBI) and receive an unconditional or a conditionally passing grade. Further, P.A. Seals was required to enroll in PBI's Post Maintenance and Accountability Seminars (MAS) and successfully complete them. In April 2022, PA Seals attended the PB-24EX program and was awarded 34 CME credit hours. In August 2022, PA Seals successfully completed the Post Maintenance and Accountability Seminars and was awarded 12 CME credit hours. On August 23, 2022, Board staff received the PBI's AIR Letter. On August 31, 2022, P.A. Seals petitioned the Board for early termination of his Board Order.

MOTION: PA Shaff moved to grant the request for termination of the March 9, 2022 Board order.

SECOND: Dr. Bennett.

VOTE: The following Board members voted in favor of the motion: PA Reina, PA Shaff, Dr. Batizy, Dr. Bennett, PA Clark, Dr. Dang, Dr. DiBaise, Dr. Gosi, PA Graham and Ms. Zoneraich.

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

MOTION PASSED.

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

MOTION: PA Shaff moved to grant the request for termination of the March 8, 2022 Board order.

SECOND: PA Clark.

VOTE: The following Board members voted in favor of the motion: PA Reina, PA Shaff, Dr. Batizy, Dr. Bennett, PA Clark, Dr. Dang, Dr. DiBaise, Dr. Gosi, PA Graham and Ms. Zoneraich.

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

MOTION PASSED.

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

MOTION: PA Shaff moved to grant/deny the request for termination of the February 26, 2020 Board order.

SECOND: Dr. Batizy.

VOTE: The following Board members voted in favor of the motion: PA Reina, PA Shaff, Dr. Batizy, Dr. Bennett, PA Clark, Dr. Dang, Dr. DiBaise, Dr. Gosi, PA Graham and Ms. Zoneraich.

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

MOTION PASSED.

O. ADJOURNMENT

MOTION: PA Zoneraich moved for the Board to adjourn.

SECOND: PA Clark.

VOTE: The following Board members voted in favor of the motion: PA Reina, PA Shaff, Dr. Batizy, Dr. Bennett, PA Clark, Dr. Dang, Dr. DiBaise, Dr. Gosi, PA Graham and Ms. Zoneraich.

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

MOTION PASSED.

The Board meeting adjourned at: 10:37 a.m.



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

Patricia E. McSorley, Executive Director