



## Arizona Regulatory Board of Physician Assistants

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### DRAFT MINUTES FOR MEETING OF JOINT LEGISLATION AND RULES COMMITTEE TELECONFERENCE MEETING Held on Monday, October 2, 2023 1740 W. Adams St., Board Room 4100, Phoenix, AZ 85007

#### Committee Members

Susan Reina, P.A.-C., Chair

David J. Bennett, D.O.

Kevin K. Dang, Pharm D.

Michelle DiBaise, D.H.S.c., P.A.-C., D.F.A.A.P.A.

John J. Shaff, PA-C, DFAAPA

#### A. CALL TO ORDER

Chairwoman Reina called the meeting to order a 5:01 p.m.

#### B. ROLL CALL

The following Committee Members participated via Zoom: Chair Reina, Dr. Bennett, Dr. Dang, PA DiBaise and PA Shaff.

#### ALSO PRESENT

The following Board staff participated in the meeting: Patricia McSorley, Executive Director; Kristina Jensen, Deputy Director; Michelle Robles, Board Operations Manager. Also present: Carrie Smith, Assistant Attorney General ("AAG").

#### C. CALL TO THE PUBLIC

Sarah Bolander, Amanda Shelley and Melanie Lyon from ASAPA addressed the Committee during the Call to the Public.

#### D. APPROVAL OF MINUTES

- August 17, 2023 Joint Legislation and Rules Committee Teleconference

**MOTION: PA Shaff moved to approve the August 17, 2023 Joint Legislation and Rules Committee Teleconference.**

**SECOND: Dr. Bennett**

**The following Committee Members voted in favor of the motion: Chair Reina, Dr. Bennett, Dr. Dang, PA DiBaise and PA Shaff.**

**VOTE: 5-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.**

**MOTION PASSED.**

#### E. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING RULES FOR THE IMPLEMENTATION OF HB2043 AND COLLABORATIVE PRACTICE BY PHYSICIAN ASSISTANTS

Ms. McSorley noted that the Rules will be sent to a rule writer to get the format GRRC ready. Ms. McSorley informed the Committee that one of the changes is in Rule 1 paragraph 5, which added language that addresses physician assistants who have been actively practicing for 5 years and that 2000 clinical hours must be within three years. The change in Rule 2 is regarding what happens when the collaborating physician assistant substantially changes their practice would require a one year supervision agreement.

PA Shaff disagreed with the one-year supervision agreement requirement and opined that it should be decided at the practice level. PA DiBaise agreed that it should be at the practice level and questioned the logistics of who decides what is substantially different. PA Shaff noted that when a PA changes practices they are still required to inform the Board. PA Reina inquired about how the Board would differentiate what is substantially different.

Ms. Smith explained that the statute does not require the Board to make the determination, and the current language of the rule would leave that for, the PA and the collaborating physician to make.

Dr. Bennett reiterated that the Board is not a certification board. Dr. Dang inquired where this requirement came from.

Ms. McSorley clarified that this is not mirroring other states as each state is different. The certification is an Arizona distinction and the one-year supervision requirement was a suggestion for the Committee to consider as it is still going to be handled at the practice level.

Ms. Smith noted that the language of the statute leaves room for the board to make an interpretation.

PA Reina expressed concern that some PAs may interpret this as independent practice but stated that she does not want to create roadblocks on what a trained PA can do. PA DiBaise opined that if the Board is not determining what is substantially different then imposing an arbitrary one-year supervisory agreement, it seems complicated since it will be handled at the practice site anyway. PA Reina noted that it is the Board's mission to protect the public. PA Shaff reiterated that if the Board included this language, they would need to create rules and regulations on what is substantially different. PA Shaff opined that the language should remain as is without the one-year supervisory requirement. PA DiBaise agreed that the previous language was less cumbersome. The Committee agreed to keep the previous August 17<sup>th</sup> draft version of Rule 2; without the supervisory agreement.

Regarding Rule 1 Paragraph 5, PA Reina stated that this is mostly going to affect the educators. This change is that within the last 3 years have at least 2000 hours of clinical hours.

Ms. Smith clarified that this would also affect the PAs who have been practicing for over five years and who haven't reached the 8000 hours in the last five years.

Committee members agreed with the change and current draft of Rule 1. Committee members opined that 2000 hours is attainable in a three-year period for PAs working in education.

PA DiBaise noted a correction regarding the didactic hours in the FAQs and noted that the statement of the waiver is missing.

Ms. McSorley noted number 9 of the FAQs for the Committee's review; the medical services that may be provided by a collaborative PA includes "delegating and assigning therapeutic and diagnostic measures to and supervising licensed or unlicensed personnel."

PA Reina noted that the PA is held to a higher liability as a collaborative PA.

Ms. Smith noted that this bill does have changes from the regular PA's perspective and an update will be given to the full Board at the November meeting. Ms. Smith explained that this does adjust some of the supervising physician and PA relationship. Prescribing authority has to be described in the supervision agreement now and the agreement no longer needs to be updated annually.

PA Shaff suggested including the changes to the supervisory agreement in the FAQs.

Ms. Smith suggested having a separate FAQ page for supervisory agreements to prevent confusion.

Ms. McSorley confirmed that after today these drafts will go to the rule writer but suggested that they go to the full board for approval first.

Committee members agreed to send the rules to the full Board for approval.

Ms. Smith noted that there is a timeframe for public feedback on how the rules are working.

## **F. DISCUSSION OF DATES AND TOPICS FOR UPCOMING COMMITTEE MEETING**

## G. ADJOURNMENT

**MOTION:** PA DiBaise moved to adjourn the meeting.

**SECOND:** Dr. Bennett.

The following Committee Members voted in favor of the motion: Chair Reina, Dr. Bennett, Dr. Dang, PA DiBaise and PA Shaff.

**VOTE:** 5-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

**MOTION PASSED.**

The meeting adjourned at 5:42 p.m.

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Patricia E. McSorley, Executive Director

DRAFT