



## ARIZONA MEDICAL BOARD

9545 East Doubletree Ranch Road • Scottsdale, Arizona 85258

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### FINAL MINUTES FOR EMERGENCY SUMMARY ACTION TELECONFERENCE MEETING

Held on Thursday, June 26, 2014

9535 E. Doubletree Ranch Road, Scottsdale, Arizona 85258

#### 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 E. 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 G. Paul, M.D.

Wanda J. Salter, R.N.

#### A. CALL TO ORDER

Dr. Khera called the meeting to order at 6:32 p.m.

#### B. ROLL CALL

The following Board members were present: Ms. Bain, Dr. Berg, 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. Brister.

#### ALSO PRESENT

C. Lloyd Vest, II, Executive Director, Marc Harris, Assistant Attorney General (AAG), Anne Froedge, AAG, Raquel Rivera, Investigator, Alicia Cauthon, Executive Director's Assistant, Amanda Schwabe, Board Coordinator, and Andrea Cisneros, SIRC Coordinator.

#### C. CALL TO THE PUBLIC

#### D. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING SUMMARY ACTION

##### 1. MD-14-0344A, EDWARD J. SAYEGH, M.D., LIC. #40787

Attorney Mandi Karvis participated telephonically on behalf of Dr. Sayegh. AAG Harris informed the Board that this afternoon Board staff was advised that Dr. Sayegh had just been arrested. The arrest was effectuated pursuant to a warrant that was issued after the State filed a 31 count criminal complaint against Dr. Sayegh. The criminal complaint alleged, among other things, that Dr. Sayegh provided services, such as controlled substances, to patients under his allopathic license in violation of State law. Because Dr. Sayegh is currently under an Interim Consent Agreement prohibiting him from prescribing, administering or dispensing controlled substances staff prepared an Agenda in accordance with the open meeting laws, for the Board to consider the possible summary suspension of his license.

Ms. Rivera summarized that on April 3, 2013, the Board issued Dr. Sayegh an Order for a Letter of Reprimand and Probation requiring the completion of CME in prescribing of controlled substances, and that the physician was required to engage the services of a monitoring company to conduct quarterly chart reviews. Two quarterly reports were subsequently issued by the monitoring company that identified standard of care and documentation issues, raising ongoing concerns regarding Dr. Sayegh's ability to safely practice medicine. As a result, the current investigation was initiated, and Dr. Sayegh entered into an Interim Consent Agreement for Practice Restriction

prohibiting him from prescribing, administering or dispensing controlled substances until he completed an evaluation by CPEP and received the Board's permission to do so.

Ms. Rivera reported that Dr. Sayegh has not completed the CPEP evaluation and that since entering into the Interim Consent Agreement with the Board, Dr. Sayegh has attempted to circumvent the practice restriction by forging another physician's signature on at least sixteen prescriptions for controlled substances. Dr. Krishna stated that he finds the physician's conduct to be egregious. Ms. Karvis addressed the Board on behalf of Dr. Sayegh. She stated that she was not aware of the physician's arrest, and that she has no knowledge of the charges for which he was placed under arrest. She stated that Dr. Sayegh had informed her that a physician he terminated from his practice may have filed a complaint against him alleging that he forged his signature on prescriptions. Ms. Karvis added that Dr. Sayegh vehemently denies the allegations, and that he was in the process of working with Board staff to schedule the CPEP evaluation.

Dr. Farmer spoke in favor of summarily suspending the physician's license in the interest of public safety, based on the allegation of forged prescriptions, the physician's arrest, and the ongoing concerns regarding medical recordkeeping violations.

**MOTION:** Dr. Farmer moved to summarily suspend Dr. Sayegh's medical license based on the finding that the public health, safety, or welfare imperatively requires emergency action by the Board. A.R.S. § 32-1451(D).

**SECOND:**

**ROLL CALL VOTE:** Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Bain, Dr. Berg, 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. Brister.

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

**MOTION PASSED.**

**MOTION:** Dr. Khera 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; 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; 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; 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.

**SECOND:** Ms. Salter

**ROLL CALL VOTE:** Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Bain, Dr. Berg, 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. Brister.

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

**MOTION PASSED.**

**MOTION:** Dr. Farmer moved to clarify that the basis for the Board's action to summarily suspend the physician's license as well as the finding of unprofessional conduct was based on the factual findings as presented by Board staff.

**SECOND:** Dr. Khera

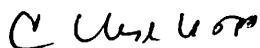
**ROLL CALL VOTE:** Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Bain, Dr. Berg, Dr. Farmer, Dr. Fromm, Mr. Gerding, Dr. Gillard, Dr. Khera, Dr. Krishna, Dr. Paul, Dr. Perry, and Ms. Salter. The following Board members were absent: Ms. Brister.

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

**MOTION PASSED.**

The meeting adjourned at 6:55 p.m.



  
C. Lloyd Vest, II, Executive Director