



Arizona Regulatory Board of Physician Assistants

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FINAL MINUTES FOR THE JOINT LEGISLATION AND RULES COMMITTEE TELECONFERENCE MEETING Held on Thursday, July 11, 2024 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 at 4:14 p.m.

B. ROLL CALL

The following Committee Members participated via Zoom: PA Reina, PA DiBaise and PA Shaff.

The following Committee Members were absent: Dr. Bennett and Dr. Dang.

ALSO PRESENT

The following Board staff participated in the meeting: Patricia McSorley, Executive Director; Heather Foster, Public Records Coordinator. Carrie Smith, Assistant Attorney General (“AAG”) was also present.

C. CALL TO THE PUBLIC

No individuals addressed the Committee during the Call to the Public.

D. APPROVAL OF MINUTES

- October 2, 2023 Joint Legislation and Rules Committee Teleconference

MOTION: PA Shaff moved to approve the October 2, 2023, Joint Legislation and Rules Committee Teleconference.

SECOND: PA DeBaise.

The following Committee members voted in favor of the motion: PA Reina, PA DiBaise and PA Shaff. The following Committee member absent: Dr. Bennett and Dr. Deng.

VOTE: 3-yay, 0-nay, 0-abstain, 0-recuse, 2 -absent.

MOTION PASSED.

E. UPDATE ON A.R.S. § 41-1033(F) &(G) PETITION PROCEEDINGS AT GOVERNOR’S REGULATORY REVIEW COUNCIL (GRRC), INCLUDING DISCUSSION AND POTENTIAL RECOMMENDATIONS REGARDING GRRC REQUEST FOR REVISIONS TO R4-17-402

Ms. McSorley informed the Committee of GRRC’s request for the Board to update the rules. ASAPA has asked GRRC to void the rules as a matter of law arguing that the Board has exceeded the scope of its authority. The intent of the statute was to not require collaborating physician assistants to have any type of written agreement with their collaborating physicians. GRRC asked that ASAPA create a list of acceptable rules. Ms. McSorley informed the Board that GRRC recommended they cooperate with the ASAPA and come to some type of agreement that could be presented. Ms. McSorley stated that she had reached out to the attorney for ASAPA who indicated to her that

they have no interest in working with the Board at this time however, if the rules get processed through GRRC and are voided then there is a possibility that a collaboration could occur.

PA DiBaise inquired about the effect of voiding the rules on currently certified PAs.

Ms. Smith informed the Board that ASAPA formally withdrew any challenge to Rule 401, which is the application rule. ASAPA is only challenging Rule 402(B-G).

PA Reina inquired about Board's staff's recommendation and how the Board should proceed.

Ms. McSorley informed the Board that the next GRRC meeting will be held on July 23, 2024 and that she would need the Committee and the full Board's approval. If there is agreement from the Committee then she would present it to ASAPA and request feedback prior to taking it to the full Board.

PA Shaff inquired about whether additional meetings would be needed if revised rules were adopted.

Ms. McSorley noted that they have a study session scheduled for July 23, 2024 so the presentation would need to be submitted by that date and a special teleconference with the full Board would need to occur.

Ms. Smith recommended that the Board conduct a meeting and vote on the draft before the next GRRC study session.

Ms. McSorley noted that GRRC has until August 4, 2024 to decide.

PA DiBaise questioned whether the Board would still submit their version as an alternative solution if Rule 402 were voided.

Ms. Smith explained that if GRRC determines that the Board exceeded its authority, then GRRC has the option to void the rule altogether and if they determine that the rule does not meet the minimum statutory requirements, then they have the authority to amend the rule.

PA Reina stated that it is difficult since ASAPA has not informed the Board what they are looking for.

Ms. McSorley noted that a major sticking point is that they do not want to have anything required in writing. Ms. McSorley reviewed the proposed revised rules and explained that they simplified the wording to satisfy the part of the statute that tells the Board they need to make some type of process for when somebody is going to move to a practice that is substantially different to the practice that they've been engaged in. There is still the requirement for written policies, which is required by the statute. Ms. McSorley clarified that the policy would still be signed by the physician assistant. Ms. McSorley explained that the idea of these changes are to stray away from the concept that this is a supervision agreement.

PA Shaff opined that this documentation is to serve as a collaborating statement.

Ms. McSorley confirmed that this is a collaborating statement and that this would set a foundation for item E, which requires documentation of a licensee moving to a practice that is not substantially similar.

PA Reina questioned if the document could be amended at any time if training were to be completed.

Ms. McSorley explained that one of the other changes is that instead of being reviewed on an annual basis the document can be reviewed any time a change is made.

PA DiBaise opined the wording of clause F is unclear regarding if an agreement for each collaborating physician and entity would be needed.

Ms. McSorley agreed and suggested that the wording can be changed to "each collaborating physician assistant would be required to have documentation from each entity in which they practice."

Committee members opined that this change is not clear either since they could work at various locations under one entity.

Ms. Smith opined that item F was not necessary.

Committee members agreed that F was redundant, and it should be stricken from the rules. PA Reina questioned if item F is stricken could the term employer be used in column E.

Ms. Smith pointed out that using the term employer would exclude clinics that were owned and operated by a PA and employed their supervising physician.

PA Shaff congratulated Ms. McSorley on a job well done revising the rules and regulations. PA DiBaise stated that the chief complaint from ASAPA was that they felt that the new statues did not require delegation agreements. PA Shaff agreed and further stated that the biggest concern is having the physician sign the agreement but the current agreement would only require it to be written and signed by the PA. PA Reina stated that the reason the Board delineates the scopes of practice is to have a record of what the PA was currently practicing when they move to a substantially different practice.

Ms. McSorley commented that issues would still be handled at the practice level and would still require a sign off on the PA's capability to work in a drastically different specialty.

PA DiBaise expressed concern regarding the wording of item 3 and opined that the main concern was the misinterpretation of what this clause is. PA Reina opined that the biggest issue is that AAPA is fighting ASAPA for what they want since they are funding this and not necessarily what is satisfactory to ASAPA's standards. PA Reina further opined that AAPA wants the rules to be a blueprint that can be presented at a federal level to make it universal throughout the United States. PA Shaff suggested moving forward with approving and submitting the changes that have been made to ASAPA for review. PA DiBaise noted that the only change that was really made was the removal of section F.

Ms. Smith suggested amending subsection 3 of section A to include a description of the PA's general area of practice and process for collaboration.

Ms. McSorley confirmed the final changes that were made.

MOTION: PA Shaff moved to send the revised draft to ASAPA and recommend that the Board approve the revised draft.

SECOND: PA DiBaise.

The following Committee members voted in favor of the motion: PA Reina, PA DiBaise and PA Shaff. The following Committee members were absent: Dr. Bennett and Dr. Deng

VOTE: 3-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

F. DISCUSSION OF DATES AND TOPICS FOR UPCOMING COMMITTEE MEETING

Committee members requested that a full board meeting be scheduled for Wednesday, July 17, 2024, at 5:00 p.m.

G. ADJOURNMENT

MOTION: Pa Shaff moved for adjournment.

SECOND: PA DiBaise.

The following Committee members voted in favor of the motion: PA Reina, PA DiBaise and PA Shaff. The following Committee members were absent: Dr. Bennett and Dr. Deng.

VOTE: 3-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

The meeting adjourned at 4:52 p.m.



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

Patricia E. McSorley, Executive Director