



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

DRAFT MINUTES FOR SUMMARY ACTION TELECONFERENCE MEETING

Held on February 2, 2015

9545 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 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

CALL TO ORDER

Dr. Khera called the meeting to order at 6:00 p.m.

ROLL CALL

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

ALSO PRESENT

Carrie Smith, Assistant Attorney General ("AAG"); Patricia E. McSorley, Interim Acting Executive Director; William Wolf, M.D., Chief Medical Consultant; James Gentile, Chief Information Officer; Danielle Steger, Investigator; Alicia Cauthon, Assistant to the Executive Director; Mary Bober, Board Operations Manager; Amanda Schwabe, Board Coordinator; and Andrea Cisneros, Staff Investigational Review Committee ("SIRC") Coordinator.

CALL TO THE PUBLIC

No individuals addressed the Board during the call to public.

TIME SPECIFIC MATTER

CONSIDERATION OF SUMMARY ACTION

1. CASE # MD-14-1593A, Robert W. Sommer, LIC. #31443

Dr. Sommer was not present and did not participate telephonically during the Board's teleconference.

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

SECOND: Ms. Salter

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

MOTION PASSED.

The Board entered into Executive Session at 6:01 p.m.

The Board returned to Open Session at 6:04 p.m.

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

Ms. Steger summarized that this matter was initiated after the Board received a complaint alleging that Dr. Sommer had been hospitalized with mental and cognitive impairments, that he was found to have neuropsychological deficits, that he recently lost his driver's license privileges following several accidents, and finally, that Dr. Sommer had been prescribing medication to himself and to a person or persons living with him without establishing a medical record or normal doctor-patient relationship. Ms. Steger informed the Board that Dr. Sommer was referred to the Board's Physician Health Program ("PHP") for a health assessment. It was noted that Dr. Sommer cancelled his first appointment with PHP, and failed to present for the second scheduled assessment.

Dr. Sommer was subsequently provided the opportunity to enter into an Interim Practice Limitation, but declined. Ms. Steger added that Dr. Sommer admitted to having memory issues, but had stated that he is mentally stable. Dr. Sommer did not submit evidence to support his claim that he is mentally stable. For this reason, Board staff requested that the Board consider taking summary action against the physician's license based on a finding that the public health, safety, and welfare imperatively required emergency action by the Board.

Dr. Khera expressed concern regarding the Board's ability to regulate Dr. Sommer's practice. Dr. Fromm stated that the evidence suggests that Dr. Sommer has issues with cognitive function in terms of his ability to safely practice medicine at the current time.

MOTION: Dr. Fromm moved to summarily suspend Dr. Sommer's Arizona medical license based on the finding that the public health, safety, or welfare imperatively requires emergency action by the Board.

SECOND: Ms. Brister

Dr. Krishna spoke in favor of the motion and questioned whether the physician should be evaluated in the interim. AAG Smith stated that the physician will have the opportunity to enter into a settlement agreement if he agrees to the terms proposed by the Board. Dr. Khera pointed out that Board staff has requested that the physician appear for an assessment, but has been uncooperative with the investigative process.

Dr. Gillard spoke for the motion, recognizing that Dr. Sommer has had a long, honorable medical career where he completed a residency sixty years ago, and then returned twenty years later for another medical specialty. Board members recognized as well that Dr. Sommer has no adverse history with the Board. Dr. Gillard clarified that the action taken by the Board is strictly concerning the physicians mental health concerns, noting the statements that the physician has made to Board staff regarding his memory issues. Dr. Khera concurred with Dr. Gillard's comments, and stated that this action is necessary in order to protect the public.

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

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

MOTION PASSED.

The meeting adjourned at 6:14 p.m.



Patricia E. McSorley
Executive Director