

1 **BEFORE THE ARIZONA REGULATORY BOARD**
2 **OF PHYSICIAN ASSISTANTS**

3 In the Matter of

4 **VALENTINE E. OKON, P.A.**

5 Holder of License No. 2363
6 For the Performance of Health Care Tasks
7 In the State of Arizona.

Case No. PA-09-0032A

**FINDINGS OF FACT, CONCLUSION OF
LAW AND ORDER FOR
LETTER OF REPRIMAND**

8 The Arizona Regulatory Board of Physician Assistants ("Board") considered this
9 matter at its public meeting on November 18, 2009. Valentine E. Okon, P.A.
10 ("Respondent") appeared before the Board with legal counsel Sara Sato for a Formal
11 Interview pursuant to the authority vested in the Board by A.R.S. § 32-2551(G). The Board
12 voted to issue Findings of Fact, Conclusions of Law and Order after due consideration of
13 the facts and law applicable to this matter.

14 **FINDINGS OF FACT**

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

17 2. Respondent is the holder of license number 2363 for the performance of
18 health care tasks in the State of Arizona.

19 3. On November 12, 2008, Respondent entered into a Consent Agreement for
20 Decree Censure and Probation with the Board ("2008 Order"). The 2008 Order subjected
21 Respondent to quarterly chart reviews.

22 4. The Board initiated case number PA-09-0032A after Board staff conducted a
23 review of Respondent's patient charts pursuant to the 2008 Order.

24 5. In 2009, Board Staff pulled four of Respondent's patient records and
25 transmitted them to an Outside Medical Consultant (OMC) for a quality of care review.

1 6. The OMC observed that Respondent's charting was inadequate because he
2 frequently failed to note the patient's chief complaint or history of any kind. Also, the OMC
3 found that Respondent frequently failed to record lab test results.

4 7. The OMC further found that Respondent occasionally made a diagnosis
5 without supporting history or physical exam.

6 8. The OMC also observed that Respondent's treatment of acute illnesses was
7 problematic. In particular, the OMC questioned Respondent's use of high dose prednisone
8 in patient VA, a 16 year old female, on four occasions within a two month period. The
9 OMC was particularly concerned because there was no history for VA in the charts, and
10 Respondent's physical examination of the patient resulted in a diagnosis of "mild rales."

11 9. The OMC also found Respondent's evaluation and follow up care of patient
12 MB, a 73 year old female, fell below the standard of care. Although she had abnormal lab
13 results, including an HgbA1C of 15.2, there was no indication in the record of the
14 recognition of these abnormalities' possible ramifications.

15 10. The OMC also found that the supervising physicians' review of Respondent's
16 charts was sporadic and often delayed by 1-3 days. In addition, there was no notation of
17 consultation with the supervising physician on the more difficult cases.

18 11. During the Formal Interview, Respondent acknowledged that there was room
19 for improvement in his medical recordkeeping, and stated that he was taking steps to
20 improve it. He also asserted that a non-supervising physician was responsible for some of
21 the notes that the OMC found to be illegible.

22 12. During the Formal Interview, a number of Board members expressed serious
23 concerns with not only the legibility of the medical records, but also the detail included in
24 them. Staff noted that Respondent made the entries in the charts after he had received a
25 Decree of Censure and Probation from the Board.

1 13. The standard of care requires a PA to follow up on abnormal test results.

2 14. Respondent deviated from the standard of care by failing to follow up on
3 abnormal test results.

4 15. Respondent's deviation from the standard of care could potentially have
5 caused harm to patients by delaying treatment for medical conditions that were indicated
6 by abnormal test results.

7 **CONCLUSIONS OF LAW**

8 1. The Arizona Regulatory Board of Physician Assistants possesses jurisdiction
9 over the subject matter hereof and over Respondent.

10 2. A Physician Assistant is required to maintain adequate records. Pursuant to
11 A.R.S. § 32-2501(2), "adequate records" means "legible medical records containing, at a
12 minimum, sufficient information to identify the patient, support the diagnosis, justify the
13 treatment, accurately document the results, indicate advice and cautionary warnings
14 provided to the patient and provide sufficient information for another practitioner to assume
15 continuity of the patient's care at any point in the course of treatment."

16 3. The conduct and circumstances described above constitute unprofessional
17 conduct pursuant to A.R.S. § 32-2501(21)(j) ("[a]ny conduct or practice that is or might be
18 harmful or dangerous to the health of a patient or the public."); and A.R.S. § 32-
19 2501(21)(p) ("[f]ailing or refusing to maintain adequate records on a patient.")

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1 ORDER

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3 IT IS HEREBY ORDERED THAT:

4 Respondent is issued a **Letter of Reprimand**.

5 RIGHT TO PETITION FOR REHEARING OR REVIEW

6 Respondent is hereby notified that he has the right to petition for a rehearing or
7 review. The petition for rehearing or review must be filed with the Board's Executive
8 Director within thirty (30) days after service of this Order. A.R.S. § 41-1092.09(B). The
9 petition for rehearing or review must set forth legally sufficient reasons for granting a
10 rehearing or review. A.A.C. R4-16-103. Service of this order is effective five (5) days after
11 date of mailing. A.R.S. § 41-1092.09(C). If a petition for rehearing or review is not filed,
12 the Board's Order becomes effective thirty-five (35) days after it is mailed to Respondent.

13 Respondent is further notified that the filing of a motion for rehearing or review is
14 required to preserve any rights of appeal to the Superior Court.

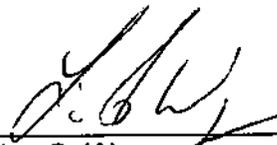
15
16 DATED AND EFFECTIVE this 24TH day of FEBRUARY, 2010.

17
18 ARIZONA REGULATORY BOARD OF
19 PHYSICIAN ASSISTANTS

20 (SEAL



21 By

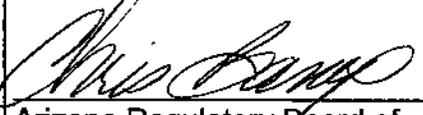
22 
23 Lisa S. Wynn
24 Executive Director

25 ORIGINAL of the foregoing filed this
26 24th day of February 2010 with:

Arizona Regulatory Board of Physician Assistants
9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258

1 EXECUTED COPY of the foregoing mailed
2 this 7th day of February, 2010 to:

3 David G. Derickson
4 Derickson Law Offices
5 3636 N. Central Avenue, Suite 1050
6 Phoenix, Arizona 85012-1955



7 Arizona Regulatory Board of
8 Physician Assistants Staff

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