



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, May 31, 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. Zonerach

GENERAL BUSINESS

A. CALL TO ORDER

Chairwoman Reina called the meeting to order at 10:04 a.m.

B. ROLL CALL

The following Board members participated in the meeting: Chair Reina, Vice-Chair Shaff, Dr. Batizy, PA Clark, Dr. Dang, PA DiBaise, Dr. Gosi, PA Graham and Ms. Zonerach.

The following Board member was absent: Dr. Bennett.

ALSO PRESENT

The following Board staff and Assistant Attorney(s) General were present: Kristina Jensen, Deputy Director; Carrie Smith, Assistant Attorney General ("AAG"); Raquel Rivera, Investigations Manager; Joseph McClain, 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

No report was given.

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

- Update and Discussion on the New Training Required by the Drug Enforcement Administration (DEA) in the Treatment and Management of Patients with Opioid and Other Substance Use Disorders

Chair Reina reported that beginning June 2023 practitioners who apply for, renew or hold a DEA license will be required to complete 8 additional CME regarding substance abuse.

- Update and Discussion Regarding Implementation of HB2043 (Collaborative Practice)

Chair Reina reported that this bill will eliminate supervising physicians and have collaborative physicians who have at least eight thousand hours of clinical practice. The Board will need to develop the rules regarding this and will go to the JLRC.

- Update and Discussion Regarding Future Joint Legislative and Rules Committee Meeting

Chair Reina reported that PA DiBaise and Dr. Bennett have been assigned to the JLRC and a meeting will be scheduled for the end of June.

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

No report was given.

G. APPROVAL OF MINUTES

- February 22, 2023 Regular Session

MOTION: PA Shaff moved to approve the February 22, 2023 Teleconference meeting.

SECOND: Dr. Gosi.

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

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

MOTION PASSED.

LEGAL MATTERS

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

1. PA-21-0099A, HEROLD PIERRE-LOUIS, M.D., LIC. #8463

PA Pierre-Louis was present with counsel Mike Goldberg. Elizabeth Campbell, AAG was present on behalf of the State. Dianne DeDea, AAG was present as the Board's legal advisor.

Mr. Goldberg stated that a complaint had been filed regarding the universal recognition license. Mr. Goldberg request an outcome that allows the PA Pierre-Louis to practice in Arizona. Mr. Goldberg stated that he is a resident of Arizona and that the issue is that he did not understand the statute. Mr. Goldberg cited the Complaint and Notice of Hearing language and the statute language that states the PA needs to establish residency. Mr. Goldberg acknowledged that PA Pierre-Louis did not obtain a license how it was supposed to be done but wishes to obtain a license.

Ms. Campbell stated that there are several avenues to obtain a PA license. They chose universal recognition and this avenue is available to someone who establishes residency in Arizona. PA Pierre-Louis provided an AZ address as a home address and stated that he never lived there. It was a fiction he used to obtain licensure in Arizona. The State's position is that the appropriate outcome is for revocation of license due to not meeting the requirements of the statute and for making a false statement. The Board can also allow the PA to surrender.

Mr. Goldberg stated that PA Pierre-Louis was staying in Arizona and although he didn't live at the address, he was not trying to fool anyone. Mr. Goldberg opined that the nuances of the statute discussed today are not easy for a non-attorney to understand. Mr. Goldberg stated that PA Pierre-Louis is requesting to practice without surrender or revocation.

MOTION: PA Shaff moved to allow the physician assistant to surrender his Arizona license and if not surrendered within ten days or proceed to formal hearing. If the physician assistant signs the surrender, rescind the referral to formal hearing.

SECOND: Ms. Zoneraich.

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

VOTE: 7-yay, 2-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

2. PA-21-0101A, WAGNER GERVAIS, M.D., LIC. #8510

PA Gervais was present with counsel Mike Goldberg. Elizabeth Campbell, AAG was present on behalf of the State. Dianne DeDea, AAG was present as the Board's legal advisor.

Mr. Goldberg adopted his previous statement.

Ms. Campbell informed the Board that on his application, Dr. Wagner listed as his home address the Devonshire address which he admits he never lived at. Ms. Campbell noted that PA Gervais checked a box on the application that he had established residence in Arizona and signed the application attesting that it was truthful.

MOTION: PA Shaff moved to allow the physician assistant to surrender his Arizona license and if not surrendered within ten days or proceed to formal hearing. If the physician assistant signs the surrender, rescind the referral to formal hearing.

SECOND: Ms. Zoneraich.

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

VOTE: 7-yay, 2-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

CONSENT AGENDA

I. CASES RECOMMENDED FOR DISMISSAL

1. PA-22-0028A, TIMOTHY R. JOHNSON, P.A., LIC. #3698

MOTION: PA Shaff moved to dismiss.

SECOND: Ms. Zoneraich.

Chair Reina commented that the MC report was different from what the Executive Director proposed. Although there were mitigating factors in this case, Chair Reina opined that this PA did not protect this patient and that an Advisory letter may be appropriate.

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

The following Board member was absent: Dr. Bennett.

VOTE: 6-yay, 3-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

J. CASES RECOMMENDED FOR ADVISORY LETTERS

1. PA-22-0070A, AARON P. SHAW, P.A., LIC. #7036

MOTION: PA Shaff moved to issue an Advisory Letter for failing to maintain an appropriate delegation agreement. The violation is a minor or technical violation that is not of sufficient merit to warrant disciplinary action.

SECOND: Ms. Zoneraich.

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

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

MOTION PASSED.

2. PA-22-0078A, BRYAN A. HERNANDEZ, P.A., LIC. #4650

MOTION: PA Shaff moved to issue an Advisory Letter for failure to timely report a misdemeanor charge within ten working 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: Dr. Gosi.

Ms. Zoneraich inquired about why a PHP evaluation was not done based on the nature of the case.

Board staff stated that given the lack of patient involvement or board history, a PHP evaluation was not needed.

Ms. Zoneraich opined that although it was not work related, given this behavior a PHP evaluation is needed.

PA Graham noted that he completed 26 hours of required education and the charges were dismissed. Chair Reina noted that some of the people involved failed to cooperate with the investigation, which should be kept in mind.

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

VOTE: 7-yay, 2-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

3. PA-22-0065A, CAREY M. TUCKER, P.A., LIC. #3707

PA Reina and PA Clark recused from this case.

MOTION: PA Shaff moved to issue an Advisory Letter for failing to perform a physical exam on a patient exhibiting respiratory symptoms. 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 DiBaise.

Ms. Zoneraich noted that the billing was incorrect or fraudulent and opined that a PA should know the correcting coding.

Board staff noted that once the case was investigated the billing charges were dropped.

Ms. Zoneraich inquired if chronic excessive billing was being done.

Board staff noted that it was explained as a computer error and that the charge had been rescinded after the complaint had been filed. Ms. Rivera further noted that there are no billing statutes relating to PAs and noted that the facility was in charge of billing.

Ms. Zoneraich requested that this matter be referred to DHS.

VOTE: The following Board members voted in favor of the motion: Vice-Chair Shaff, Dr. Batizy, Dr. Dang, PA DiBaise, Dr. Gosi, PA Graham and Ms. Zoneraich. The following Board members recused: Chair Reina and PA Clark. The following Board member was absent: Dr. Bennett.
VOTE: 7-yay, 0-nay, 0-abstain, 2-recuse, 1-absent.
MOTION PASSED.

4. PA-23-0027A, DANA A. HELGESON, P.A., LIC. #8228

MOTION: PA Shaff moved to issue an Advisory Letter for practicing on 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: PA Graham.

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

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

MOTION PASSED.

K. PROPOSED CONSENT AGREEMENTS (Disciplinary)

MOTION: Ms. Zoneraich moved to accept the proposed consent agreements in item numbers 1 and 3.

SECOND: Dr. Gosi.

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

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

MOTION PASSED.

1. PA-22-0109A, LATOYA M. WALLACE, P.A., LIC. #4254

RESOLUTION: Consent Agreement for a Letter of Reprimand.

2. PA-21-0072A, SALLY VAN SNEPSON-BARNETT, P.A., LIC. #5181

MOTION: PA Shaff moved to accept the Consent Agreement for License Reactivation with Letter of Reprimand and Minimum Five-Year Probation to participate in the Board's PHP with terms consistent with the PHP Contractor's recommendations. PA Van Snepson-Barnett shall be required to be under on-site and direct supervision by her Supervising Physician. PA Van Snepson-Barnett shall obtain a Board staff, pre-approved Supervising Physician and supply a Delegation Agreement. PA Van Snepson-Barnett's Supervising Physician shall perform concurrent review of the care and treatment of the physician assistant's patients to evaluate medical decision making and documentation. PA Van Snepson-Barnett shall cause her Supervising Physician to provide monthly reports to the Board or at any time the Supervising Physician has concerns regarding the physician assistant's safety to perform healthcare tasks. The Probation shall not terminate except upon affirmative request of the physician assistant and approval by the Board, and PA Van Snepson-Barnett's request for termination shall be accompanied by a recommendation from her Supervising Physician and PHP Contractor stating that monitoring is no longer required.

SECOND: PA Graham.

Ms. Zoneraich noted that there is a history of a significant number of treatment centers and relapses. Ms. Zoneraich further noted that there were some serious mental health and substance abuse issues and opined that there is a concern for patient safety and the PA's ability to practice medicine. Chair Reina noted that the PA has gone through CPEP

and PHP and has completed all the steps the Board has asked of her. PA Shaff opined that a Letter of Reprimand and Probation is pretty significant and is fair given what the PA has done.

Board staff noted that this is the PA's second strike and if she were to relapse it would begin the revocation process.

Ms. Smith informed the Board that they can deny the request for reactivation and recommend revocation and proceed to formal hearing.

Board staff noted that probation is for a period of 5 years with no relapses prior to requesting termination. Staff confirmed that due to the lapse in practice she completed a competency evaluation.

PA Zoneraich noted that she had some memory loss but was deemed ok to practice. PA Zoneraich opened that there continues to be a concern for patient safety.

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

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

MOTION PASSED.

3. PA-21-0085A, DOUGLAS R. DENNEY, P.A., LIC. #3112
PA Shaff recused from this case.

RESOLUTION: Consent Agreement for a Decree of Censure and Five-Year Probation to participate in the Board's PHP, retroactive to September 5, 2022, 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 Denney's request for termination shall be accompanied by a recommendation from his PHP Contractor stating that monitoring is no longer required.

L. LICENSE APPLICATIONS

i. APPROVE OR DENY LICENSE APPLICATION

1. PA-22-0033A, KENAUD JEUNE, P.A., LIC. #8981

MOTION: PA Shaff moved to deny the license based on A.R.S. § 32-4302(A).

SECOND: Ms. Zoneraich.

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

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

MOTION PASSED.

OTHER BUSINESS

M. REQUEST FOR TERMINATION OF BOARD ORDER

1. PA-18-0077A, KAIA M. KORDOSKY-HERRERA, P.A., LIC. #4294
PA Kordosky-Herrera addressed the Board during the Public Statements portion of the meeting.

MOTION: PA Shaff moved to grant the request to terminate the August 22, 2019 Board Order.

SECOND: PA Graham.

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

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

MOTION PASSED.

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

MOTION: PA Clark moved to grant the request to terminate the November 9, 2022 Board Order.

SECOND: PA Shaff.

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

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

MOTION PASSED.

N. ADJOURNMENT

MOTION: PA Clark moved for the Board to adjourn.

SECOND: Ms. Zoneraich.

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

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

MOTION PASSED.

The Board meeting adjourned at 10:53 a.m.




Patricia E. McSorley, Executive Director