BEFORE THE ARIZONA REGULATORY BOARD
OF PHYSICIAN ASSISTANTS

In the Matter of: **ROBERT J. STRONG, P.A.** Holder of License No. 2242 For the Performance of Healthcare Tasks In the State of Arizona	Case No. PA-22-0090A, PA-22-0098A **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER FOR LETTER OF REPRIMAND AND PROBATION; AND CONSENT TO SAME**

The Arizona Regulatory Board of Physician Assistants ("Board") considered this matter at its public meeting on May 29, 2024. Robert J. Strong, P.A. ("Respondent"), appeared before the Board for a Formal Interview pursuant to the authority vested in the Board by A.R.S. § 32-2551(G). The Board voted to issue Findings of Fact, Conclusions of Law and Order after due consideration of the facts and law applicable to this matter.

FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of physician assistants in the State of Arizona.

2. Respondent is the holder of license number 2242 for the performance of health care tasks in the State of Arizona.

PA-22-0090A

3. The Board initiated case number PA-22-0090A on October 23, 2022 after receiving a complaint regarding Respondent's care and treatment of a 31 year-old female patient ("JM") alleging failure to perform a Bartholin cyst drainage.

4. On December 23, 2022, Board staff sent a notice letter requested the records and a response from Respondent by January 6, 2023. Board staff sent a Re-notice letter on March 21, 2023 due to Respondent's failure to provide the response or records. Respondent provided a response on April 20, 2023.

5. On October 23, 2022, JM presented to the Urgent Care where Respondent was employed after booking an appointment online for the drainage of a Bartholin cyst. Respondent saw JM and informed her that the drainage of a cyst was not a procedure that could be performed in an urgent care setting.

6. Respondent did not document completion of a genital examination for JM.

PA-22-0098A

7. The Board initiated case number PA-22-0098A after receiving a complaint regarding Respondent's care and treatment of a 52 year-old female patient ("CD") alleging inadequate examination, failure to prescribe an antibiotic, failure to test for COVID-19, and failure diagnose COVID-19.

8. On November 2, 2022, CD presented to Urgent Care where Respondent was employed for COVID evaluation and symptoms including chest congestion, sinus pressure, and cough for a duration of four days. The Assessment and Patient Plan indicated that COVID was suspected and that CD was to isolate until test results were received. Respondent did not order a COVID test for CD.

9. In his licensee response, Respondent stated that he determined the patient had a sinus infection and prescribed her a ZPak. CD's record from the visit does not document Respondent's stated diagnosis or any prescriptions issued for CD.

Formal Interview

10. During a Formal Interview on this matter, Respondent testified regarding his care and treatment patients at issue. With regard to Patient JM, Respondent testified that he based his finding of a Bartholin cyst on the patient's report that she received the diagnosis from her primary care physician. Respondent agreed that he did not document this discussion in the medical record. Respondent stated that he did not perform an examination because when he informed the patient that he could not drain the cyst, both

the patient and her significant other became agitated and would not allow the examination to be performed. With regard to the delay in responding to the Board's investigation, Respondent stated that he does not frequently check his physical mailbox, and receives many emails, and therefore, did not timely see the Board's notice letters.

11. Also during the Formal Interview, Respondent testified that the office practice was for a medical assistant to perform a swab while taking vitals when COVID was suspected. Respondent stated that he did not know that a test had not been performed and would not normally need to provide a specific order. Respondent stated that the tests are sent out for processing and would not normally be available for 1-2 days. Respondent stated that CD reported that she had been symptomatic for 5 days and was outside the time frame for prescribing antivirals. Respondent stated he discussed this with CD, but agreed that he did not document the discussion in the medical record. Respondent stated that he did prescribe a ZPak either later that day or the next day. Respondent stated that it should have been documented in the record, but he could not recall doing so. Respondent noted that the prescription order is included in the medication chart. Respondent testified that he no longer works at the clinic, and left in part because of the high patient volume required by the clinic. Respondent noted that this volume might have also contributed to documentation deficiencies.

12. During that same Formal Interview, Board members discussed whether Respondent deviated from the standard of care, and agreed that no deviation was apparent in either case due to extenuating circumstances. However, Board members agreed that his documentation was insufficient and that Respondent failed to timely respond to the Board's notice letters in PA-22-0090A. Board members agreed that the case rose to the level of discipline and warranted completion of continuing medical education ("CME") in medical recordkeeping and patient communication.

CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter hereof and over Respondent.

2. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-2501(20)(p) ("Failing or refusing to maintain adequate records on a patient.").

3. The conduct and circumstances described in PA-22-0090A above constitutes unprofessional conduct pursuant to A.R.S. § 32-2501(20)(aa) ("Failing to furnish legally requested information to the board or its investigator in a timely manner.").

ORDER

IT IS HEREBY ORDERED THAT:

1. Respondent is issued a Letter of Reprimand;

2. Respondent is placed on Probation for a period of 6 months with the following terms and conditions:

a. **Continuing Medical Education**

Respondent shall within 6 months of the effective date of this Order obtain no less than 10 hours of Board staff pre-approved Category I Continuing Medical Education ("CME") in an intensive in-person/virtual course regarding medical recordkeeping and no less than 11 hours of Board staff pre-approved Category I CME in an intensive in-person/virtual course regarding patient communication. Respondent shall within thirty days of the effective date of this Order submit his request for CME to the Board for pre-approval. Upon completion of the CME, Respondent shall provide Board staff with satisfactory proof of attendance. The CME hours shall be in addition to the hours required for the biennial renewal of licensure. The Probation shall terminate upon Respondent's proof of successful completion of the CME.

b. Obey All Laws

Respondent shall obey all state, federal and local laws, and all rules governing the performance of healthcare tasks in Arizona.

3. The Board retains jurisdiction and may initiate new action against Respondent based upon any violation of this Order. A.R.S. § 32-2501(18)(ee).

RIGHT TO PETITION FOR REHEARING OR REVIEW

Respondent is hereby notified that he/she has the right to petition for a rehearing or review. The petition for rehearing or review must be filed with the board's executive director within thirty (30) days after service of this order. A.R.S. § 41-1092.09(B). The petition for rehearing or review must set forth legally sufficient reasons for granting a rehearing or review. A.A.C. R4-17-403. Service of this order is effective five (5) days after date of mailing. A.R.S. § 41-1092.09(C). If a petition for rehearing or review is not filed, the board's order becomes effective thirty-five (35) days after it is mailed to respondent.

Respondent is further notified that the filing of a motion for rehearing or review is required to preserve any rights of appeal to the superior court.

DATED AND EFFECTIVE this 28th day of August, 2024.

ARIZONA REGULATORY BOARD
OF PHYSICIAN ASSISTANTS

By Patricia Mcsorley
Patricia E. McSorley
Executive Director

EXECUTED COPY of the foregoing
mailed this 28th day of August, 2024 to:

Robert J. Strong, P.A.
Address of Record

ORIGINAL of the foregoing filed
this 28th day of August, 2024 with:

Arizona Regulatory Board
of Physician Assistants
1740 West Adams, Suite 4000
Phoenix, Arizona 85007

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Board staff