



# Arizona Regulatory Board of Physician Assistants

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## FINAL MINUTES FOR REGULAR SESSION MEETING Held on Wednesday, August 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

Chair Reina called the meeting to order at 10:00 a.m.

#### B. ROLL CALL

The following Board members were present: PA Reina, PA Shaff, PA Clark, Dr. Dang, PA Di Baise, Dr. Gosi, Ms. Zoneraich.

The following Board members participated virtually: Dr. Bennett.

The following Board members were absent: Dr. Batizy and PA Graham.

#### ALSO PRESENT

The following Board staff were present: Patricia McSorley, Executive Director; Raque Rivera, Interim Deputy Director; Nicole Samaradellis, Interim Investigations Manager; Joseph McClain, M.D., Chief Medical Consultant and Michelle Robles, Board Operations Manager. Carrie Smith, Assistant Attorney General (“AAG”) was also present.

#### 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 A.R.S. § 41-1033(F) and (G) Petition Proceedings at Governor’s Regulatory Review Council (GRRC), Including Discussion and Possible Action on Any Proposals for Rule Revision
- Ms. McSorley reported that the rules for collaborative practice R4-17-402(B-G) have been voided but the rules for certification remain in effect. The written requirement between the collaborative physician and collaborative physician assistant are no longer in play. Ms. McSorley noted that new rules need to be created to address when a collaborative physician assistant moves to a new area of practice. Ms. McSorley reported

that the attorney for ASAPA provided a proposal for the Board's consideration and that she has also provided staff's assessment for what is being asked for.

PA Reina inquired if ASAPA has reached out for a meeting.

Ms. McSorley reported that she has been in contact with the attorney, and he is open to a meeting.

Ms. Zonerach requested clarification on the rules and regulations when a collaborative physician assistant has decided to switch their field of practice. PA Shaff noted that there are no rules set in place right now and proposed rules need to be developed. PA Reina opined that it would be good to have a meeting with ASAPA before the next ARBoPA meeting. Ms. Zonerach inquired about what other state medical boards require.

Ms. McSorley informed the Board that the majority of states required some type of documentation regarding the relationship and a handful of states do not require anything. Ms. McSorley opined that it is a legal document regarding the arrangement. However, Senator Bliss was pretty adamant that the intent of the statute was to not have anything in writing. Ms. McSorley opined that this swayed GRRC to void the rules.

Ms. Zonerach inquired about a nurse practitioner or physician's rules when they want to switch field of practice.

Ms. McSorley stated she will need to look into the nurse practitioner's requirements but for a physician once the Board issues a license they can practice in any field they feel confident to practice in.

PA Shaff stated that a nurse practitioner can switch when they want.

Ms. Campbell clarified that a nurse practitioners are trained and certified to practice only in specific areas.

Dr. DiBaise stated that there are a lot of rules and regulations when switching fields from one to another. PA Shaff and Dr. Bennet noted that there are some nurse practitioners that are broad and do not have to go back for additional training in acute care and family care.

Ms. Campbell stated that for the population foci for nurse practitioners is listed out in statute.

Ms. McSorley noted that a statute passed by the legislature last session did recognize the need for rulemaking to address when a PA switches from one area of medicine to another. The proposal from ASAPA does not address that and that is something that will need to be addressed in the new proposed rules. Ms. McSorley noted that the Board has not heard from the hospitals or licensing bodies as they are waiting for direction from the Board.

- Discussion and Possible Action Related to the Impact of the Revised Physician Assistant Scope of Practice in A.R.S. § 32-2531 on the Universal Recognition Application Process

Ms. McSorley explained that the process allows the State of Arizona to recognize the vetting and licensure of other states, and Puerto Rico is included in that list. However, the statute has changed. The statute delineates what exactly a PA is allowed to do, including prescribing. In contrast, when we see applications for PAs from Puerto Rico a PA is not able to prescribe so these are viewed as different, and the question is what do we do now.

Ms. Smith informed the Board of the new statute language and explained that the question is with the change in the scope of practice is the license issued by Puerto Rico

at the same practice level issued by the Board. Puerto Rico PAs are not currently allowed to prescribe medication. Ms. Smith confirmed that in Puerto Rico a state body issues a license in Puerto Rico.

Ms. Zoneraich noted that there are competing statutes, one that state Puerto Rico is similar to all other states and therefore should have reciprocity and another statute that states that the Board grants a PA license if it's of similar level of education.

Ms. Smith stated that Puerto Rico is defined as a state under Arizona's statutes,. However, the Board has the ability to determine whether or not the license issued by Puerto Rico is at the same practice level as the license issued in Arizona.

Ms. Zoneraich noted that the Board has determined that the licenses are not equivalent.

Ms. Smith clarified that the question before the Board today is whether in general are these applicants' licenses equivalent. If the Board determines that they are not, then staff will no longer accept applications from Puerto Rico.

**MOTION: PA Clark 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. DiBaise.**

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

**VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.**

**MOTION PASSED.**

The Board entered into Executive Session at 11:02 a.m.

The Board returned to Open Session at 11:19 a.m.

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

**MOTION: Ms. Zoneraich moved that PA licensure in Puerto Rico is not at the same practice level as other states for the purposes of the Universal Recognition Application.**

**SECOND: Dr. Dang.**

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

**VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.**

**MOTION PASSED.**

- Update and Review on Annual Report and Strategic Plan

Ms. McSorley noted that the staff are looking for increased appropriation for new investigators. In FY25 staff asked for four investigators but it was only approved for two so we are now asking for an additional two in FY26.

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

Chair Reina requested that an in-person meeting with ASAPA be scheduled to discuss the A.R.S. § 41-1033(F) and (G) Rules.

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

- Update on *Gervais v. Arizona Regulatory Board of Physician Assistants*, LC2024-000127-001DT

Ms. Campbell provided an update regarding PA Gervais' case. In November of last year the Board revoked PA Gervais' AZ PA license. This matter has been appealed to the Superior Court in a Judicial Review Action. The case is pending and there have been no significant court decisions and briefing is complete on a motion to stay and a motion for an evidentiary hearing.

PA Shaff inquired about a proposed settlement.

Ms. Campbell explained that this matter is only on the agenda for an update at this time but that the parties would likely take guidance from the Board's decision in the Pierre-Louis case.

- Update and possible action including potential negotiated resolution on *Pierre-Louis v. Arizona Regulatory Board of Physician Assistants*, LC2024-000126-001DT

Ms. Campbell explained that with regard to the PA Pierre-Louis' case there is a proposed negotiated resolution that has been agreed on. That is before the Board for consideration, review and acceptance. The Board can seek legal advice in executive session or can accept the settlement.

**MOTION: PA Shaff moved to accept the proposed agreement and to stipulate to the dismissal of case number LC2024-000126-001DT, Herold Pierre-Louis vs. Arizona Regulatory Board of Physician Assistants, in the Maricopa County Superior Court, with each party to bear its own attorney's fees and costs, consistent with the terms of the proposed Order to Void License and Consent to Same.**

**SECOND: PA Zoneraich.**

**VOTE: The following Board members voted in favor of the motion: PA Reina, PA Shaff, Dr. Bennett, PA Clark, Dr. Dang, PA Di Baise, Dr. Gosi, Ms. Zoneraich. The following Board members were absent: Batizy, Dr. Bennet and PA Graham.**

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

**MOTION PASSED.**

- 2024 Legislative Update Memo

Ms. Smith informed the Board that SB1021 is a repeal and replace for the change in scope of practice process. HB2113 creates a small increase in the scope of practice for medical assistants, there are now allowed to verbally communicate the medical practitioner's provided written medical advice, interpretation of test results and orders. HB2490 is a venue change regarding filing a Judicial Review Action against an agency in their home county. HB2585 adds PAs to the group of healthcare practitioners who could enter into collaborative practice agreements with pharmacists.

## **G. APPROVAL OF MINUTES**

- May 29, 2024 Regular Session Meeting

**MOTION: PA Shaff moved to approve the minutes for the May 29, 2024 Regular Session Meeting**

**SECOND: Ms. Zoneraich.**

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

**VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.**

**MOTION PASSED.**

- July 17, 2024 Special Teleconference Meeting

**MOTION: PA Shaff moved to approve the minutes for the July 17, 2024 Special Teleconference Meeting.**

**SECOND: PA Clark.**

**VOTE:** The following Board members voted in favor of the motion: PA Reina, PA Shaff, Dr. Bennett, PA Clark, Dr. Dang, PA Di Baise, Dr. Gosi, Ms. Zoneraich. The following Board members were absent: Dr. Batizy and PA Graham.  
**VOTE:** 8-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.  
**MOTION PASSED.**

## **CONSENT AGENDA**

### **H. CASES RECOMMENDED FOR DISMISSAL**

1. PA-24-0046A, RICHARD CASSEUS, P.A., LIC. #7776

**MOTION:** PA Shaff moved to dismiss.

**SECOND:** Ms. Zoneraich.

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

**VOTE:** 8-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

**MOTION PASSED.**

### **I. CASES RECOMMENDED FOR ADVISORY LETTERS**

**MOTION:** PA Shaff moved to issue an Advisory Letter in item numbers 1-4.

**SECOND:** Ms. Zoneraich.

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

**VOTE:** 8-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

**MOTION PASSED.**

1. PA-23-0109A, TARA M. IACONO, P.A., LIC. #6038

**RESOLUTION:** Advisory Letter for inadequate communication with a power of attorney, for failing to annually update a delegation agreement, and for failing to consult the supervising physician. 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.

2. PA-23-0029A, JULIA V. TURCHANINOV, P.A., LIC. #5307

**RESOLUTION:** Advisory Letter for prescribing a controlled substance to an immediate family member and inadequate documentation. 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.

3. PA-23-0090A, ANDREW V. CHESTER, P.A., LIC. #9238

**RESOLUTION:** Advisory Letter for failing to comply with CSPMP mandatory use requirements. 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-23-0091A, SANTIAGO A. CHAVEZ, P.A., LIC. #7483

**RESOLUTION:** Advisory Letter for failing to comply with CSPMP mandatory use requirements. 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.

5. PA-23-0094A, EDUARDO TREVINO-SALAMAN, P.A., LIC. #9489  
Dr. DiBaise stated that the "C" that is appearing on some of the documents should not be used since the PA Trevino-Salaman does not meet that qualification.

**MOTION: Dr. DiBaise moved to issue an Advisory Letter for 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.**

**SECOND: PA Clark.**

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

**VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.**

**MOTION PASSED.**

## **J. CASES RECOMMENDED FOR ADVISORY LETTERS WITH NON-DISCIPLINARY CONTINUING MEDICAL EDUCATION ORDER**

1. PA-22-0051A, SHERI L. CHACON, P.A., LIC. #5623  
PA Chacon addressed the Board during the Call to the Public portion of the meeting.

Board staff summarized that on June 28, 2022, the Board received a complaint regarding PA Chacon's care of patient, SR, reporting that SR was prescribed Oxycodone 15mg five times a day with early refills and was not referred to pain management. SR is a 43-year-old female with a passed medical history significant for chronic neck and back pain with prior spinal cord stimulator placement and use of chronic opioids who was first seen by PA Chacon at a Healthcare Clinic on September 23, 2021. SR reported that she had seen a pain doctor but did not like the doctor and needed to find a new one. She reported prior neck and trigger point injections along with 'nerve burns,' and was taking Oxycodone 15mg four times daily. Normal exam findings were documented, although no neck or back exams were performed. A Toradol injection was given, and Oxycodone 15mg four times a day (QID) as needed was prescribed. SR was also referred to a different pain management provider. The following month, SR was seen and reported that she had been unable to keep the pain management appointment due to a death in the family but had an appointment scheduled with pain management. Active motion was noted to all extremities and Oxycodone 15mg QID was refilled along with Cyclobenzaprine 10mg at bedtime. Monthly appointments continued in person or via telehealth, and at a telehealth visit on December 15, 2021, SR's Oxycodone 15mg was increased to #150/month due to poorly controlled pain. Methocarbamol was also prescribed. SR was not seen by pain management until March of 2022, and the provider reportedly would not prescribe narcotics. SR was subsequently seen by another mid-level provider in April and referred to pain management, but the patient did not follow through with the referral. On May 20, 2022, SR was seen by PA Chacon and asked to increase her Oxycodone to 6 tablets daily, which was denied. A Medrol Dosepak and Duloxetine were prescribed, and pain management follow up was encouraged. Follow up continued, and in September of 2022, SR was informed that she should consider detoxification through Recovia or establish with a pain management specialist. SR reported that she had seen two pain specialists that day who would not continue her same medications. Documentation noted care coordination with two pain management providers via telephone and provision of a three-week supply of Oxycodone. The Medical Consultant (MC) noted that PA Chacon was consistent in seeing the patient and checking the CSPMP and also prescribed a number of alternative non-opioid medications. However, screening for opioid misuse and high-risk behavior was not done and there was no controlled medication consent form, and no urine drug screens were performed.

PA Shaff inquired if PA Chacon has already completed the recommended CME per her Call to Public statement.

In response to a Board member question, Ms. Smith confirmed that the recommendation is for a non-disciplinary Advisory Letter with CME, which would be a public document.

Board Staff confirmed that PA Chacon has not provided Board staff with any evidence that she has completed the recommended CME.

PA Reina noted that in PA Chacon's public statement she stated that she did not have access to urine drug screen supplies. In her supervising physician letter to the Board it does not state that.

**MOTION: PA Shaff moved to issue an Advisory Letter and Order for Non-Disciplinary CME for inadequate monitoring of patients prescribed controlled substances. 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 no less than 15 hours of Board staff pre-approved Category I CME in an intensive, in-person (virtual) course regarding controlled substance prescribing. The CME hours shall be in addition to the hours required for license renewal.**

**SECOND: Dr. Bennett.**

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

**VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.**

**MOTION PASSED.**

2. PA-23-0080A, JORDAN L. LALONDE, P.A., LIC. #7891

**MOTION: PA Shaff moved to issue an Advisory Letter and Order for Non-Disciplinary CME for inappropriately discharging an unstable patient with hyperglycemia, for inaccurate and incomplete documentation and for performing health care tasks without an appropriate delegation agreement. 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 no less than 10 hours of Board staff pre-approved Category I CME in an intensive, in-person (virtual) course regarding medical recordkeeping. 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, PA Di Baise, Dr. Gosi, Ms. Zoneraich. The following Board members were absent: Dr. Batizy and PA Graham.**

**VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.**

**MOTION PASSED.**

## **K. PROPOSED CONSENT AGREEMENTS (Disciplinary)**

1. PA-24-0082A, ERIC E. COLE, P.A., LIC. #3789

**MOTION: PA Shaff moved to accept the signed consent agreement for Surrender of License.**

**SECOND: Ms. Zoneraich.**

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

**VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.**

**MOTION PASSED.**

## **L. LICENSE APPLICATIONS**

### **i. APPROVE OR DENY LICENSE APPLICATION**

**MOTION:** PA Shaff moved to grant the license in item numbers 1, 2 and 4.

**SECOND:** Ms. Zoneraich.

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

**VOTE:** 8-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

**MOTION PASSED.**

1. PA-24-0066A, JULIE S. VEDDA, P.A., LIC. #N/A

**RESOLUTION:** License granted.

2. JUVY ESCALANTE, P.A., LIC. #N/A

**RESOLUTION:** License granted.

3. ROBERT P. HARASTY, P.A., LIC. #N/A

PA Reina questioned whether or not PA Harasty has had an investigation since the question was not checked on the application. PA Reina opined that this case should be sent back for further investigation to clarify.

**MOTION:** PA Renia moved for further investigation.

**SECOND:** PA Shaff.

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

**VOTE:** 8-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

**MOTION PASSED.**

Chair Reina reopened the case and noted that an amended application page was added for the Board's review.

**MOTION:** PA Shaff moved to grant the license.

**SECOND:** PA Clark

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

**VOTE:** 8-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

**MOTION PASSED.**

4. MONICA SWEET, P.A., LIC. #N/A

**RESOLUTION:** License granted.

ii. **REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING REQUEST FOR WAIVER OF DOCUMENTATION REQUIREMENT FOR COLLABORATIVE PRACTICE APPLICATION**

1. SHANE DOTY, P.A., LIC. #7549

**MOTION:** Ms. Zoneraich moved to approve the waiver request and grant the application.

**SECOND:** PA Clark

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

**VOTE:** 8-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

**MOTION PASSED.**

## ACTION ON CASE(S)

### M. APPROVAL OF DRAFT FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

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

**MOTION:** PA Shaff moved to approve the Findings of Fact, Conclusions of Law and Order a Letter of Reprimand and Probation. Within six months, 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 11 hours of Board staff pre-approved Category I CME in an intensive, in-person course in patient communication. The CME hours shall be in addition to the hours required for license renewal. The Probation shall terminate upon proof of successful completion of the CME coursework.

**SECOND:** PA Clark.

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

**VOTE:** 8-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

**MOTION PASSED.**

## OTHER BUSINESS

### N. ADJOURNMENT

**MOTION:** PA Clark moved for adjournment.

**SECOND:** Ms. Zoneraich.

**VOTE:** The following Board members voted in favor of the motion:

The following Board members were absent: Dr. Batizy and PA Graham.

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

**MOTION PASSED.**

The Board meeting adjourned at: 11:22 a.m.



Patricia E. McSorley, Executive Director