



Arizona Regulatory Board of Physician Assistants

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Janice K. Brewer
Governor

Joan M. Reynolds, M.M.S., P.A.-C
Chair

Michael E. Goodwin, P.A.
Vice Chair

FINAL MINUTES FOR REGULAR SESSION MEETING Held on Wednesday, February 23, 2011 9535 E. Doubletree Ranch Road - Scottsdale, Arizona 85258

Board Members

Joan M. Reynolds, M.M.S., P.A.-C, Chair
Michael E. Goodwin, P.A., Vice-Chair
Carole A. Crevier
Geoffrey W. Hoffa, M.S., P.A.-C
Lesley A. Meng, M.D.
Kristin A. Neal, M.P.H., P.A.-C
Gary A. Smith, M.D., F.A.A.F.P.
Patrick J. Van Zanen
Peter C. Wagner, D.O.
Kelli M. Ward, D.O., M.P.H., F.A.C.O.F.P.

CALL TO ORDER

Ms. Reynolds called the meeting to order at 1:00 p.m.

ROLL CALL

The following Board members were present: Ms. Crevier, PA Goodwin, PA Hoffa, PA Neal, PA Reynolds, Dr. Smith, Mr. Van Zanen, Dr. Wagner, and Dr. Ward. The following Board member was absent: Dr. Meng.

CALL TO THE PUBLIC

There were no individuals who addressed the Board during the call to the public.

EXECUTIVE DIRECTOR'S REPORT

Lisa Wynn, Executive Director, reported that there has been no news from the Governor's office regarding the State's budget. She stated that there has been a proposal to transfer board funds to the State's General Fund in Fiscal Years 2011 and 2012. Ms. Wynn assured the Board that the Agency will continue to be fiscally responsible. Ms. Wynn updated the Board regarding Senate Bill 1030 regarding a proposal to increase a PA's 14-day prescribing authority for scheduled II and III medication. Ms. Wynn reported that the Bill is moving through the Senate.

Board members recognized that Dr. Wagner will be deployed to Germany for the next six months, and thanked him for his service to the country.

BOARD EDUCATIONAL SEMINAR

MOTION: Ms. Crevier moved to enter into Executive Session for the Board Educational Seminar.

SECONDED: Dr. Ward

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

MOTION PASSED.

The Board entered into Executive Session at 1:03 p.m.

The Board returned to Open Session at 1:31 p.m.

No discussions or deliberations were made during Executive Session.

APPROVAL OF ANNUAL FEES

Ms. Wynn thanked the Licensing Office for their assistance in implementing the new PA statutes, and reported that the transition has gone smoothly. She stated that the changes in the fees resulted from the passage of House Bill 2021 that became effective on December 31, 2010. PA Reynolds stated that the staff at the Mayo Clinic has been very complimentary of Board staff's help with processing PA forms with the Board.

MOTION: Dr. Ward moved to approve the Annual Fees.

SECONDED: Ms. Crevier

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

MOTION PASSED.

ELECTION OF BOARD OFFICERS

Ms. Wynn reported the results of the election as follows: PA Reynolds, Chair; and PA Neal, Vice Chair.

APPROVAL OF MINUTES

MOTION: PA Goodwin moved to approve the November 17, 2010 Regular Session Meeting Minutes.

SECONDED: Ms. Crevier

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

MOTION PASSED.

ADVISORY LETTERS

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

SECONDED: Dr. Smith

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

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN ASSISTANT	LIC. #	RESOLUTION
1.	PA-10-0039A	ANA M. SNYDER, P.A.	2686	Issue an Advisory Letter for failure to follow up on a thyroid nodule incidentally seen on CT scan. The violation was a one-time occurrence that does not rise to the level of discipline.
2.	PA-10-0023A	CRAIG W. CONNOR, P.A.	1213	Issue an Advisory Letter for failure to discuss care of a complex patient with the supervising physician.
3.	PA-10-0045A	GERARD J. QUIGLEY, P.A.	2797	Issue an Advisory Letter for writing prescriptions for controlled substances in excess of the amount authorized for a PA, and for writing prescriptions using his supervising physician's prescription pad. This matter does not rise to the level of discipline.

NON-DISCIPLINARY CONTINUING MEDICAL EDUCATION (CME) ORDER

NO.	CASE NO.	PHYSICIAN ASSISTANT	LIC. #	RESOLUTION
1.	PA-10-0034A	MICHELE A. ANSORGE, P.A.	3041	Issue an Order for Non-disciplinary CME for failure to repeat an EKG and cardiac enzymes in a patient with chest pain, and for inadequate medical records. Within six months, obtain 10-15 hours of Board staff pre-approved Category I non-disciplinary CME in acute cardiac disease including acute coronary syndrome. The CME hours shall be in addition to the hours required for the annual renewal of licensure. There is insufficient evidence to support disciplinary action.

MOTION: PA Reynolds moved to issue an Order for Non-disciplinary CME for failure to repeat an EKG and cardiac enzymes in a patient with chest pain, and for inadequate medical records. Within six months, obtain 10-15 hours of Board staff pre-approved Category I non-disciplinary CME in acute cardiac disease including acute coronary syndrome. The CME hours shall be in addition to the hours required for the annual renewal of licensure. There is insufficient evidence to support disciplinary action.

SECONDED: PA Goodwin

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

MOTION PASSED.

REVIEW OF EXECUTIVE DIRECTOR DISMISSAL

NO.	CASE NO.	PHYSICIAN ASSISTANT	LIC. #	RESOLUTION
1.	PA-10-0083A	TINA M. CHU, P.A.	3243	Uphold the dismissal.

MOTION: PA Hoffa moved to uphold the dismissal.

SECONDED: PA Goodwin

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

MOTION PASSED.

OTHER BUSINESS

MOTION: PA Goodwin moved to accept the proposed Consent Agreement in item numbers 1-6 and 8.

SECONDED: PA Hoffa

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Crevier, PA Goodwin, PA Hoffa, PA Neal, PA Reynolds, Dr. Smith, Mr. Van Zanen, Dr. Wagner, and Dr. Ward. The following Board member was absent: Dr. Meng.

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

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN ASSISTANT	LIC. #	RESOLUTION
1.	PA-10-0028A	JEFFREY T. MIKESSELL, P.A.	4233	Accept the proposed Consent Agreement for a Letter of Reprimand and Five Year Probation to participate in PHP. The Probation shall include psychiatric monitoring. PA Linde's PHP participation shall be retroactive to August 23, 2010. In the event of a chemical dependency relapse by the PA or his use of drugs or alcohol in violation of this Order shall result in summary suspension pending a hearing for revocation or the PA may surrender his license.

Ms. Crevier instructed Board staff to correct the proposed Consent Agreement under the Order, #16, line 5, by adding "assistant" after "physician."

NO.	CASE NO.	PHYSICIAN ASSISTANT	LIC. #	RESOLUTION
2.	PA-10-0038A	ERIN L. FORD, P.A.	3787	Accept the proposed Consent Agreement for a Letter of Reprimand and Two Year Probation to participate in PHP. PA Ford's PHP participation shall be retroactive to August 17, 2010.
3.	PA-10-0021A	BAHMAN NAJI-TALAKAR, P.A.	2738	Accept the proposed Consent Agreement for a Letter of Reprimand and One Year Probation. Within six months, complete 10-15 hours of Board staff pre-approved CME in the management of cardiopulmonary conditions to include acute coronary syndrome. The CME hours shall be in addition to the hours required for the annual renewal of licensure. The Probation shall terminate upon successful completion of the course work.
4.	PA-10-0060A	JOHN VOYTEK, P.A.	2082	Accept the proposed Consent Agreement for Five Years Probation to participate in PHP. PA Voytek's PHP participation shall be retroactive to January 20, 2011. In the event of chemical dependency relapse by the PA or his use of drugs or alcohol in violation of this Order, the PA's license shall be summarily suspended pending a hearing for revocation or the PA may surrender his license.

PA Hoffa stated that he knows PA Voytek professionally, but it would not affect his ability to adjudicate the case.

NO.	CASE NO.	PHYSICIAN ASSISTANT	LIC. #	RESOLUTION
5.	PA-10-0043A	ROBERT G. MITCHELSON, P.A.	3097	Accept the proposed Consent Agreement for a Decree of Censure and One Year Probation. Within six months, complete the PACE prescribing course. The course hours shall be in addition to the CME hours required for the annual renewal of licensure. Within thirty days, the PA shall enter into a contract with a Board approved monitoring company, at his expense. The monitoring company shall conduct a chart review following completion of the course work, prior to termination of the Probation. The Probation shall terminate upon successful completion of the chart review.
6.	PA-10-0033A	JOHN D. MASON, P.A.	4349	Accept the proposed Consent Agreement for a Letter of Reprimand and Five Year Probation to participate in PHP. PA Mason's PHP participation shall be retroactive to January 13, 2011.

Dr. Ward stated that she knows PA Mason, but it would not affect her ability to adjudicate the case.

NO.	CASE NO.	PHYSICIAN ASSISTANT	LIC. #	RESOLUTION
7.	PA-10-0035A	CYNTHIA D. LAWRENCE, P.A.	2655	Approve the draft Findings of Fact, Conclusions of Law and Order for a Letter of Reprimand and One Year Probation. Within six months, the PA shall complete the PACE prescribing course. The course hours shall be in addition to the CME hours required for the annual renewal of licensure. During the probationary period, the PA shall be restricted from prescribing any controlled substances. The Probation and restriction shall terminate upon successful completion of the course work.

Kathleen Coffey, M.D., Medical Consultant, summarized that PA Lawrence appeared for a Formal Interview at the Board's November 2010 meeting, in which the Board voted to draft Findings of Fact, Conclusions of Law and Order for a Letter of Reprimand and Probation requiring the PA to complete the PACE prescribing course within six months and a restriction from prescribing controlled substances. She stated that PA Lawrence provided a supplemental response and requested clarification regarding the termination of the the Probation. Dr. Coffey stated that the draft Order clearly states that the Probation shall terminate upon successful completion of the course work. PA Lawrence expressed concern regarding the cost of the PACE prescribing course and requested that she be able to complete a more affordable CME course. PA Reynolds stated that the average cost of the CME prescribing courses are similar, and instructed Board staff to assist the PA with her questions and concerns.

MOTION: PA Goodwin moved to approve the draft Findings of Fact, Conclusions of Law and Order for a Letter of Reprimand and One Year Probation. Within six months, the PA shall complete the PACE prescribing course. The course hours shall be in addition to the CME hours required for the annual renewal of licensure. During the probationary period,

the PA shall be restricted from prescribing any controlled substances. The Probation and restriction shall terminate upon successful completion of the course work.

SECONDED: PA Neal

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Crevier, PA Goodwin, PA Hoffa, PA Neal, PA Reynolds, Dr. Smith, Mr. Van Zanen, Dr. Wagner, and Dr. Ward. The following Board member was absent: Dr. Meng.

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

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN ASSISTANT	LIC. #	RESOLUTION
8.	PA-09-0069A	REBEKAH A. REINKE, P.A.	2329	Accept the proposed Consent Agreement for a Letter of Reprimand.

PA Neal was recused from this case. Dr. Ward stated that she knows PA Reinke, but it would not affect her ability to adjudicate the case. Dr. Wagner observed that a pharmacy survey was conducted to review PA Reinke's prescribing. He expressed concern regarding ten different prescriptions for anabolic steroids that were written for six different patients over the course of six months, June 2009 through November 2009, and he noted that the prescriptions were written in excess of PA Reinke's prescribing authority. Dr. Wagner instructed Board staff to open a new investigation to look into these issues. Ms. Boucek clarified that the patients in question were not involved in the PA-09-0069A case that the Board has already adjudicated by voting to accept the proposed Consent Agreement.

FORMAL INTERVIEW

NO.	CASE NO.	PHYSICIAN ASSISTANT	LIC. #	RESOLUTION
1.	PA-10-0044A PA-10-0046A	STEVEN J. LINDE, P.A.	1087	Issue an Advisory Letter for failure to maintain adequate medical records and for failing to individually and personally evaluate the patient and for accepting the assessment of the nursing staff when making medical decisions.

PA Linde was present with legal counsel, Mr. Michael Warzynski. Dr. Coffey summarized that PA-10-0044A involved PA Linde's care and treatment of patient MA, in which he failed to recognize risk factors for Methicillin Resistant Staph Aureus (MRSA) and broaden the antibiotic coverage provided to MA. PA Linde also failed to document interview and exam findings when he saw and examined MA and prescribed Keflex. Dr. Coffey summarized that in case PA-10-0046A, PA Linde failed to refer patient EA with symptoms of methamphetamine intoxication to the hospital where appropriate monitoring, medication intervention with IV Benzodiazepines titrated to sedation, and lab testing could have been performed. PA Linde stated that there was not enough emphasis placed upon his role in the cases and the fact that the patients were seen as inmates that were booked into the correctional facility. PA Linde explained that he saw MA in his administrative role to determine whether medical treatment was required or if she should be placed into the correctional facility. In the case of EA, PA Linde stated that he was never afforded the opportunity to evaluate him to determine whether transfer to the hospital was appropriate as the officers would not consider transporting EA due to his uncontrollable behavior. PA Linde assured the Board that his supervising physician was available to him at all times if he had any questions or concerns regarding a particular patient.

Dr. Wagner commented that it seemed to have been a very challenging work environment for PA Linde. PA Linde stated that the opportunity to evaluate the inmates was dependent upon the security requirements for the individual. Board members noted that nursing staff had initial contact with the inmates, and then would report to the PA or his supervising physician with their findings. PA Linde stated that he performs healthcare tasks upon the request for medical services, and that he also performs as an administrator. Board members questioned how the nursing staff and patients were to determine which role the PA was acting in at each time. In closing, Mr. Warzynski stated that PA Linde's role in these patient encounters seems to be critically important in the two cases. He stated that MA was never a patient of PA Linde's and that there was no medical intake for EA as no one from the medical services was involved in his booking process. Dr. Smith stated that he understood the difficulties of working within the prison system. Dr. Smith found that the issuance of an Advisory Letter was appropriate in this matter. Ms. Boucek advised the Board to first determine whether the PA has engaged in unprofessional conduct for purposes of procedure. Dr. Smith found that PA Linde deviated from the standard of care by failing to personally evaluate the patient and accepting the assessment of the nursing staff when making medical decisions.

MOTION: Dr. Smith moved for a finding of unprofessional conduct in violation of A.R.S. §32-2501(18)(j) – Any conduct or practice that is or might be harmful to the patient or public.

SECONDED: PA Hoffa

Ms. Boucek pointed out that the medical consultant identified a medical records violation in the matter involving patient MA. Dr. Smith and PA Hoffa amended their motion to include a violation of A.R.S. §32-2501(18)(p).

AMENDED MOTION: Dr. Smith moved for a finding of unprofessional conduct in violation of A.R.S. §32-2501(18)(j) – Any conduct or practice that is or might be harmful to the patient or public; and A.R.S. §32-2501(18)(p) – Failing or refusing to maintain adequate records on a patient.

SECONDED: PA Hoffa

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Crevier, PA Goodwin, PA Hoffa, PA Neal, PA Reynolds, Dr. Smith, Dr. Wagner, and Dr. Ward. The following Board member voted against the motion: Mr. Van Zanen. The following Board member was absent: Dr. Meng.

VOTE: 8-yay, 1-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

MOTION: Dr. Smith moved to issue an Advisory Letter for failure to maintain adequate medical records and for failing to individually and personally evaluate the patient and for accepting the assessment of the nursing staff when making medical decisions.

SECONDED: PA Hoffa

Board members noted that PA Linde was directing patient care based on what the nursing staff reported without personally evaluating the patient. PA Hoffa questioned whether the Board found it appropriate to require the PA to obtain CME regarding the treatment of potential superinfections or resistant infections. Board members noted that these cases occurred in 2004. Ms. Crevier found that it would be appropriate for the PA to obtain CME in recordkeeping, treatment of infections, and boundaries regarding his role as a PA versus an administrator. Dr. Wagner stated he felt that a CME requirement was not warranted. Dr. Ward spoke in favor of the motion. She pointed out that in 2004, MRSA was first emerging as a pathogen, and that healthcare providers are now more knowledgeable of the appropriate treatment. Dr. Ward commented that some of the PA's deficits in the two cases were related to the system in which he was working.

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: PA Goodwin, PA Hoffa, PA Neal, PA Reynolds, Dr. Smith, Dr. Wagner, and Dr. Ward. The following Board members voted against the motion: Ms. Crevier and Mr. Van Zanen. The following Board member was absent: Dr. Meng.

VOTE: 7-yay, 2-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

MOTION: Dr. Ward moved to adjourn the meeting.

SECONDED: PA Neal

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

MOTION PASSED.

The meeting adjourned at 2:59 p.m.



A handwritten signature in cursive script, appearing to read "Lisa S. Wynn".

Lisa S. Wynn, Executive Director