

**GOVERNOR’S REGULATORY REVIEW COUNCIL (GRRC)  
MINUTES OF THE  
MAY 28, 2015 STUDY SESSION**

The Governor’s Regulatory Review Council study session was held on **Thursday, May 28, 2015, at 9:00 a.m.**, at the Arizona Department of Administration, 100 N. 15th Avenue, First Floor Conference Room, Phoenix, Arizona.

**PRESENT:**

<b>Council Chair:</b>	Bret Parke
<b>Council Member:</b>	Lori Daniels
<b>Council Member:</b>	Jason Isaak
<b>Council Member:</b>	Connie Wilhelm

<b>GRRC Staff Attorney:</b>	Scott Cooley
<b>GRRC Staff Attorney:</b>	Christopher Kleminich
<b>GRRC Intern:</b>	Johnathon Hanes

**ABSENT:**

<b>Council Member:</b>	Michael Lofton
<b>Council Member:</b>	Warde Nichols
<b>Council Member:</b>	Marcus Osborn
<b>Attorney General Representative:</b>	Christopher Munns

**CALL TO ORDER:**

**Council Chair Bret Parke** called the Study Session to order at approximately 9:05 a.m.

**DISCUSSION OF MINUTES:**

<b>Council Meeting Minutes 5/7/2015:</b>	No Discussion
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**DISCLOSURE OF CONFLICTS OF INTEREST:**

None

**DISCUSSION AGENDA:**

**D. Five-Year-Review Reports for Discussion:**

- 1. ARIZONA REGULATORY BOARD OF PHYSICIAN ASSISTANTS (F-15-0601)**  
Title 4, Chapter 17, Articles 1, General Provisions; 2, Physician Assistant Licensure; and 4, Regulation

**Scott Cooley** gave a report on the legal analysis for this agenda item.

**Council Member Jason Isaak** asked if the Louisiana case potentially affects a variety of other agencies that do similar licensing?

**Scott Cooley** addressed Jason Isaak's comment.

**Council Member Jason Isaak** asked whether the Louisiana case resulted in a decision?

**Scott Cooley** confirmed that this was just a warning from the Department of Justice ("DOJ") in a letter.

**Council Member Jason Isaak:** So there is nothing forcing our agencies to do this at this point?

**Scott Cooley** responded to Jason Isaak's comment and clarified that there was no court order.

**Council Member Connie Wilhelm:** But there was a settlement and there was payment made to the injured parties.

**Council Chair Bret Parke** explained the typical EEOC process for Council.

**Council Member Jason Isaak:** I wonder if the national organizations are starting to be the ones to press this at the state level.

**Scott Cooley** responded to Council Member Isaak's comment.

**Council Chair Bret Parke** invited the agency representative to speak to give Council background information on this issue.

**Patricia McSorley**, the Executive Director for the Arizona Board of Physicians Assistants and the Medical Board gave a brief synopsis of the circumstances and background regarding the comment to the agency's rules and the mental health disclosure and licensing issues raised by the Louisiana case.

**Council Chair Bret Parke:** All the professional licensing boards may have to wrestle with this issue, as member Isaak referenced.

**Patricia McSorley:** The Attorney General's Office is also aware of it and they are trying to address it internally and come up with something that will help the agencies deal with it. The issue is that you can deny a license based on somebody's conduct, but if their treatment is working for them, it would be unfair to deny a license in those circumstances or even to make all those details be part of the licensing process. That is something we are grappling with.

**Council Chair Bret Parke** gave a summary of the Louisiana case and the status versus conduct issue: individuals who had no contraindications should not be forced to divulge closely held physician-client therapies and notes regarding the relationships in their life, and other various aspects, that were not required of other individuals who may have not had mental health conditions, but had other serious issues, and who were not put under any conditional approval and were not required to similarly undergo either separate evaluation or divulge other mental health or other treatment aspects on their application for fitness.

**Patricia McSorley:** I think there are other questions on the application that will get to any type of conduct that would be a basis to deny the license but not the fact that an individual is undergoing treatment.

**Council Chair Bret Parke** thanked Director McSorley for providing Council with information on this issue.

**Scott Cooley** gave a report on the economic impact analysis for this agenda item.

**Council Member Jason Isaak** asked about the dollar amounts at issue.

**Council Chair Bret Parke** responded that \$6,000 was the approximate amount.

**Council Member Jason Isaak** requested that dollar amounts be referenced in the economic memos so Council can determine the scope and scale of the amounts at issue.

**Council Chair Bret Parke** agreed with Council Member Isaak.

**Council Member Jason Isaak:** I would like to see the number of licensees and those types of those things in the economist memos. I think the background data gives some context so we know what the scope is.

**Council Chair Bret Parke** gave a brief report to Council regarding the training of new economists to assist GRRC and directed staff to request that the economists include such information in the memorandums to Council whenever possible.

**2. ARIZONA DEPARTMENT OF AGRICULTURE, ARIZONA LEAFY GREENS FOOD SAFETY COMMITTEE (F-15-0604)**

Title 3, Chapter 9, Article 6, Arizona Leafy Greens Food Safety Committee

**Johnathon Hanes** gave a report on the legal and economic impact analysis for this agenda item.

**E. CONSIDERATION AND DISCUSSION OF RULES:**

**1. ARIZONA STATE BOARD OF DENTAL EXAMINERS (R-15-0601)**

Title 4, Chapter 11, Article 12, Continuing Dental Education and Renewal Requirements

Amend: R4-11-1202

**Christopher Klemmich** gave a report on the legal and economic impact analysis for this agenda item.

**F. ADJOURNMENT**

**Council Chair Bret Parke** adjourned the study session at approximately 9:36 a.m.

Respectfully submitted,  
*/S/epc*  
*GRRC Program Specialist*