



Arizona Medical Board

9545 East Doubletree Ranch Road • Scottsdale, Arizona 85258
Home Page: <http://www.azmd.gov>

Telephone (480) 551-2700 • Fax (480) 551-2705 • In-State Toll Free (877) 255-2212

FINAL MINUTES FOR REGULAR SESSION MEETING Held on October 8 and 9, 2008 9535 E. Doubletree Ranch Road - Scottsdale, Arizona

Board Members

William R. Martin III, M.D., Chair
Douglas D. Lee, M.D., Vice Chair
Dona Pardo, Ph.D., R.N., Secretary
Robert P. Goldfarb, M.D., F.A.C.S.
Patricia R. J. Griffen
Andrea E. Ibáñez
Ram R. Krishna, M.D.
Todd A. Lefkowitz, M.D.
Lorraine L. Mackstaller, M.D.
Paul M. Petelin Sr., M.D.
Germaine Proulx
Amy J. Schneider, M.D., F.A.C.O.G.

EXECUTIVE DIRECTOR'S REPORT

Lisa Wynn, Executive Director, reported that the Agency is currently being fiscally responsible and is receiving regular updates regarding the State's budget deficit. Ms. Wynn and Board members thanked Anne Froedge, Assistant Attorney General, for her assistance and hard work serving as the Board's interim legal advisor. Ms. Wynn also thanked Roger Downey, Media Relations Officer, for his assistance to ensure that the public receives the best service from Board staff.

CHAIR'S REPORT

Discussion of Board meeting recordings

Dr. Martin stated that if the Board's meetings were recorded, the recording would pick up everything discussed and be made available to the public. He stated that he preferred the meetings be recorded in terms of transparency. Ms. Wynn stated that the Board previously recorded its meetings, but this practice was discontinued. She informed the Board that it is not statutorily required and there are very comprehensive and complete minutes available to the public. In addition, Ms. Wynn informed Board members that recording the meetings would involve creating, copying, distributing, and storing the recordings. Dr. Martin stated that there were two instances where a recording would have been helpful by having a literal translation of what occurred during that particular meeting. The Board concluded that this is a board operations issue that can be addressed by the Executive Director.

Discussion of Board agenda

Dr. Martin suggested interviewers limit their time for questioning during a Formal Interview. Board staff informed the Board that it is currently working on having the licensee's profiles available in the Board's materials for the next meeting.

CONSIDERATION AND ADOPTION OF FSMB "MODEL POLICY GUIDELINES FOR OPIOID ADDICTION TREATMENT IN THE MEDICAL OFFICE"

Carol Peairs, M.D. presented the model guidelines to the Board for its consideration. Dr. Krishna opined that it is important for the Board to consider these guidelines due to the issue of non-physician personnel who attempt to practice pain management.

MOTION: Dr. Krishna moved to adopt the FSMB Model Policy Guidelines for Opioid Addiction Treatment in the Medical Office.

SECONDED: Dr. Lee

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

LEGAL ADVISOR'S REPORT

Golob vs. AMB Petition for Review

Anne Froedge, Assistant Attorney General, informed the Board that the litigators have been extremely busy and provided the Board with a report of their work. Ms. Froedge updated the Board on the Golob case, stating that the Board's decision has been consistently upheld. She informed the Board that its decision was mentioned as something of national significance in another case.

APPROVAL OF MINUTES

MOTION: Dr. Mackstaller moved to approve the July 29, 2008 Emergency Teleconference Meeting, the August 6-7, 2008 Regular Session Meeting, including Executive Session, the August 7, 2008 Regular Session Meeting, and the September 5, 2008 Offsite Planning Meeting.

SECONDED: Dr. Krishna

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

Dr. Pardo thanked Board staff for referring cases to other state boards and commented that the Board's Minutes were well written.

ADVISORY LETTERS

MOTION: Ms. Griffen moved to issue an Advisory Letter in item numbers 2, 3, 4, 6, 7, 8, 11, 12, 13, 14, 15, 16, 22, 23, and 25.

SECONDED: Dr. Mackstaller

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
1.	MD-07-1023A	ALJINDER S. MANGAT, M.D.	27700	Dismiss.

Kathleen Coffey, M.D., Medical Consultant, stated that Dr. Mangat failed to document a thorough history and failed to perform a thorough abdominal examination. Dr. Coffey pointed out that the patient did not follow up as recommended.

MOTION: Dr. Schneider moved to dismiss this case.

SECONDED: Dr. Lee

Dr. Schneider stated that she found that Dr. Mangat had conducted an appropriate work up of this patient.

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
2.	MD-07-0674A	MARTIN L. BELL, M.D.	23962	Issue an Advisory Letter for failure to dictate an operative report. This matter does not rise to the level of discipline.
3.	MD-08-0063A	CARL F. DIENER, M.D.	5462	Issue an Advisory Letter for inadequate medical records. This matter does not rise to the level of discipline.

Dr. Diener and RH spoke during the call to the public.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
4.	MD-07-0761A	BERNARD J. MILLER, M.D.	7421	Issue an Advisory Letter for incomplete removal of a submandibular gland. This matter does not rise to the level of discipline.
5.	MD-07-1013A	GREGORY L. DESANTO, M.D.	19465	Issue an Advisory Letter for failure to follow up a vaginal culture for Group B Strep. This was a one time occurrence that does not rise to the level of discipline.

Dr. DeSanto and attorney Richard Kent spoke during the call to the public. Board staff found that Dr. DeSanto ignored a vaginal culture that was positive for Group B Strep.

MOTION: Dr. Schneider moved to issue an Advisory Letter for failure to follow up a vaginal culture for Group B Strep. This was a one time occurrence that does not rise to the level of discipline.

SECONDED: Dr. Lee

Ingrid Haas, M.D., Medical Consultant, explained that if a culture is positive, the baby is treated through the mother prophylactically.

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
6.	MD-07-1051A	PAUL O. HIETTE, M.D.	14630	Issue an Advisory Letter for failing to detect a posterior left temporal AVM on MRI. This was a one time occurrence that does not rise to the level of discipline.

Dr. Lee was recused from this case.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
7.	MD-07-1051B	WILLIAM T. BEISSER, M.D.	12192	Issue an Advisory Letter for failing to detect a posterior left temporal AVM on MRI. This matter does not rise to the level of discipline.

Dr. Lee was recused from this case.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
8.	MD-07-1051C	PAUL E. SANGSTER, M.D.	9054	Issue an Advisory Letter for failing to detect a posterior left temporal AVM on MRI. This was a one time occurrence that does not rise to the level of discipline.

Dr. Lee was recused from this case.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
9.	MD-07-1049A	PING Y. WANG, M.D.	25546	Dismiss.

Dr. Wang and attorney Paul Giancola spoke during the call to the public. Dr. Petelin pulled this case for discussion and recommended dismissal.

MOTION: Dr. Petelin moved to dismiss this case.

SECONDED: Dr. Mackstaller

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
10.	MD-08-0007A	DAVID M. CURRAN, M.D.	23870	Dismiss.

Dr. Curran spoke during the call to the public. William Wolf, M.D., Chief Medical Consultant, stated that a cardiology consultation was ordered, but that the cardiologist would decide whether or not to see the patient based upon the echocardiogram.

MOTION: Dr. Krishna moved to dismiss this case.

SECONDED: Dr. Mackstaller

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
11.	MD-08-0007B	GWYNNE A. MARSTILLER, M.D.	14005	Issue an Advisory Letter for failure to recognize that a PDA in a term Trisomy 21 infant is unlikely to close spontaneously, for failing to require that the cardiology consultation that had been previously ordered actually be accomplished prior to or following discharge, and for inadequate medical records. This matter does not rise to the level of discipline.
12.	MD-08-0007C	CHRISTINE P. MOHLER, M.D.	24140	Issue an Advisory Letter for failure to gather all of the information necessary for her to assume care of an outpatient infant with Trisomy 21 and by failing to recognize the significance of an abnormal echocardiogram report. This matter does not rise to the level of discipline.

MOTION: Dr. Krishna moved to reopen items 11 and 12 for reconsideration.

SECONDED: Dr. Lee

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

Dr. Wolf stated that Drs. Marsteller and Mohler saw the patient as an outpatient approximately fifteen times.

MOTION: Dr. Krishna moved to uphold the issuance of an Advisory Letter in items 11 and 12.

SECONDED: Ms. Proulx

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
13.	MD-07-1131A	RODOLFO C. NELLAS, M.D.	12395	Issue an Advisory Letter for failing to update his address and phone number with the Board, and for failing to have accurate information on his prescription pads. This matter does not rise to the level of discipline.
14.	MD-07-0956A	SCOTT A. WASSERMAN, M.D.	23328	Issue an Advisory Letter for recommending sun exposure for a patient's damaged skin following IPL and for inadequate medical records. This matter does not rise to the level of discipline.
15.	MD-08-0086A	SCOTT A. WASSERMAN, M.D.	23328	Issue an Advisory Letter for failure to maintain adequate medical records. This matter does not rise to the level of discipline.
16.	MD-07-1079A	SCOTT A. WASSERMAN, M.D.	23328	Issue an Advisory Letter for failure to maintain adequate medical records. This matter does not rise to the level of discipline.
17.	MD-07-1039A	VINSON C. THOMPSON, M.D.	13010	Return for further investigation to re-notice the physician on additional violations and invite for a formal interview.

SS spoke during the call to the public. The Board was concerned with Dr. Thompson's inappropriate management of a fistula.

MOTION: Dr. Krishna moved to return this case for further investigation to re-notice the physician on additional violations and invite for a Formal Interview.

SECONDED: Dr. Petelin

The Board instructed Board staff to conduct a chart review and re-notice Dr. Thompson on additional violations.

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
18.	MD-06-0548A	CAROL L. HENRICKS, M.D.	25445	Return for further investigation to obtain additional EEGs and send for a second opinion.

Attorney Robert Cook spoke during the call to the public. Carol Peairs, M.D, Medical Consultant, stated that Dr. Henricks underwent Phase I of PACE and was found to have over-read EEGs. The evaluation stated that Dr. Henricks was not safe to practice. Dr. Henricks subsequently underwent Phase II of PACE after complying with PACE's recommendations. PACE concluded that Dr. Henricks was safe to practice, but expressed concern with her overall over-readings of EEGs. Dr. Petelin questioned the second PACE evaluation and recommendation. The Board was concerned that Dr. Henricks was not reading EEGs at an appropriate level.

MOTION: Dr. Krishna moved to return this case for further investigation to obtain additional EEGs and send for a second opinion.

SECONDED: Dr. Petelin

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
19.	MD-07-0967A	EVAN C. LEIBNER, M.D.	27866	Dismiss.

MT, Dr. Leibner and attorney Gordon Lewis spoke during the call to the public. Board members commented that although the fracture was not recognized, the appropriate care was delivered to the patient.

MOTION: Dr. Pardo moved to dismiss this case.

SECONDED: Ms. Proulx

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
20.	MD-08-0263A	HERBERT WINOGRAD, M.D.	5446	Issue an Advisory Letter for failure to approve inpatient status for a modified radical mastectomy resulting in cancelling of the surgery and delay of appropriate treatment.

Dr. Krishna was recused from this case. CU, Dr. Winograd and attorney Larry Rosenfeld spoke during the call to the public. Dr. Wolf stated that Dr. Winograd deviated from the standard of care by failing to authorize inpatient status for a modified radical mastectomy.

MOTION: Dr. Schneider moved to not accept/consider the Motion for Good Cause to provide supplemental material.

SECONDED: Dr. Lee

Dr. Lee stated that this was not the Board's normal position and spoke against the motion.

MOTION: Dr. Martin moved to enter into executive session.

SECONDED: Dr. Lee

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

MOTION PASSED.

The Board went into Executive Session for legal advice at 6:48 p.m.

The Board returned to Open Session at 6:53 p.m.

No deliberations or discussions were made during Executive Session.

Dr. Schneider withdrew her previous motion.

MOTION: Dr. Martin moved to table this matter.

SECONDED: Ms. Proulx

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

MOTION PASSED.

The Board returned to this matter on Thursday, October 9, 2008.

MOTION: Dr. Martin moved to enter into executive session.

SECONDED: Ms. Proulx

Vote: 9-yay, 0-nay, 0-abstain, 1-recuse, 2-absent.

MOTION PASSED.

The Board went into Executive Session for legal advice at 5:04 p.m.

The Board returned to Open Session at 5:11 p.m.

No deliberations or discussions were made during Executive Session.

MOTION: Dr. Pardo moved to accept/consider the Motion for Good Cause to provide supplemental material.

SECONDED: Dr. Lee

VOTE: 9-yay, 0-nay, 0-abstain, 1-recuse, 2-absent.

MOTION PASSED.

Dr. Wolf stated that Dr. Winograd issued his denial the day before the scheduled procedure. Board members opined that the physician requesting inpatient status could have called Dr. Winograd for telephonic consultation.

MOTION: Dr. Schneider moved to invite the physician for a Formal Interview.

SECONDED: Ms. Proulx

Dr. Mackstaller questioned how the Board would progress in inviting Dr. Winograd for a Formal Interview. Dr. Lee spoke against the motion and stated that he did not want to use Dr. Winograd's case for questions that the Board may have regarding a broader issue. Dr. Schneider withdrew her motion.

MOTION: Dr. Petelin moved to issue an Advisory Letter for failure to approve inpatient status for a modified radical mastectomy resulting in cancelling of the surgery and delay of appropriate treatment.

SECONDED: Dr. Lee

VOTE: 9-yay, 0-nay, 0-abstain, 1-recuse, 2-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
21.	MD-07-0974A	JAMES I. COLLINS, M.D.	24893	Return for further investigation to obtain a second opinion and to ask the Medical Consultant, specifically, when a physician orders a normal routine exam of routine dates, what is the requirement of the radiologist.

DP and attorney Brenda Maloney spoke during the call to the public. The Medical Consultant who reviewed this case was critical of Dr. Collins' classification for fetal sonogram examinations. The Board discussed having a second Medical Consultant review this case.

MOTION: Dr. Lee moved to return this case for further investigation to obtain a second opinion and to ask the Medical Consultant, specifically, when a physician orders a normal routine exam of routine dates, what is the requirement of the radiologist.

SECONDED: Ms. Proulx

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
22.	MD-07-0939A	ROGELIO D. NARANJA, M.D.	13156	Issue an Advisory Letter for failure to maintain adequate medical records. This was a one time occurrence that does not rise to the level of discipline.
23.	MD-08-0358A	RANDOLPH A. LOPEZ, M.D.	36488	Issue an Advisory Letter for action taken by another state. This was a minor violation that does not rise to the level of discipline.
24.	MD-07-1015A	RICHARD J. KIM, M.D.	23026	Dismiss.

Dr. Kim and attorney Elizabeth Petersen spoke during the call to the public.

MOTION: Dr. Lee moved to accept/consider the Motion for Good Cause to provide supplemental material.

SECONDED: Dr. Krishna

VOTE: 9-yay, 2-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

MOTION: Ms. Proulx moved to table this matter.

SECONDED: Dr. Pardo

VOTE: 2-yay, 9-nay, 0-abstain, 0-recuse, 1-absent.

MOTION FAILED.

Bhupendra Bhatheja, M.D., Medical Consultant, stated that the patient obtained abnormal lab reports that Dr. Kim had previously advised the patient were normal. Dr. Mackstaller stated that whether Dr. Kim did or did not treat the patient's blood pressure appropriately was not in question. Dr. Mackstaller recommended dismissing this case.

MOTION: Dr. Mackstaller moved to dismiss this case.

SECONDED: Dr. Schneider

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

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
25.	MD-07-0750A	ROBERT ORTEGA, M.D.	30223	Issue an Advisory Letter for failing to directly communicate critical CT scan results to the attending hospitalist. This was a one time occurrence that does not rise to the level of discipline.

ADVISORY LETTERS WITH NON-DISCIPLINARY CME

MOTION: Dr. Krishna moved to issue an Advisory Letter with non-disciplinary CME in item numbers 1-3.

SECONDED: Dr. Mackstaller

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
1.	MD-08-0107A	HAROLYN C. GILLES, M.D.	11732	Issue an Advisory Letter for failing to document a physical examination, for initiating Armour Thyroid on a patient with normal thyroid function tests, and by continuing Armour Thyroid in the face of a suppressed TSH and normal thyroid function levels. Obtain 10-15 hours non-disciplinary CME in management of thyroid disorders and use of thyroid supplementation to be completed within 3 months.
2.	MD-07-0983A	CHRISTINE E. EDBERG, M.D.	28726	Issue an Advisory Letter for failing to maintain appropriate boundaries with a psychiatric patient. Within 3 months obtain 15-20 hours non-disciplinary CME in boundary issues. This was a one time occurrence that does not rise to the level of discipline.

CB spoke during the call to the public.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
3.	MD-07-0921A	MARCO V. CANULLA, M.D.	24230	Issue an Advisory Letter for inappropriately prescribing Fentanyl and for prescribing mental hygiene medications without performing a history and physical. Within 6 months obtain 10-15 hours non-disciplinary CME in acute pain management and opiate prescribing. This matter does not rise to the level of discipline.

Dr. Martin was recused from this case.

REVIEW OF EXECUTIVE DIRECTOR (ED) DISMISSALS

MOTION: Dr. Petelin moved to uphold the ED dismissal in item numbers 1, 2, 3, 4, 5, 7, 9, and 10.

SECONDED: Dr. Mackstaller

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
1.	MD-08-0001A	STEPHEN S. BROCKWAY, M.D.	17759	Uphold the ED dismissal.

Dr. Brockway, attorney Jack Klecan, DF, and attorney Skip Simpson spoke during the call to the public.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
2.	MD-04-0638A	ZELALEM YILMA, M.D.	25431	Uphold the ED dismissal.
3.	MD-08-0290A	SAMANTHA E. CARTER, M.D.	35821	Uphold the ED dismissal.
4.	MD-08-0148A	YOUMNA M. ABDULHADI, M.D.	33233	Uphold the ED dismissal.
5.	MD-08-0427A	WARREN E. HILL, M.D.	12866	Uphold the ED dismissal.
6.	MD-08-0103A	PAULA F. NADELL, M.D.	11784	Uphold the ED dismissal.

KL spoke during the call to the public. Ingrid Haas, M.D., Medical Consultant, stated that the standard of care requires a physician to identify the ureter during a hysterectomy, but it does not require that this be documented in the operative note. Dr. Petelin opined that Dr. Nadell made the diagnosis in a timely manner and treated the patient appropriately. Dr. Schneider pointed out that ureteral injuries are known complications of a hysterectomy.

MOTION: Dr. Schneider moved to uphold the ED dismissal.

SECONDED: Dr. Krishna

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
7.	MD-08-0061A	LISA A. SPARKS, M.D.	13545	Uphold the ED dismissal.
8.	MD-07-0967B	RICHARD W. KURTEK, M.D.	30305	Uphold the ED dismissal.

MT spoke during the call to the public. Dr. Pardo noted that this case was similar to Advisory Letter #19. Board staff found that Dr. Kurtek treated MT appropriately, but failed to identify a fracture on x-ray. Board members commented that although the fracture was not recognized, the appropriate care was delivered to the patient.

MOTION: Dr. Schneider moved to uphold the ED dismissal.

SECONDED: Dr. Mackstaller

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
9.	MD-08-0027A	DAVID A. BLIKLEN, M.D.	17275	Uphold the ED dismissal.
10.	MD-08-0182A	LAWRENCE J. KELLY, M.D.	35083	Uphold the ED dismissal.

Dr. Kelly spoke during the call to the public.

OTHER BUSINESS

MOTION: Ms. Proulx moved to accept the proposed Consent Agreement in item numbers 1-7.

SECONDED: Dr. Krishna

ROLL CALL VOTE: Roll call vote was taken and the following Board Members voted in favor of the motion: Ms. Griffen, Ms. Ibáñez, Dr. Krishna, Dr. Lee, Dr. Mackstaller, Dr. Martin, Dr. Pardo, Dr. Petelin, Ms. Proulx and Dr. Schneider. The following Board members were absent: Drs. Lefkowitz and Goldfarb.

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

MOTION: Dr. Krishna moved to approve the draft Findings of Fact, Conclusions of Law and Order in item numbers 11-13.

SECONDED: Ms. Griffen

VOTE: 9-yay, 0-nay, 1-abstain, 0-recuse, 2-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	SUBJECT
1.	MD-07-1028A	JOEL T. ROHRBOUGH, M.D.	29359	Accept proposed Consent Agreement for a Letter of Reprimand for failure to review and address diagnostic studies suggesting a malignant lesion and for failure to report the results to the patient for over one year.

Dr. Lee was recused from this case. NS spoke during the call to the public.

NO.	CASE NO.	PHYSICIAN	LIC. #	SUBJECT
2.	MD-07-0776A	JOHN I. ISKANDAR, M.D.	35047	Accept proposed Consent Agreement for a Letter of Reprimand for performing wrong level surgery and for failure to maintain adequate records.
3.	MD-07-1024A	JOHN D. LEWIS, M.D.	11783	Accept proposed Consent Agreement for a Letter of Reprimand for a delay in consideration of, evaluation for, and treatment of the emergent, life threatening causes of hypotension and for failure to maintain adequate medical records.
4.	MD-07-1073B	STEPHEN J. JOYCE, M.D.	9875	Accept proposed Consent Agreement for a Letter of Reprimand for failure to properly supervise a physician assistant. One Year Probation to obtain 10-15 hours CME in ethics. Probation to terminate upon completion of the CME.
5.	MD-07-1067A	HOWARD B. SOMERS, M.D.	11456	Accept proposed Consent Agreement for a Letter of Reprimand for removing the incorrect testicle while performing an orchiectomy.
6.	MD-07-0706A	JONATHAN J. GOODMAN, M.D.	33921	Accept proposed Consent Agreement for a Letter of Reprimand for using a blind Veress needle insufflation technique and blind supraumbilical trocar puncture for attempted laparoscopic common bile duct exploration in a patient twenty-one weeks pregnant.
7.	MD-08-0120A	MARIE T. PIMENTEL, M.D.	22505	Accept proposed Consent Agreement for a Letter of Reprimand for prescribing a controlled substance without first conducting an adequate history and physical examination, for signing a predated prescription, for failure to act upon several red flags indicative of drug seeking behavior, and for failure to maintain adequate medical records. One Year Probation to obtain 15-20 hours CME in prescribing controlled substances. Probation to terminate upon successful completion of the CME.

VD spoke during the call to the public.

NO.	CASE NO.	PHYSICIAN	LIC. #	SUBJECT
8.	MD-07-0549A	RICHARD A. WAGNER, M.D.	26957	Approve draft Findings of Fact, Conclusions of Law and Order for a Letter of Reprimand for providing high dose IV narcotics for an acute gout attack, failing to respond to the adverse signs of medication, and for inadequate medical records.

Attorney David Hill spoke during the call to the public. Dr. Mackstaller questioned whether this case warranted disciplinary action.

MOTION: Dr. Krishna moved to approve the draft Findings of Fact, Conclusions of Law and Order for a Letter of Reprimand for providing high dose IV narcotics for an acute gout attack, failing to respond to the adverse signs of medication and for inadequate medical records.

SECONDED: Dr. Petelin

Dr. Mackstaller spoke against the motion.

VOTE: 8-yay, 1-nay, 1-abstain, 0-recuse, 2-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	SUBJECT
9.	MD-08-L007A	MONICA G. FARIA, M.D.	N/A	Deny appeal of ED denial of licensure

Dr. Faria and attorney Michael Golder spoke during the call to the public. Board members noted that denying Dr. Faria's application for a full medical license does not prevent her from reapplying or continuing her residency program.

MOTION: Dr. Schneider moved to deny the appeal of ED denial of licensure.

SECONDED: Dr. Krishna

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	SUBJECT
10.	MD-06-0456A	MICHAEL R. ROLLINS, M.D.	30379	Accept the proposed stipulation to dismiss the appeal and return the case for further investigation.

Emma Mamaluy, Assistant Attorney General, summarized this matter for the Board.

MOTION: Dr. Martin moved to enter into executive session for legal advice.

SECONDED: Dr. Mackstaller

Vote: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

The Board went into Executive Session for legal advice at 5:47 p.m.

The Board returned to Open Session at 6:10 p.m.

No deliberations or discussions were made during Executive Session.

MOTION: Dr. Mackstaller moved to accept the proposed stipulation to dismiss the appeal and return the case for further investigation.

SECONDED: Ms. Griffen

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	SUBJECT
11.	MD-07-0504A	ANDREW J. APPELL, M.D.	33965	Approve draft Findings of Fact, Conclusions of Law and Order for a Letter of Reprimand for improper placement of a pedicle screw leading to neurological deficit and for inadequate recordkeeping.
12.	MD-07-0638A	XAVIER MARTINEZ, M.D.	18944	Approve draft Findings of Fact, Conclusions of Law and Order for a Letter of Reprimand for habitual intemperance, using controlled substances not prescribed to him by another physician, for prescribing controlled substances to an immediate family member, and for prescribing medication for an extended period of time without conducting a physical examination. Five Years Probation to participate in MAP.
13.	MD-07-0749B	SUNGNAM JOE, M.D.	24593	Approve draft Findings of Fact, Conclusions of Law and Order for a Letter of Reprimand for failure to obtain a urology consultation in an urgent manner, failure to discontinue medication that was contraindicated in a patient with renal insufficiency and for inadequate medical records.

CALL TO ORDER

The meeting was called to order at 8:30 a.m.

ROLL CALL

The following Board members were present: Ms. Griffen, Ms. Ibáñez, Dr. Krishna, Dr. Lee, Dr. Lefkowitz, Dr. Mackstaller, Dr. Martin, Dr. Pardo, Dr. Petelin, Ms. Proulx, and Dr. Schneider.

The following Board member was absent: Dr. Goldfarb.

CALL TO THE PUBLIC

Statements issued during the call to the public appear beneath the case referenced.

FORMAL HEARING MATTERS – CONSIDERATION OF ADMINISTRATIVE LAW JUDGE (ALJ) RECOMMENDED DECISION

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
1.	MD-05-1137A	TROY J. NELSON, M.D.	19324	Dismiss.

Dr. Nelson was present with legal counsel, Mr. Michael Golder. Philip Overcash, Outside Counsel, stated that the ALJ found that Dr. Nelson met the standard of care and recommended that this case be dismissed. Board members indicated that they received and reviewed the administrative record of the Formal Hearing.

MOTION: Dr. Krishna moved to adopt the ALJ's recommended Findings of Fact.

SECONDED: Dr. Petelin

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

MOTION: Dr. Krishna moved to adopt the ALJ's recommended Conclusions of Law.

SECONDED: Ms. Proulx

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

MOTION: Dr. Krishna moved to adopt the ALJ's recommended Order for Dismissal.

SECONDED: Dr. Lefkowitz

ROLL CALL VOTE: Roll call vote was taken and the following Board Members voted in favor of the motion: Ms. Griffen, Ms. Ibáñez, Dr. Krishna, Dr. Lee, Dr. Lefkowitz, Dr. Mackstaller, Dr. Martin, Dr. Pardo, Dr. Petelin, Ms. Proulx and Dr. Schneider. The following Board member was absent: Dr. Goldfarb.

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
2.	MD-04-1432A	RONALD F. HILDING, M.D.	6043	Revocation.

Dr. Hilding was not present during the Board's consideration of this case. Board members indicated that they received and reviewed the administrative record of the Formal Hearing. Marki Stewart, Outside Counsel, stated that Dr. Hilding failed to complete a full PACE assessment required by a 2003 Decree of Censure.

MOTION: Dr. Krishna moved to adopt the ALJ's recommended Findings of Fact and Conclusions of Law, as amended.

SECONDED: Dr. Schneider

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

MOTION: Dr. Krishna moved to adopt and modify the ALJ's recommended Order for Revocation, to include Formal Hearing costs.

SECONDED: Dr. Schneider

ROLL CALL VOTE: Roll call vote was taken and the following Board Members voted in favor of the motion: Ms. Griffen, Ms. Ibáñez, Dr. Krishna, Dr. Lee, Dr. Lefkowitz, Dr. Mackstaller, Dr. Martin, Dr. Pardo, Dr. Petelin, Ms. Proulx and Dr. Schneider. The following Board member was absent: Dr. Goldfarb.

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
3.	MD-02-0676A MD-03-1040C MD-04-0601A	DWIGHT C. LUNDELL, M.D.	6960	Revocation.

Dr. Lundell was not present during the Board's consideration of this matter. Board members indicated that they received and reviewed the administrative record of the Formal Hearing. Ms. Stewart stated that Dr. Lundell failed to maintain adequate medical records and fell below the standard of care in his treatment of three patients.

MOTION: Dr. Krishna moved to adopt the ALJ's recommended Findings of Fact and Conclusions of Law, as amended.

SECONDED: Dr. Petelin

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

MOTION: Dr. Krishna moved to adopt and modify the ALJ's recommended order for Revocation, to include Formal Hearing costs.

SECONDED: Ms. Ibáñez

ROLL CALL VOTE: Roll call vote was taken and the following Board Members voted in favor of the motion: Ms. Griffen, Ms. Ibáñez, Dr. Krishna, Dr. Lee, Dr. Lefkowitz, Dr. Mackstaller, Dr. Martin, Dr. Pardo, Dr. Petelin, Ms. Proulx and Dr. Schneider. The following Board member was absent: Dr. Goldfarb.

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
4.	MD-06-1006A	BRUCE J. BRYAN, M.D.	20232	Modify the ALJ's recommended Order to Indefinitely Suspend the physician's license until he completes a PACE evaluation and psychiatric and psychometric evaluation in anger management and brings the evaluation results to the Board and receives reinstatement. Issue a Letter of Reprimand and Two Years Probation to follow the recommendations of the evaluator. The Probation shall start upon reinstatement of the license. Upon demonstrated compliance with the evaluator, the Executive Director may terminate the probation. Assess the costs of the Formal Hearing.

Dr. Bryan was present without legal counsel. Board members indicated that they received and reviewed the administrative record of the Formal Hearing. Dean Brekke, Assistant Attorney General, stated that Dr. Bryan had been convicted on two federal felonies and failed to report his conviction to the Board in a timely manner.

MOTION: Dr. Krishna moved to enter into executive session.

SECONDED: Dr. Mackstaller

Vote: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

The Board went into Executive Session for legal advice at 11:49 a.m.

The Board returned to Open Session at 11:54 a.m.

No deliberations or discussions were made during Executive Session.

Dr. Bryan requested the Board review his medical background prior to taking final action.

MOTION: Dr. Petelin moved to adopt and amend the ALJ's recommended Findings of Fact, to delete numbers 7-15.

SECONDED: Dr. Krishna

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

MOTION: Dr. Krishna moved to adopt and amend the ALJ's recommended Conclusions of Law, to delete numbers 6-15.

SECONDED: Ms. Griffen

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

Dr. Krishna stated he did not believe this case rises to the level of Revocation as there were no quality of care issues identified.

MOTION: Dr. Krishna moved to modify the ALJ's recommended Order for a Letter of Reprimand and Two Years Probation for psychiatric and psychometric evaluation in anger management, within sixty days, and to follow the recommendations of the evaluator. Upon demonstrated compliance with the evaluator, the Executive Director may terminate the probation. Assess the costs of the Formal Hearing.

SECONDED: Ms. Ibáñez

Dr. Lee spoke against the motion and commented that he was concerned the Board did not have assurances that Dr. Bryan will not resort to similar activity if he becomes angry while treating patients. Dr. Pardo suggested prohibiting Dr. Bryan from practicing until he undergoes the testing. Dr. Martin pointed out that there is no evidence in the record to suggest there was harm to any patient.

ROLL CALL VOTE: Roll call vote was taken and the following Board Members voted in favor of the motion: Drs. Krishna and Lefkowitz. The following Board members voted against the motion: Ms. Griffen, Ms. Ibáñez, Dr. Lee, Dr. Mackstaller, Dr. Martin, Dr. Pardo, Dr. Petelin, Ms. Proulx and Dr. Schneider. The following Board member was absent: Dr. Goldfarb.
VOTE: 2-yay, 9-nay, 0-abstain, 0-recuse, 1-absent.
MOTION FAILED.

Dr. Lee suggested imposing a higher level of discipline and suspending Dr. Bryan’s license until he demonstrates that he is competent to practice.

MOTION: Dr. Krishna moved to modify the ALJ's recommended Order to Indefinitely Suspend the physician's license until he completes a PACE evaluation and psychiatric and psychometric evaluation in anger management and brings the evaluation results to the Board and receives reinstatement. Issue a Letter of Reprimand and Two Years Probation to follow the recommendations of the evaluator. The Probation shall start upon reinstatement of the license. Upon demonstrated compliance with the evaluator, the Executive Director may terminate the probation. Assess the costs of the Formal Hearing.
SECONDED: Ms. Ibáñez

Dr. Lee supported the motion, but stated that this was not consistent with the Board’s previous issuance of discipline in similar cases such as this.

ROLL CALL VOTE: Roll call vote was taken and the following Board Members voted in favor of the motion: Ms. Ibáñez, Dr. Krishna, Dr. Lee, Dr. Lefkowitz, Dr. Mackstaller, Dr. Martin and Dr. Petelin. The following Board Members voted against the motion: Ms. Griffen, Dr. Pardo, Ms. Proulx and Dr. Schneider. The following Board member was absent: Dr. Goldfarb.
VOTE: 7-yay, 4-nay, 0-abstain, 0-recuse, 1-absent.
MOTION PASSED.

MOTION: Dr. Lee moved to make the Order effective immediately, due to the egregiousness of the action and the physician’s anger management issues.
SECONDED: Dr. Petelin
VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.
MOTION PASSED.

OTHER BUSINESS

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
1.	MD-03-1046A MD-05-0086A MD-06-0925A MD-06-0937A MD-07-0139A	JOHN V. DOMMISSE, M.D.	22164	Deny the motion for rehearing or review.

John Utseth spoke during the call to the public. Dr. Dommissee was present without legal counsel. He stated he was not provided proper peer review of his cases and that he did not cause harm to any of the patients involved in the several cases reviewed by the Board. Michael Sillyman, Outside Counsel, stated that there was no basis for Dr. Dommissee’s request and recommended the Board deny the motion for rehearing.

MOTION: Dr. Krishna moved to deny the motion for rehearing or review.
SECONDED: Dr. Lee
VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.
MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
2.	MD-05-1180A MD-07-0195A	JOHN C. MORGAN, M.D.	25871	Deny the motion for rehearing or review.

Philip Overcash, Outside Counsel, stated that there was no basis for Dr. Morgan’s request and recommended the Board deny the motion for rehearing.

MOTION: Dr. Krishna moved to deny the motion for rehearing or review.
SECONDED: Dr. Lee
VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.
MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
3.	MD-07-0728A MD-07-0763A MD-07-0885A MD-07-0762A MD-07-0738A MD-07-0768A MD-07-0936A MD-07-0857A	DAVID L. GREENE, M.D.	32747	Grant the motion for rehearing at the Office of Administrative Hearings for the limited purposes of reviewing and considering new evidence, specifically, the PACE evaluation.

Dr. Lefkowitz was recused from this case. JD and Dr. Joseph Gimball spoke during the call to the public. Attorney Paul Giancola was present on behalf of Dr. Greene. He stated that he provided PACE with the Board's findings, and PACE issued a specific finding that their recommendation regarding Dr. Greene's competency to practice medicine stands. However, Mr. Giancola stated that Dr. Greene voluntarily underwent another assessment at PACE and that the evaluator opined that Dr. Greene had a sound fund of knowledge. Mr. Giancola stated there are substantial reasons why the Board should reconsider the Order for Revocation. Dean Brekke, Assistant Attorney General, argued that the evidence presented by Dr. Greene was not in fact newly discovered evidence that could not have been produced prior to the Hearing and could not be considered by the Board when reconsidering discipline, as it was not part of the administrative record. Mr. Brekke stated that substantial evidence exists to support the decision of the Board and it would be appropriate to deny the motion for rehearing or review.

MOTION: Dr. Pardo moved to enter into executive session.

SECONDED: Dr. Krishna

Vote: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

The Board went into Executive Session for legal advice at 1:21 p.m.

The Board returned to Open Session at 1:24 p.m.

No deliberations or discussions were made during Executive Session.

The Board discussed remanding this case back to the Office of Administrative Hearings for the review of new evidence, specifically, the PACE evaluation.

MOTION: Dr. Krishna moved to grant the motion for rehearing at the Office of Administrative Hearings for the limited purposes of reviewing and considering new evidence, specifically, the PACE evaluation.

SECONDED: Dr. Petelin

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Griffen, Dr. Krishna, Dr. Mackstaller, Dr. Petelin, Ms. Proulx and Dr. Schneider. The following Board Members voted against the motion: Ms. Ibáñez, Dr. Lee, Dr. Martin and Dr. Pardo. The following Board member was recused: Dr. Lefkowitz. The following Board member was absent: Dr. Goldfarb.

VOTE: 6-yay, 4-nay, 0-abstain, 1-recuse, 1-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
4.	MD-03-1070A MD-04-0701A	ROBERT M. ELLIOTT, M.D.	20769	Rescind referral to Formal Hearing and accept the proposed Consent Agreement for Surrender of an active license.

Marki Stewart, Outside Counsel, requested that the Board rescind the referral to formal hearing and accept the proposed Consent Agreement for Surrender of Dr. Elliott's license.

MOTION: Dr. Mackstaller moved to rescind referral to Formal Hearing and accept the proposed Consent Agreement for Surrender of an active license.

SECONDED: Ms. Griffen

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Griffen, Ms. Ibáñez, Dr. Krishna, Dr. Lee, Dr. Lefkowitz, Dr. Mackstaller, Dr. Martin, Dr. Pardo, Dr. Petelin, Ms. Proulx and Dr. Schneider. The following Board member was absent: Dr. Goldfarb.

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
5.	MD-07-0979A	MOHAMMAD Z. QURESHI, M.D.	8269	Rescind referral to Formal Hearing and accept proposed Consent Agreement for Probation with a Practice Restriction from performing pain management related to injection therapies. Dr. Qureshi may petition the Board for termination of probation upon successful completion of PACE of his global knowledge in anesthesia, with emphasis in peripheral nerve blocks, and by demonstrating compliance with recommendations of PACE and that he is competent to resume pain management injection therapies.

Dr. Mackstaller was recused from this case. Dean Brekke, Assistant Attorney General, stated that Dr. Qureshi's previous disciplinary Order addressed the Board's concerns; therefore, Board staff recommended the Board continue his Probation with a Practice Restriction.

MOTION: Dr. Krishna moved to rescind referral to Formal Hearing and accept the proposed Consent Agreement for Probation with a Practice Restriction from performing pain management related to injection therapies. Dr. Qureshi may petition the Board for termination of probation upon successful completion of PACE evaluation of his global knowledge in anesthesia, with emphasis in peripheral nerve blocks, and by demonstrating compliance with recommendations of PACE and that he is competent to resume pain management injection therapies.

SECONDED: Ms. Proulx

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Griffen, Ms. Ibáñez, Dr. Krishna, Dr. Lee, Dr. Lefkowitz, Dr. Martin, Dr. Pardo, Dr. Petelin, Ms. Proulx and Dr. Schneider. The following Board member was recused: Dr. Mackstaller. The following Board member was absent: Dr. Goldfarb.

VOTE: 11-yay, 0-nay, 0-abstain, 1-recuse, 1-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
6.	MD-07-0661A	AUGUSTO LOAIZA, M.D.	16092	Rescind referral to Formal Hearing and issue an Advisory Letter for action taken by another state. There is insufficient evidence to support disciplinary action.

Emma Mamaluy, Assistant Attorney General, stated it was discovered that the Board had no licensing documents for Dr. Loaiza. She stated that the only proof of a license was his physician profile on the Board's website and minutes from a Board action. In addition, Ms. Mamaluy informed the Board that Dr. Loaiza's license would expire upon the Board's final action in the case.

MOTION: Dr. Krishna moved to rescind referral to Formal Hearing and issue an Advisory Letter for action taken by another state. There is insufficient evidence to support disciplinary action.

SECONDED: Dr. Schneider

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Griffen, Ms. Ibáñez, Dr. Krishna, Dr. Lee, Dr. Lefkowitz, Dr. Mackstaller, Dr. Martin, Dr. Pardo, Dr. Petelin, Ms. Proulx and Dr. Schneider. The following Board member was absent: Dr. Goldfarb.

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

Dr. Martin expressed concern that the licensing documents were not available, but Ms. Wynn assured the Board that this was an isolated issue.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
7.	MD-08-0892A	EDWIN D. STUMP, M.D.	33601	Rescind referral to Formal Hearing and accept the proposed Consent Agreement for Surrender of an active license.

Emma Mamaluy, Assistant Attorney General, stated that Dr. Stump came to the Board's attention due to an extreme driving under intoxication (DUI) arrest. She said he tested positive for cocaine three times during the course of the investigation and that it was discovered that Dr. Stump had a previous DUI, of which the Board was unaware. She urged the Board to rescind the matter and accept the consent agreement.

MOTION: Dr. Schneider moved to rescind referral to Formal Hearing and accept the proposed Consent Agreement for Surrender of an active license.

SECONDED: Dr. Krishna

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Griffen, Ms. Ibáñez, Dr. Krishna, Dr. Lee, Dr. Lefkowitz, Dr. Mackstaller, Dr. Martin, Dr. Pardo, Dr. Petelin, Ms. Proulx and Dr. Schneider. The following Board member was absent: Dr. Goldfarb.

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

CALL TO THE PUBLIC

Statements issued during the call to the public appear beneath the case referenced.

FORMAL INTERVIEWS

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
1.	MD-08-0138A	WILLIAM S. CORNISH, M.D.	27277	Issue an Advisory Letter for engaging in a sexual relationship with a former patient within less than six months after termination of care as there is insufficient evidence to support discipline.

Dr. Cornish was present with legal counsel, Mr. Gordon Lewis. Danielle Steger, Case Manager, stated that Dr. Cornish violated A.R.S. §32-1401(27)(z) by engaging in a sexual relationship within six months after termination of care. Dr. Cornish reported that he did not begin a sexual relationship with the patient until three months after discharge and that he was not aware that it was inappropriate. Mr. Lewis stated this was not a case in which Dr. Cornish should be subject to disciplinary action and requested that the Board issue him an Advisory Letter.

MOTION: Dr. Pardo moved for a finding of unprofessional conduct in violation of A.R.S. §32-1401(27)(z) - Engaging in sexual conduct with a current patient or with a former patient within six months after the last medical consultation unless the patient was the licensee's spouse at the time of the contact or, immediately preceding the physician-patient relationship, was in a dating or engagement relationship with the licensee.

SECONDED: Dr. Krishna

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

MOTION: Dr. Pardo moved for a draft Findings of Fact, Conclusions of Law and Order for a Letter of Reprimand for engaging in a sexual relationship with a former patient within less than six months after termination of care.

SECONDED: Dr. Krishna

Drs. Lefkowitz, Mackstaller, and Petelin spoke against the motion as they believed this case did not rise to the level of discipline. Board members noted that the complainant attempted to withdraw her complaint during the course of the investigation. Dr. Pardo commented that the statute requires a six month waiting period to prevent physicians from terminating care for the purposes of dating their patients.

ROLL CALL VOTE: Roll call vote was taken and the following Board Members voted in favor of the motion: Ms. Ibáñez, Dr. Krishna, Dr. Martin, Dr. Pardo and Dr. Schneider. The following Board Members voted against the motion: Ms. Griffen, Dr. Lee, Dr. Lefkowitz, Dr. Mackstaller, Dr. Petelin and Ms. Proulx. The following Board member was absent: Dr. Goldfarb.

VOTE: 5-yay, 6-nay, 0-abstain, 0-recuse, 1-absent.

MOTION FAILED.

MOTION: Dr. Petelin moved to issue an Advisory Letter for engaging in a sexual relationship with a former patient within less than six months after termination of care as there is insufficient evidence to support discipline.

SECONDED: Dr. Lefkowitz

Dr. Krishna spoke against the motion stating that the six month waiting period is there to prevent the physician from establishing a romantic relationship with a former patient as the patient may feel duress at that time.

MOTION: Dr. Martin moved to enter into executive session for legal advice.

SECONDED: Dr. Krishna

Vote: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

The Board went into Executive Session for legal advice at 3:05 p.m.
The Board returned to Open Session at 3:11 p.m.
No deliberations or discussions were made during Executive Session.

Ms. Ibáñez and Dr. Pardo spoke against the motion as they believed there is evidence to support discipline.

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Griffen, Dr. Lee, Dr. Lefkowitz, Dr. Mackstaller, Dr. Petelin, Ms. Proulx and Dr. Schneider. The following Board members voted against the motion: Ms. Ibáñez, Dr. Krishna, Dr. Martin and Dr. Pardo. The following Board member was absent: Dr. Goldfarb.

VOTE: 7-yay, 4-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
2.	MD-07-0368A	MICHAEL L. LEWIS, M.D.	12372	Issue an Advisory Letter for failing to properly interpret multiple radiologic films. The physician has demonstrated compliance through remediation.

Dr. Lefkowitz was recused from this case. Dr. Lewis was present with legal counsel, Mr. Paul Giancola. Gerald Moczynski, M.D., Medical Consultant, stated that Dr. Lewis failed to properly interpret multiple radiologic films. Dr. Lewis reported that he has taken proactive steps to improve his interpreting of films by completing several CME courses to address the issue. Mr. Giancola pointed out that there was no actual harm identified in any of the cases in which Dr. Lewis misinterpreted the films. Dr. Martin stated that based upon Dr. Lewis' admission that he fell below the standard of care, unprofessional conduct has occurred.

MOTION: Dr. Martin moved for a finding of unprofessional conduct in violation of A.R.S. §32-1401(27)(q) - Any conduct that is or might be harmful or dangerous to the health of the patient or the public.

SECONDED: Dr. Petelin

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

MOTION PASSED.

Dr. Martin stated that he believed that Dr. Lewis has demonstrated substantial compliance through remediation.

MOTION: Dr. Martin moved to issue an Advisory Letter for failing to properly interpret multiple radiologic studies. The physician has demonstrated compliance through remediation.

SECONDED: Ms. Griffen

Dr. Pardo spoke against the motion and stated that she believed this case rises to the level of discipline.

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Griffen, Ms. Ibáñez, Dr. Lee, Dr. Mackstaller, Dr. Martin, Dr. Petelin, Ms. Proulx and Dr. Schneider. The following Board member voted against the motion: Drs. Krishna and Pardo. The following Board Member was recused: Dr. Lefkowitz. The following Board member was absent: Dr. Goldfarb.

VOTE: 9-yay, 2-nay, 0-abstain, 1-recuse, 1-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
3.	MD-07-0647A	ROBERT B. CRAVENS, M.D.	20145	Issue an Advisory Letter for failing to document cardiovascular clearance in a patient with underlying cardiovascular disease. This was a technical violation that does not rise to the level of discipline.

Dr. Cravens was present without legal counsel. Gerald Moczynski, M.D., Medical Consultant, stated that Dr. Cravens failed to obtain a cardiac consultation in a patient with severe coronary artery disease, failed to recommend further testing prior to surgery, and performed a septoplasty on a high risk patient in an outpatient facility. Dr. Cravens stated that he did obtain cardiac clearance prior to surgery, but failed to document it in the patient's medical record. He stated he understands that he should have visited the patient postoperatively. Dr. Krishna noted several deviations from the standard of care and found that Dr. Cravens committed unprofessional conduct.

MOTION: Dr. Krishna moved for a finding of unprofessional conduct in violation of A.R.S. §32-1401(27)(q) - Any conduct that is or might be harmful or dangerous to the health of the patient or the public; and A.R.S. §32-1401(27)(II)- Conduct that the board determines is gross negligence, repeated negligence or negligence resulting in harm to or the death of a patient.

SECONDED: Dr. Petelin

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

Dr. Krishna found it mitigating that Dr. Cravens has taken remedial action, but there was obvious negligence in his care of this patient.

MOTION: Dr. Krishna moved for a draft Findings of Fact, Conclusions of Law and Order for a Letter of Reprimand for failing to obtain cardiac consultation in a patient with severe coronary artery disease, for failing to recommend further testing or additional medication trials prior to surgery, and for performing a septoplasty with Pillar implants on a high risk patient in an outpatient facility.

SECONDED: Dr. Pardo

Drs. Mackstaller and Lee spoke against the motion and stated that this case does not rise to the level of discipline. Drs. Krishna and Petelin spoke in favor of the motion and noted that the cardiologist reported that he did not recall speaking to Dr. Cravens regarding cardiac clearance prior to the surgery. Dr. Mackstaller stated that she did not find the cardiologist's testimony credible.

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Dr. Krishna, Dr. Pardo and Dr. Petelin. The following Board members voted against the motion: Ms. Griffen, Ms. Ibáñez, Dr. Lee, Dr. Lefkowitz, Dr. Mackstaller and Ms. Proulx. The following Board members were abstained: Dr. Martin and Dr. Schneider. The following Board member was absent: Dr. Goldfarb.

VOTE: 3-yay, 6-nay, 2-abstain, 0-recuse, 1-absent.

MOTION FAILED.

MOTION: Dr. Mackstaller moved to issue an Advisory Letter for failing to document cardiovascular clearance in a patient with underlying cardiovascular disease. This was a technical violation that does not rise to the level of discipline.

SECONDED: Dr. Lefkowitz

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Griffen, Ms. Ibáñez, Dr. Lee, Dr. Lefkowitz, Dr. Mackstaller and Ms. Proulx. The following Board members voted against the motion: Dr. Krishna, Dr. Pardo and Dr. Petelin. The following Board members were abstained: Drs. Martin and Schneider. The following Board member was absent: Dr. Goldfarb.

VOTE: 6-yay, 3-nay, 2-abstain, 0-recuse, 1-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
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NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
4.	MD-07-0879A	MANUEL DE JESUS CHEE, M.D.	11024	Issue an Advisory Letter for inadequate medical records. This matter does not rise to the level of discipline. Within three months obtain 15-20 hours non-disciplinary CME in recordkeeping.

Dr. Chee was present without legal counsel. William Wolf, M.D., Chief Medical Consultant, stated that Dr. Chee deviated from the standard of care by using a blind technique to establish a pneumoperitoneum in a patient with a history of two previous abdominal surgeries. Dr. Chee stated that he has learned from this experience and now practices more cautiously. He stated that, in retrospect, he would have chosen an open procedure rather than laparoscopic. Dr. Petelin questioned Dr. Chee's recollection of the incident as it differed from that of the emergency room physician. Dr. Chee stated that the emergency room physician documented a false accounting of what transpired in the emergency room at the instruction of the emergency room Director. Dr. Chee stated that he believed he met the standard of care in this case. Dr. Petelin found that Dr. Chee's operative report was very sparse in that any surgeon would have a difficult time reconstructing what was found during surgery.

MOTION: Dr. Petelin moved to issue an Advisory Letter for inadequate medical records. This matter does not rise to the level of discipline. Within three months obtain 15-20 hours non-disciplinary CME in recordkeeping.

SECONDED: Dr. Schneider

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Griffen, Ms. Ibáñez, Dr. Krishna, Dr. Lee, Dr. Lefkowitz, Dr. Mackstaller, Dr. Martin, Dr. Pardo, Dr. Petelin, Ms. Proulx and Dr. Schneider. The following Board member was absent: Dr. Goldfarb.

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

THURSDAY, OCTOBER 9, 2008

CALL TO ORDER

The meeting was called to order at 8:30 a.m.

ROLL CALL

The following Board members were present: Ms. Griffen, Ms. Ibáñez, Dr. Krishna, Dr. Lee, Dr. Mackstaller, Dr. Martin, Dr. Pardo, Dr. Petelin, Ms. Proulx and Dr. Schneider.

The following Board members were absent: Drs. Goldfarb and Lefkowitz.

CALL TO THE PUBLIC

There was no one present to speak during the call to the public.

FORMAL INTERVIEWS

NO.	CASE NO.	PHYSICIAN	LIC.#	RESOLUTION
1.	MD-07-0116C	DEVENDRA SONI, M.D.	27826	Dismiss.

Dr. Soni was present with legal counsel, Mr. Stephen Myers. Kathleen Coffey, M.D., Medical Consultant, stated that this case was originally dismissed; however, the complainant filed a request for review of the dismissal and the case was forwarded for further review. The MC found that IV Ancef was not appropriate for the situation. Dr. Soni stated that he believed the antibiotic was appropriate and he would not have done anything differently. Dr. Soni stated that IV Ancef is a first-line drug for all skin infections unless MRSA is documented or proven. Mr. Myers stated that it was not appropriate for the Board to consider the patient's expert report as new information, as it was dated three months prior to the initial complaint. Dr. Coffey stated that the standard of care clearly states that IV Ancef was not appropriate in this case. Dr. Krishna noted that this high risk patient had comorbidities and did not find that Dr. Soni committed unprofessional conduct. However, Dr. Krishna was concerned with Dr. Soni's failure to obtain a blood culture, but stated that it may not have changed the outcome.

MOTION: Dr. Krishna moved for dismissal.

SECONDED: Dr. Mackstaller

Drs. Petelin and Schneider spoke against the motion. Dr. Mackstaller stated that IV Ancef was appropriate in this case.

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Griffen, Ms. Ibáñez, Dr. Krishna, Dr. Lee, Dr. Mackstaller and Dr. Martin. The following Board members spoke against the motion: Drs. Petelin and Schneider. The following Board members abstained: Dr. Pardo and Ms. Proulx. The following Board members were absent: Drs. Goldfarb and Lefkowitz.

VOTE: 6-yay, 2-nay, 2-abstain, 0-recuse, 2-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC.#	RESOLUTION
2.	MD-07-1066A	JEAN M. MOON, M.D.	20256	Draft findings of fact, conclusions of law and order for a Letter of Reprimand for failing to personally evaluate a patient with pre-eclampsia.

Dr. Schneider stated she is well-acquainted with another physician who was involved in this matter, that she has not formed any opinions regarding this case and that it will not affect her ability to fairly adjudicate this case. Dr. Moon was present with legal counsel, Mr. Jeff Campbell. Ingrid Haas, M.D., Medical Consultant, stated that Dr. Moon failed to personally evaluate a hospitalized patient with pre-eclampsia. Dr. Moon stated that shes wished she would have seen the patient to explain the treatment plan. Dr. Moon said she currently sees the same volume of patients in her practice, but makes her rounds with patients who present with more acute issues. Mr. Campbell stated that Dr. Moon's care was appropriate and that there was no need to see the patient personally. Dr. Petelin stated that Dr. Moon's treatment should have been more aggressive. Drs. Lee and Pardo agreed and stated that this was a rare patient that required more attention from the physician.

MOTION: Dr. Schneider moved for a finding of unprofessional conduct in violation of A.R.S. §32-1401(27)(q) - Any conduct that is or might be harmful or dangerous to the health of the patient or the public.

SECONDED: Dr. Petelin

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

Dr. Schneider noted several mitigating factors, including the fact that multiple physicians were involved in this patient's care during the ten hours that Dr. Moon was covering at the hospital.

MOTION: Dr. Mackstaller moved to issue an Advisory Letter for failing to personally evaluate a patient with pre-eclampsia.

SECONDED: Dr. Schneider

Dr. Petelin spoke against the motion and reiterated that this patient was denied the opportunity to be adequately treated that may have prevented the catastrophic event that occurred. Drs. Krishna and Pardo agreed and stated that this matter rises to the level of discipline.

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Drs. Mackstaller and Schneider. The following Board members voted against the motion: Ms. Griffen, Ms. Ibáñez, Dr. Krishna, Dr. Lee, Dr. Martin, Dr. Pardo, Dr. Petelin and Ms. Proulx. The following Board members were absent: Drs. Goldfarb and Lefkowitz.

VOTE: 2-yay, 8-nay, 0-abstain, 0-recuse, 2-absent.

MOTION FAILED.

MOTION: Dr. Petelin moved for a draft Findings of Fact, Conclusions of Law and Order for a Letter of Reprimand for failing to personally evaluate a patient with severe pre-eclampsia in a timely fashion.

SECONDED: Dr. Pardo

Dr. Lee noted that this was not the first time the Board has seen an obstetrical case that involved this type of nonchalance in taking care of a severely ill patient. The Board stated that it takes this issue very seriously and physicians are being disciplined for not acting appropriately in these situations.

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Griffen, Ms. Ibáñez, Dr. Krishna, Dr. Lee, Dr. Martin, Dr. Pardo, Dr. Petelin and Ms. Proulx. The following Board member voted against the motion: Dr. Schneider. The following Board member was abstained: Dr. Mackstaller. The following Board members were absent: Drs. Goldfarb and Lefkowitz.

VOTE: 8-yay, 1-nay, 1-abstain, 0-recuse, 2-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC.#	RESOLUTION
3.	MD-05-1211A	JAMES S. GOUGH, M.D.	7317	Draft findings of fact, conclusions of law and order for a Letter of Reprimand for failure to release records to a patient upon written authorization in a timely manner, for inappropriately including information regarding the treatment of family members in another patient's chart, for inadequate medical records, and for failure to properly evaluate and document patient examinations during the initial and follow up visits. One Year Probation to obtain a PACE evaluation, within six months, in general medical fund of knowledge.

Dr. Gough was present with legal counsel, Mr. Gary Fadell. Tina Geiser, Case Review Assistant Manager, stated that Dr. Gough failed to timely provide medical records upon written authorization. Dr. Gough testified that he did perform examinations on the patient at every office visit, but failed to document his findings in the patient's chart. He said he acknowledged that his records were insufficient.

MOTION: Dr. Petelin moved to enter into executive session.

SECONDED: Dr. Krishna

Vote: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

The Board went into Executive Session for legal advice at 10:32 a.m.
The Board returned to Open Session at 10:37 a.m.
No deliberations or discussions were made during Executive Session.

Dr. Petelin stated that there was nothing in the records that demonstrated Dr. Gough established a physician-patient relationship with the patient. Dr. Petelin noted that Dr. Gough made entries regarding other family members in the chart that was exclusively for the patient. Dr. Krishna was concerned that it was a HIPAA violation to provide patient information in a record designated for another patient. Mr. Fadell stated that Dr. Gough candidly acknowledged the deficiencies in his recordkeeping. He stated that he did not believe that Dr. Gough's lack of documentation contributed to the outcome. Dr. Petelin stated that Dr. Gough's failure to diagnose the patient had a potential for harm.

MOTION: Dr. Petelin moved for a finding of unprofessional conduct in violation of A.R.S. §32-1401(27)(a)- Violating any federal or state laws or rules and regulations applicable to the practice of medicine, specifically A.R.S. §12-2293(A) Except as provided in subsections B and C of this section, on the written request of a patient or the patient's health care decision maker for access to or copies of the patient's medical records and payment records, the health care provider in possession of the record shall provide access to or copies of the records to the patient or the patient's health care decision maker; A.R.S. §32-1401(27)(e)- Failing or refusing to maintain adequate records on a patient; A.R.S. §32-1401(27)(q) - Any conduct that is or might be harmful or dangerous to the health of the patient or the public.

SECONDED: Dr. Krishna

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

MOTION: Dr. Petelin moved for a draft Findings of Fact, Conclusions of Law and Order for a Letter of Reprimand for failure to release records to a patient upon written authorization in a timely manner, for inappropriately including information regarding the treatment of family members in another patient's chart, for inadequate medical records, and for failure to properly evaluate and document patient examinations during the initial and follow up visits. One Year Probation to obtain a PACE evaluation, within six months, in general medical fund of knowledge.

SECONDED: Dr. Mackstaller

Dr. Krishna stated he was concerned with Dr. Gough's fund of knowledge and recommended he undergo a PACE evaluation with regard to his general fund of knowledge.

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Griffen, Ms. Ibáñez, Dr. Krishna, Dr. Lee, Dr. Mackstaller, Dr. Martin, Dr. Pardo, Dr. Petelin, Ms. Proulx and Dr. Schneider. The following Board member was absent: Drs. Goldfarb and Lefkowitz.

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC.#	RESOLUTION
4.	MD-07-1127A	ERIC D. PITTMAN, M.D.	30757	Issue an Advisory Letter for using a large dose of Dilaudid especially when other narcotics and sedatives are used concomitantly and inadequately managing the airway in a respiratory compromised patient. There is insufficient evidence to support discipline. Obtain 15-20 hours non-disciplinary CME in opioid prescribing, in addition to the hours required for license renewal.

Dr. Lee stated that he knows two of the physicians involved in this matter, but it would not affect his ability to adjudicate this case. Dr. Pittman was present with legal counsel, Mr. Neil Alden. Kathleen Coffey, M.D., Medical Consultant, stated that Dr. Pittman deviated from the standard of care in this case. Dr. Pittman stated that this case involved his response to a patient who was sleeping peacefully that escalated to a code situation. Dr. Pittman stated he did not believe his dosing of Dilaudid was excessive and that he feels he met the standard of care in this case. Mr. Alden stated that the Dilaudid dose was appropriate as Dr. Pittman was not dealing with a patient who was overdosed. Dr. Lee stated he was concerned that Dr. Pittman did not understand that the patient did have a narcotic/sedative overdose.

MOTION: Dr. Lee moved for a finding of unprofessional conduct in violation of A.R.S. §32-1401(27)(q) - Any conduct that is or might be harmful or dangerous to the health of the patient or the public.

Dr. Lee found that Dr. Pittman deviated from the standard of care by using a larger than recommended initial dose of Dilaudid and by inadequately managing the airway in a respiratory compromised patient. Dr. Lee found that there was potential for harm to the patient in that the deviation may have contributed to the anoxic injury to the patient.

SECONDED: Dr. Krishna

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

Dr. Lee noted several mitigating factors and considered this incident to be a one time occurrence. In addition, Dr. Lee found that the patient's airway was inadequately managed.

MOTION: Dr. Lee moved to issue an Advisory Letter for using a large dose of Dilaudid especially when other narcotics and sedatives are used concomitantly and inadequately managing the airway in a respiratory compromised patient. There is insufficient evidence to support discipline. Obtain 15-20 hours non-disciplinary CME in opioid prescribing, in addition to the hours required for license renewal.
Seconded by Dr. Petelin

Dr. Mackstaller noted that the patient received an accumulative dose of Dilaudid, resulting in an overdose that was not recognized in a timely fashion.

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Griffen, Ms. Ibáñez, Dr. Krishna, Dr. Lee, Dr. Mackstaller, Dr. Martin, Dr. Pardo, Dr. Petelin, Ms. Proulx and Dr. Schneider. The following Board members were absent: Drs. Goldfarb and Lefkowitz.
VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.
MOTION PASSED.

AMENDED MOTION: Dr. Lee amended his unprofessional conduct motion to state that the deviation from the standard of care was that Dr. Pittman deviated from the standard of care by using a larger dose of Dilaudid and by inadequately managing the airway in a respiratory compromised patient. Dr. Lee found that there was potential for harm to the patient in that the deviation may have contributed to the anoxic injury to the patient.
SECONDED: Dr. Martin
VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.
MOTION PASSED.

Dr. Pardo requested that Board staff refer this case to the Arizona Board of Nursing.

CALL TO THE PUBLIC

Statements issued during the call to the public appear beneath the case referenced.

FORMAL INTERVIEWS

NO.	CASE NO.	PHYSICIAN	LIC.#	RESOLUTION
5.	MD-07-0798A	SHAWN D. BLICK, M.D.	27246	Issue an Advisory Letter for inadequate medical records and inadequate informed consent for performing a new procedure. There is insufficient evidence to support discipline. Obtain 15-20 hours non-disciplinary CME in medical ethics within six months. The CME is in addition to the hours required for license renewal.

Complainant WP spoke during the call to the public. Dr. Blick was present with legal counsel, Mr. Daniel Jantsch. Drs. Krishna and Petelin stated they know Mr. Jantsch, but it would not affect their ability to adjudicate this case. Bhupendra Bhatheja, M.D., Medical Consultant, stated that Dr. Blick misled a patient by failing to disclose that he would not be the surgeon of record and that this was his first live human case. Mr. Jantsch stated that the MC was never provided the Board's interview of the other surgeon involved in this case. Dr. Blick stated that he feels he provided the patient adequate informed consent. Dr. Petelin commented that it was erroneous and deceptive to document himself as the supervising physician of a procedure that he had no experience performing. Dr. Blick stated that he did not intend to mislead the patient and that he was never knowingly deceitful. Dr. Martin found that Dr. Blick was deceitful in having the other physician take credit for the procedure. Dr. Bhatheja pointed out that the other physician testified that he and Dr. Blick received credit for performing the procedure.

MOTION: Dr. Petelin moved to enter into executive session.
SECONDED: Dr. Lee
Vote: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.
MOTION PASSED.

The Board went into Executive Session for legal advice at 3:05 p.m.
The Board returned to Open Session at 3:08 p.m.
No deliberations or discussions were made during Executive Session.

MOTION: Dr. Petelin moved for a finding of unprofessional conduct in violation of A.R.S. §32-1401(27)(e) - Failing or refusing to maintain adequate records on a patient; and A.R.S. §32-1401(27)(t) - Knowingly making any false or fraudulent statement, written or oral, in connection with the practice of medicine or if applying for privileges or renewing an application for privileges at a health care institution.
SECONDED: Dr. Martin

Dr. Petelin stated that there is a preponderance of evidence to support that Dr. Blick was intentionally misleading and deceitful.

VOTE: 5-yay, 4-nay, 1-abstain, 0-recuse, 2-absent.

MOTION PASSED.

Dr. Petelin stated that the patient should have been informed of the surgeons' level of experience, providing the patient with the opportunity to choose whether he preferred to undergo the procedure with a more experienced physician.

MOTION: Dr. Petelin moved for a draft Findings of Fact, Conclusions of Law and Order for a Letter of Reprimand for failing to inform the patient about his lack of experience, for failure to inform a patient that he was not going to be the surgeon of record for the robotic prostatectomy, and for inadequate medical records.

SECONDED: Ms. Ibáñez

Drs. Krishna, Mackstaller and Schneider spoke against the motion as they believed this matter does not rise to the level of discipline.

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Ibáñez and Dr. Petelin. The following Board members voted against the motion: Ms. Griffen, Dr. Krishna, Dr. Mackstaller, Dr. Martin, Dr. Pardo and Dr. Schneider. The following Board members were abstained: Dr. Lee and Ms. Proulx. The following Board members were absent: Drs. Goldfarb and Lefkowitz.

VOTE: 2-yay, 6-nay, 2-abstain, 0-recuse, 2-absent.

MOTION FAILED.

MOTION: Dr. Krishna moved to issue an Advisory Letter for inadequate medical records. There is insufficient evidence to support discipline.

SECONDED: Dr. Schneider

Dr. Petelin spoke against the motion and reiterated that the patient was not adequately informed of the surgeons' experience.

ROLL CALL VOTE: Roll call vote was taken and the following Board Members voted in favor of the motion: Ms. Griffen, Dr. Krishna, Dr. Mackstaller, Dr. Pardo and Dr. Schneider. The following Board members voted against the motion: Ms. Ibáñez, Dr. Lee, Dr. Martin, Dr. Petelin and Ms. Proulx. The following Board members were absent: Drs. Goldfarb and Lefkowitz.

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

MOTION FAILED.

MOTION: Dr. Schneider moved to issue an Advisory Letter for inadequate medical records and inadequate informed consent for performing a new procedure. There is insufficient evidence to support discipline. Obtain 15-20 hours non-disciplinary CME in medical ethics within six months. The CME is in addition to the hours required for license renewal.

SECONDED: Dr. Lee

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Griffen, Ms. Ibáñez, Dr. Krishna, Dr. Lee, Dr. Mackstaller, Dr. Martin, Dr. Pardo, Ms. Proulx and Dr. Schneider. The following Board members voted against the motion: Dr. Petelin. The following Board members were absent: Drs. Goldfarb and Lefkowitz.

VOTE: 9-yay, 1-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC.#	RESOLUTION
6.	MD-07-0631A	ALTON V. HALLUM, M.D.	21585	Issue an Advisory Letter for inadequate medical records in failing to obtain a signed informed patient consent for a panniculectomy. There is insufficient evidence to support discipline.

Drs. Mackstaller and Schneider were recused from this case. Dr. Hallum was present with legal counsel, Ms. Melody Emmert. Ingrid Haas, M.D., Medical Consultant, stated that Dr. Hallum failed to document informed consent for a panniculectomy. Dr. Hallum stated that he received verbal informed consent, but failed to document this in the patient's file. Ms. Emmert stated that during the initial visit, Dr. Hallum discussed with the patient the various approaches that could be taken surgically. Dr. Krishna found that Dr. Hallum failed to document a discussion of the risks and benefits for the panniculectomy.

MOTION: Dr. Krishna moved to issue an Advisory Letter for inadequate medical records in failing to obtain a signed informed patient consent for a panniculectomy. There is insufficient evidence to support discipline.

SECONDED: Dr. Petelin

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Griffen, Ms. Ibáñez, Dr. Krishna, Dr. Lee, Dr. Martin, Dr. Pardo, Dr. Petelin and Ms. Proulx. The following Board members were recused: Drs. Mackstaller and Schneider. The following Board members were absent: Drs. Goldfarb and Lefkowitz.

VOTE: 8-yay, 0-nay, 0-abstain, 2-recuse, 2-absent.

MOTION PASSED.

OTHER BUSINESS

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
1.	MD-05-1137A	TROY J. NELSON, M.D.	19324	Accept the proposed Order for Dismissal.

Emma Mamaluy, Assistant Attorney General, presented the proposed Order for Dismissal.

MOTION: Dr. Lee moved to accept the proposed Order for Dismissal.

SECONDED: Dr. Krishna

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
2.	MD-04-1432A	RONALD F. HILDING, M.D.	6043	Accept the proposed Order for Revocation.

Ms. Mamaluy presented the Board with the proposed Order for Revocation. She informed the Board that Board staff attempted to contact Dr. Hilding regarding this matter, but to no avail.

MOTION: Dr. Krishna moved to accept the proposed Order for Revocation.

SECONDED: Ms. Griffen

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
3.	MD-02-0676A MD-03-1040C MD-04-0601A	DWIGHT C. LUNDELL, M.D.	6960	Accept the proposed Order for Revocation.

Ms. Mamaluy presented the Board with the proposed Order for Revocation. She informed the Board that the proposed Order had been circulated to outside counsel and opposing counsel. Opposing counsel responded that she did not have enough time to review the material; however, the Board noted that opposing counsel did not have any objections to anything in the Order. The Board recommended that, in the future, Board staff should schedule these matters for later in the day to allow all parties enough time to review the material.

MOTION: Dr. Lee moved to accept the proposed Order for Revocation.

SECONDED: Ms. Proulx

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
4.	MD-06-1006A	BRUCE J. BRYAN, M.D.	20232	Accept the proposed Order to Indefinitely Suspend the physician's license until he completes a PACE evaluation and psychiatric and psychometric evaluation in anger management and brings the evaluation results to the Board and receives reinstatement. Issue a Letter of Reprimand and Two Years Probation to follow the recommendations of the evaluator. The Probation shall start upon reinstatement of the license. Upon demonstrated compliance with the evaluator, the Executive Director may terminate the probation. Assess the costs of the formal hearing.

Dean Brekke, Assistant Attorney General, presented the Board with the proposed Order.

MOTION: Dr. Schneider moved to accept the proposed order to Indefinitely Suspend the physician's license until he completes a PACE evaluation and psychiatric and psychometric evaluation in anger management and brings the evaluation results to the Board and receives reinstatement. Issue a Letter of Reprimand and Two Years Probation to follow the recommendations of the evaluator. The Probation shall start upon reinstatement of the license. Upon demonstrated compliance with the evaluator, the Executive Director may terminate the probation. Assess the costs of the formal hearing.

SECONDED: Dr. Petelin

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.



The meeting adjourned at 6:37 p.m.

Lisa S. Wynn, Executive Director