



Arizona Medical Board

9545 East Doubletree Ranch Road • Scottsdale, Arizona 85258

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

FINAL MINUTES FOR REGULAR SESSION MEETING Held on Wednesday, June 11, 2014 9535 E. Doubletree Ranch Road • Scottsdale, Arizona

Board Members

Gordi S. Khera, M.D., F.A.C.C., Chair
Richard T. Perry, M.D., Vice-Chair
Ram R. Krishna, M.D., Secretary
Jodi A. Bain, Esq.
Marc D. Berg, M.D.
Donna S. Brister
R. Screven Farmer, M.D.
Robert Fromm, M.D.
Paul S. Gerding, Esq.
James M. Gillard, M.S., M.D., F.A.C.E.P., F.A.A.E.M.
Edward Paul, M.D.
Wanda J. Salter, RN

GENERAL BUSINESS

A. CALL TO ORDER

Dr. Khera called the meeting to order at 8:00 a.m.

B. ROLL CALL

The following Board members were present: Ms. Brister, Dr. Farmer, Dr. Fromm, Mr. Gerding, Dr. Gillard, Dr. Khera, Dr. Krishna, Dr. Paul, Dr. Perry, and Ms. Salter. The following Board members were absent: Ms. Bain and Dr. Berg.

ALSO PRESENT

C. Lloyd Vest, II, Executive Director, Diana Day, Assistant Attorney General (AAG), Solicitor General's Office, Marc Harris, AAG, Board Legal Advisor, Anne Froedge, AAG, Patricia McSorley, Deputy Director, William Wolf, M.D., Chief Medical Consultant, Anita Shepherd, Investigations Department Manager, Celina Shepherd, Licensing Department Manager, Mary Bober, Board Operations Department Manager, and Andrea Cisneros, Staff Investigational Review Committee (SIRC) Coordinator.

C. CALL TO THE PUBLIC

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, 2-absent.

MOTION PASSED.

The Board entered into Executive Session at 8:55 a.m.

The Board returned to Open Session at 9:07 a.m.

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

Shirley Brener spoke during the call to the public regarding a non-agendized item. All other individuals who addressed the Board during the call to the public regarding agendized items appear beneath the matters referenced.

D. Executive Director's Report

Mr. Vest updated the Board regarding the following items:

- Employee Meetings
- Personnel Reassignments
- Applications/Licenses
 - National Survey
 - Stakeholder Meetings (First 6/10)
 - GL Suites
- Process Review – Board v. Staff Actions
- Board Member Meetings
- FSMB Grant Award – CME Prescribing Controlled Substances
 - MD, DO, and PA
 - Phoenix and Tucson
- FSMB Task Force on Interstate Licensing Compact
- Staff Investigational Review Committee (SIRC)
- Amendment to R4-16-201

E. Deputy Director's Report

Ms. McSorley updated the Board regarding the following items:

- Update on Implementation of Fingerprinting Statute
- Discussion, Consideration and Possible Action on Adopting a Fingerprinting Fee for Initial and Renewal Applicants

MOTION: Dr. Khara moved to authorize the Board to adopt a Rule for the collection of a fingerprinting charge at a fee of \$50.00.

SECOND: Dr. Krishna

VOTE

MOTION PASSED.

- Update on the Licensing Look Back Project

F. Chair's Report

Dr. Khara updated the Board regarding the following item:

- Offsite Meeting

G. Legal Advisor's Report

AAG Harris updated the Board regarding the following item:

- State of Arizona, ex rel., v. Yvette St. Thomas Case No. CV2014-007532

H. Approval of Minutes

MOTION: Dr. Krishna moved to approve the April 18, 2014 Regular Session Meeting, including Executive Session; and to approve the May 12, 2014 Special Teleconference Meeting.

SECOND: Dr. Perry

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

MOTION PASSED.

LEGAL MATTERS

I. CONSIDERATION OF AND VOTE ON PROPOSED BOARD ORDER ARISING FROM ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION

1. MD-12-0771A, ROBERT C. OSBORNE, M.D., LIC. #9796

Dr. Farmer was recused from this case. JS, WM, HD, and TA spoke during the call to the public on behalf of Dr. Osborne. Board members indicated that they received and reviewed the administrative record of the Formal Hearing in this matter. Dr. Osborne was present with legal counsel, Attorney James Stuehringer. AAG Froedge was present on behalf of the State.

AAG Froedge requested that the Board adopt the ALJ's recommendation to revoke Dr. Osborne's license, with modifications made to the Findings of Fact relating to the finding of actual and potential patient harm. Mr. Stuehringer stated that the two patients involved in this matter testified at the Formal Hearing that Dr. Osborne improved their lives and gave them functionality. He stated that the ALJ's recommendation did not comment on actual or potential harm to either patient, and that there is no evidence to support the finding of patient harm in either patient case. Dr. Osborne stated he believed that the crux of the case is how many pain pills he should give someone.

AAG Froedge stated that there is substantial evidence to support actual and potential harm in this matter. She stated that despite having been before the Board for similar allegations in the past, Dr. Osborne has not changed his prescribing practices.

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

SECOND: Dr. Krishna

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

MOTION PASSED.

The Board entered into Executive Session at 8:36 a.m.

The Board returned to Open Session at 8:44 a.m.

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

MOTION: Dr. Krishna moved to adopt the ALJ's recommended Findings of Fact with modifications proposed by the State's Motion based on the evidence specifically discussed in the Motion.

SECOND: Dr. Khera

Dr. Fromm commented that when patients are receiving care from multiple providers without communication among those providers, it is difficult to provide adequate treatment. He noted that there is no ceiling for the amount of pain medication that one may need as tolerance is developed over time. He spoke in favor of finding that the physician engaged in unprofessional conduct with relation to patient monitoring and coordination of care.

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

MOTION PASSED.

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

SECOND: Dr. Khera

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

MOTION PASSED.

Dr. Krishna noted the State's request for modification for the Board to make a finding of immediate effectiveness in terms of the Order. Dr. Krishna spoke in favor of adopting the ALJ's recommended Order for revocation as written without modification.

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

SECOND: Dr. Khera

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Dr. Fromm, Dr. Khera, Dr. Krishna, Dr. Paul, and Ms. Salter. The following Board members voted against the motion: Ms. Brister, Mr. Gerding, Dr. Gillard, and Dr. Perry. The following Board member was recused from this case: Dr. Farmer. The following Board members were absent: Ms. Bain and Dr. Berg.

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

MOTION PASSED.

J. REVIEW, CONSIDERATION AND POSSIBLE ACTION REGARDING THE STATE'S MOTION TO AMEND THE ADVISORY LETTER AND CONTINUING MEDICAL EDUCATION ORDER

1. MD-13-0938A, CURTIS P. PAGE, M.D., LIC. #29288

Attorney Daniel Benchoff was present on behalf of Dr. Page. AAG Froedge summarized that Dr. Page appealed the Board's Order for Non-Disciplinary CME and in preparation for the Hearing, it was discovered that the wording of the Advisory Letter and CME Order was not correct as to what the medical consultant was able to support in her testimony. AAG Froedge proposed amending the language to accurately reflect the medical consultant's findings.

Mr. Benchoff stated that the physician acknowledges that documentation was an issue in this case, and that he met the standard of care by instructing the patient to follow up in thirty days. Dr. Page addressed the Board and admitted that his documentation was sloppy, but that he did not perform bad medicine in this case. AAG Froedge stated that the concerns identified in this case went beyond documentation issues in that there was no clear plan as to how the physician planned to address or if the patient was aware of the prostate nodules that needed to be addressed.

Dr. Krishna stated that he did not find any issue with the physician's competency and that the quality of care was not an issue in this case. He spoke in favor of amending the Board's previous action by eliminating the CME Order and issuing an Advisory Letter for documentation concerns.

MOTION: Dr. Krishna moved to vacate the Order for Non-Disciplinary CME previously entered into by the Board and to modify the Advisory Letter to reflect the medical records concerns.

SECOND: Dr. Khera

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Brister, Dr. Farmer, Dr. Fromm, Mr. Gerding, Dr. Gillard, Dr. Khera, Dr. Krishna, Dr. Paul, Dr. Perry, and Ms. Salter. The following Board members were absent: Ms. Bain and Dr. Berg.

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

MOTION PASSED.

K. MOTION FOR REHEARING/REVIEW

1. MD-12-1050A, KULBHUSHAN K. SHARMA, M.D., LIC. #22286

Dr. Khera was recused from this case. Dr. Sharma was present with legal counsel, Dr. Stephen Perlmutter. Dr. Perlmutter requested that the Board grant Dr. Sharma a rehearing or review as they believe the Findings of Fact are not justified by the evidence, the Board's decision is contrary to law, and the penalties are excessive.

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

SECOND: Dr. Gillard

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

MOTION PASSED.

The Board entered into Executive Session at 10:39 a.m.

The Board returned to Open Session at 10:56 a.m.

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

MOTION: Dr. Farmer moved to redact from public inspection all references to DM's medical information from the Motion for Rehearing or Review and the Supplement to the Motion.

SECOND: Dr. Krishna

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

MOTION PASSED.

MOTION: Dr. Farmer moved to strike Exhibits 1-8 and their related references as they do not constitute newly discovered evidence.

SECOND: Ms. Salter

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

MOTION PASSED.

MOTION; Dr. Fromm moved to grant the motion for review based upon A.A.C. R4-16-103.D.5.

SECOND: Dr. Krishna

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

MOTION PASSED.

L. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING SUMMARY ACTION

1. MD-14-0340A, KASSANDRA KOSINSKI, M.D., LIC. #R73995

AAG Harris informed the Board that Dr. Kosinski entered into an Interim Consent Agreement for a Practice Restriction, which became effective June 10, 2014. AAG Harris stated that Dr. Kosinski is required to complete an assessment and receive the Board's approval prior to returning to practice. The Board took no action in this matter.

M. FORMAL INTERVIEWS

1. MD-13-1329A, NAJIBULLAH MURADI, M.D., LIC. #35302

Dr. Muradi was present without legal counsel. Kathleen Muller, Physician Health Program (PHP), summarized that the Board issued Dr. Muradi an Advisory Letter and Non-Disciplinary CME Order in May of 2013 for inappropriate prescribing and inadequate medical records. Pursuant to the Board's Order, Dr. Muradi was required to complete CME in opioid prescribing and medical recordkeeping within six months. Ms. Muller informed the Board that Dr. Muradi violated the Board's Order by failing to timely complete the CME.

Dr. Muradi explained to the Board that he has been out of practice since May of 2012, and that he was undergoing radiation treatment at the time the Board took action in the previous matter. Dr. Muradi stated that there was confusion related to where the Board Order was sent, and what type of CME was required to be completed. He requested that the Board grant him an extension of six months to complete the CME.

The Board determined that Dr. Muradi engaged in unprofessional conduct by disregarding the previous Board Order.

MOTION: Ms. Salter moved for a finding of unprofessional conduct in violation of A.R.S. § 32-1401(27)(r) - Violating a formal order, probation, consent agreement or stipulation issued or entered into by the board or its executive director under the provisions of this chapter.

SECOND: Dr. Krishna

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

MOTION PASSED.

MOTION: Ms. Salter moved for a draft Findings of Fact, Conclusions of Law and Order for a Letter of Reprimand and Probation. The Order shall include a stipulation that Dr. Muradi complete the previously issued CME within six months from the effective date of this Order. Once the physician has complied with the Probation, he must affirmatively request that the Board terminate the Probation.

SECOND: Dr. Khera

Board members spoke in favor of allowing the physician a six month extension to complete the CME courses. Several Board members spoke against the motion as they did not believe this matter rises to the level of discipline given the mitigating circumstances involving Dr. Muradi's illness and the confusion regarding his prior legal representation.

Ms. Salter and Dr. Khera withdrew the motion.

MOTION: Dr. Farmer moved to issue the physician an Advisory Letter for violating a Board order. This matter does not rise to the level of discipline due to the mitigating circumstances which include but are not limited to the physician's health, and the fact that the physician is currently not practicing medicine.

SECOND: Dr. Krishna

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Brister, Dr. Farmer, Dr. Fromm, Mr. Gerding, Dr. Gillard, Dr. Khera, Dr. Krishna, Dr. Paul, Dr. Perry, and Ms. Salter. The following Board members were absent: Ms. Bain and Dr. Berg.

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

MOTION PASSED.

MOTION: Dr. Farmer moved to require the physician to complete the previously ordered CME with Board staff pre-approval in the subject areas of opioid prescribing and medical recordkeeping, within six months. The CME hours shall be completed at intensive, in-person CME courses. The physician's failure to complete the CME may subject him to further Board action. Upon receipt of the physician's completion of the CME, this matter shall return to the Board.

SECOND: Dr. Krishna

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Brister, Dr. Farmer, Dr. Fromm, Mr. Gerding, Dr. Gillard, Dr. Khera, Dr. Krishna, Dr. Paul, Dr. Perry, and Ms. Salter. The following Board members were absent: Ms. Bain and Dr. Berg.

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

MOTION PASSED.

2. MD-13-0791A, DANIEL L. ROWLAND, M.D., LIC. #28887

Dr. Rowland was present with legal counsel, Attorney Donn Alexander. Ingrid Haas, M.D., Medical Consultant, summarized that Dr. Rowland was found to have failed to carry out a cystoscopy during the patient's initial surgery and failed to ensure that a cystogram was performed prior to catheter removal. Mr. Alexander addressed the Board and stated that Dr. Rowland's care and treatment was appropriate in this case.

Board members discussed the lack of communication in handing off the patient to Dr. Rowland's partner. Dr. Rowland stated that there was no verbal hand off of the patient's care, as the patient was not in the hospital at the time, and the medical record available to his partner accurately reflected the complication that occurred during surgery. Dr. Rowland explained that the medical record indicates that the patient presented on post op day seven, was seen by the nurse, had the catheter removed, and was instructed to call the office if any issues were noted.

The Board questioned whether Dr. Rowland's partner saw the patient prior to catheter removal by the nurse and considered referring both the physician and the nurse to their respective regulatory authorities for review of their involvement in this case. Dr. Perry noted that patient harm was identified and stated that he did not believe the harm was a result of negligent care. Dr. Perry found that this matter did not rise to the level of discipline, and recommended dismissing the case.

MOTION: Dr. Perry moved for dismissal.

SECOND: Dr. Fromm

Several Board members spoke against the motion, noting that this matter involved patient harm. Board members stated they were more inclined to issue an Advisory Letter regarding Dr. Rowland's failure to document the bladder injury location and for the lack of communication in handing off the patient to the subsequent provider.

Drs. Perry and Fromm withdrew the motion.

MOTION: Dr. Perry moved to issue an Advisory Letter for post-surgical follow up communication. This matter does not rise to the level of discipline.

SECOND: Dr. Gillard

Mr. Alexander addressed the Board in relation to the documentation of the bladder injury location. He agreed that the record does not specifically state the location, but he stated that it does reflect a detailed description as to where Dr. Rowland was dissecting at the time of the repair.

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Brister, Dr. Farmer, Dr. Fromm, Mr. Gerding, Dr. Gillard, Dr. Khera, Dr. Krishna, Dr. Paul, Dr. Perry, and Ms. Salter. The following Board members were absent: Ms. Bain and Dr. Berg.

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

MOTION PASSED.

FORMAL INTERVIEWS

1. MD-13-1283A, MARK C. SENESE, M.D., LIC. #23957

Dr. Farmer was recused from this case. Dr. Senese was present without legal counsel. Angelo Mattalino, M.D., Medical Consultant, summarized that Dr. Senese was found to have failed to properly monitor the patient's left lower leg and foot, and that he documented incomplete progress notes. Dr. Senese stated that he thought the cause of the patient's muscle injury was a combination of fracture and impact trauma to the area of injury. The Board observed that the patient complained of pain the night of surgery, and that Dr. Senese was not at the hospital at that time. Dr. Senese stated that he was not contacted that evening, and that he believes there was a breakdown of communication among the providers that ultimately affected the outcome for this patient.

Board members expressed concern with Dr. Senese's conservative approach to the patient's development of compartment syndrome. Dr. Senese explained that he was watching for compartment syndrome, but did not suspect it to be the cause of the patient's symptoms. Dr. Krishna stated he found that the physician engaged in unprofessional conduct based on the patient outcome and the insufficient progress notes.

MOTION: Dr. Krishna 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)(q) - Any conduct that is or might be harmful or dangerous to the health of the patient or the public.

SECOND: Dr. Khera

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

MOTION PASSED.

Dr. Krishna noted that Board staff had recommended that Dr. Senese complete CME in the diagnosis and management of compartment syndrome, and recognized that the physician voluntarily completed the CME in the interim.

MOTION: Dr. Krishna moved for a draft Findings of Fact, Conclusions of Law and Order for a Letter of Reprimand.

SECOND: Dr. Fromm

Dr. Gillard spoke against the motion and questioned what more could have been done by the physician if he was not consulted the night of surgery when the patient complained of pain. Dr. Fromm stated that the main issues are how well the physician examined the patient in the postoperative period and the incomplete documentation.

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Dr. Fromm, Dr. Khera, Dr. Krishna, Dr. Paul, and Dr. Perry. The following Board members voted against the motion: Ms. Brister, Mr. Gerding, Dr. Gillard, and Ms. Salter. The following Board member was recused from this case: Dr. Farmer. The following Board members were absent: Ms. Bain and Dr. Berg.

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

MOTION PASSED.

2. MD-13-1050A, JONATHAN B. MURPHY, M.D., LIC. #44962

Dr. Murphy was present without legal counsel. Jennifer Sosnowski, M.D., Medical Consultant, summarized that Dr. Murphy was found to have deviated from the standard of care in this case, including his failure to timely obtain nutritional support for the patient, and failure to consider standard evidence-based chemoradiotherapy or chemotherapy alone. Dr. Murphy stated that he and his team were honoring the patient's wishes throughout his care, and that the patient was adamant that he did not want to receive chemotherapy or radiation from the conventional route. He added that the patient presented to his group hoping for more prolongation of his life, and a better quality of life. Board members noted that this alternative form of treatment provided to the patient is not typical of an allopathic physician.

Dr. Murphy assured the Board that he does not give any false hope or promises to his patients, and that his group includes both homeopathic and naturopathic specialists. Mr. Gerding questioned how to distinguish between the different types of medicine performed in the group. According to Dr. Murphy's testimony, the treatment provided by his team of experts is a collaborative effort and that he signs off on all orders for insurance reimbursement purposes. The Board discussed the fact that Dr. Murphy holds an Arizona license to practice allopathic medicine only, and expressed concern regarding treatment being provided in such a fashion that there is no potential benefit, but potentially placing the patient at risk for harm.

MOTION: Dr. Fromm moved to enter into Executive Session for legal advice.

SECOND: Dr. Krishna

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

MOTION PASSED.

The Board entered into Executive Session at 3:02 p.m.

The Board returned to Open Session at 3:25 p.m.

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

MOTION: Dr. Krishna moved for a finding or 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.

SECOND: Dr. Khera

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

MOTION PASSED.

Dr. Gillard recognized that the patient was terminally ill, and that this case did not stem from a patient complaint. He found that this matter does not rise to the level of discipline and recommended the issuance of an Advisory Letter.

MOTION: Dr. Gillard moved to issue an Advisory Letter for using therapy that is not accepted as current allopathic medical therapy for this disease.

SECOND: Dr. Khera

Dr. Krishna spoke against the motion and commented that palliative or hospice care would have been appropriate for this patient. Dr. Khera also spoke against the motion and stated that there is no benefit from prescribing chemotherapy at substandard dosages for a patient with stage IV cancer. Dr. Paul stated that the treatment provided does not meet the guidelines established for allopathic physicians to meet the community standard of care.

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Drs. Gillard and Paul. The following Board members voted against the motion: Ms. Brister, Dr. Farmer, Dr. Fromm, Mr. Gerding, Dr. Khera, Dr. Krishna, Dr. Perry, and Ms. Salter. The following Board members were absent: Ms. Bain and Dr. Berg.

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

MOTION FAILED.

MOTION: Dr. Krishna moved for a draft Findings of Fact, Conclusions of Law and Order for a Letter of Reprimand.

SECOND: Dr. Fromm

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Brister, Dr. Farmer, Dr. Fromm, Mr. Gerding, Dr. Khera, Dr. Krishna, Dr. Perry, and Ms. Salter. The following Board members voted against the motion: Drs. Gillard and Paul. The following Board members were absent: Ms. Bain and Dr. Berg.

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

MOTION PASSED.

3. MD-13-0930A, ROBERT A. WILLIAMS, M.D., LIC. #12287

Dr. Williams was present with legal counsel, Attorney Cal Raup. Kathleen Coffey, M.D., Medical Consultant, summarized that Dr. Williams deviated from the standard of care in this case in opioid prescribing, patient monitoring, coordination of care, and medical recordkeeping. Dr. Williams acknowledged that his recordkeeping was not adequate in this case, and stated that he has completed the PACE prescribing and medical recordkeeping CME courses. Dr. Williams stated he believed he followed the guidelines of the treatment of a patient with OCD and Schizophrenia. Board members discussed the escalating amount of narcotics prescribed to the patient in this case, and observed that Dr. Williams' monitoring of the patient was lacking. The Board recognized that this was a difficult case that involved a non-compliant patient.

Dr. Perry stated that Dr. Williams should have addressed the patient's paradoxical reaction to the increasing medication doses. Dr. Williams stated that the patient was on the same dose of benzodiazepines for a period of two years, and that the patient was stable during that period of time. Dr. Williams informed the Board that he plans to transition himself out of practice within the next few years. In his closing statement, Mr. Raup stated that this was an absolutely impossible patient to treat. He stated that there is no question that Dr. Williams' method of treatment is non-traditional, but that it works for this population of difficult patients.

MOTION: Dr. Farmer 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)(q) - Any conduct that is or might be harmful or dangerous to the health of the patient or the public.

SECOND: Dr. Fromm

Dr. Farmer noted the difficulties in treating these types of patients, and stated that to some extent he disagreed with the medical consultant regarding the appropriateness of titrating medications to high levels. Dr. Farmer stated that this type of extraordinary therapy implies extraordinary follow up, and that he found it egregious that such follow up did not occur in this case. Additionally, Dr. Farmer commented that Dr. Williams' friendship with the patient's father, a licensed psychiatrist, may have impeded his judgment in this case.

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

MOTION PASSED.

Dr. Farmer noted that SIRC recommended that Dr. Williams complete CME in opioid prescribing and medical recordkeeping. He expressed concern that the recommendation may not adequately address the physician's prescribing practices of controlled substances. Board members discussed tabling the Formal Interview until such time that Dr. Williams has undergone an assessment of his opioid prescribing practices.

MOTION: Dr. Farmer moved to require Dr. Williams, within three months, complete an assessment of his prescribing ability by CPEP or PACE and report back to the Board for further consideration, pursuant to A.R.S. § 32-1451(C). In the interim, Board staff shall query the Controlled Substance Prescription Monitoring Program biweekly to monitor Dr. Williams' prescribing. Any significant issues identified shall be brought before the Board.

SECOND: Dr. Khera

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Brister, Dr. Farmer, Dr. Fromm, Mr. Gerding, Dr. Gillard, Dr. Khera, Dr. Krishna, Dr. Paul, Dr. Perry, and Ms. Salter. The following Board members were absent: Ms. Bain and Dr. Berg.

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

MOTION PASSED.

MOTION: Dr. Farmer moved to continue the Formal Interview until such time that the assessment is received.

SECOND: Ms. Salter

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

MOTION PASSED.

CONSENT AGENDA

N. CASES RECOMMENDED FOR DISMISSAL

1. MD-14-0001A, EUNICE J. LEE, M.D., LIC. #43667

MOTION: Dr. Farmer moved for dismissal.

SECOND: Ms. Salter

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

MOTION PASSED.

2. MD-13-0446A, RAJAN KHOSLA, M.D., LIC. #32972

Complainant PW and SG addressed the Board during the call to the public. Dr. Wolf summarized that the medical consultant determined that Dr. Khosla met the standard of care in this case. The medical consultant had commented that it would have been more appropriate for the physician to have had the patient transported to the hospital via ambulance, though the physician's response reasonably pointed out that direct hospital admission would be faster and more expeditious.

MOTION: Dr. Khera moved for dismissal.

SECOND: Dr. Krishna

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

MOTION PASSED.

O. CASES RECOMMENDED FOR DISMISSAL PURSUANT TO A.R.S. § 32-1405(C)(21)

MOTION: Dr. Khera moved to dismiss items 1 – 3.

SECOND: Dr. Farmer

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

MOTION PASSED.

1. MD-13-1276A, CHUN W. HO, M.D., LIC. #23857

Dr. Ho spoke during the call to the public with Attorney Katie Rogers.

RESOLUTION: Dismiss.

2. MD-13-1148A, REBECCA M. MAGNO, M.D., LIC. #36835

RESOLUTION: Dismiss.

3. MD-13-1204D, CATHARINE S. CESAL, M.D., LIC. #27115

RESOLUTION: Dismiss.

P. CASES RECOMMENDED FOR ADVISORY LETTERS

MOTION: Dr. Khera moved to issue an Advisory Letter in items 1, 2, 4, 5, 6, 7, 8, 9, 13, 14, 15, and 16.

SECOND: Dr. Farmer

VOTE: 10-yay, 0-nay, 0-abstain, 1-recusal noted in item #3, 2-absent.

MOTION PASSED.

1. MD-13-1200A, MARK M. GARSKOF, M.D., LIC. #10885

RESOLUTION: Issue an Advisory Letter for abruptly and unfairly dismissing a patient from a practice. This matter does not rise to the level of discipline.

2. MD-13-1096A, KERILYN GWISDALLA, M.D., LIC. #25919

RESOLUTION: Issue an Advisory Letter admonishing the physician that practicing medicine without a license will result in further Board action. This matter does not rise to the level of discipline.

3. MD-13-0628A, STEVEN C. SIMON, M.D., LIC. #30664

Dr. Perry was recused from this case. Dr. Wolf summarized that this matter involved a trocar injury that was encountered during laparoscopic surgery leading to patient death, and that inadequate medical records were noted. The medical consultant who reviewed the case recognized that trocar vascular injury is a recognized hazard, and initially found that Dr. Simon deviated from the standard of care by failing to timely inspect and recognize any issues at the initial point of entry. Dr. Wolf stated that SIRC originally recommended a Letter of Reprimand, and that in light of additional information submitted by the physician suggesting that he performed a laparoscopy in an expeditious manner, SIRC modified its recommendation to an Advisory Letter.

MOTION: Dr. Gillard moved to issue an Advisory Letter for trocar injury during laparotomy surgery leading to patient death and for inadequate medical records. This matter does not rise to the level of discipline.

SECOND: Dr. Krishna

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

MOTION PASSED.

4. MD-13-1056A, JOHN N. GLOVER, M.D., LIC. #8971

RESOLUTION: Issue an Advisory Letter for failure to repeat lab work in a timely fashion. This matter does not rise to the level of discipline.

5. MD-13-0923A, HENRY L. GIVRE, M.D., LIC. #13200

RESOLUTION: Issue an Advisory Letter for failure to advise a patient of increased risk of tendon rupture with concomitant use of steroids and Levaquin. This matter does not rise to the level of discipline.

6. MD-13-0780A, WILLIAM J. O'BRIEN, M.D., LIC. #16680

RESOLUTION: Issue an Advisory Letter for prescribing an inappropriate dose of prednisone. This matter does not rise to the level of discipline.

7. MD-13-1426A, DANIEL R. CANCHOLA, M.D., LIC. #44991

RESOLUTION: Issue an Advisory Letter for action taken by the State of North Carolina. This matter does not rise to the level of discipline.

8. MD-13-1407A, GEORGE H. WEBB, M.D., LIC. #14417

RESOLUTION: Issue an Advisory Letter for taking photographs of a patient's vagina without gloves on a personal cellphone and for inadequate records. This matter does not rise to the level of discipline.

9. MD-13-1230B, FREDERICK L. CARRANZA, M.D., LIC. #31214

RESOLUTION: Issue an Advisory Letter for failure to perform or document the performance of a proper back or neurologic exam. This matter does not rise to the level of discipline.

10. MD-13-0729A, JUDY L. GREENE, M.D., LIC. #40245

Dr. Haas summarized that the medical consultant found that the patient's mammograms were misidentified. She stated that the mammogram report read by Dr. Greene was based on the wrong patient's films as implants were present, which the patient did not have. Dr. Haas stated that the medical consultant could not determine whether the problem stemmed from a clerical or physician error.

Dr. Khera commented that this was a serious miss with significant patient consequences. Board members discussed whether this case involved a system error versus physician error.

MOTION: Dr. Krishna moved for dismissal.

There was no seconder to this motion; therefore, the motion failed.

Dr. Perry questioned whether the physician compared the film to an earlier scan, which may have called into question that the wrong film was being reviewed. The Board also questioned whether the films were mislabeled, and whether the film listed the patient's name. The Board agreed to table this matter to determine whether the older films were compared and whether the films were mislabeled.

The Board returned to this matter later in the day, and discussed review of the films. Dr. Perry stated that the films he reviewed from 2007 and 2011 do not show a breast implant. Board members considered that Dr. Greene may have believed that the patient had received breast implants prior to the 2012 scan.

MOTION: Dr. Perry moved for dismissal.

SECOND: Dr. Krishna

Dr. Fromm spoke in favor of the motion and stated that this is a quality issue for the institution to address as a whole. Dr. Haas informed the Board that the Board's evaluator determined that there would not have been a change in the prognosis or treatment course based on the findings.

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

MOTION PASSED.

11. MD-13-0703A, MARK C. DAVIS, M.D., LIC. #34781

Attorney Paul Forrest addressed the Board during the call to the public on behalf of Dr. Davis. Board members observed that this matter involved an allegation of Dr. Davis' failure to identify a 2cm lesion on a 2006 CT scan. Dr. Gillard noted that the case was reviewed by two medical consultants, the first of which felt that the lesion was difficult to identify and would be missed by most radiologists. Dr. Gillard spoke in favor of dismissing the case based on the initial medical consultant's comments.

MOTION: Dr. Gillard moved for dismissal.

SECOND: Dr. Krishna

Dr. Khera spoke against the motion as the CT scan of the pancreas was read as normal. He stated that the lesion was 2cm in size, and that he was concerned with the radiologist's failure to identify it. Dr. Perry requested that the CT scan be obtained for reading prior to adjudicating the case.

Dr. Krishna withdrew his seconding of this motion; therefore, the motion failed. The Board tabled this matter until later in the day to allow the Board the opportunity to review the films. The Board returned to this matter later in the day, and discussed the visibility of the lesion on the 2006 films. Dr. Gillard reiterated his motion for dismissal, and stated that he agreed with the initial medical consultant's comments regarding the difficulty in identifying the lesion.

MOTION: Dr. Gillard moved for dismissal.

SECOND: Dr. Paul

Dr. Khera spoke against the motion and stated that the issuance of an Advisory Letter would be more appropriate for Dr. Davis' failure to recognize a 2cm lesion.

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

12. MD-13-1245A, RALPH J. PAGANO, M.D., LIC. #16997

Dr. Coffey summarized that the physician failed to recognize a possible infection of the vertebrae and supporting tissues, and failed to pursue an urgent evaluation of a possible bacterial infection of the spine. Dr. Gillard stated that it this seemed to be a very unclear diagnosis. Dr. Krishna found that an Advisory Letter is an appropriate disposition of the case to track the occurrence.

MOTION: Dr. Krishna moved to issue an Advisory Letter for failing to recognize a possible infection of the vertebrae and supporting tissues, and for failing to pursue an urgent evaluation of a possible bacterial infection of the spine. This matter does not rise to the level of discipline.

SECOND: Dr. Khera

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

13. MD-13-0915A, THOMAS F. MERTINS, M.D., LIC. #29257

RESOLUTION: Issue an Advisory Letter for an inadequate history, inadequate follow up, and for a prescription inconsistent with the instructions provided to the patient. This matter does not rise to the level of discipline.

14. MD-13-1363A, JAMES M. DARRAGH, M.D., LIC. #15413

RESOLUTION: Issue an Advisory Letter for inadequate medical records. This matter does not rise to the level of discipline.

15. MD-13-0895A, MATTHEW L. HANSEN, M.D., LIC. #35613

Attorney Scott King addressed the Board during the call to the public on behalf of Dr. Hansen.

RESOLUTION: Issue an Advisory Letter for failing to take appropriate steps to ensure that a retractor was properly operating, which resulted in injury to the neurovascular structures in the posterior aspect of the knee during a high tibial osteotomy surgical procedure. The violation is a technical error that does not rise to the level of discipline.

16. MD-13-1277A, SHEPHERD, G. PRYOR, M.D., LIC. #33720

RESOLUTION: Issue an Advisory Letter for failing to check equipment before use or for incorrect use of equipment in the surgical field. This matter does not rise to the level of discipline.

17. MD-13-0847A, ROSELYNE VUTIEN, M.D., LIC. #40498

Dr. Vutien addressed the Board during the call to the public. Dr. Fromm questioned whether a metabolic evaluation was performed by the physician in this case. He recalled Dr. Vutien's call to public statement and noted that a neurologist was involved in this patient's care. Board members also noted that prior to the patient's discharge, the care was assumed by another provider who followed up on the patient's issues.

Board staff reported that Dr. Vutien was found to have failed to adequately work up the patient's mental status, noting that the patient was fairly non-responsive on the day prior to discharge. The Board was informed that this matter was previously adjudicated by the Board with the issuance of an Advisory Letter, and that the physician's attorney subsequently requested that the matter return to the Board as they believed the physician did not receive sufficient notice to address the Board at the call to the public. Dr. Fromm spoke against the issuance of an Advisory Letter and recommended dismissal.

MOTION: Dr. Fromm moved for dismissal.
SECOND: Dr. Krishna

Dr. Gillard noted that the physician was not involved in the patient's discharge, and spoke in favor of dismissing the case.

MOTION: Dr. Fromm moved for dismissal.
SECOND: Dr. Krishna
VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.
MOTION PASSED.

AAG Harris informed the Board that Dr. Vutien was previously issued an Advisory Letter by the Board in this matter and requested that the Board rescind the issuance of the letter as the case has been dismissed.

MOTION: Dr. Khera moved to rescind the Advisory Letter that was previously issued to the physician.
SECOND: Dr. Fromm
VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.
MOTION PASSED.

Q. CASES RECOMMENDED FOR NON-DISCIPLINARY CONTINUING MEDICAL EDUCATION ORDERS

MOTION: Dr. Khera moved to issue Non-Disciplinary CME Orders in items 1 and 2.
SECOND: Dr. Krishna
VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.
MOTION PASSED.

1. MD-13-1113A, ANN A. CAYWOOD, M.D., LIC. #8279

RESOLUTION: Issue a Non-Disciplinary CME Order for inadequate medical records. Within six months, complete 15-20 hours of Board staff pre-approved Category I CME in an intensive, in-person medical recordkeeping course. The CME hours shall be in addition to the hours required for license renewal. This matter does not rise to the level of discipline.

2. MD-14-0055A, MATTHEW C. KIDD, M.D., LIC. #35101

RESOLUTION: Issue a Non-Disciplinary CME Order for inadequate medical records. Within six months, Dr. Kidd shall complete 15-20 hours of Board staff pre-approved Category I CME in an intensive, in-person medical recordkeeping course. The CME hours shall be in addition to the hours required for license renewal.

R. CASES RECOMMENDED FOR ADVISORY LETTERS WITH NON-DISCIPLINARY CONTINUING MEDICAL EDUCATION ORDERS

MOTION: Dr. Khera moved to issue Advisory Letters and Orders for Non-Disciplinary CME in items 1 and 2.
SECOND: Dr. Krishna
VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.
MOTION PASSED.

1. MD-13-0879A, JOHN W. MCGETTIGAN, M.D., LIC. #12606

Dr. Farmer stated that he knows Dr. McGettigan, but that it does not affect his ability to adjudicate this case.

RESOLUTION: Issue an Advisory Letter for prescribing excess Suboxone. This matter does not rise to the level of discipline. Issue a Non-Disciplinary CME Order for inadequate medical records. Within six months, complete 15-20 hours of Board staff pre-approved Category I CME in an intensive, in-person medical recordkeeping course. The CME hours shall be in addition to the hours required for license renewal.

2. MD-14-0028A, MADHAVI D. PRASAD, M.D., LIC. #40438

RESOLUTION: Issue an Advisory Letter for failing to satisfy the CME requirement for license renewal. This matter does not rise to the level of discipline. Issue a Non-Disciplinary CME Order for failing to satisfy the CME requirement for license renewal. Within three months complete 9.5 hours of Category I CME.

S. REVIEW OF EXECUTIVE DIRECTOR DISMISSALS

Mr. Vest informed the Board that these matters require further investigation and stated that after the process is complete, they will return to the Board for consideration. Therefore, the Board took no action on these three items.

1. MD-13-0292A, RICHARD J. ORBON, M.D., LIC. #41029
Complainant MP (Maxine Prasad) spoke during the call to the public.
2. MD-13-1086A, STEVEN H. TURKELTAUB, M.D., LIC. #17258
3. MD-13-1107B, ROBERT T. BAILEY, M.D., LIC. #27721
Complainant AB spoke during the call to the public.

T. PROPOSED CONSENT AGREEMENTS (Disciplinary)

MOTION: Dr. Khera moved to accept the proposed Consent Agreements in items 1 and 2.

SECOND: Dr. Krishna

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Brister, Dr. Farmer, Dr. Fromm, Mr. Gerding, Dr. Gillard, Dr. Khera, Dr. Krishna, Dr. Paul, Dr. Perry, and Ms. Salter. The following Board members were absent: Ms. Bain and Dr. Berg.

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

MOTION PASSED.

1. MD-13-1130A, JEANNE M. KAPENGA, M.D., LIC. #35939

RESOLUTION: Accept the proposed Consent Agreement for surrender of licensure.

2. MD-14-0589A, PAUL R. BUTZINE, M.D., LIC. #8694

RESOLUTION: Accept the proposed Consent Agreement for license inactivation with cause. Before the physician can request that his license be reactivated, he shall successfully complete a long-term care residential or inpatient hospital treatment program or both and shall meet the application requirements of A.R.S. § 32-1431(d).

U. LICENSE APPLICATIONS

MOTION: Dr. Gillard moved to accept licensure for items 1-12, with the exception of items 3 and 8.

SECOND: Dr. Farmer

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

MOTION PASSED.

1. MD-14-0341A, ASHWIN M. REDDY, M.D., LIC. #N/A

Danielle Steger, Investigator, summarized that Dr. Reddy answered in the affirmative to licensing application question #11, indicating a past issue relating to substance abuse. As a result of her affirmative application answer, Dr. Reddy was assessed by the Board's PHP Contractor and was deemed safe to practice medicine with no further monitoring or treatment recommended.

RESOLUTION: Grant the license.

2. MD-14-0377A, BENJAMIN G. VAZQUEZ, M.D., LIC. #N/A

Ms. Steger informed the Board that similar to item #1, Dr. Vazquez answered in the affirmative to a licensing application question, and that the physician was deemed safe to practice with no additional treatment or monitoring.

RESOLUTION: Grant the license.

3. MD-14-0258A, JAMILA C. WATKINS, M.D., LIC. #N/A

Ms. Steger summarized that Dr. Watkins answered question #1 on the licensing application confidential questionnaire in the affirmative, indicating a past substance abuse issue. Dr. Watkins was assessed by the Board's PHP Contractor and was deemed safe to practice while enrolled in PHP for a period of one year.

MOTION: Dr. Krishna moved to offer Dr. Watkins a Consent Agreement for issuance of a license subject to participation in PHP for a period of one year.

SECOND: Dr. Khera

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Brister, Dr. Farmer, Dr. Fromm, Mr. Gerding, Dr. Gillard, Dr. Khera, Dr. Krishna, Dr. Paul, Dr. Perry, and Ms. Salter. The following Board members were absent: Ms. Bain and Dr. Berg.

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

MOTION PASSED.

4. MD-14-0273A, PATRICIA CORNEJO, M.D., LIC. #N/A

Dr. Cornejo spoke during the call to the public.

RESOLUTION: Grant the license.

5. MD-14-0420A, LEE W. BEVILLE, M.D., LIC. #N/A

Dr. Beville addressed the Board during the call to the public with Attorney Robert Chelle.

RESOLUTION: Grant the license.

6. MD-14-0343A, MARY C. HARREL, M.D., LIC. #N/A

Jack Lawless and Andrea Irving, D.O., spoke during the call to the public on behalf of Dr. Harrel.

RESOLUTION: Grant the license.

7. MD-13-1307A, DANIEL M. BREITKOPF, M.D., LIC. #N/A

RESOLUTION: Grant the license.

8. MD-14-0644A, EDWIN D. STUMP, M.D., LIC. #N/A

Dr. Stump addressed the Board during the call to the public. Ms. Steger requested the Board's approval for staff to request that Dr. Stump complete a PHP assessment and clinical competency evaluation. She summarized that Dr. Stump has a history of substance abuse issues that ultimately resulted in the surrender of his previous Arizona medical license in October of 2008.

MOTION: Dr. Gillard moved to, pursuant to A.R.S. § 32-1451(C), order the applicant to undergo a clinical competency evaluation at a facility approved by the Board or its staff, as well as a PHP assessment.

SECOND: Dr. Krishna

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Brister, Dr. Farmer, Dr. Fromm, Mr. Gerding, Dr. Gillard, Dr. Khera, Dr. Krishna, Dr. Paul, Dr. Perry, and Ms. Salter. The following Board members were absent: Ms. Bain and Dr. Berg.

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

MOTION PASSED.

9. MD-14-0435A, WILLIAM A. COLE, M.D., LIC. #N/A

RESOLUTION: Grant the license.

10. MD-14-0241A, ELDON G. PALMER, M.D., LIC. #N/A

RESOLUTION: Grant the license.

11. MD-13-1008A, GARY R. HENSLEY, M.D., LIC. #N/A

RESOLUTION: Grant the license.

12. MD-14-0540A, NISHANT S. RANAWAT, M.D., LIC. #N/A

RESOLUTION: Grant the license.

V. LICENSE APPLICATIONS/RENEWALS WITH AFFIRMATIVE RESPONSE(S)

MOTION: Dr. Gillard moved to offer licensure in item numbers 1-29, with the exception of item number 12.

SECOND: Dr. Fromm

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

MOTION PASSED.

1. MD-14-0487A, STEPHEN L. DIETRICH, M.D., LIC. #N/A

RESOLUTION: Issue the License/License Renewal.

2. MD-14-0529A, ERIC B. HARRIS, M.D., LIC. #N/A

RESOLUTION: Issue the License/License Renewal.

3. MD-14-0376A, BARRON J. REYES, M.D., LIC. #N/A

Ms. C. Shepherd summarized that Dr. Reyes disclosed on his renewal application that he had previously entered into a plea of no contest of a felony misdemeanor involving underage consumption of alcohol. Board members noted that the incident occurred prior to Dr. Reyes' completion of medical school, and that he met the basic requirements for licensure at the time that he initially received an Arizona medical license.

RESOLUTION: Issue the License/License Renewal.

4. MD-14-0482A, ROBERT T. WILDER, M.D., LIC. #N/A

RESOLUTION: Issue the License/License Renewal.

5. MD-14-0465A, JEFFREY T. SNYDER, M.D., LIC. #N/A

RESOLUTION: Issue the License/License Renewal.

6. MD-14-0527A, TODD M. DREITZLER, M.D., LIC. #46628

RESOLUTION: Issue the License/License Renewal.

7. MD-14-0378A, PHYLLIS O. EASON, M.D., LIC. #N/A

RESOLUTION: Issue the License/License Renewal.

8. MD-14-0483A, NANCY P. LIPSON, M.D., LIC. #N/A

Dr. Lipson spoke during the call to the public.

RESOLUTION: Issue the License/License Renewal.

9. JACOB D. SHANK, M.D., LIC. #N/A

RESOLUTION: Issue the License/License Renewal.

10. MICHAEL J. SBOROV, M.D., LIC. #26496

RESOLUTION: Issue the License/License Renewal.

11. LAC HOA LE, M.D., LIC. #45709

RESOLUTION: Issue the License/License Renewal.

12. GEORG HERNANDEZ, M.D., LIC. #13413

Dr. Hernandez addressed the Board during the call to the public. Board staff reported that Dr. Hernandez has voluntarily refrained from reading radiology reports from a computer work

station due to his medical condition. Board members questioned whether Dr. Hernandez's condition would affect his ability to safely engage in the practice of medicine, and discussed referring the physician for a physician examination. Dr. Farmer pointed out that physicians are responsible for policing themselves in terms of medical conditions that may interfere with their practice, and stated that physicians should not have to report to the Board every medical problem as long as they are conducting themselves in a professional fashion.

Dr. Wolf provided the Board with a report indicating that the physician has discontinued his work to avoid the problems and symptoms he had with respect to his condition. Dr. Wolf stated that he found there were no cognitive or substantive issues, and stated that an investigation is not necessary. Dr. Khara questioned Dr. Hernandez's ability to read films, and Dr. Krishna pointed out that Dr. Hernandez has indicated he has not practiced since December of 2012.

MOTION: Dr. Krishna moved to pursue the investigation by evaluating the physician's physical ability to safely practice medicine.

SECOND: Dr. Khara

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

MOTION PASSED.

13. NORMAN B. CHUTKAN, M.D., LIC. #N/A

RESOLUTION: Issue the License/License Renewal.

14. GALE Y. BLAKLEY, M.D., LIC. #N/A

RESOLUTION: Issue the License/License Renewal.

15. JIMMY D. LANGRIDGE, M.D., LIC. #N/A

RESOLUTION: Issue the License/License Renewal.

16. MD-14-0485A, IMAN GHADERI, M.D., LIC. #N/A

RESOLUTION: Issue the License/License Renewal.

17. MD-14-0744A, LYLE D. JOYCE, M.D., LIC. #N/A

RESOLUTION: Issue the License/License Renewal.

18. MD-14-0745A, KAVEH KARANDISH, M.D., LIC. #46491

RESOLUTION: Issue the License/License Renewal.

19. MD-14-0746A, ALICE F. HATCH, M.D., LIC. #26149

RESOLUTION: Issue the License/License Renewal.

20. MD-14-0747A, PAUL M. FORD, M.D., LIC. #N/A

RESOLUTION: Issue the License/License Renewal.

21. MD-14-0748A, ROMAN S. STARIKOV, M.D., LIC. #N/A

RESOLUTION: Issue the License/License Renewal.

22. MD-14-0752A, ROCHELLE A. SOHL, M.D., LIC. #24644

RESOLUTION: Issue the License/License Renewal.

23. MD-14-0765A, JUDY R. BECKNER, M.D., LIC. #16848

RESOLUTION: Issue the License/License Renewal.

24. MD-14-0763A, ALEXANDER D. SERRA, M.D., LIC. #N/A

RESOLUTION: Issue the License/License Renewal.

25. MD-14-0488A, ELIAS S. KAKISH, M.D., LIC. #N/A

RESOLUTION: Issue the License/License Renewal.

26. MD-14-0754A, CHARLES B. FOOE, M.D., LIC. #N/A

RESOLUTION: Issue the License/License Renewal.

27. MD-14-0750A, DAMON B. DIXON, M.D., LIC. #N/A

RESOLUTION: Issue the License/License Renewal.

28. MD-14-0749A, SONJA A. LIEN, M.D., LIC. #N/A

RESOLUTION: Issue the License/License Renewal.

29. MD-14-0768A, HUGO R. PAULSON, M.D., LIC. #N/A

RESOLUTION: Issue the License/License Renewal.

W. COMPLAINTS DISMISSED PURSUANT TO A.R.S. § 32-1405(C)(21)

MOTION: Dr. Khera moved for the Board to not re-open any of the complaints dismissed pursuant to A.R.S. § 32-1405(C)(21).

SECOND: Dr. Krishna

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

MOTION PASSED.

ACTION ON CASE(S)

X. APPROVAL OF DRAFT FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

1. MD-13-0279A, JOSEPH J. FRANZETTI, M.D., LIC. #26738

Attorney Michael Bradford spoke during the call to the public on behalf of Dr. Franzetti. AAG Harris requested that the Board members review the draft prepared as a result of the physician's Formal Interview with the Board.

MOTION: Dr. Krishna moved to adopt the draft Findings of Fact, Conclusions of Law and Order for a Decree of Censure with Ten Year Probation. Dr. Franzetti shall have a female licensed healthcare provider to chaperone all visits with female patients during the probationary period. The Probation shall also require that within six months, Dr. Franzetti complete an intensive course of professional sexual misconduct-specific treatment, to be provided at Dr. Franzetti's expense, by a Board approved psychiatric treatment center. Within thirty days, Dr. Franzetti shall enter into a contract with a Board approved monitoring company to provide all monitoring services, at Dr. Franzetti's expense. After five years, Dr. Franzetti may petition the Board to request Probation termination.

SECOND: Dr. Fromm

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Brister, Dr. Farmer, Dr. Fromm, Mr. Gerding, Dr. Gillard, Dr. Khera, Dr. Krishna, Dr. Paul, Dr. Perry, and Ms. Salter. The following Board members were absent: Ms. Bain and Dr. Berg.

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

MOTION PASSED.

OTHER BUSINESS

Y. STAFF REQUEST FOR FURTHER ACTION

1. MD-13-0659B, SEN TAIR JOU, M.D., LIC. #19518

Dr. Jou addressed the Board during the call to the public. Dr. Khera stated that he knows Dr. Jou professionally, but that it would not affect his ability to adjudicate this case. Board members recognized that the medical consultant had determined that Dr. Jou deviated from the standard of care. The Board discussed the findings of the expert witness obtained by Dr. Jou and his attorney, who had opined that Dr. Jou met the standard of care in this case. Dr. Gillard noted that this matter involved a noncompliant patient, and stated that the SIRC recommendation to issue an Advisory Letter was appropriate.

MOTION: Dr. Gillard moved to issue an Advisory Letter for failure to provide sufficient antibiotic therapy to a diabetic patient with osteomyelitis and MRSA. This matter does not rise to the level of discipline.

SECOND: Dr. Krishna

Drs. Gillard and Krishna withdrew the motion. Dr. Krishna spoke in favor of dismissing this case.

MOTION: Dr. Krishna moved for dismissal.

SECOND: Dr. Farmer

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

MOTION PASSED.

Z. REQUEST FOR MODIFICATION OF BOARD ORDER

1. MD-10-1229A, GABRIELLE J. GOODRICK, M.D., LIC. #22811

Ms. Muller summarized that Dr. Goodrick has requested removal of all restrictions from her license pursuant to her February 11, 2011 Board Order for Probation and Practice Restriction. Ms. Muller stated that the Board's PHP Contractor submitted a report in support of Dr. Goodrick's request, contingent upon her continued participation in PHP.

MOTION: Dr. Khera moved to grant the request to remove all restrictions on Dr. Goodrick's license. Dr. Goodrick shall continue with monitoring in PHP for the remainder of the probationary term.

SECOND: Dr. Krishna

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

MOTION PASSED.

AA. REQUEST FOR TERMINATION OF BOARD ORDER

1. MD-09-1624A, COREY M. BEGGS, M.D., LIC. #24037

Dr. Perry was recused from this case.

MOTION: Dr. Khera moved to deny the request for termination of the Board Order.

SECOND: Dr. Krishna

VOTE: 10-yay, 0-nay, 0-abstain, 1-recuse, 2-absent.

MOTION PASSED.

The meeting adjourned at 6:27 p.m.



C. Lloyd Vest, II

C. Lloyd Vest, II, Executive Director