



## Arizona Regulatory Board of Physician Assistants

9545 East Doubletree Ranch Road • Scottsdale, Arizona 85258-5514  
Telephone: 480-551-2700 • Fax: 480-551-2705 • www.azpa.gov

Janice K. Brewer  
Governor

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

Kristin A. Neal, M.P.H., P.A.-C  
Vice Chair

---

### FINAL MINUTES FOR REGULAR SESSION MEETING Held on Wednesday, August 24, 2011 9535 E. Doubletree Ranch Road - Scottsdale, Arizona 85258

#### Board Members

Joan M. Reynolds, M.M.S., P.A.-C, Chair  
Kristin A. Neal, M.P.H., P.A.-C, Vice-Chair  
Carole A. Crevier  
Michael E. Goodwin, P.A.  
Geoffrey W. Hoffa, M.S., P.A.-C  
Lesley A. Meng, M.D.  
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**

PA 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. Ward, and Mr. Van Zanen. The following Board members were absent: Dr. Meng, Dr. Smith, and Dr. Wagner.

#### **CALL TO THE PUBLIC**

Individuals who spoke during the call to the public appear beneath the case referenced.

#### **EXECUTIVE DIRECTOR'S REPORT/PA RULES UPDATE**

Lisa Wynn, Executive Director, reported that since the passing of House Bill 2021, the Notices of Supervision have been eliminated and replaced with a delegation agreement that is retained at the practice of the PA and his/her Supervising Physician (SP). Ms. Wynn stated that the Agency worked with members of the Board as well as members of the Arizona State Association of Physician Assistants, and the original interpretation of the change was for each PA supervision relationship to have a prescribing authority form. Ms. Wynn stated that frequently asked questions were crafted and placed on the Board's website. However, she informed the Board that this resulted in hundreds of prescribing authority forms being submitted to the Board, particularly from larger clinics and hospitals in which PAs have several SPs. Ms. Wynn stated that there was not a full appreciation for how the larger practices operate, and that this has become very cumbersome for PAs and SPs and Board staff. Ms. Wynn stated that the statute was revisited and it was determined that as long as a PA has one SP with whom there is a prescribing authority form on file, that only one prescribing authority form would be required which would be posted to the PA's profile. Ms. Wynn reported that Board staff will continue to work with stakeholders to revise the frequently asked questions on the Board's website.

Dr. Ward questioned whether the SP listed on the prescribing authority form will be the only supervisor responsible for the PA's prescribing in the event of a Board investigation, regardless of who was supervising the PA at that time. Ms. Wynn stated that the Board's process regarding investigations will not change, and that Board staff has the ability to reference the delegation agreement if necessary. PA Hoffa expressed concern regarding a situation where a PA's prescribing is restricted by his/her SP, but prescribes a scheduled drug while working under another physician in the group, resulting in a conflict within the practice. Ms. Wynn informed the Board that Board staff will be referencing the delegation agreement, which would indicate whether the PA had the authority to prescribe under the SP. PA Neal questioned whether any concerns had been raised by the Arizona Pharmacy Board. Ms. Wynn stated that there have been no real concerns noted, and Ms. Wynn pointed out that PAs have their own Drug Enforcement Agency (DEA) registration numbers. PA Neal pointed out that the prescriptions should reflect which SP the PA is working for with regard to that particular patient. PA Goodwin expressed concern regarding this requirement, and questioned whether PAs will be required to have several prescription pads for multiple SPs that they may work with. PA Reynolds spoke in favor of the change regarding the requirement of only one prescribing authority form per PA. She noted that PAs are required to meet with their SP on a weekly basis to discuss patient care and review charts. She stated

that it would be appropriate for any prescribing issues with the PA to be addressed at that time. Ms. Wynn stated that the information can be communicated to hospitals and larger practices if the Board is in agreement with the change.

Ms. Wynn informed the Board that the Agency continues to work on the PA Rules. She stated that Kathleen Phillips has begun to revise the Rules, and that the goal is to have the draft available by December 2011 to present to the PA Rules Subcommittee. Ms. Wynn reported that the Agency will continue to receive input from stakeholders during this process. Ms. Wynn stated she is hopeful to have the draft prepared by March of 2012.

#### **APPROVAL OF 2012 MEETING DATES**

**MOTION: PA Hoffa moved to approve the 2012 meeting dates.**

**SECONDED: Ms. Crevier**

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

**MOTION PASSED.**

#### **APPROVAL OF FY 2010-2011 ANNUAL REPORT/FY 2011-2013 STRATEGIC PLAN**

Ms. Wynn pointed out that the Annual Report is available in a different format from previous years. Ms. Wynn stated that the reports have typically been narrative, but it was determined that the required information could be provided in a more concise manner. Ms. Wynn stated that the Agency worked with Lisa McGrane in preparing the report and PA Reynolds complimented Board staff on the new version.

**MOTION: Dr. Ward moved to approve the FY 2010-2011 Annual Report and the FY 2011-2013 Strategic Plan.**

**SECONDED: PA Hoffa**

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

**MOTION PASSED.**

#### **FY 2012 BUDGET**

PA Hoffa commended Board staff for their hard work and being fiscally responsible.

#### **APPROVAL OF MINUTES**

**MOTION: PA Goodwin moved to approve the May 25, 2011 Regular Session Meeting.**

**SECONDED: Ms. Crevier**

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

**MOTION PASSED.**

#### **ADVISORY LETTERS**

<b>NO.</b>	<b>CASE NO.</b>	<b>PHYSICIAN ASSISTANT</b>	<b>LIC. #</b>	<b>RESOLUTION</b>
1.	PA-11-0034A	ERICKSON P. LOVETT, P.A.	3456	Issue an Advisory Letter for writing a one-time prescription for a scheduled medication for a family member. This matter does not rise to the level of discipline.

Anita Shepherd, Investigations Asst. Manager, summarized that the Board received notification from a pharmacy that PA Lovett prescribed Ambien to his wife. PA Lovett informed Board staff that his wife was experiencing symptomatic headaches following a lumbar puncture earlier in the day. He admitted that he wrote the prescription for Ambien to help his wife sleep.

**MOTION: PA Goodwin moved to issue an Advisory Letter for writing a one-time prescription for a scheduled medication for a family member. This matter does not rise to the level of discipline.**

**SECONDED: Ms. Crevier**

Dr. Ward noted that this was a one-time issue and that PA Lovett has been counseled and received additional education regarding this issue. Dr. Ward questioned whether the issuance of an Advisory Letter is appropriate, and she spoke in favor of dismissal. PA Hoffa stated he also believed that this was a one-time occurrence. PA Hoffa noted that PA Lovett completed the PACE prescribing course, and noted that an Advisory Letter is permanently maintained on the licensee's record. PA Hoffa further stated that the PA should be admonished for violating statutory regulations, but that the case should be dismissed. Dr. Ward questioned how the public is at risk of patient harm when one prescription was written for one pill by the PA for his wife. PA Goodwin spoke in favor of the motion and stated that the laws and rules regulating PAs are exact in that prescribing to an immediate family member is prohibited.

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

**VOTE: 5-yay, 2-nay, 0-abstain, 0-recuse, 3-absent.**

**MOTION PASSED.**

NO.	CASE NO.	PHYSICIAN ASSISTANT	LIC. #	RESOLUTION
2.	PA-11-0012A	STEPHANIE G. SCHMIT, P.A.	4308	Dismiss.

Attorney Andrew Plattner spoke during the call to the public on behalf of PA Schmit. Kathleen Coffey, M.D., Medical Consultant, summarized that the medical consultant was critical of the fact that there was no mention of postoperative thyroid cancer staging in the medical record. Dr. Coffey noted concerns raised by Mr. Plattner during the call to the public relating to additional medical records that were submitted to the Board that may not have been reviewed by the medical consultant. Dr. Coffey stated that Mr. Plattner indicated that he and his client believe that the subsequent treatment records demonstrate that the patient's thyroid cancer was addressed. Dr. Coffey reported that the complete medical record was forwarded to the medical consultant who provided a supplemental report indicating that the additional records did not alter his initial impression.

**MOTION: PA Hoffa moved for dismissal.**  
**SECONDED: Dr. Ward**

PA Hoffa questioned whether medical records were obtained from the surgeon who performed the patient's thyroid dissection. Dr. Coffey informed the Board that a review of the records was received. PA Hoffa stated that he found that there is room for improvement in the PA's medical recordkeeping. Specifically, he stated that the PA and her supervising physician should have documented staging of the cancer as well as a conversation with the patient regarding the thyroid scan. PA Hoffa stated he believed that the medical record did imply that a discussion occurred between the patient and the PA or the supervising physician. PA Hoffa questioned whether the patient's surgeon documented staging of the thyroid cancer in the surgical consultation or the operative report. Dr. Coffey stated that she was not aware if the staging was included. PA Hoffa observed that the supervising physician was referred to the Arizona Medical Board and that the matter was subsequently dismissed. PA Hoffa questioned what arguments were made that led to the dismissal of that case. Dr. Coffey stated that the medical consultant who reviewed the supervising physician's involvement in this case found that the standard of care had been met. PA Hoffa stated that although there are deficiencies within the chart, the patient's chart is the responsibility of the supervising physician. He further stated that the PA should not be found guilty of unprofessional conduct when the physician who arguably is responsible for the entire chart had been found not guilty.

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

NO.	CASE NO.	PHYSICIAN ASSISTANT	LIC. #	RESOLUTION
3.	PA-11-0024A	MOLLY A. WYANT, P.A.	4199	Issue an Advisory Letter for writing prescriptions for controlled substances exceeding the 14 day limit and for failure to properly sign the prescriptions. This matter does not rise to the level of discipline.

Celina Shepherd, Investigator, summarized that PA Wyant allegedly electronically signed her supervising physician's name on prescriptions that exceeded her 14-day prescribing authority in the absence of the physician to sign off on the prescription. Ms. Shepherd informed the Board that the supervising physician has been referred to the Arizona Medical Board and that the matter is currently pending. Ms. Shepherd pointed out that statute has changed since this incident occurred in that PA prescribing authority has increased from 14 days to 30 days.

**MOTION: PA Neal moved to issue an Advisory Letter for writing prescriptions for controlled substances exceeding the 14 day limit and for failure to properly sign the prescriptions. This matter does not rise to the level of discipline.**  
**SECONDED: Dr. Ward**  
**VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.**  
**MOTION PASSED.**

**OTHER BUSINESS**

NO.	CASE NO.	PHYSICIAN ASSISTANT	LIC. #	RESOLUTION
1.	PA-10-0084A	MICOLE D. NEELY, P.A.	3679	Accept the proposed Consent Agreement for a Letter of Reprimand.

Dr. Ward was recused from this case. PA Goodwin stated that he knows PA Neely, but it would not affect his ability to adjudicate the case. Anita Shepherd, Investigations Asst. Manager, summarized that on January 14, 2011, PA Neely pled guilty to one count of theft and that she was placed on 18 months of unsupervised probation. Ms. Crevier spoke in favor of accepting the proposed Consent Agreement as she believed that this matter rises to the level of discipline.

**MOTION: Ms. Crevier moved to accept the proposed Consent Agreement for a Letter of Reprimand.**  
**SECONDED: PA Hoffa**

PA Goodwin noted that the criminal case did not involve patient care. Mr. Van Zanen expressed concern with PA Neely's behavior in this case and stated that he believed the matter rises to a higher level of discipline. PA Hoffa spoke in favor of the motion. PA Hoffa commented that medicine is a trusted profession and that health professionals cannot afford to conduct themselves in such a manner to compromise moral turpitude. PA Hoffa stated that PA Neely clearly violated statute and the Letter of Reprimand is appropriate.

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

**VOTE:** 6-yay, 1-nay, 0-abstain, 0-recuse, 3-absent.

**MOTION PASSED.**

NO.	CASE NO.	PHYSICIAN ASSISTANT	LIC. #	RESOLUTION
2.	PA-10-0058A	JANET M. IGOA, P.A.	3604	Accept the proposed Consent Agreement for a Letter of Reprimand and Five Year Probation to participate in PHP. PA Igoa's PHP participation shall be retroactive to September 27, 2010. The Probation shall include psychiatric treatment. After twelve months, PA Igoa may request termination of the psychiatric treatment requirement.

Dr. Ward stated that she knows PA Igoa, but that it would not affect her ability to adjudicate the case. Elle Steger, Investigator, summarized that PA Igoa was diverting controlled substances by writing prescriptions to her significant other for her own use. PA Igoa was assessed by the Board's Physician Health Program (PHP) Contractor and she was diagnosed with opioid dependency and depression, and she was deemed unsafe to perform healthcare tasks. Ms. Steger informed the Board that PA Igoa subsequently completed a 30-day treatment program and after re-evaluation by the PHP Contractor, she was deemed safe to perform healthcare tasks while enrolled in PHP for five years. Ms. Steger reported that PA Igoa's supervising physician was referred to the Arizona Medical Board for failure to report the PA's behavior in a timely manner, and a nurse practitioner was referred to the Arizona Board of Nursing for prescribing medications to the PA without conducting an examination and failing to maintain medical records.

**MOTION:** Dr. Ward moved to accept the proposed Consent Agreement for a Letter of Reprimand and Five Year Probation to participate in PHP. PA Igoa's PHP participation shall be retroactive to September 27, 2010. The Probation shall include psychiatric treatment. After twelve months, PA Igoa may request termination of the psychiatric treatment requirement.

**SECONDED:** PA Goodwin

**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. Ward, and Mr. Van Zanen. The following Board members were absent: Dr. Men, Dr. Smith, and Dr. Wagner.

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

**MOTION PASSED.**

**FORMAL HEARING MATTERS – CONSIDERATION OF ADMINISTRATIVE LAW JUDGE RECOMMENDED DECISION**

NO.	CASE NO.	PHYSICIAN ASSISTANT	LIC. #	RESOLUTION
1.	PA-09-0078A PA-10-0003A PA-10-0017A	VALENTINE E. OKON, P.A.	2363	Adopt the Administrative Law Judge's (ALJ's) recommended Findings of Fact, Conclusions of Law and Order as modified, and adopt the State's proposed Order for Revocation and assessment of Formal Hearing costs as well as a civil penalty in the amount of \$3,000, to be paid within thirty days.

Attorney Michael Denea was present on behalf of PA Okon. Mr. Van Zanen stated that he knows Mr. Denea, but it would not affect his ability to adjudicate the case. Board members indicated that they received and reviewed the administrative record of the Formal Hearing in this matter. Anne Froedge, Assistant Attorney General, summarized that PA Okon underwent a PACE evaluation and was found to be a danger to his patients. The PACE evaluators recommended that PA Okon undergo a neuropsychological evaluation, ophthalmological evaluation, and a primary care evaluation. Ms. Froedge informed the Board that PA Okon was ordered to undergo the recommended evaluations, but refused to do so. PA Okon entered into an Interim Practice Restriction with the Board, and it was later reported to the Board that he was continuing to practice. Ms. Froedge requested that the Board adopt the ALJ's recommended decision with minor modifications. She asked that Conclusion of Law #3 be modified as there was a typographical error in the statutory citation, which should read A.R.S. §32-2551A rather than A.R.S. §32-1551A. In addition, Ms. Froedge requested that the Board modify Conclusion of Law #6 to reflect the applicable statutory citation of A.R.S. §32-2501(18) rather than A.R.S. §32-2501(21).

Mr. Denea stated that the Board has failed to show that PA Okon's conduct is or might be harmful or dangerous to the health of his patients. Mr. Denea stated that the Board's outside medical consultant testified at the Formal Hearing that violations of the standard of care do not demonstrate incompetence. Mr. Denea commented that the PACE evaluators testified at the Formal Hearing that the results of the Microcog testing was only a screening tool and not indicative that PA Okon suffered from any neurological issues. Mr. Denea further stated that PA Okon behaved appropriately during the PACE evaluation, and therefore, Revocation is not appropriate in this matter. Ms. Froedge stated that the ALJ's recommended Findings of Fact accurately reflects the testimony in the case of the outside medical consultant, who did find that PA Okon deviated from the standard of care in his treatment; specifically, in his prescribing of both Rondec and Amoxicillin when it was not indicated. Ms. Froedge agreed that the PACE evaluators testified that the Microcog exam is used as a screening tool. She explained that the PACE evaluators found that the results of the exam warranted further evaluation given PA Okon's poor clinical performance as well as other concerns that were noted throughout the comprehensive evaluation. Additionally, Ms. Froedge stated that the third

case against PA Okon involved a nurse practitioner on staff at his clinic, who became concerned regarding PA Okon's treatment decisions, namely his prescribing. This caused the nurse to query his license status with the Board, at which time the Interim Practice Restriction was in place. Ms. Froedge explained that three separate, unrelated parties in the cases came to the same conclusion regarding PA Okon's standard of practice.

**MOTION: PA Hoffa moved to adopt the ALJ's recommended Findings of Fact, Conclusions of Law and Order as amended.**

**SECONDED: Dr. Ward**

PA Hoffa observed that PA Okon committed multiple acts of unprofessional conduct in violation of A.R.S. §32-2501(18)(j)(p) and (dd), and he spoke in favor of revocation.

**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. Ward, and Mr. Van Zanen. The following Board members were absent: Dr. Men, Dr. Smith, and Dr. Wagner.**

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

**MOTION PASSED.**

Christopher Munns, Assistant Attorney General, Solicitor General's Office, noted that the Board's motion addressed the State's requested modifications of the ALJ's recommended Findings of Fact, Conclusions of Law and Order, and he advised the Board to separately vote on adopting the State's proposed Order.

**MOTION: PA Hoffa moved to adopt the State's proposed Order.**

**SECONDED: Ms. Crevier**

**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. Ward, and Mr. Van Zanen. The following Board members were absent: Dr. Men, Dr. Smith, and Dr. Wagner.**

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

**MOTION PASSED.**

The meeting adjourned at 2:11 p.m.



A handwritten signature in black ink, appearing to read "Lisa S. Wynn".

Lisa S. Wynn, Executive Director