



Arizona Regulatory Board of Physician Assistants

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DRAFT MINUTES FOR REGULAR SESSION MEETING Held on Wednesday, February 28, 2024 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 10:01 a.m.

B. ROLL CALL

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

ALSO PRESENT

The following Board staff were present: Patricia McSorley, Executive Director; Raque Rivera, Interim Deputy Director; Carrie Smith, Assistant Attorney General (“AAG”); Nicole Samaradellis, Interim 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

- Update on the Processing of Collaborative Physician Assistant Certification

Ms. McSorley reported that staff has been processing applications for collaborative practice. Ms. McSorley provided the inquiries the Board has been receiving regarding this matter and their question is if the Board exceeded its authority by requiring written documentation as to who the collaborating physician is going to be. Representative Bliss has opined that the Board has exceeded its authority. Ms. McSorley stated that the Board will need to work through this. The Board has submitted exempt rules and as part of the process we will need to have stakeholders’ comments.

- February 15, 2024 Letter from the Governor's Office Regarding Health Professional Disciplinary Actions

Ms. McSorley reported that the Board has a policy regarding sexual misconduct cases and her focus is on responding to the Governor's letter, which is due on March 1st. Ms. McSorley stated that the Board has policies and processes in place and that it is a transparent process.

- Staff Update

Ms. McSorley reported that Ms. Rivera is the Interim Deputy Director and Ms. Samaradellis is the Interim Investigations Manager.

- Update on the Federation of State Medical Board Annual Meeting in Nashville, Tennessee, April 18-20

Ms. McSorley informed Board members that if they are interested in attending the meeting, staff can coordinate it.

- Legislative Update – Including but not limited to HB2686 (health professions regulatory boards)

Ms. McSorley noted that HB 2686's focus is to move cases as quickly as possible and for investigations to be completed in 180 days. It does provide three steps for the Board to take if additional time is required. If not completed in 180 days, the Board must provide a reason why or the case can be administratively closed and reopened if more evidence is obtained. Ms. McSorley noted that the more complex cases do take a longer time to complete.

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

PA Reina reported that ASAPA has requested that the Board attend their meeting in early March and that the Board will have representation to answer any questions they may have.

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

- Board Member Training – Member Communications and Conflicts of Interest

Ms. Smith provided training on conflicts of interest and ex-parte communications.

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

MOTION: PA Shaff moved to nominate PA Reina as Chair.

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.

MOTION: PA Reina moved to nominate PA Shaff as Vice-Chair.

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.

H. PRE-AUDIT PRESENTATION BY THE AUDITOR GENERAL'S OFFICE RELATED TO THE SCHEDULED SUNSET REVIEW

Katie Grzybowski Senior Performance Auditor, Auditor General's Office

Ms. Grzybowski informed the Board about the Auditor General's Office Sunset Review that is required by statute.

I. APPROVAL OF MINUTES

- November 29, 2023 Regular Session; including Executive Session

Dr. Gosi noted errors in the vote on page 3.

MOTION: PA Shaff moved to approve the November 29, 2023, Regular Session meeting; including Executive Session with the requested modifications.

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.

LEGAL MATTERS

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

- PA-19-0047A, KERRY D. MALIN, P.A., LIC. #5167

PA Malin was present. AAG Elizabeth Campbell was present on behalf of the State. AAG Diane DeDea was present as the Board's Independent Legal Advisor.

Ms. Campbell informed the Board that at the time of the formal hearing, PA Malin requested to enter into a consent agreement. This was the original consent agreement as recommended by SIRC. PA Malin has signed the consent agreement and the State is requesting that the Board accept it.

PA Malin requested that this case be dismissed due to the extenuating circumstances and the lapse of time since this case took place. PA Malin stated that three key players in this case have since passed away. PA Malin stated that he did not obtain new counsel after his counsel passed away. After consulting with Ms. Campbell and the Administrative Law Judge (ALJ) they agreed to the Censure. PA Malin stated that he has already completed Continuing Medical Education (CME). PA Malin opined that this patient's case has already been heard and that he has already received punitive actions for this. PA Malin noted that a lot has changed since this time regarding chronic pain patients.

Ms. Campbell clarified that PA Malin has not been disciplined regarding patient MR and clarified that neither she nor the ALJ provided PA Malin any legal advice on whether he should enter into the consent agreement. Ms. Campbell noted that she cannot offer legal advice but what she did was support this consent agreement as a reasonable resolution to this case and it is up to the Board to accept it.

MOTION: Ms. Zoneraich moved to rescind the referral to formal hearing and accept the signed consent agreement for a Decree of Censure and Two Year Probation. Respondent's Supervising Physician is required to provide a concurrent review of all of Respondent's controlled substance prescribing and to submit monthly reports to the Board regarding Respondent's compliance with the controlled substance prescribing guidelines and his safety to practice. 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 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.

2. PA-21-0114A, ERIC E. COLE, P.A., LIC. #3789

PA Cole was not present. AAG Elizabeth Campbell was present on behalf of the State. AAG Diane DeDea was present as the Board's Independent Legal Advisor.

Ms. Campbell stated that PA Cole informed her that he would not be attending today and that the Board has a signed consent agreement for consideration.

MOTION: PA Shaff moved to rescind the referral to formal hearing and accept the signed consent agreement for Non-Disciplinary CME. Respondent shall complete a minimum of 15 hours of Board Staff pre-approved Category 1 non-disciplinary CME in an intensive virtual course regarding controlled substance prescribing and a minimum of 10 hours of Board Staff pre-approved Category 1 non-disciplinary CME in an intensive virtual course regarding medical recordkeeping.

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.

K. MOTION FOR REHEARING/REVIEW (Formal Hearing)

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

Victor Aronow addressed the Board during the Public Statements portion of the meeting on behalf of the physician assistant. AAG Elizabeth Campbell was present on behalf of the State. AAG Diane DeDea was present as the Board's Independent Legal Advisor. Michael Goldberg appeared virtually on behalf of PA Pierre-Louis.

Mr. Goldberg requested the Board grant his motion for a rehearing or review, arguing that the penalty imposed was excessive. Mr. Goldberg argued that PA Pierre-Louis was in Arizona and working for the federal government. Mr. Goldberg stated that an address was secured where he received mail and he never lied to the Board about where he stayed during the investigation. PA Pierre-Louis chose to stay in hotels instead of at this address. Mr. Goldberg argued that there is no definition of residence in the application and there was some confusion on the PA's part. Mr. Goldberg requested that the Board reconsider the decision to revoke the license.

Ms. Campbell stated that it is important to tell the truth if you are a healthcare provider. Ms. Campbell explained that if PA Pierre-Louis wanted to be licensed in Arizona, there were two pathways- the traditional route where no residency is required for the application, or the universal recognition pathway. PA Pierre-Louis chose the universal recognition pathway which allows a PA to obtain licensure by showing that he had established residency. He testified that he needed a home address for the application, so he got an address, but he never stayed there despite listing it as his home address and residence. He checked on the application that he had established residency in Arizona by means of this Devonshire address. Ms. Campbell stated that revocation is not an excessive penalty as residency was a requirement for licensure and he lied about it.

Mr. Goldberg noted that at the hearing for PA Gervais, the judge stated that the requirements for establishing residency were not clear and stated that it would not make

sense to move to Arizona without a job. Mr. Goldberg reiterated that revocation is severe for this type of violation.

Ms. Campbell objected to including argument regarding PA Gervais' hearing for PA Pierre-Louis' matter as they are separate hearings and matters.

Ms. DeDea summarized that Respondent's argument is that the penalty is excessive, he was denied a fair hearing due and that the State introduced new evidence when the Board considered the ALJ decision. Ms. DeDea informed the Board of their options.

Chair Reina inquired if the Board can give the PA an opportunity to withdraw.

Ms. DeDea clarified that he is already licensed.

Ms. Zoneraich inquired if he can reapply through the traditional pathway if he is revoked.

Ms. McSorley informed the Board that if a licensee is revoked they cannot reapply for two years and then they must meet the requirements of the statute.

MOTION: PA Shaff moved to deny Respondent's Motion for Rehearing.

SECOND: Ms. Zoneraich.

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

VOTE: 7-yay, 3-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

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

Victor Aronow addressed the Board during the Public Statements portion of the meeting on behalf of the physician assistant. AAG Elizabeth Campbell was present on behalf of the State. AAG Diane DeDea was present as the Board's Independent Legal Advisor. Michael Goldberg appeared virtually on behalf of PA Gervais.

PA Gervais stated that he lived at the address but he never slept there because the federal government agency gave them hotels and costs. PA Gervais explained that he chose to stay in hotels since he didn't like the neighborhood. PA Gervais stated that the Board asked for receipt of payment and the contract for the address and it was provided. PA Gervais further noted that the Board sent letter to the address and it was received. PA Gervais opined that the Board made the judgement that they lied and are revoking a license. PA Gervais stated that he was working with the federal government as a provider so he traveled and didn't always have a permanent license.

Mr. Goldberg argued that the ALJ disagreed with the residency reason for revocation and found that not obtaining a driver's license or voter registration for two years does not show established residency. The ALJ agreed with the final result but not with the reasoning. Mr. Goldberg stated that since the legal reasoning is not the same there is a reason for rehearing. Mr. Goldberg stated that there is some confusion with how this statute was interpreted and how the PA interpreted it. Mr. Goldberg requested that the Board reconsider granting a rehearing.

Ms. Campbell stated that PA Gervais gave three reasons why he sought review or rehearing. He alleged that new evidence was supposedly admitted at the November 29, 2023 meeting when the Board reviewed the ALJ's decision. Ms. Campbell stated that there was no new evidence, and that the argument is both unsupported and unfounded. The second argument is that since the State filed its position on the ALJ's recommended decision that there had been a due process violation. Ms. Campbell noted that PA Gervais was also given an opportunity to file a position and that there is no violation and

the argument is not supported.. With regard to the argument regarding excessive penalty, Ms. Campbell stated that there were two pathways for licensure. The traditional pathway ways did not require that he have to show residency and then there was the universal recognition pathway where he did have to show residency. The Devonshire address was used and was listed as his home address and he went on to attest that he has established residency in Arizona. The ALJ found that he did not establish residency. Ms. Campbell noted that PA Gervais never slept there and did not have a key. Mr. Goldberg made an argument that the ALJ had made a finding in the ALJ recommendation that a residence needs to be established in a reasonable time and the two years it took to obtain a drivers license and register to vote was too long. When the Board considered the ALJ's decision the Board adopted the interpretation that the statute requires residency at the time the application is made. The conclusion was the same; he did not provide and misrepresented information on the license application. Ms. Campbell stated that even though the ALJ's interpretation differed from the Board's, it was the same recommendation for revocation. Ms. Campbell stated that revocation is appropriate as residency was a requirement to qualify for a universal recognition license.

Mr. Goldberg argued that the judge made the decision that it took him too long to get a voter registration and driver's license and took issue with the characterization that the judge said there was a misrepresentation.

MOTION: PA Reina 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. 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.

The Board entered into Executive Session at 11:11 a.m.

The Board returned to Open Session at 11:55 a.m.

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

MOTION: PA Shaff moved to deny Respondent's Motion for Rehearing or Review.

SECOND: Ms. Zoneraich.

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.

L. FORMAL INTERVIEWS

1. PA-22-0053A, ERIK B. C. BUZAN, P.A., LIC. #5148
PA Buzan was present without counsel.

Board staff summarized that on June 30, 2022, the Board received a complaint regarding PA Buzan's care of patient, VF, reporting that VF was on multiple controlled substances and high dose Oxycodone. Medications included Alprazolam, Oxycodone, Dextroamphetamine/Amphetamine and Ambien. VF is a 33-year-old male who had established care with Men's Vitality Center for primary care and pain management in September of 2020 at the age of 31. VF had a past medical history of bilateral lower extremity fractures and other musculoskeletal injuries due to a prior ATV accident and had reportedly required 18 surgeries. VF had previously received prescriptions for Oxycodone and Hydrocodone for pain based on CSPMP review. VF also reported use of medical marijuana and alcohol. PA Buzan prescribed Oxycodone 15mg every six hours #120/30 days. In early October of 2020, VR requested Testosterone. PA Buzan

prescribed Testosterone cypionate and Arimidex 1mg weekly, additionally increasing the Oxycodone to 15mg every 4-6 hours #150. Trazodone 150mg at bedtime was added for sleep later that month. Xanax 0.5mg as needed was added for sleep and anxiety in November of 2020, and VF's Testosterone dose was increased to 200mg in spite of supratherapeutic Testosterone levels. In December of 2020, Xanax was increased to 2mg daily, and Oxycodone was further increased to 30mg every 6 hours. In February of 2021, Oxycodone was increased to 30mg twice daily and 30mg every 4-6 hours as needed (max 5 tab/day). Sermorelin was also started that month. A note of May 3, 2021 stated that narcotic doses would not be increased, and the patient would need to see a pain specialist for any higher MME. Zaleplon 10mg was added for sleep in September of 2021 and was subsequently increased to 20mg. On February 28, 2022, PA Buzan added Tizanidine 4mg 1-2 tabs every eight hours as needed for back spasms, with Zolpidem 10mg at bedtime. On May 23, 2022, VF requested Adderall and asked that Xanax be stopped. Adderall 30mg daily was started and Xanax was discontinued. VF was hospitalized on June 27, 2022 after being involved in an motorcycle accident in which he sustained an open left tibia/fibula fracture, avulsion of the left patellar tendon, lumbar compression fractures of L1 and L2, and ankle and foot fractures. VF was transferred to the hospital under the care of his regular orthopedic provider. He required surgery for the tib/fib fractures and left patellar tendon repair, with postponement of surgery for his known left femur fracture with nonunion. Pain Management was also involved in his care. VF was seen by PA Buzan on July 19, 2022 and reported the recent accident. PA Buzan added Gabapentin 600mg three times a day. VF was informed that this would be his last pain management appointment and he was referred to Phusion Wellness for pain. The MCMedical Consultant (MC) who reviewed the case noted several deviations from the standard of care, reporting that high dose opioids were prescribed without clinical justification, and a combination of high dose opioids and benzodiazepines were prescribed. The MC stated that the patient should have been diagnosed with a drug dependency, referral to a pain specialist should have been considered earlier during the course of treatment, and Narcan was never discussed or prescribed. Additionally, as PA Buzan was the patient's PCP, vaccines, hyperlipidemia f/u, weight management and alcohol abuse screening should have been performed. The MC also noted inappropriate treatment of hypogonadism and ADHD along with inadequate documentation. On December 22, 2023, PA Buzan signed an Interim Consent for Practice Restriction (IPR) prohibiting him from prescribing controlled substances. PA Buzan completed the PBI Prescribing Course: Opioids, Pain Management and Addiction on January 6-7, 2024. He completed CPEP's Medical Recordkeeping Course on January 19, 2024. The Interim Practice Restriction was terminated effective February 1, 2024. On February 2, 2024, PA Buzan received a letter from Walmart Controlled Substance Compliance reporting that Walmart and Sam's Club would no longer continue to fill controlled substance prescriptions by PA Buzan due to review of his controlled substance prescribing patterns. PA Buzan sent a copy of the certificate of the PBI prescribing course he had completed in late 2018 regarding a prior case. PA Buzan also sent another response agreeing that documentation should be more thorough in complex patients and additional screening should have been performed. PA Buzan noted that his practice setting has changed since the practice replaced his Supervising Physician, with reported reduction of MME doses in chronic pain patients, referrals to Pain Management, and changes in Testosterone prescribing and monitoring.

PA Buzan provided an opening state to the Board. PA Buzan stated that since this case started he has cooperated with the investigation and has adhered to the Interim Practice Restriction. PA Buzan informed the Board of the changes he has since made to his practice and confirmed that the office has created templates in their charts to get proper documentation. PA Buzan requested that the Board not require chart reviews and requested the issuance of an Advisory Letter as he has demonstrated substantial remediation.

During questioning, PA Buzan informed the Board that VF was a complex patient who once he was on pain management became more active in his daily life. The escalation of pain medication doses was based on his activity level and other concerns including scoliosis and arthritis. PA Buzan stated he was at fault for not putting these reasons and justification in the chart. PA Buzan confirmed that there were no measures in place to assess and mitigate the potential risks that are associated with a combination of high dose opioids and benzodiazepines. PA Buzan stated he was trained to utilize a controlled substance agreement, urine drug screens and do a DAST-10 form. PA Buzan confirmed that Narcan is now required for any patient who gets an opioid type product. Regarding alternative therapies, PA Buzan explained that VF was scheduled to do multiple surgeries through his surgeon, so he has assumed that he was in physical therapy after his surgery, which he was. PA Buzan stated that a lot of VF's treatment for pain, outside of medications, was done through the orthopedic surgeon. PA Buzan stated that VF was never going to be tapered down due to his pain getting worse because he required more surgeries. PA Buzan informed the Board that he did not know VF was in a car accident, as the hospital never called him. He got a letter in the mail saying VF was on too many medications and that would be reported to the Medical Board. Regarding coordinating with all health care providers, PA Buzan stated that he has learned from the medical recordkeeping courses that you have to get records from everyone to help high-risk patients. Regarding VF's ADHD, PA Buzan stated that they had a conversation where VF stated he had it and they did an ADHD self-report score. PA Buzan confirmed that the new medical director has said that the practice will no longer just take that score. They must be referred out and return with a diagnosis prior to starting treatment. PA Buzan informed the Board of his rationale for providing testosterone therapy was to help reduce inflammation and help build bone growth and help with muscle recovery. PA Buzan reiterated the importance of documentation for rationale and treatment.

PA Clark noted the 2018 Advisory Letter and Order for Non-Disciplinary Continuing Medical Education (CME) for inappropriate prescribing of controlled substances and inadequate medical records and inquired about how this happened if he had already taken CME.

PA Buzan stated that his supervising physician did not make any changes at that time and he was still seeing the same patients. When the new medical director arrived is when protocol changes were implemented. PA Buzan confirmed that he had not been trained as a pain specialist but that he worked under the internal medical specialist, who had received his pain management specialty in 2018. PA Buzan opined that his prescribing was not due to a lack of competence but due to a lack of protocols within the company. PA Buzan confirmed that VF was ultimately referred out to pain management in 2022.

PA Shaff commented that as a PA, the onus is on you to practice medicine appropriately and not to put the responsibility on the supervising physician. PA Shaff acknowledged the changes that the PA have made, but noted that the Board is considering this case at the time it happened.

PA Buzan informed the Board that he did not have a conversation with his supervising physician regarding protocol changes but they would review charts together.

MOTION: PA Clark moved for a finding of unprofessional conduct in violation of A.R.S. §§ 32-2501(20)(j), and (p) as stated by SIRC.

SECOND: PA Shaff.

PA Clark noted that from October 9th of 2020 to July 19th of 2022, there were a total of 76 visits from VF and consistent oversights.

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.

MOTION: PA Clark moved for a draft Findings of Fact, Conclusions of Law and Order for a Letter of Reprimand and Two-Year Probation. PA Buzan shall enter into a contract with a Board approved monitoring company to perform periodic chart reviews, at the physician assistant's expense. After three consecutive favorable chart reviews, PA Buzan may petition the Board to terminate the Probation. PA Buzan shall not request early termination of Probation without having completed the chart review process. The Probation shall not terminate except upon affirmative request of the physician assistant and approval by the Board.

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. Zoneraich.

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

MOTION PASSED.

M. FORMAL LICENSING INTERVIEWS

1. PA-23-0005A, TIMOTHY J. THOMPSON, P.A., LIC. #N/A
PA Thompson was present without counsel.

Board staff summarized that PA Thompson's application is before the Board due to his disclosure of an eleven-year lapse in clinical practice. PA Thompson reported that he specialized in orthopedic surgery for seven years until 2011, when he went to work for an orthopedic medical device manufacturer in an administrative position. PA Thompson remains NCCPA certified and has accrued over 152 hours of CME between 2021 and 2023. Board staff noted that despite certification and CME maintenance, PA Thompson has not provided direct patient care for 11 years. The Board has been consistent in requiring practitioners out of practice for 3 years or longer to undergo a competency assessment prior to consideration for licensure. PA Thompson did take and successfully passed the PANCE in 2004 and PANRE in 2016; however, his certification is set to expire in 2024. PA Thompson's file was initially sent to SIRC who recommended a competency evaluation consistent with the Board's policy. PA Thompson refused this recommendation.

PA Thompson provided an opening statement to the Board and clarified his work and educational history while out of clinical practice.

During questioning, PA Thompson informed the Board that it was a family decision to move back to Arizona. PA Thompson informed the Board of his administrative and his teaching role at his administrative position. PA Thompson opined that he is able to be a health care medical professional at this time and has zero doubt about his clinical knowledge regarding orthopedic surgery. PA Thompson stated that his goal is to practice in orthopedic surgery.

PA Shaff commented that this case is a little different since he's been out of clinical practice for the past 11 years but PA Thompson has maintained his education requirements, provided medical education and it is comparable to being in the OR. Dr. Bennett noted that there have been no complaints or board actions.

PA Thompson informed the board of his CME training.

Ms. Zoneraich inquired about the Board's out of practice requirement.

Ms. Smith clarified there is no statutory requirement, it is an investigation policy, and if the Board determines that he is competent without the need for an evaluation, the Board can grant the license.

Board staff explained that it is the Board's policy if a PA is out of practice for three or more years the recommendation is for a competency evaluation, and if the PA refuses the case is forwarded to the Board to make a decision.

PA Thompson explained in his current role and noted that he reviews about 10 to 20 charts a week. PA Thompson stated that he has no issue with taking CME for opioids.

MOTION: Dr. Bennet moved to grant the license.

SECOND: Dr. Batizy.

Ms. Zoneraich expressed concern given the Board's policy is that if a PA is out of practice for 3 years a competency evaluation should be obtained and this PA has been out of practice for 11 years. PA Shaff opined that having his NCCPA certificate and PANRE, PA Thompson has stayed up to date on his education.

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 and PA Graham. The following Board member voted against the motion: Ms. Zoneraich.

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

MOTION PASSED.

CONSENT AGENDA

N. CASES RECOMMENDED FOR DISMISSAL

1. PA-23-0039A, REBECCA A. DODD, P.A., LIC. #7228

F.A., H.A. and M.O. addressed the Board during the Public Statements portion of the meeting.

Board staff summarized that on April 19, 2023, the Board received a complaint regarding PA Dodd's care of patient, HA, who had been seen by PA Dodd at Valleywise ER on March 4, 2023, with abdominal pain. No CT scan was ordered, and HA had reportedly been labeled a drug seeker and was discharged home. He presented to St. Joseph's ER on March 5, 2023 and was found to have extensive bowel necrosis with bowel perforation. HA required further surgeries and interventional radiology procedures and subsequent skilled nursing care. HA presented to Valleywise Maryvale ER on March 3, 2023 with complaints of recurrence of his chronic abdominal pain, associated with vomiting and diarrhea. He reported that only Morphine worked for his pain. HA also stated that he had recently stopped all of his medications, including multiple GI meds. On exam, HA was in no acute distress. His abdominal exam showed tenderness to the epigastrium with no guarding or rebound and negative Murphy's, McBurney's and Psoas signs. Labs showed a mildly elevated white blood cell count (decreased from a prior test), thrombocytosis and mildly elevated alkaline phosphatase and glucose values. Lipase was normal. PA Dodd noted similar episodes and prior evaluations and documented a low suspicion for obstruction, mesenteric ischemia, appendicitis, diverticulitis, colitis or pancreatitis. HA was treated with IV fluids, a GI cocktail, Morphine, and Ondansetron with improvement of pain. PA Dodd documented that she did not feel additional imaging was indicated, with many prior CTs with chronic findings. The most recent abdominal CT scan had been done eight days previously. Pain management was encouraged, along with primary care and GI follow up, and return to ER precautions were discussed. The following day, HA went to St. Joseph's Hospital, where he was diagnosed with mesenteric ischemia and bowel necrosis. Extensive bowel resection was performed and repeated surgical interventions were required. HA continued to have complications and ultimately elected Hospice care and died on May 5, 2023. The MC cited a deviation from the standard of care, noting that PA Dodd had failed to fully evaluate the cause of HA's

chronic abdominal pain (via CT), but found it mitigating that the patient had chronic abdominal pain with multiple prior work-ups without apparent pathology. SIRC noted that the patient had undergone multiple workups without apparent pathology and questioned whether a second CT scan eight days after the last one was required in light of similar labs and an unchanged physical exam. SIRC stated that the case did not rise to the level of Board sanction and recommended dismissal.

MOTION: PA Shaff moved to dismiss.

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. CASES RECOMMENDED FOR ADVISORY LETTERS

MOTION: PA Shaff moved to issue an Advisory Letter in item numbers 1-3.

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.

1. PA-23-0035A, PARKER V. LANOUE, P.A., LIC. #8964

RESOLUTION: Advisory Letter for failing to comply with CSPMP mandatory use requirements. 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-23-0036A, DAVID L. STEVENS, P.A., LIC. #2048

RESOLUTION: Advisory Letter for failure to address inconsistent urine drug screen findings and inadequate documentation. 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-23-0025A, LAURIE A. HELTZEL, P.A., LIC. #3046

RESOLUTION: Advisory Letter for failing to routinely monitor a patient for tardive dyskinesia utilizing an abnormal involuntary movement scale (AIMS). 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.

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

1. PA-23-0112A, VINCENT F. LIOU, P.A., LIC. #6691

MOTION: PA Shaff moved to issue an Advisory Letter and Order for Non-Disciplinary CME for failing to disclose the performance of health care tasks 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. Within six months, complete CPEP's ProBE program. The CME hours shall be in addition to the hours required for license renewal. The licensee shall obtain an unconditional or conditionally passing grade.

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.

Q. REVIEW OF EXECUTIVE DIRECTOR DISMISSALS

1. PA-22-0110A, ERNEST J. FOX, P.A., LIC. #3464

MOTION: PA Shaff moved to uphold the dismissal.

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.

R. PROPOSED CONSENT AGREEMENTS (Disciplinary)

1. PA-22-0090A, PA-22-0098A, ROBERT J. STRONG, P.A., LIC. #2242

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

MOTION: PA Shaff moved for the Board to enter into Executive Session to obtain legal advice pursuant to A.R.S. § 38-431.03(A)(3).

SECOND: PA Reina.

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.

The Board entered into Executive Session at 2:23 p.m.

The Board returned to Open Session at 2:38 p.m.

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

MOTION: PA Shaff moved to reject the signed consent agreement and to move forward with a formal interview.

SECOND: Ms. Zoneraich.

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.

S. LICENSE APPLICATIONS

i. APPROVE OR DENY LICENSE APPLICATION

1. PA-23-0111A, ROBERT W. CHRISTINE, P.A., LIC. #N/A

MOTION: PA Shaff moved to offer PA Christine the opportunity to withdraw his license application within 30 days in lieu of a formal license denial. If he wishes to pursue the license, the matter shall be referred to the Board for consideration with the recommendation to deny the license based on A.R.S. § 32-2521(A)(4) and (7).

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.

ACTION ON CASE(S)

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

1. PA-20-0006A, MICHAEL A. ABRAHAM, P.A., LIC. #5934

MOTION: PA Shaff moved to approve the draft Findings of Fact, Conclusions of Law and Order for a Decree of Censure with Minimum Five-Year Probation with terms and conditions consistent with his Interim Order. PA Abraham's Supervising Physician shall perform routine reviews of PA Abraham's care and treatment of his patients to evaluate his controlled substance prescribing. PA Abraham shall cause his Supervising Physician to provide quarterly reports to the Board or at any time the Supervising Physician has concerns regarding PA Abraham's prescribing of controlled substances. PA Abraham shall not request early termination of Probation. The Probation shall not terminate except upon affirmative request of the physician assistant and approval by the Board. PA Abraham's request for termination shall be accompanied by a recommendation from his PHP Contractor stating that monitoring is no longer required.

SECOND: Dr. Gosi.

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

Ms. Zoneraich inquired why this is not moving forward with revocation.

Ms. Smith clarified that this case went for a formal interview and the Board should vote on whether this order reflects the Board's discussion during the interview.

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

MOTION PASSED.

2. PA-22-0083A, VINCENT J. TAPIA, P.A., LIC. #2400

MOTION: PA Shaff moved to approve the draft Findings of Fact, Conclusions of Law and Order for a Two-Year Probation. Within six months, PA Tapia shall complete no less than 10 hours of Board staff pre-approved Category I CME in an intensive, in-person course regarding medical recordkeeping, and complete no less than the 15 hour of Board staff pre-approved Category I CME in an intensive, in-person course regarding controlled substance prescribing. The CME hours shall be in addition to the hours required for license renewal. Within thirty days of completing the Board ordered CME, PA Tapia 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, PA Tapia may petition the Board to terminate the Probation. PA Tapia shall not request early termination of Probation without having completed the chart review process. The Probation shall not terminate except upon affirmative request of the physician assistant and approval by the Board.

SECOND: PA Graham.

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.**

U. ADJOURNMENT

MOTION: PA Shaff moved for adjournment.

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.

The Board meeting adjourned at: 3:07 p.m.



Patricia E. McSorley, Executive Director

DRAFT