



Arizona Medical Board

9545 East Doubletree Ranch Road • Scottsdale, Arizona 85258

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DRAFT MINUTES FOR EMERGENCY MEETING

Held on Wednesday, December 11, 2013
9535 E. Doubletree Ranch Road, Scottsdale, Arizona 85258

Board Members

Gordi S. Khera, M.D., F.A.C.C., Chair

Jody L. Jenkins, M.D., Vice Chair

Harold Magalnick, M.D., Secretary

Andrea E. Ibáñez, Member At Large

Jodi A. Bain, Esq.

James M. Gillard, M.S., M.D., F.A.C.E.P., F.A.A.E.M.

Ram R. Krishna, M.D.

Douglas D. Lee, M.D.

Richard T. Perry, M.D.

Wanda J. Salter, RN

William J. Thrift, M.D.

CALL TO ORDER

Dr. Khera called the meeting to order at 11:32 a.m.

ROLL CALL

The following Board members were present: Dr. Gillard, Ms. Ibáñez, Dr. Jenkins, Dr. Khera, Dr. Krishna, Dr. Lee, Dr. Magalnick, Dr. Perry, Ms. Salter, and Dr. Thrift. The following Board member was absent: Ms. Bain.

CALL TO THE PUBLIC

No individuals addressed the Board during Call to the Public.

TIME SPECIFIC MATTER

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
1.	MD-13-1181A	ERICK A. FALCONER, MD	45505	Summary suspension.

Erinn Downey, Investigator, summarized that this matter was initiated after the Board received a report from Dr. Falconer's attorney indicating that Dr. Falconer pled guilty to felony charges related to making false statements to Federal Drug Administration (FDA) agents. Ms. Downey explained that during the course of the investigation, Board staff discovered that Dr. Falconer has a pending investigation in the State of Missouri regarding allegations unrelated to the plea. Ms. Downey informed the Board that on December 3, 2013, the Illinois Board temporarily suspended Dr. Falconer's Illinois medical license due to his guilty plea as well as additional information related to his Missouri medical license.

Attorney Bart Peach participated telephonically on behalf of Dr. Falconer. He requested a continuance of the case and reported that there is currently a pending preliminary injunction in Illinois that may potentially "wipeout" the Illinois Board's summary suspension of Dr. Falconer's Illinois medical license. Mr. Peach explained that the Illinois Board's action was based upon action that has not yet been taken by the Missouri Board regarding Dr. Falconer's Missouri medical license.

MOTION: Dr. Khera moved to enter into Executive Session to receive legal advice.

SECOND: Dr. Krishna

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

The Board entered into Executive Session at 11:38 a.m.

The Board returned to Open Session at 11:44 p.m.

No legal action was taken by the Board during Executive Session.

MOTION: Upon finding that the public health, safety or welfare imperatively requires emergency action, Dr. Lee moved to summarily suspend Dr. Falconer's Arizona medical license pursuant to the reciprocity statute of A.R.S. §32-

1451.02.B, as well as a finding that the physician engaged in unprofessional conduct in violation of A.R.S. §32-1401(27)(d) and (o) based on the felony plea and action taken by the State of Illinois.

SECOND: Dr. Krishna

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Dr. Gillard, Ms. Ibáñez, Dr. Jenkins, Dr. Khera, Dr. Krishna, Dr. Lee, Dr. Magalnick, Dr. Perry, Ms. Salter, and Dr. Thrift. The following Board member was absent: Ms. Bain.

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

MOTION: Ms. Ibáñez moved to adjourn the meeting.

SECOND: Dr. Lee

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

The meeting adjourned at 11:48 a.m.



Patricia E. McSorley, Interim Acting Executive Director