



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, February 22, 2023 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. Zoneraich

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 meeting: PA Reina, PA Shaff, Dr. Bennett, PA Clark, Dr. Dang, Dr. DiBaise, Dr. Gosi, PA Graham and Ms. Zoneraich.

The following Board member was absent: Dr. Batizy.

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; Claude Deschamps, 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 Progress of Boardroom A

Ms. McSorley reported that Boardroom A continues to be worked on due to supply chain delays.

- Legislative Update, including but not limited to HB 2043 Physician Assistants; supervision collaboration

Ms. McSorley reported that the bill is working its way through the legislature, and this may be the year this becomes reality. They have made some amendments with the

requirement for physician assistance, to have 8,000 hours of clinical practice before they can work without a supervisory agreement.

- Update on Federation of State Medical Board's Annual Meeting, May 4-6, Minneapolis, MN

Ms. McSorley informed the Board that if they wish to attend the meeting to let staff know so that they can make arrangements.

- Request to Use Federation Credentials Verification Service (FCVS) to Verify PA Applicant's Education

Ms. McSorley requested that the Board allow staff to use the FCVS package as primary source documents to verify applicant's education.

MOTION: PA Shaff moved to allow continued use of the FCVS documents to verify PA applicant's education.

SECOND: Dr. Bennett.

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

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

- Consideration, Discussion and Possible Action Regarding Submission of Response to the Governor's Regulatory Review Council's Inquiry About Telehealth Registration Fee

MOTION: PA Shaff moved to support the registration fee.

SECOND: Ms. Zoneraich.

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

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

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

No report given.

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

No report given.

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

MOTION: Ms. Zoneraich moved to elect PA Reina as chair.

SECOND: PA Clark.

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

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

MOTION: PA Reina moved to elect PA Shaff as vice-chair.

SECOND: PA Clark.

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

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

H. APPROVAL OF MINUTES

- November 9, 2022 Teleconference Meeting

MOTION: PA Shaff moved to approve the November 9, 2022 Teleconference meeting.

SECOND: Dr. Bennett.

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

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

LEGAL MATTERS

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

1. PA-20-0063A, ANDREW W. BAUKOL, M.D., LIC. #5322

Counsel Sara Stark was present. Elizabeth Campbell present on behalf of the State. Mark Brachtl was present as the Board's Independent Legal Advisor.

Ms. Stark reported that the parties negotiated a voluntary surrender and requested that the Board accept this order as a resolution to this matter.

Ms. Campbell, on behalf of the State, requested that the Board accept the signed Consent Agreement for Surrender.

MOTION: PA Shaff moved to accept the consent agreement for Surrender and rescind the referral to formal hearing.

SECOND: Dr. Bennett.

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

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

J. MOTION FOR REHEARING/REVIEW (Formal Interview)

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

PA Luciano was not present.

Chairwoman Reina read the grounds for a rehearing or review for the record.

MOTION: PA Zoneraich moved to deny the request for rehearing or review.

SECOND: PA Shaff.

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

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

CONSENT AGENDA

K. CASES RECOMMENDED FOR DISMISSAL

1. PA-22-0038A, OLIVIA R. BLUME, P.A., LIC. #4441

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. Bennett, PA Clark, Dr. Dang, Dr. DiBaise, Dr. Gosi, PA Graham and Ms. Zoneraich. The following Board member was absent: Dr. Batizy.

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

L. CASES RECOMMENDED FOR ADVISORY LETTERS

MOTION: PA Shaff moved to issue an advisory letter in item numbers 1-4.

SECOND: Dr Bennett.

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

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

1. PA-22-0036A, SHELLY A. HARFORD, P.A., LIC. #5998

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

RESOLUTION: Issue an Advisory Letter for incorrectly refilling the patient's morphine prescription at a higher dosage and prescribing early refills of controlled substances without justification. 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.

2. PA-22-0011A, CORWIN R. WLLSWORTH, P.A., LIC. #2609

RESOLUTION: Issue an Advisory Letter for failing to order an EKG in a patient presenting with shortness of breath and intermittent chest 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.

3. PA-22-0096A, DHARMENDRA N. BHAKTA, P.A., LIC. #2465

RESOLUTION: Issue an Advisory Letter for practicing on an expired license. 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.

4. PA-22-0017A, CHRISTINE S. MORELL, P.A., LIC. #6492

RESOLUTION: Issue an Advisory Letter for failing to perform a full eye exam including visual acuity in a patient presenting with vision loss. 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.

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

1. PA-22-0034A, STEVEN K. STRUTHERS, P.A., LIC. #7498

MOTION: PA Shaff moved to issue an Advisory Letter and Order for Non-Disciplinary CME for failing to comply with CSPMP mandatory use requirements and by prescribing controlled substances in excess of a five-day supply and/or in excess of the 90MME per day limit. 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. Within six months, complete no less than 5 hours of Board staff pre-approved

Category I CME in post-operative controlled substance medication management. The CME hours shall be in addition to the hours required for license renewal.

SECOND: PA Clark

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

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

N. REVIEW OF EXECUTIVE DIRECTOR DISMISSALS

1. PA-22-0032A, KIMBERLY L. ROWE, P.A., LIC. #7451

Counsel Cody Hall addressed the Board during the Public Statements portion of the meeting on behalf of the Physician Assistant. R.C. addressed the Board during the Public Statements portion of the meeting.

Board staff summarized that on March 29, 2022 the Board received a complaint regarding PA Rowe's care of patient RC who alleged that PA Rowe failed to conduct an adequate examination or evaluation of her complaints during an emergency room evaluation. Board staff summarized the findings of the Board's investigation, and noted that the Board's Medical Consultant ("MC") did not identify a deviation from the standard of care. Based on the MC's findings, the case was dismissed by the Executive Director. The complainant requested review of the ED dismissal.

MOTION: PA Shaff moved to uphold the ED dismissal.

SECOND: Dr. Dang.

Ms. Smith informed the Board of their options to either uphold the dismissal or return the case for further investigation.

Ms. Zoneraich expressed concern that the CT scan was not ordered in the ER room and opined an additional MC should review the case.

Board staff clarified that the hospitalist ordered the CT scan and that the hospitalist had the same findings as the PA.

Dr. Bennett noted that there was a diagnosis documented of a perforated valve in the PA's chart.

Board staff clarified the timeframe of when the patient was seen and when the note was added to the chart by PA Rowe. Staff further confirmed the timeframe of when the CTs were completed.

Dr. Dang noted that marijuana usage was reported differently in the nurses' notes.

Board staff confirmed that different responses were documented by different staff regarding that question.

PA Graham noted that the patient was concurrently undergoing a GI workup that was going to include a CT scan. Ms. Zoneraich reiterated that this case requires a second look. PA Shaff commented that a patient's course can change rapidly and can result in a change in decision. PA Shaff pined that it was handled appropriately but resulted in a bad outcome. PA Clark expressed concern regarding the PA's physical examination. PA Shaff noted that both the PA and hospitalist examinations findings were the same. Dr. Gosi noted that the hospitalist may have ordered the CT scan since it was already part of the plan.

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

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

MOTION PASSED.

O. PROPOSED CONSENT AGREEMENTS (Disciplinary)

1. PA-22-0084A, PA-20-0021A, PA-20-0022A, NOLAN W. MARCOS, P.A., LIC. #6880
Counsel Sara Stark addressed the Board during the Public statements portion of the meeting on behalf of the physician assistant.

MOTION: PA Shaff moved to accept the proposed consent agreement for a Letter of Reprimand and Probationary License with Practice Restriction. Respondent's application for licensure is granted and placed on Probation for a period of 1 year with the following terms and conditions. Respondent's performance of healthcare tasks is restricted in that Respondent shall have a female chaperone present while examining or treating all female patients in all settings, including but not limited to the office, hospital, and clinic. After six months, Respondent may request, in writing, release from this Practice Restriction. Respondent shall within 6 months of the effective date of this Order obtain no less than 6 hours of Board staff pre-approved Category I Continuing Medical Education ("CME") in an intensive, in-person course in medical recordkeeping. Upon completion of the CME, Respondent shall provide Board staff with satisfactory proof of attendance. Respondent shall continue treatment with his current Treating Provider as recommended by the Facility and shall comply with any and all treatment recommendations, including taking any and all prescribed medications. Respondent shall instruct the Treating Provider to submit quarterly written reports to the Board regarding diagnosis, prognosis, current medications, recommendations for continuing care and treatment, and ability to safely perform healthcare tasks. Prior to the termination of Probation, Respondent must submit a written request to the Board for release from the terms of this Order.

SECOND: PA Clark.

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

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

P. LICENSE APPLICATIONS

i. APPROVE OR DENY LICENSE APPLICATION

1. PA-22-0097A, BRIAN W. STARK, P.A., LIC. #N/A

MOTION: PA Shaff moved to grant the license.

SECOND: Ms. Zonerach

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

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

OTHER BUSINESS

Q. ADJOURNMENT

MOTION: PA Shaff 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. Bennett, PA Clark, Dr. Dang, Dr. DiBaise, Dr. Gosi, PA Graham and Ms. Zonerach. The following Board member was absent: Dr. Batizy.

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

The Board meeting adjourned at 10:54 a.m.




Patricia E. McSorley, Executive Director