



Arizona Medical Board

9545 East Doubletree Ranch Road • Scottsdale, Arizona 85258

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FINAL MINUTES FOR REGULAR SESSION MEETING

Held on Wednesday, February 4, 2015
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, R.N.

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

ALSO PRESENT

Carrie Smith, Assistant Attorney General ("AAG"); Anne Froedge, AAG; Patricia E. McSorley, Interim Acting Executive Director; William Wolf, M.D., Chief Medical Consultant; Anita Shepherd, Investigations Office Manager; Mary Bober, Board Operations Manager; and Andrea Cisneros, Staff Investigational Review Committee ("SIRC") Coordinator.

C. CALL TO THE PUBLIC

AA addressed the Board during the call to the public regarding a dismissed complaint, a new complaint, and a pending investigation. AC, HS, and JS spoke during the call to the public regarding pending matters that were not scheduled for the Board's meeting. All other individuals who addressed the Board during the call to the public appear beneath the matter(s) referenced.

D. INTERIM ACTING EXECUTIVE DIRECTOR'S REPORT

- Status Update on Board Relationship with Greater Arizona Central Credentialing Program ("GACCP")

Ms. McSorley stated that the staff continues to work with GACCP to move the look back process along in an effort to have the project completed within the required time frame.

E. CHAIR'S REPORT

Dr. Khera stated that the House and Senate are aware of the Board's legislative issues. He stated that Stuart Goodman, Lobbyist, has established good relationships with the parties involved in the processes and is doing a good job on behalf of the Board.

F. LEGAL ADVISOR'S REPORT

- Committee Compliance with Open Meeting Law
- Election of Officers
- CV2014-054509, Rachel Bacalzo, AAG

MOTION: Dr. Khera moved for the Board to enter into Executive Session to discuss this confidential matter.

SECOND: Dr. Krishna

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

MOTION PASSED.

The Board entered into Executive Session at 12:04 p.m.

The Board returned to Open Session at 12:22 p.m.

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

G. THIS ITEM WAS REMOVED FROM THE BOARD'S MEETING AGENDA

H. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING AUDITOR GENERAL'S REPORT

MOTION: Dr. Khera moved for the Board to enter into Executive Session to review confidential information and to obtain legal advice.

SECOND: Ms. Bain

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

MOTION PASSED.

The Board entered into Executive Session at 11:20 a.m.

The Board returned to Open Session at 11:45 a.m.

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

Dr. Khera stated that a draft response will be drafted and forwarded to Board members for review and approval.

I. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING LEGISLATIVE UPDATE

J. UPDATE FROM THE JOINT LEGISLATION AND RULES COMMITTEE ("JLRC")

- Status Update on Current Legislative and Rule Matters

Ms. Bain provided the Board with a handout tracking which rules need to be reviewed, including the fingerprinting requirement, the issue of defining patient harm, and the request for rule making exemption.

K. UPDATE FROM THE ADMINISTRATION SUBCOMMITTEE

- Report on 2015 Plans for Administrative Committee with Emphasis on IT and Staffing Matters
- GL Suite Contract

Members of the Administration Subcommittee were assigned to different departments at the Board, and Ms. Bain announced that the Subcommittee will meet at least six times each year.

Dr. Farmer reported that he has been working with the CIO discussing the needs of the IT Department and the GL Suite contract. Dr. Farmer stated that the information will be presented to the Board at a future meeting.

L. THIS ITEM WAS REMOVED FROM THE BOARD'S MEETING AGENDA

M. UPDATE AND DISCUSSION ON THE LICENSING LOOK BACK BEING CONDUCTED BY THE GACCP

Jay Conyers, PhD, CEO & Executive Director, Maricopa County Medical Society, was present and provided the Board with an update regarding the licensing look back. Dr. Conyers reported

that communication was initiated with physicians to obtain information on October 22, 2014. He added that a letter was obtained on November 12, 2014 from the Board to disseminate to the licensees participating in the look back to legitimize GACCP's activities on behalf of the Board. Dr. Conyers informed the Board that a priority list has been established regarding which licensees actively practice in Arizona, which ones practice out of state, and who has allowed their license to expire. Dr. Conyers added that there were initially issues in receiving feedback from Board staff, but that these issues have been resolved.

Dr. Khera pointed out that the look back process shall be completed by June 30, 2015. Dr. Berg noted that only a small portion of the number of licensing files have been completed for the look back and expressed concern that the project may not be completed by the deadline.

N. APPROVAL OF MINUTES

MOTION: Dr. Khera moved to approve the November 5, 2014 Special Teleconference Meeting, including Executive Session; November 19, 2014 Special Teleconference Meeting, including Executive Session; December 2, 2014 Regular Session Meeting, including Executive Session; December 2, 2014 Special Meeting; and the December 19, 2014 Special Teleconference Meeting.

SECOND: Dr. Gillard

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

MOTION PASSED.

LEGAL MATTERS

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

1. MD-14-0974A, JOSEPH F. PIAZZA, M.D., LIC. #35035

Dr. Piazza was not present during the Board's consideration of this matter. AAG Froedge was present on behalf of the State. She requested that the Board adopt the ALJ's recommended Findings of Fact, Conclusions of Law and Order with one minor modification. Specifically, language was added to Findings of Fact #3 referencing the Complaint and Notice of Hearing attached to the Order. AAG Froedge explained that because the ALJ indicated that the facts identified in the Complaint and Notice of Hearing were proven without listing Findings of Fact in the recommended Order, it would be appropriate to attach the document to the final Board Order.

MOTION: Dr. Farmer moved to adopt the ALJ's recommended Order as modified.

SECOND: Dr. Gillard

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

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 4-absent.

MOTION PASSED.

2. MD-13-1181A, ERICK A. FALCONER, M.D., LIC. #45505

Dr. Falconer was not present during the Board's consideration of this matter. AAG Froedge was present on behalf of the State. She requested that the Board adopt the ALJ's recommended Findings of Fact, Conclusions of Law and Order with one minor modification which involved adding language to the Findings of Fact #2 to reference the attached Complaint and Notice of Hearing.

Ms. Bain questioned whether the AG's Office has communicated with the ALJ to determine whether there has been a change in policy regarding the drafting of the recommended orders. AAG Froedge indicated that her office would look into the matter. Dr. Gillard recognized that Dr. Falconer was appropriately notified of the Formal Hearing. He noted that the physician was sentenced to serving five months in a federal prison, and questioned whether the physician was incarcerated at the time of the hearing. AAG Froedge stated she believes he was released prior to the time that the Formal Hearing was held.

MOTION: Dr. Farmer moved to adopt the ALJ's recommended Order as modified.

SECOND: Dr. Paul

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

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 4-absent.

MOTION PASSED.

P. FORMAL INTERVIEWS

1. MD-13-1140A, JAMES C. BALSERAK, M.D., LIC. #22666

Dr. Farmer stated that he knows Dr. Balserek professionally, but that it would not affect his ability to adjudicate the case. Dr. Balserek was present with legal counsel, Peter Akmajian. Dr. Wolf summarized that Dr. Balserek deviated from the standard of care by failing to review the patient's prior CT scan, resulting in the removal of the incorrect gland and requiring a second operation to correct the gland removed. It was found to be mitigating that the patient's pathology report was incorrect, contributing to Dr. Balserek's error.

Dr. Balserek acknowledged that he deviated from his normal practice by not reviewing the patient's medical file prior to the procedure; specifically, her CT scan. Dr. Balserek stated that this event resulted in his participation with the hospital to develop a revised time-out procedure in an effort to prevent a future occurrence.

Dr. Krishna recognized that Dr. Balserek has accepted the error and noted that there were several mitigating factors involved in this case. Nonetheless, Dr. Krishna stated that there was patient harm identified, and he spoke in favor of sustaining that the physician engaged in 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.

SECOND: Dr. Khera

Dr. Perry stated that the physician is clearly remorseful, and the chances that he makes the same mistake are extremely low.

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

MOTION PASSED.

Dr. Krishna stated that he is convinced that the physician is a good laparoscopic endocrinologist. Dr. Krishna found that this matter does not rise to the level of discipline, given the mitigating factors involved, and spoke for the issuance of an Advisory Letter to track the occurrence.

MOTION: Dr. Krishna moved to issue an Advisory Letter for performance of wrong sided adrenal surgery. While the licensee has demonstrated substantial compliance through remediation that has mitigated the need for discipline, the Board believes that repetition of the activities that led to the investigation may result in further Board action against the licensee.

SECOND: Ms. Bain

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

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

MOTION PASSED.

Q. FORMAL INTERVIEWS

1. MD-13-1337A, MEENAKSHI BELLAPRAVALU, M.D., LIC. #14728

Dr. Khera stated that he knows Dr. Bellapravalu, but that it would not affect his ability to adjudicate the case. Dr. Bellapravalu was present with legal counsel, Mr. Gordon Lewis. Dr. Mattalino summarized that Dr. Bellapravalu deviated from the standard of care by overlooking an abnormality in the left upper quadrant of the patient's chest x-ray film.

Dr. Bellapravalu stated that she did not recall the circumstances when she was reading the patient's x-ray and was not sure how she missed the abnormality. She indicated that it is her usual practice to take her time in carefully reviewing imaging studies. Board members requested the patient's imaging for review.

MOTION: Dr. Khera moved for the Board to enter into Executive Session to review confidential investigative material.

SECOND: Ms. Bain

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

MOTION PASSED.

The Board entered into Executive Session at 1:33 p.m.

The Board returned to Open Session at 1:42 p.m.

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

The Board recognized that the medical consultant had commented that the abnormality was located in what is well-known to be a potentially confusing site. Mr. Lewis pointed out to the Board that Dr. Bellapravalu has acknowledged that she missed the reading of the film in this case. He stated that her history with the Board does not illustrate the need to address this matter in a disciplinary fashion.

MOTION: Dr. Khera 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.

SECOND: Dr. Krishna

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

MOTION PASSED.

Dr. Khera recognized that Dr. Bellapravalu acknowledges the miss-read, and noted that the medical consultant had commented that it is impossible for anyone to perform at a 100% level. Dr. Khera found that this matter does not rise to the level of discipline and spoke in favor of issuing an Advisory Letter.

MOTION: Dr. Khera moved to issue an Advisory Letter for overlooking an abnormality in the left upper quadrant of the chest x-ray film. While the licensee has demonstrated substantial compliance through remediation, the Board believes that repetition of the activities that led to the investigation may result in further Board action against the licensee.

SECOND: Ms. Bain

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

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

MOTION PASSED.

2. MD-13-0482A, JEREMY S. CURRY, M.D., LIC. #32246

Dr. Krishna was recused from this case. Dr. Curry was present with legal counsel, Mr. Jim Goodwin. Dr. Coffey summarized that Dr. Curry deviated from the standard of care by the use of single dose vials of medication on multiple patients. It was noted that the Board returned this matter at its April 2014 meeting after concerns were raised regarding the possible lack of control or accountability on behalf of the physician.

Dr. Curry subsequently entered into an Interim Practice Restriction, in which he agreed to refrain from using single dose vials on multiple patients. Board staff conducted a site

inspection and additional records were obtained. The Board's CMC determined that a specialist review of the additional records was not necessary.

Dr. Curry told the Board that he had learned of this type of practice while attending his patient management fellowship. He stated that after the events of this case occurred, he researched the issue and had no idea that there was a brewing conflict regarding the use of single dose vials on multiple patients. Dr. Curry added that at the time that he performed the injections, he was under the assumption that he was practicing within the standard of care as any practitioner would in their practice.

Dr. Gillard recognized that the x-ray technician was referred to her respective regulatory agency for concerns regarding her involvement in this matter. Dr. Curry stated that he has no concerns regarding an aseptic technique by his x-ray technician. Mr. Goodwin stated that he attended the hearing regarding the x-ray technician, and informed the Board that it was determined that there was no wrongdoing on the part of the x-ray technician.

Dr. Farmer commented that there was a clear violation of statute, given the significant patient harm that was identified by the Board's reviewer.

MOTION: Dr. Farmer 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.

SECOND: Dr. Khera

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

MOTION PASSED.

Dr. Farmer recognized Dr. Curry's statements that he has no plan on continuing this form of practice in the future. Dr. Farmer stated that given the physician's commitment to change his practice, he found that the issuance of an Advisory Letter was warranted to track the occurrence.

MOTION: Dr. Farmer moved to issue an Advisory Letter for using single use vials of medication on multiple patients.

SECOND: Dr. Gillard

Dr. Gillard spoke in favor of the motion, recognizing that Dr. Curry has indicated that he has taken measures to make sure that this does not happen again.

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

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

MOTION PASSED.

MOTION: Dr. Farmer moved to lift the Interim Practice Restriction.

SECOND: Dr. Gillard

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

MOTION PASSED.

3. MD-13-0099A, MICHAEL R. JERMAN, M.D., LIC. #17678

Dr. Jerman was present without legal counsel. Dr. Caruso summarized that staff obtained multiple patient charts which were then forwarded to two medical consultants for quality of care review of the care provided by Dr. Jerman. The first medical consultant found that Dr. Jerman incorrectly diagnosed conduction heart disease in a patient with pre and post implantation telemetry reads and 12-lead ECG in support of a transient heart block. The second medical consultant reviewed the matter and determined that the standard of care was met.

Dr. Jerman reported that his hospital privileges for permanent pacemaker implantation were suspended. Dr. Jerman stated that he has had a zero complication rate in the last several years, and that he stands by the care he provides to his patients. Dr. Khera noted the findings of the two medical consultants, and stated that he did not find that the physician engaged in unprofessional conduct. He spoke in favor of dismissal.

MOTION: Dr. Khera moved for dismissal.

SECOND: Dr. Gillard

Dr. Farmer spoke in support of the motion, noting that when Dr. Jerman's complication rate rose, he questioned his practice in what Dr. Farmer stated was a responsible manner by taking a refresher course.

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

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 4-absent.

MOTION PASSED.

4. MD-13-0977A, MARI E. SCHENK, M.D., LIC. #25685

MU spoke just prior to the Formal Interview. Dr. Schenk was present with legal counsel, Mr. Rick Delow. Dr. Peairs summarized that Dr. Schenk deviated from the standard of care by failing to check the label on the bottle of contrast agent before drawing up the contrast dose. Dr. Schenk stated that she drew up the dose and the injection was performed smoothly. She added that once she noted the patient experiencing pain, she looked at the bottle and realized her error.

Dr. Schenk reported that she stabilized the patient and immediately transferred her to the ER. She informed the Board that she now has a policy in place for performing a time-out procedure prior to injections. Mr. Delow pointed out that Dr. Schenk acknowledged her mistake, and takes full responsibility for her error. He added that Dr. Schenk realized the mistake immediately, reacted appropriately, and now has steps in place to prevent this from happening in the future.

Dr. Paul stated that he appreciated Dr. Schenk's ownership of this particular event. However, he stated that given the patient harm identified, unprofessional conduct is sustained.

MOTION: Dr. Paul 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.

SECOND: Dr. Farmer

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

MOTION PASSED.

Dr. Paul stated he found that this was a one-time event, noting that the physician has taken remedial steps to prevent a future occurrence. Dr. Paul spoke in favor of issuing an Advisory Letter.

MOTION: Dr. Paul moved to issue an Advisory Letter for failure to check the label on the bottle of contrast agent before drawing up the dose.

SECOND: Ms. Brister

Dr. Farmer stated that this matter involved a systems error, and suggested having a second person verify the medication in the future. Dr. Paul agreed with Dr. Farmer's suggestion, and stated that this is an opportunity to fix the system and safety protocols within it.

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

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

5. MD-13-0608A, BOBBY A. SHAH, M.D., LIC. #41793

Dr. Shah was present with legal counsel, Mr. Fred Cummings. Dr. Haas presented that the medical consultant identified deviations from the standard of care in four of the eight files reviewed in relation to Dr. Shah's interpretation of imaging studies.

Dr. Shah stated that a radiology partner of his started submitting cases to the Board which were pulled from peer review files. Dr. Shah indicated that he has learned from the errors identified and has implemented changes in his practice to prevent future incidences. Board members noted that in the case of patient CJ, Dr. Shah deviated from the standard of care by failing to observe an enlarged lesion on the head CT scan. Dr. Shah reported that in retrospect, he should have identified the lesion and stated that he was not sure why it was missed.

In the matter of patient EB, the Board noted that Dr. Shah deviated from the standard of care by failing to mention the patient's pelvic findings in his report. Dr. Shah explained to the Board that he was asked to read this patient's film without any benefit of knowing that a biopsy had been done for a renal mass. Dr. Shah reiterated that he has taken ownership of the issues identified, and stated that this has helped to strengthen his group's peer review committee. Mr. Cummings pointed out that this matter stemmed from a disgruntled employee as a vendetta, and stated that Dr. Shah's error rate is well within the national standard.

Dr. Berg stated that he recognized that this was a preselected sample of patients submitted by someone with a secondary intention, and that he was concerned that the material may be protected as peer review information. Dr. Berg stated that based on the medical consultant's findings of deviations from the standard of care, unprofessional conduct has occurred on the part of Dr. Shah.

MOTION: Dr. Berg 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.

SECOND: Dr. Khera

Dr. Gillard recognized that this matter did not stem from a patient complaint. Dr. Farmer expressed concern regarding the complainant's "cherry picking" of cases submitted to the Board, and Dr. Farmer noted the medical consultant's statement that no physician's practice could withstand this level of scrutiny. AAG Froedge informed the Board that the peer review process does not apply to the Board, and that physicians have the ability to submit the information to the Board if they believe a physician has engaged in unprofessional conduct.

Dr. Khera noted that the medical consultant indicated that he would have expected the findings to be identified by a radiologist. Dr. Perry spoke for the motion and commented that he was concerned with the totality of the case. Dr. Perry stated that most of the findings would have been recognized by most radiologists.

**VOTE: 5-yay, 4-nay, 0-abstain, 0-recuse, 3-absent.
MOTION PASSED.**

Dr. Berg stated he did not find that this matter rises to the level of discipline and spoke in favor of issuing an Advisory Letter.

MOTION: Dr. Berg moved to issue an Advisory Letter for improper interpretation of images. While the licensee has demonstrated substantial compliance through remediation to mitigate the need for discipline, the Board believes that repetition of the activities that led to the investigation may result in further action by the Board against the licensee.

SECOND: Dr. Gillard

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

Perry. The following Board members abstained from the vote: Dr. Farmer, Dr. Paul, and Ms. Salter. The following Board members were absent: Dr. Fromm, Mr. Gerding, and Dr. Krishna.

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

MOTION PASSED.

6. MD-13-0774A, PAUL K. HOLDEN, M.D., LIC. #43170

Jim Corrington, Jr., spoke during the call to the public on behalf of Dr. Holden. Dr. Holden was present with legal counsel, Mr. Steve Myers. Ms. Muller summarized for the Board that notification to the Board indicated that Dr. Holden was arrested in July of 2013 for one count of burglary. At the time of his arrest, Dr. Holden was a participant in PHP under a confidential agreement.

Dr. Holden explained to the Board that he was actively addicted in 2012 and was trying to hide it. He stated that he self-reported his addiction to the Board, and began to participate in PHP under the confidential agreement. He expressed that he did not take the treatment serious at the time and felt that he was an untreated addict. Dr. Sucher explained to the Board that when Dr. Holden first presented to PHP he was initially resistant to treatment. Dr. Sucher indicated that it was not until the July 2013 incident that Dr. Holden became honest and accepted the disease for what it is. Dr. Sucher further explained that Dr. Holden was assessed and diagnosed with addiction, and that he received the full course of treatment needed for someone in that situation. Dr. Sucher added that he is impressed with Dr. Holden's candidness and has seen him change.

Ms. Brister stated that she admired Dr. Holden for appearing before the Board. Dr. Holden stated that he is grateful for the PHP which he stated has helped with his sobriety. Mr. Myers stated that Dr. Holden is on the road to recovery and rehabilitation. He asked that the Board consider keeping the physician on a confidential agreement rather than disciplining him and placing his court conviction on the Board's website. Dr. Sucher reported that Dr. Holden is doing extremely well in PHP with a good prognosis.

MOTION: Ms. Bain moved for the Board to enter into Executive Session to receive legal advice.

SECOND: Dr. Khera

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

MOTION PASSED.

The Board entered into Executive Session at 5:21 p.m.

The Board returned to Open Session at 5:37 p.m.

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

Ms. Bain stated that based on the statute and facts of the situation, she found that the physician has engaged in unprofessional conduct.

MOTION: Ms. Bain moved for a finding of unprofessional conduct in violation of A.R.S. § 32-1401(27)(d) - Committing a felony, whether or not involving moral turpitude, or a misdemeanor involving moral turpitude; A.R.S. § 32-1401(27)(f) - Habitual intemperance in the use of alcohol or habitual substance abuse; and 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. Khera

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

MOTION PASSED.

Ms. Bain stated that because of the nature of the case, this matter warrants a disciplinary sanction. She recognized that the physician will have ongoing monitoring by both PHP and the criminal justice system for three years, which she stated is appropriate under the circumstances. Board members spoke in favor of issuing a Letter of Reprimand in addition to Probation for continued PHP participation.

MOTION: Ms. Bain moved for draft Findings of Fact, Conclusions of Law and Order for a Letter of Reprimand and Five Year Probation to participate in PHP. Dr. Holden's PHP participation shall be retroactive to November 1, 2013. Once the licensee has complied with the Probation, he must affirmatively request that the Board terminate the Probation.

SECOND: Ms. Salter

Dr. Khera spoke for the motion, recognizing that Dr. Holden has taken remedial steps to correct his behavior. Ms. Salter also spoke in favor of the motion and wished the physician the best of luck. Ms. Bain pointed out that this matter did not involve patient care.

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

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

MOTION PASSED.

R. CONSIDERATION OF AND POSSIBLE ACTION REGARDING DUAL JURISDICTION OF THE AMB AND THE ARIZONA HOMEOPATHIC BOARD

1. MARTHA M. GROUT, M.D., LIC. #24896

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

SECOND: Dr. Krishna

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

MOTION PASSED.

The Board entered into Executive Session at 1:05 p.m.

The Board returned to Open Session at 1:17 p.m.

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

Dr. Krishna stated he felt that the Board's Legal Advisor should speak to the physician's attorney to move the process along. Dr. Berg stated his personal opinion is to assert jurisdiction over this licensee in the matters of her allopathic license.

CONSENT AGENDA

S. CASES RECOMMENDED FOR DISMISSAL

MOTION: Dr. Khera moved to dismiss item numbers 1, 4, 5, 6, 7, 8, 9, and 13.

SECOND: Dr. Krishna

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

MOTION PASSED.

1. MD-14-0509A, PARISA M. MORRIS, M.D., LIC. #47819

RESOLUTION: Dismiss.

2. MD-14-0533A, KENNETH M. FISHER, M.D., LIC. #12762

The Board noted the allegations made in this case against Dr. Fisher, and several Board members questioned whether there were some underlying behavioral issues that may be affecting the physician's practice. Dr. Farmer commented that abusive communication with other professionals can get so profound that they refuse to work with each other. Dr. Krishna pointed out that in this particular case, SIRC found that although the communications were unprofessional, they do not constitute unprofessional conduct under the statutes. Dr. Khera agreed with Dr. Krishna's comments.

MOTION: Dr. Krishna moved for dismissal of item numbers 2 and 3.

SECOND: Dr. Khera

VOTE: 7-yay, 0-nay, 2-abstain, 0-recuse, 3-absent.

MOTION PASSED.

3. MD-14-0624A, KENNETH M. FISHER, M.D., LIC. #12762

RESOLUTION: Dismiss.

4. MD-14-1141A, MELANIE E. ODELEYE, M.D., LIC. #47599

RESOLUTION: Dismiss.

5. MD-13-1257C, ABRAM A. AGUILAR, M.D., LIC. #37376

RESOLUTION: Dismiss.

6. MD-14-0664A, WEIMIN K. HU, M.D., LIC. #34002

RESOLUTION: Dismiss.

7. MD-14-0662A, THOMAS D. GAZDA, M.D., LIC. #29152

Dr. Gazda spoke during the call to the public.

RESOLUTION: Dismiss.

8. MD-14-0863A, EIZA CHING, M.D., LIC. #42097

RESOLUTION: Dismiss.

9. MD-14-0728A, EDGARDO R. LAUREL, M.D., LIC. #21887

RESOLUTION: Dismiss.

10. MD-14-0363A, LUIS J. ROSADO-LOPEZ, M.D., LIC. #18525

Kathleen Coffey, M.D., Internal Medical Consultant, summarized that this physician was consulted on a patient who experienced complications during grafting surgery. After ordering packed red blood cells over the phone and receiving notification that the patient continued to deteriorate, Dr. Rosado-Lopez presented to the hospital and performed cardiac massage. The patient remained unresponsive after returning to surgery, and was later determined to be brain dead. The medical consultant found that there was no deviation from the standard of care, but felt that the communication among the healthcare team was less than optimal. Dr. Khara stated he found that the physician met the standard of care in this case and suggested referring the matter to the nursing board.

MOTION: Dr. Gillard moved for dismissal.

SECOND: Dr. Krishna

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

MOTION PASSED.

MOTION: Dr. Krishna moved to refer this matter to the Arizona Board of Nursing.

SECOND: Ms. Salter

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

MOTION PASSED.

11. MD-13-1353A, AKIL LOLI, M.D., LIC. #30579

Dr. Gillard pulled this case for discussion, and noted the medical consultant's comments that there is broad discretion on how a left main complication can be managed. Dr. Khara disagreed with the medical consultant's statement and stated that a cardiothoracic surgeon should have been consulted. Dr. Farmer questioned whether it would be appropriate to refer the matter back for further investigation to obtain a new quality of care review to determine whether a cardiothoracic surgery consult is the standard of care in this case. Dr. Krishna recommended returning the case to have it reviewed by a cardiothoracic surgery medical consultant.

MOTION: Dr. Farmer moved to return the case for further investigation to obtain a quality of care review by a cardiothoracic surgery MC to comment on what the standard of care is under the circumstances in this case.

SECOND: Dr. Krishna

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

MOTION PASSED.

12. MD-14-0386A, MICHAEL A. PACHTMAN, M.D., LIC. #13961

Board staff reported that Dr. Pachtman pled guilty to misdemeanor charges of disorderly conduct concerning a family matter. Dr. Gillard stated that the Board does not police bad behavior such as this and spoke in favor of dismissing the case. Board members noted that the misdemeanor did not involve moral turpitude.

MOTION: Dr. Gillard moved for dismissal.

SECOND: Dr. Krishna

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

MOTION PASSED.

13. MD-13-1219A, FRANCENE A. WARNER, M.D., LIC. #41319

RESOLUTION: Dismiss.

T. CASES RECOMMENDED FOR ADVISORY LETTERS

MOTION: Dr. Khera moved to issue an Advisory Letter in item numbers 1, 2, 3, 4, 5, 6, 8, 9, 13, 14, 15, 16, 20, and 23.

SECOND: Dr. Krishna

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

MOTION PASSED/FAILED.

1. MD-13-1204B, SCOTT A. OSTDIEK, M.D., LIC. #27996

RESOLUTION: Issue an Advisory Letter for failing to personally re-evaluate a child with a presentation possibly consistent with Kawasaki Disease. There is insufficient evidence to support disciplinary action.

2. MD-13-1204C, JOSEPH J. NANIA, M.D., LIC. #36954

RESOLUTION: Issue an Advisory Letter for inadequate medical records. There is insufficient evidence to support disciplinary action.

3. MD-13-1458A, KUSHAGRA KATARIYA, M.D., LIC. #47569

Dr. Katariya spoke during the call to the public.

RESOLUTION: Issue an Advisory Letter for repeatedly closing the chest leading to hypotension following coronary artery bypass, for failing to revise a LIMA graft during coronary artery bypass, and for inadequate medical records.

4. MD-13-1021A, SEAN O'REGAN, M.D., LIC. #19829

Attorney Paul Conant spoke during the call to the public on behalf of Dr. O'Regan.

RESOLUTION: Issue an Advisory Letter for ordering marginally indicated or unnecessary tests, and for inadequate medical records. There is insufficient evidence to support disciplinary action.

5. MD-14-0537A, KAY L. WOOD, M.D., LIC. #44888

RESOLUTION: Issue an Advisory Letter for inadequate documentation. There is insufficient evidence to support disciplinary action.

6. MD-13-1247A, WILLIAM D. GRAINGER, M.D., LIC. #15336

RESOLUTION: Issue an Advisory Letter for failing to order further evaluation for stroke in a patient carrying the diagnosis of MS, but with imaging studies suggestive of stroke. The violation was a technical error that does not rise to the level of discipline.

7. MD-14-0151A, HARSIMRAN SINGH, M.D., LIC. #33819

Dr. Paul pulled this case for discussion and stated that he found that appropriate care was provided by Dr. Singh. Dr. Paul spoke in favor of dismissal.

MOTION: Dr. Paul moved for dismissal.

SECOND: Dr. Khera

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

MOTION PASSED.

8. MD-14-0108A, SHIRLEY NORONHA, M.D., LIC. #43800

RESOLUTION: Issue an Advisory Letter for failing to update the Board with her current contact information within a timely manner. Dr. Noronha shall pay a statutory penalty in the amount of \$100 within 30 days. There is insufficient evidence to support disciplinary action.

9. MD-14-0458A, WARREN L. MAYS, M.D., LIC. #30529

RESOLUTION: Issue an Advisory Letter for misinterpretation of a CT scan. The violation was a technical error and does not rise to the level of discipline.

10. MD-14-0864A, SCOTT S. KATZMAN, M.D., LIC. #19596

MOTION: Dr. Khera moved to issue an Advisory Letter for action taken by the states of California and Florida. There is insufficient evidence to support discipline.

SECOND: Dr. Krishna

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

MOTION PASSED.

11. MD-13-1257D, THOMAS E. BUTLER, M.D., LIC. #22515

Dr. Farmer was recused from this case. Complainant RW spoke during the call to the public. Dr. Gillard noted that the medical consultant opined that it was difficult to determine whether there was a deviation from the standard of care on the part of Dr. Butler due to poor documentation in the medical record. The medical consultant found that Dr. Butler deviated from the standard of care if he relied upon the nurse's opinion regarding the need for surgery, and by failing to communicate with the health team to clarify his availability to the patient.

MOTION: Dr. Gillard moved to issue an Advisory Letter for failure to properly respond to a page or for relying on a nurse to make a surgical assessment. There is insufficient evidence to support disciplinary action.

SECOND: Dr. Krishna

VOTE: 8-yay, 0-nay, 0-abstain, 1-recuse, 3-absent.

MOTION PASSED.

12. MD-14-0262A, NEIL H. AARON, M.D., LIC. #19223

Dr. Aaron spoke during the call to the public. Dr. Gillard observed that the medical consultant who reviewed the case had commented that the parent's vaccine refusal form was scanned into the patient's chart; however, Dr. Gillard noted that the physician indicated in his response to the Board that his staff does not scan records into the chart.

MOTION: Dr. Gillard moved for dismissal.

SECOND: Dr. Paul

Dr. Wolf pointed out that the records submitted to the Board for review included documentation of the parent's vaccine refusal, regardless of whether it was a scanned document. Drs. Gillard and Paul withdrew the motion.

MOTION: Dr. Krishna moved to issue an Advisory Letter for administering varicella vaccine against a parent's wishes and for inadequate medical records. There is insufficient evidence to support discipline.

SECOND: Dr. Khera

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 4-absent.

MOTION PASSED/FAILED.

13. MD-14-0635A, BRENT M. CUTSHALL, M.D., LIC. #38121

RESOLUTION: Issue an Advisory Letter for employing the nasal route for bronchoscopy in a patient on dual antiplatelet therapy and for inadequate medical records. There is insufficient evidence to support disciplinary action.

14. MD-14-0669A, GEORGE FIGUEROA, M.D., LIC. #35063

RESOLUTION: Issue an Advisory Letter for untimely documentation. There is insufficient evidence to support disciplinary action.

15. MD-14-0717A, DANIEL V. MANZANARES, M.D., LIC. #24243

RESOLUTION: Issue an Advisory Letter for inadequate medical records. There is insufficient evidence to support disciplinary action.

16. MD-13-1395A, MURALI D. TALLURI, M.D., LIC. #19237

RESOLUTION: Issue an Advisory Letter for failing to treat urinary tract infection and for failing to adjust management of presumed C Difficile diarrhea. There is insufficient evidence to support disciplinary action.

17. MD-14-0869A, GREGORY S. JOHNSTON, M.D., LIC. #18453

Dr. Johnston spoke during the call to the public. Carol J. Peairs, M.D., Internal Medical Consultant, summarized that the medical consultant who reviewed the case concluded that Dr. Johnston deviated from the standard of care by not consistently furnishing a clear work status for the patient. Dr. Gillard stated that from his review of the records, it appears that the physician provided appropriate care for the patient. Dr. Gillard spoke in favor of dismissal.

MOTION: Dr. Gillard moved for dismissal.

SECOND: Dr. Krishna

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 4-absent.

MOTION PASSED.

18. MD-14-0833A, GYOUNG J. PARK, M.D., LIC. #34521

The Board observed that Dr. Park was disciplined by the California Medical Board, and that the Board's Staff Investigational Review Committee recommended the issuance of an Advisory Letter. Dr. Khera questioned the basis for the recommendation and commented that reciprocal action is warranted in the form of discipline. AAG Smith informed the Board that the Committee felt that the facts as stated in the California disciplinary Order would likely have resulted in an Advisory Letter had the matter occurred in Arizona. Dr. Gillard stated he found that the matter does not rise to the level of discipline and spoke in favor of the Committee's recommendation to issue an Advisory Letter for action taken by another state.

MOTION: Dr. Gillard moved to issue an Advisory Letter for action taken by the State of California. There is insufficient evidence to support disciplinary action.

Dr. Khera spoke against the motion and commented that in cases where the Board considers issuing a lesser sanction to the physician, the matter warrants an independent investigation of the underlying issues identified in the other state's case. Dr. Gillard withdrew the motion. Dr. Khera supported issuing the physician a disciplinary Order for a Letter of Reprimand.

MOTION: Dr. Khera moved to Offer the physician a Consent Agreement for a Letter of Reprimand for action taken by another state. If he declines, invite for a Formal Interview before the Board.

SECOND: Ms. Salter

VOTE: 7-yay, 0-nay, 2-abstain, 0-recuse, 3-absent.

MOTION PASSED.

19. MD-13-1446A, ROBERT L. LEVITIN, M.D., LIC. #10732

The Board observed that Dr. Levitin requested his PA to write him a prescription for a schedule III medication. Dr. Gillard noted that the PA initially wrote the prescription, but did not provide it to Dr. Levitin and reported him to the administration who subsequently notified the Board of the incident. Dr. Gillard spoke in favor of dismissing the case.

MOTION: Dr. Gillard moved for dismissal.

SECOND: Dr. Khera

Dr. Krishna spoke against the motion, noting that the prescription was to be written for Dr. Levitin's son for whom there was no physical examination performed. Drs. Gillard and Khera withdrew the motion.

MOTION: Dr. Krishna moved to issue an Advisory Letter for requesting a PA to write a prescription without conducting a physical examination for use by someone other than the person for whom the prescription was written. There is insufficient evidence to support discipline.

SECOND: Ms. Bain

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

MOTION PASSED.

20. MD-14-1056A, GREGORY L. ELLISON, M.D., LIC. #12426

RESOLUTION: Issue an Advisory Letter for violation of a Board Order. While the licensee has demonstrated compliance through remediation that has mitigated the need for discipline, the Board believes that repetition of the activities that led to the investigation may result in further Board action against the licensee.

21. MD-14-0986A, KRITHIKA SRIKANTHAN, M.D., LIC. #R73427

Ms. Bain stated that she is affiliated with Tucson Medical Center, and that it would not affect her ability to adjudicate the case. Dr. Gillard pulled this case for discussion and noted that Dr. Srikanthan accessed a patient's medical record without authorization. He spoke in favor of issuing the recommended Advisory Letter.

MOTION: Dr. Gillard moved to issue an Advisory Letter for accessing a medical record without authorization. There is insufficient evidence to support discipline.

SECOND: Dr. Krishna

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

MOTION PASSED.

22. MD-13-0871A, SHANTHA KUMAR, M.D., LIC. #23951

The Board noted that the outside medical consultant found that the standard of care was met in this case, which involved several mitigating factors including the patient's underlying cardiac condition that placed him at increased risk for complications. Dr. Khera commented that the appropriate care was given and that this case involved an accepted complication. Dr. Farmer agreed with Dr. Khera's comments and questioned whether an Advisory Letter is warranted. Dr. Khera stated that the issuance of an Advisory Letter is appropriate to track the occurrence, given the bad patient outcome.

MOTION: Dr. Khera moved to issue an Advisory Letter for failure to sufficiently evaluate low blood pressure which developed during AICD placement before proceeding further with the procedure. There is insufficient evidence to support discipline.

SECOND: Dr. Krishna

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

MOTION PASSED.

23. MD-14-0839A, QUYNH T. VO, M.D., LIC. #32414

RESOLUTION: Issue an Advisory Letter for action taken by the State of Nevada (Case #13-33315-1). There is insufficient evidence to support disciplinary action.

24. MD-14-0934A, CHARLES W. GERVAIS, M.D., LIC. #23334

The Board observed that Dr. Gervais was disciplined by the Ontario Board and that his license is currently under restriction. Board members questioned whether Dr. Gervais has taken remedial action to reinstate his Ontario license, and determined that this matter should be tabled until such time that Dr. Gervais has the restriction lifted.

The Board tabled this matter.

25. MD-14-1058A, JOHN L. PETERSON, M.D., LIC. #45559

The Board noted that the outside medical consultant criticized Dr. Peterson's documentation regarding the steroid injection administered for the patient. Dr. Gillard recognized that the physician rectified the issue by later documenting the type of steroid used, and he spoke in favor of dismissal.

MOTION: Dr. Gillard moved for dismissal.
SECOND: Dr. Krishna
VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.
MOTION PASSED.

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

1. MD-14-0797A, BENJAMIN H. VENGER, M.D., LIC. #20605

Dr. Gillard stated that this case involved an electronic medical record input error that was later revised and that there was no harm to the patient. He spoke in favor of dismissing the case.

MOTION: Dr. Gillard moved for dismissal.
SECOND: Dr. Perry

Dr. Khera spoke against the motion, noting Dr. Venger's prior Board history which involved medical recordkeeping violations. Dr. Krishna agreed with Dr. Khera's comments and spoke against the motion as well. Drs. Gillard and Perry withdrew the motion.

MOTION: Dr. Gillard moved to issue an Advisory Letter for failing to maintain adequate medical records, potentially making it difficult for another provider to assume the patient's care; and Order for Non-Disciplinary CME for inadequate medical records to complete a minimum of 15 hours of Board staff pre-approved Category I CME in an intensive, in-person course regarding medical recordkeeping within six months. The CME hours shall be in addition to the hours required for license renewal.

SECOND: Dr. Farmer
VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.
MOTION PASSED.

V. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING APPEALS OF EXECUTIVE DIRECTOR ("ED") DISMISSALS

MOTION: Dr. Khera moved to uphold the ED dismissal of item numbers 2 and 3.

SECOND: Dr. Krishna

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

MOTION PASSED.

1. MD-13-1389A, KAPILDEO LOTUN, M.D., LIC. #45090

Complainant DD spoke during the call to the public. Attorney Kathleen Leary spoke during the call to the public on behalf of Dr. Lotun. Dr. Gillard noted this matter involved allegations of the patient undergoing an unnecessary stent placement that allegedly closed a LIMA graft that was reportedly functioning well. Dr. Gillard stated that he sympathized with the patient, but that there was a misunderstanding in terms of the functioning of the LIMA graft which he stated was not functioning at the time of stent placement. Dr. Gillard spoke in favor of upholding the Executive Director's dismissal.

MOTION: Dr. Gillard moved to uphold the dismissal.

SECOND: Dr. Khera

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

MOTION PASSED.

2. MD-13-1106A, ERIC J. FOLTZ, M.D., LIC. #36073

Dr. Foltz spoke during the call to the public. RP spoke during the call to the public on behalf of the complainant.

RESOLUTION: Uphold the dismissal.

3. MD-13-1086A, STEVEN H. TURKELTAUB, M.D., LIC. #17258

RESOLUTION: Uphold the dismissal.

W. PROPOSED CONSENT AGREEMENTS (Disciplinary)

MOTION: Dr. Krishna moved to accept the proposed Consent Agreements in 1, 2, 4, and 5.

SECOND: Ms. Brister

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

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

MOTION PASSED.

1. MD-14-0473A, JAMES W. JOHNSON, M.D., LIC. #15433

RESOLUTION: Accept the proposed Consent Agreement for a Letter of Reprimand.

2. MD-14-0670A, SAMUEL N. GRIEF, M.D., LIC. #28800

RESOLUTION: Accept the proposed Consent Agreement for a Letter of Reprimand.

3. MD-14-0232A, TOSEEF KHAN, M.D., LIC. #33176

MOTION: Dr. Gillard moved to accept the proposed Consent Agreement for a Letter of Reprimand.

SECOND: Dr. Khera

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

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

MOTION PASSED.

4. MD-13-1285A, DALE N. PAYNE, M.D., LIC. #28025

RESOLUTION: Accept the proposed Consent Agreement for a Letter of Reprimand and Five Year Probation to participate in PHP. Dr. Payne's PHP participation shall be retroactive to March 4, 2014. Once the licensee has complied with the Probation, he must affirmatively request that the Board terminate the Probation.

5. MD-13-1296A, GEORGE A. WILLIAMS, M.D., LIC. #21497

RESOLUTION: Accept the proposed Consent Agreement for Surrender of Licensure.

X. LICENSE APPLICATIONS

i. APPROVE OR DENY LICENSE APPLICATION

MOTION: Dr. Khera moved to approve the license application in item numbers 1, 2, 3, 6, 9, 10, 11, 12, 13, 14.

SECOND: Ms. Brister

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

MOTION PASSED.

1. MD-15-0004A, CAPTAIN K. GRAY, M.D., LIC. #N/A

RESOLUTION: Approve the license application.

2. MD-15-0050A, CHRISTINE C. BRIONES, M.D., LIC. #N/A

RESOLUTION: Approve the license application.

3. MD-15-0021A, KIM M. REYES, M.D., LIC. #N/A

Dr. Reyes spoke during the call to the public along with Cindy Leonard.

RESOLUTION: Approve the license application.

4. MD-14-1624A, ROBERT A. COONEY, M.D., LIC. #N/A

Dr. Wolf summarized that Dr. Cooney disclosed three malpractice cases on his licensing application. Dr. Wolf reported that the first two malpractice filings were dismissed, and that the third is still pending. Dr. Wolf stated that he did not believe that any of the cases warranted review by an outside medical consultant. Dr. Gillard noted that Dr. Cooney holds multiple state medical licenses and that the physician has no disciplinary history.

MOTION: Dr. Gillard moved to approve the license application.
SECOND: Dr. Krishna
VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.
MOTION PASSED.

5. MD-14-1652A, THI K. NGUYEN, M.D., LIC. #N/A

The Board noted that Dr. Nguyen's junior college nursing degree was reprimanded for records concerns.

MOTION: Dr. Gillard moved to approve the license application.
SECOND: Dr. Krishna
VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.
MOTION PASSED.

6. MD-15-0083A, JOY NIELSEN, M.D., LIC. #N/A
RESOLUTION: Approve the license application.

7. THIS ITEM WAS REMOVED FROM THE BOARD'S MEETING AGENDA

8. MD15-0080A, KHOI NGUYEN, M.D., LIC. #N/A

The Board discussed this matter regarding a previous DUI arrest in 2005. Board members noted that Dr. Nguyen completed the court ordered requirements.

MOTION: Dr. Gillard moved to approve the license application.
SECOND: Dr. Krishna
VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.
MOTION PASSED.

9. MD-15-0066A, DAVID T. DUENSING, M.D., LIC. #N/A
RESOLUTION: Approve the license application.

10. MD-15-0089A, NOUSHIN I. HART, M.D., LIC. #N/A
RESOLUTION: Approve the license application.

11. MD-15-0060A, JAMES M. TUBB, M.D., LIC. #N/A
RESOLUTION: Approve the license application.

12. MD-15-0085A, RENA B. RENGO, M.D., LIC. #N/A
RESOLUTION: Approve the license application.

13. MD-15-0092A, KEVIN J. CRAIG, M.D., LIC. #N/A
RESOLUTION: Approve the license application.

14. MD-15-0107A, VINCENT X. GRBACH, M.D., LIC. #N/A
RESOLUTION: Approve the license application.

15. MD-15-0122A, MARK A. GUNST, M.D., LIC. #N/A

MOTION: Dr. Gillard moved to approve the license application.
SECOND: Dr. Krishna
VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.
MOTION PASSED.

ii. **REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING APPLICANT'S REQUEST FOR WAIVER OF PRIMARY SOURCE REQUIREMENT**

Board members noted that at a prior meeting, the Board approved the credentialing through ECFMG to serve as primary source verification for physicians applying for an Arizona medical license if there is difficulty in obtaining primary source documentation.

MOTION: Dr. Khera moved to approve the applicant's request for waiver of primary source requirement in item numbers 1, 2, 3, 4, and 5.

SECOND: Dr. Krishna

VOTE: 8-yay, 0-nay, 1-abstain, 0-recuse, 3-absent.

MOTION PASSED.

1. MOHAMAD S. NASS, M.D.

RESOLUTION: Grant the request for waiver of primary source requirement.

2. JONATHAN JOHNSON, M.D.

RESOLUTION: Grant the request for waiver of primary source requirement.

3. MARTIN BAZI, M.D.

RESOLUTION: Grant the request for waiver of primary source requirement.

4. GREGORY ROSE, M.D.

RESOLUTION: Grant the request for waiver of primary source requirement.

5. CHRISTOPHER MORGAN, M.D.

RESOLUTION: Grant the request for waiver of primary source requirement.

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

MOTION: Dr. Khera moved to approve the ED dismissal in item numbers 1-206, excluding item number 184.

SECOND: Dr. Farmer

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

MOTION PASSED.

Board members pulled Executive Director Dismissal #184 for discussion. Dr. Gillard noted that this case involved a mesentery bleed noted during an operative procedure, which led to a vascular surgeon consulting on the surgery and an aortic injury was identified. Dr. Gillard recognized that the medical consultant who reviewed the case commented that he was not personally familiar with the method used in this case, but did note that it is an accepted method used under the circumstances. Dr. Gillard questioned whether the matter should be reviewed by a physician more familiar with this surgery and technique.

Dr. Perry stated he found that the operative report is slightly vague in terms of how the abdomen was entered. He noted that a serious injury was discovered after the second trocar was inserted. Dr. Perry indicated that the insertion of the trocar and injury to the bowel is a known, but serious complication. Dr. Perry stated that he could not determine whether the injury occurred based on how the trocar was inserted. He spoke in favor of returning the case for further review by a medical consultant specializing in laparoscopic surgery.

MOTION: Dr. Perry moved to return item number 184 for further investigation to obtain a quality of care review by an MC specializing in laparoscopic surgery.

SECOND: Dr. Khera

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

MOTION PASSED.

OTHER BUSINESS

Z. REQUEST FOR TERMINATION OF BOARD ORDER

1. MD-13-0818A, TIMOTHY E. WALKER, M.D., LIC. #11843

Dr. Walker spoke during the call to the public.

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

SECOND: Ms. Bain

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

MOTION PASSED.

The Board entered into Executive Session at 11:47 a.m.

The Board returned to Open Session at 11:49 a.m.
No legal action was taken by the Board during Executive Session.

Dr. Krishna noted that this matter was previously considered by the Board and spoke in favor of denying the request to terminate the Board Order. Dr. Krishna suggested that the physician undergo a competency evaluation and an assessment of his clinical knowledge prior to the Board considering whether to grant an unrestricted medical license.

MOTION: Dr. Krishna moved to deny the request to terminate the Board Order.

SECOND: Dr. Farmer

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

MOTION PASSED.

2. MD-99-0286, MICHAEL MAHL, M.D., LIC. #12868

The Board discussed Dr. Mahl's practice restriction which prohibits him from treating or seeing patients under the age of 18. Board members questioned whether it would be appropriate for Dr. Mahl to complete a PHP assessment to help guide the Board on whether to consider the request to terminate the Board Order. It was noted that Dr. Mahl has requested release from the practice restriction on several occasions and the Board has denied each request as the physician has not demonstrated to the Board that he is safe to practice without the restriction placed on his license. Board members spoke in favor of denying the request, and instructed Board staff to communicate to the physician the Board's concerns and what he could do to assure the Board that he is safe to practice with patients under the age of 18.

MOTION: Dr. Khera moved to deny the request to terminate the Board Order.

SECOND: Ms. Salter

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

MOTION PASSED/FAILED.

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

The Board noted that Dr. Muradi was previously granted an extension to complete the Board ordered CME. Board members recognized that in 2014, Dr. Muradi complied with the Board Order and submitted proof of completion of the PACE medical recordkeeping and prescribing courses.

MOTION: Dr. Gillard moved to grant the request to terminate the Board Order.

SECOND: Dr. Khera

VOTE: 8-yay, 0-nay, 1-abstain, 0-recuse, 3-absent.

MOTION PASSED.

4. MD-13-0787B, JOSE L. ROBLEDO, M.D., LIC. #13386

MOTION: Dr. Krishna moved to grant the request to terminate the Board Order.

SECOND: Dr. Khera

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

MOTION PASSED.

The meeting adjourned at 6:25 p.m.



Infirm
rum

Patricia E. McSorley
Patricia E. McSorley
Executive Director