



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 SUMMARY ACTION TELECONFERENCE MEETING

Held on Wednesday, January 19, 2011

9545 E. Doubletree Ranch Road, Scottsdale, Arizona 85258

Board Members

Douglas D. Lee, M.D., Chair

Paul M. Petelin Sr., M.D., Vice Chair

Amy J. Schneider, M.D., F.A.C.O.G., Secretary

Patricia R. J. Griffen, Member-at-Large

Andrea E. Ibáñez

Jody L. Jenkins, M.D.

Gordi S. Khera, M.D.

Ram R. Krishna, M.D.

Germaine Proulx

William J. Thrift, M.D.

CALL TO ORDER

Dr. Lee called the meeting to order at 1:34 p.m.

ROLL CALL

The following Board member was present: Dr. Petelin. The following Board members participated telephonically: Ms. Griffen, Ms. Ibáñez, Dr. Jenkins, Dr. Krishna, Dr. Lee, Ms. Proulx, and Dr. Thrift. The following Board members were absent: Dr. Khera and Dr. Schneider.

CALL TO THE PUBLIC

There were no individuals who spoke during the call to the public.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
1.	MD-11-0061A	STEVEN W. HELLAND, M.D.	16343	Summary Suspension.

Dr. Helland was present with legal counsel, Mr. Peter Wittekind. Dr. Lee acknowledged that he knows Dr. Helland professionally, but stated that it would not affect his ability to adjudicate the case. Elle Steger, Investigator, summarized that Dr. Helland was indicted on January 11, 2011, by a grand jury on twelve felony counts involving sexual conduct with a minor, indecent exposure, and child molestation. Dr. Helland refused to answer Board staff's questions specifically regarding the allegations of child molestation set forth in the indictment. He told Board staff that he confessed to his pastor and self-reported to the police through his attorney on November 7, 2010. During the interview, Dr. Helland admitted to having reported "issues with the relationship" with the minor, but refused to provide further detail. Mr. McDonald clarified during the interview that what was reported to the police were six incidents of child molestation. Dr. Helland stated that after taking a two week leave of absence, he has returned to his regular work schedule. Ms. Steger informed the Board that Dr. Helland's practice consists of pain management patients. She stated that he informed Board staff that for the last few months, he has treated only one minor patient whose care was transferred to another provider on January 18, 2011. Dr. Helland was offered the opportunity to enter into an Interim Consent Agreement for a Practice Restriction pending the criminal case, but declined to sign the Interim Practice Restriction. Ms. Steger stated that due to the egregiousness of the allegations and the risk to the public health and safety, Board staff recommends summarily suspending Dr. Helland's medical license pending the outcome of the criminal matter.

Mr. Wittekind addressed the Board and stated that he and the physician understand that it is the Board's obligation to protect the public. Mr. Wittekind pointed out that the police and prosecutor have the same obligation of protecting the public and had the option of issuing a warrant to arrest Dr. Helland. However, he stated that although the police and prosecutor are aware that Dr. Helland is currently seeing and treating patients, only a summons was issued and he was not arrested. Mr. Wittekind stated that the allegations in the indictment did not involve patient care. He stated that there is no evidence suggesting that Dr. Helland is an imminent threat to public health and safety. Mr. Wittekind pointed out that Dr. Helland is the only board-certified pain management specialist in the Show Low area, and stated that it would be a potential risk to patient safety if he is removed from practice due to the pain management patients' continuity of care that would potentially be compromised. Mr. Wittekind informed the Board that Dr. Helland is willing to obtain a practice monitor to ensure that his patients are being treated appropriately. Ms. Steger reported that the process utilized by the Board to assess public safety risk is to have the physician undergo a psychosexual evaluation. She

stated that the issue of risk to the public has not been addressed, specifically, as Dr. Helland has not undergone an evaluation. Ms. Steger further stated that Board staff recommends that the Board restrict Dr. Helland's practice until such time that risk can be assessed and Dr. Helland has been deemed safe to practice. Dr. Krishna agreed that an evaluation is necessary to determine whether there is an imminent danger to the public. Dr. Krishna stated he feels that the allegations in the indictment are egregious and that the Board's mandate is to protect the public. He recommended suspending Dr. Helland's medical license and issuing an Order of Probation to require the physician to undergo psychosexual and psychometric evaluations to assess his risk to public safety.

MOTION: Dr. Krishna moved to summarily suspend Dr. Helland's medical license and to issue an Order of Probation requiring Dr. Helland to undergo a psychosexual and psychometric evaluations to assess the risk to the public.

SECONDED: Ms. Griffen

Dr. Krishna noted that the criminal matter is currently pending and stated that the Board has an obligation to protect the public at this time. Dr. Thrift questioned whether the intent of the motion is to place Dr. Helland on Probation that would require him to undergo the evaluation while summarily suspending his license until the Board receives the evaluation results and for the Board to reconsider the suspension at that time. Dr. Krishna agreed and Dr. Lee clarified that the Probation and summary suspension will be in effect until the terms of the Probation are met. Jennifer Boucek, Assistant Attorney General, Legal Advisor, recommended the Board to enter into Executive Session to receive legal advice.

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

SECONDED: Dr. Petelin

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

MOTION PASSED.

The Board entered into Executive Session to receive legal advice at 1:53 p.m.

The Board returned to Open Session at 2:03 p.m.

No deliberations or discussion were made during Executive Session.

Dr. Krishna and Ms. Griffen withdrew their previous motion. Dr. Krishna stated that due to the allegations, summary suspension is appropriate based on an imminent danger to the public. He recommended suspending Dr. Helland's license and instructed the Board's Executive Director to take the appropriate required action.

MOTION: Dr. Krishna moved to summarily suspend Dr. Helland's medical license based on an imminent threat to public health and safety, and the Board's Executive Director shall take the appropriate action required.

SECONDED: Ms. Griffen

Anne Froedge, Assistant Attorney General, questioned if the recommended action is based on whether the public health, safety, and welfare require emergency action of the Board. Dr. Krishna confirmed that it was.

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Griffen, Ms. Ibáñez, Dr. Jenkins, Dr. Krishna, Dr. Lee, Dr. Petelin, Ms. Proulx, and Dr. Thrift. The following Board members were absent: Drs. Khera and Schneider.

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

MOTION PASSED.

The meeting adjourned at 2:05 p.m.



A handwritten signature in cursive script, appearing to read "Lisa S. Wynn".

Lisa S. Wynn, Executive Director