



# Arizona Regulatory Board of Physician Assistants

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## FINAL MINUTES FOR REGULAR SESSION MEETING Held on Wednesday, December 4, 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.-C  
Beth E. Zoneraich

### GENERAL BUSINESS

#### A. CALL TO ORDER

Chair Reina called the meeting to order at 10:02 a.m.

#### B. ROLL CALL

The following Board members were present: 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; Raquel Rivera, Deputy Director; Nicole Samaradellis, 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

- This item has been removed from the agenda.
- Review, Discussion and Possible Action Regarding Puerto Rico as the Qualifying State for Telehealth Registration

Ms. McSorley reported that a review of the status of applicants for Universal License with Puerto Rico PA licenses was discussed at the last meeting. The Board determined that because of the changes in the statute, the scope of practice for PAs in Arizona and PAs in licensed in Puerto Rico, was not sufficiently similar, and determined that those solely holding a PA license from Puerto Rico would not be eligible for Universal Licensure in Arizona. Ms. McSorley requested that the Board apply the same analysis and find that solely holding a Puerto Rico license to practice as a PA will not qualify for a telehealth registration in Arizona.

**MOTION: PA Shaff moved that Puerto Rico does not qualify as a Qualifying State for Telehealth Registration as the license is not equivalent to an Arizona PA license.**

**SECOND: PA DiBaise.**

**VOTE: The following Board members voted in favor of the motion: Chair Reina, Vice-Chair 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.**

- Review, Discussion and Possible Action Regarding Draft Rule for Collaborative Practice, R4-17-402

Kevin Kupferer, from ASAPA, addressed the Board during the Call to Public.

Ms. McSorley reported that the Board has been working diligently on finding a compromise for implementing R4-17402(B). Board staff has held multiple meetings with various stakeholders, including ASAPA. The Board adopted rules and they were implemented last January and the Board has received much pushback, which required a written document to establish the collaborative agreement. That was appealed to the Governor's Regulatory Review Council, where it was determined that the rules for that portion of the collaborative practice would be voided, and that primarily turned on the testimony of representative Bliss, the bill's sponsor. Representative Bliss stated that the rules did not conform to the intent of the bill. Ms. McSorley reported that after several meetings, staff arrived at the proposed draft approved by the Joint Legislative and Rules Committee (JLRC) and provided to the Board. Ms. McSorley requested that the Board approve this draft form. Ms. McSorley noted that there was another suggestion made and highlighted, but opined that it does not change much of the way that the rule and statute would be implemented.

**MOTION: PA Shaff moved to approve Draft Rule R4-17-402 for Collaborative Practice without the additional proposed language from ASAPA.**

**SECOND: Dr. Dang.**

Ms. Zoneraich noted language requiring a supervision agreement if the collaborating physician or entity determines that it is warranted. She noted that this is for when a PA is switching areas of practice, which has been part of the discussion and seems to be solved.

Ms. Smith confirmed that is correct, this is for when a PA is moving from one area of practice to a substantially different area of practice.

**VOTE: The following Board members voted in favor of the motion: Chair Reina, Vice-Chair 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.**

- Review, Discussion and Possible Action Regarding PA Renewals and Proration of Continuing Medical Education (CME)

Ms. Rivera noted that a memo has been provided to the Board for review and requested the Board's consideration and direction regarding the proration of CME requirements for the first renewal cycle, and how and whether the Board wants to prorate the CME requirements. Ms. Rivera noted that in 2016, A.R..S § 32-2523 was amended to exempt NCCPA certified licensees from CME auditing requirements. The Board also amended R4-17-205 to allow licensees to prorate the amount of CME during their first renewal period, however, at that time the Board did not establish how the CME would be prorated. Ms. Rivera noted that this has not been an issue until recently since NCCPA certification is a minimum requirement for initial licensure, however, due to the advent and installation of universal licensure applications, initial licensees have been subject to the audit process during the first renewal periods, and because they're not NCCPA certified, and because of the prorated renewal cycles, it could be less than a year. She noted that the Board has some investigations open for these non-NCCPA certified PAs who did not complete the 40

hours of CME on their initial renewal cycle. Their initial renewal periods were as short as 2 or 6 months. Ms. Rivera requested Board direction regarding how or whether the Board wants to prorate the CME and provided three options for review and consideration.

**MOTION: PA Shaff moved that the Board will establish pro-rated CME hours based on time of licensure. A standard pro-ration of 2 hours of CME per month of licensure.**  
**SECOND: Ms. Zoneraich.**

**VOTE: The following Board members voted in favor of the motion: Chair Reina, Vice-Chair 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.**

- Review, Discussion and Possible Action Regarding Proposed Legislation Impacting Publication of Advisory Letters

Ms. McSorley reported that there is a stakeholders meeting scheduled for December 18, 2024 and that the proposed bill is that advisory letters be placed back on the profile for a period of 25 years, as well as discipline.

- Update on Performance Audit by Arizona Auditor General

Ms. McSorley provided an update on the performance audit. They did contact staff about 10 days ago but we are waiting for them to set some dates so that they can look at the Board's policies and procedures.

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

No report was given.

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

- Update and possible action including potential negotiated resolution on *Gervais v. Arizona Regulatory Board of Physician Assistants*, LC2024-000127-001DT

**MOTION: PA Shaff moved to accept the proposed agreement and to stipulate to the dismissal of case number LC2024-000127-001DT, Wagner Gervais 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: Ms. Zoneraich.**

**VOTE: The following Board members voted in favor of the motion: Chair Reina, Vice-Chair 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.**

## **G. APPROVAL OF MINUTES**

- August 28, 2024 Regular Session; including Executive Session

**MOTION: PA Shaff moved to approve the minutes for the August 28, 2024 Special Teleconference Meeting; including executive session.**

**SECOND: PA Clark.**

**VOTE: The following Board members voted in favor of the motion: Chair Reina, Vice-Chair 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.**

## **CONSENT AGENDA**

## H. CASES RECOMMENDED FOR DISMISSAL

**MOTION:** PA Shaff moved to dismiss item numbers 1 and 2.

**SECOND:** PA DiBaise.

**VOTE:** The following Board members voted in favor of the motion: Chair Reina, Vice-Chair 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-23-0046A, MICHAEL J. BRODKIN, P.A., LIC. # 5948  
Counsel Megan Gailey addressed the Board during the Public Statements portion of the meeting on behalf of the physician assistant.

**RESOLUTION:** Dismissed.

2. PA-23-0013A, DANIEL E. HAMILTON, P.A., LIC. # 7058

**RESOLUTION:** Dismissed.

## I. CASES RECOMMENDED FOR ADVISORY LETTERS

**MOTION:** PA Shaff moved to issue an Advisory Letter in item numbers 1, 2, 4, 5 and 6.

**SECOND:** PA Clark.

**VOTE:** The following Board members voted in favor of the motion: Chair Reina, Vice-Chair 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-23-0073A, DAVID S. SORENSON, P.A., LIC. # 3574

**RESOLUTION:** Advisory Letter for failing to diagnose a left ankle fracture 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.

2. PA-23-0019A, BRANDON A. HUNTER, P.A., LIC. # 7421

**RESOLUTION:** Advisory Letter for non-compliance 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.

3. PA-23-0064A, AMY L. ERLBUSCH, P.A., LIC. # 2582  
Counsel Megan Gailey addressed the Board during the Public Statements portion of the meeting on behalf of the physician assistant. R.P. addressed the Board during the Public Statements portion of the meeting.

Board staff summarized that on July 30, 2023, the Board received a complaint regarding PA Erlenbusch's care of patient, RP, reporting that PA Erlenbusch had injected a steroid into his knee when he had specifically stated that he did not want a steroid injection. RP subsequently decided to have gel injections to his knee and ordered the medication but was told he would have to wait 3 months for the injections due to the prior steroid injection. RP is a 63-year old male who was seen by PA Erlenbusch for an Orthopedics consultation on March 2, 2023. The Assessment included an old tear of the medial meniscus and osteoarthritis of the right knee with chondromalacia of the right patella. The Plan included a cortisone injection to the knee and an MRI to rule out medial meniscus root pathology. RP signed a consent form for the aspiration/or injection of the right knee which was performed by PA Erlenbusch that day. An MRI of the right knee was performed on March 31, 2023 and showed diffuse horizontal pattern free edge tear maceration of the medial

meniscus which also involved the posterior root, and diffuse horizontal pattern tear to the lateral meniscus with further extension, with grade 3-4 medial compartment chondromalacia. These findings were discussed by PA Erlenbusch at a follow up appointment April 11, 2023. RP reported no relief from the prior cortisone injection. A thorough exam was documented. RP reported that his left knee was worse than his right and the plan included bilateral knee gel injections. RP's care was subsequently followed by other providers at the clinic. The case was reviewed by a Medical Consultant ("MC") who determined that PA Erlenbusch met the standard of care. The MC did express concern with the variation of RP's signature on his consent forms and Board staff obtained confirmation from RP that the signatures were his. However, during the investigation, it was determined that PA Erlenbusch's Delegation Agreement had been signed by her Supervising Physician but not by PA Erlenbusch. SIRC observed that an appropriate delegation agreement was not in place at the time of RP's treatment.

**MOTION: Ms. Zoneraich moved to dismiss.**

**SECOND: PA Shaff.**

**VOTE: The following Board members voted in favor of the motion: Chair Reina, Vice-Chair 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.**

4. PA-24-0010A, SCOTT S. FOXWORTH, P.A., LIC. # 8671

**RESOLUTION: Advisory Letter for action taken by the Maine Board of Licensure in Medicine. 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-24-0110A, VERONICA D. HALL, P.A., LIC. # 9989

**RESOLUTION: Advisory Letter for failing to timely renew her license and practicing 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.**

6. PA-24-0118A, REBECCA C. LEA, P.A., LIC. # 8033

**RESOLUTION: Advisory Letter for practicing on an expired license and for failing to update mailing address. 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.**

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

1. PA-23-0110A, LOUIS S. MEYERS, P.A., LIC. # 4606

**MOTION: PA Shaff moved to issue an Advisory Letter and Order for Non-Disciplinary CME for failing to obtain a CT scan to evaluate for an intracranial etiology in a patient with a non-traumatic headache and 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. Within six months, complete no less than 5 hours of Board staff pre-approved Category I CME in the proper evaluation, diagnosis, and treatment of headaches in an emergent setting. The CME hours shall be in addition to the hours required for license renewal.**

**SECOND: Dr. Gosi.**

**VOTE: The following Board members voted in favor of the motion: Chair Reina, Vice-Chair 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. PROPOSED CONSENT AGREEMENTS (Disciplinary)**

1. PA-23-0083A, MARIO R. MUNOZ, P.A., LIC. #3490

**MOTION:** PA Shaff moved to accept the signed consent agreement for a Letter of Reprimand and Five Year Probation, retroactive to December 13, 2023, 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 Munoz's request for termination shall be accompanied by a recommendation from his PHP Contractor stating that monitoring is no longer required.

**SECOND:** PA Clark.

**VOTE:** The following Board members voted in favor of the motion: Chair Reina, Vice-Chair 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. LICENSE APPLICATIONS**

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

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

**SECOND:** Dr. DiBaise.

**VOTE:** The following Board members voted in favor of the motion: Chair Reina, Vice-Chair 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-24-0088A, LAUREN M. CAMPBELL, P.A., LIC. # N/A

**RESOLUTION:** License granted.

2. PA-24-0101A, JARROD D. ROUSSEL, P.A., LIC. # N/A

**RESOLUTION:** License granted.

## **OTHER BUSINESS**

### **M. REQUEST FOR TERMINATION OF BOARD ORDER**

1. PA-17-0006A, JOHN M. IVERSON, P.A., LIC. #6073

**MOTION:** PA Shaff moved to grant the request for termination of the March 1, 2018 Board Order.

**SECOND:** Dr. Batizy.

PA Shaff noted that the Board order should have expired already but it needed to be specifically requested by the pa

**VOTE:** The following Board members voted in favor of the motion: Chair Reina, Vice-Chair 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.**

### **N. ADJOURNMENT**

**MOTION:** PA Clark moved to adjourn.

**SECOND:** PA Graham.

**VOTE:** The following Board members voted in favor of the motion: Chair Reina, Vice-Chair 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 meeting adjourned at: 10:37 a.m.



*Raquel Rivera*

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Raquel Rivera, Interim Executive Director