



Arizona Medical Board

9545 East Doubletree Ranch Road • Scottsdale, Arizona 85258

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FINAL MINUTES FOR REGULAR SESSION MEETING

Held on Wednesday, April 1, 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, RN

GENERAL BUSINESS

A. CALL TO ORDER

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

ALSO PRESENT

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

C. CALL TO THE PUBLIC

Individuals that addressed the Board during the call to the public appear beneath the matter(s) referenced.

D. EXECUTIVE DIRECTOR'S REPORT

Ms. McSorley updated the Board regarding the following items:

- Review, Discussion and Possible Action Regarding Board Member Training

Ms. McSorley informed the Board that the CLEAR training webinar has been approved by the Arizona Department of Administration to serve as five of the twelve hours required by statute for Board members. The Board discussed spending the remaining seven hours of training at its Offsite Planning Meeting to discuss processes such as administrative hearings, licensing, and the Physician Health Program.

- Update on Budget
- Update on Personnel

E. THIS ITEM WAS REMOVED FROM THE AGENDA

F. LEGAL ADVISOR'S REPORT

This item was tabled for a future Board meeting.

G. CONSIDERATION OF AND VOTE ON ELECTION OF BOARD OFFICERS

MOTION: Dr. Perry 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 9:06 a.m.

The Board returned to Open Session at 9:13 a.m.

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

MOTION: Ms. Salter moved to nominate Dr. Perry as Board Chairman, Dr. Gillard as Board Vice Chairman, and Ms. Bain as Board Secretary.

SECOND: Dr. Berg

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

MOTION PASSED.

H. THIS ITEM WAS REMOVED FROM THE AGENDA

I. UPDATE AND DISCUSSION ON THE LICENSING LOOK BACK BEING CONDUCTED BY THE GREATER ARIZONA CENTRAL CREDENTIALING PROGRAM ("GACCP")

Ms. McSorley reported that she continues to communicate with GACCP, and that they have provided a report of completed files to the Board. Ms. McSorley stated that she was not able to review the files that were reported as complete due to the files not being uploaded to the Board's database. She added that as a result of discussions with the project manager, GACCP will begin to provide the Board with a report of completed files every week until the project is finished. Board members recalled that GACCP has assured the Board that the project would be completed by the July 2015 deadline.

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

SECOND: Dr. Farmer

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

MOTION PASSED.

The Board entered into Executive Session at 1:09 a.m.

The Board returned to Open Session at 1:35 a.m.

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

Dr. Perry recommended that the Board reconvene on this matter in 7-10 business days in order to receive an update regarding GACCP's progress.

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

MOTION: Dr. Perry moved for the Board to enter into Executive Session pursuant to A.R.S. § 38-431.03(A)(2) and (3).

SECOND: Dr. Gillard

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

MOTION PASSED.

The Board entered into Executive Session at 3:27 p.m.

The Board returned to Open Session at 3:39 p.m.

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

K. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING LEGISLATIVE UPDATE

Stuart Goodman, Legislative Liaison, updated the Board of the following pending legislative items, which are related to the Board or may affect its operations:

- HB 2297 — state agency rule making; restrictions
- HB 2320 — firearms; permit holders; public places
- HB 2646 — rule making; approval of the governor; factors
- HB 2400 — business licensing; electronic database
- SB 1257 — medical licensure; state programs; prohibition
- SB 1258 — medical board; affiliation verification; rule making
- SB 1290 — independent medical examinations; board complaints

L. PREVIOUS BOARD MEMBER RECOGNITION AND INTRODUCTION OF NEW BOARD MEMBERS

MOTION: Mr. Gerding moved for the Board to recognize and thank Drs. Khera and Krishna for their esteemed service on the Board.

SECONDED: Dr. Gillard

Several of the Board members spoke for the motion, noting that while Dr. Khera served as Board Chairman, every individual that appeared before the Board was treated with respect and kindness. Ms. Bain commented that since she joined the Board, she observed that both Drs. Khera and Krishna worked hard to keep a stable and balanced environment, and she stated that it was a pleasure working with them. Other Board members echoed that watching both Drs. Khera and Krishna function on the Board with public safety always in mind has been inspiring and has helped the newer members learn the Board's processes. Dr. Perry added that the two professionals are fine examples of exemplary leadership. Ms. Brister and Ms. Salter both reiterated that it was a pleasure working with the physicians and stated that they will be missed.

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

MOTION PASSED.

M. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING PROPOSED DATE CHANGE FOR JUNE REGULAR SESSION MEETING

The Board discussed whether to hold its next regular meeting on June 2nd or 3rd.

MOTION: Dr. Perry moved for the Board to hold its next Regular Session Meeting on June 3, 2015.

SECOND: Dr. Farmer

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

MOTION PASSED.

N. UPDATE FROM THE ADMINISTRATION SUBCOMMITTEE

Ms. Bain, who serves as the Chairwoman of the Board's Subcommittee, reported regarding the following items:

- GL Suite Contract
- Business Office
- Investigations Office
- Licensing Office

It was discussed that reports were provided to the Subcommittee members by the managers of the various departments at the Agency. The Board discussed at length issues surrounding the Board's current database vendor and options available to the Board, as well as staffing issues at the Agency.

O. APPROVAL OF MINUTES

MOTION: Ms. Bain 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 8:59 a.m.
The Board returned to Open Session at 9:03 a.m.
No legal action was taken by the Board during Executive Session.

MOTION: Ms. Salter moved to approve the February 2, 2015 Summary Action Teleconference Meeting, including Executive Session.

SECOND: Dr. Farmer

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

MOTION PASSED.

MOTION: Ms. Salter moved to approve the February 4, 2015 Regular Session Meeting, including Executive Session.

SECOND: Dr. Farmer

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

MOTION PASSED.

MOTION: Ms. Salter moved to approve the March 2, 2015 Special Teleconference, including Executive Session.

SECOND: Dr. Farmer

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

MOTION PASSED.

MOTION: Ms. Salter moved to approve the March 5, 2015 Special Teleconference, including Executive Session.

SECOND: Dr. Farmer

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

MOTION PASSED.

MOTION: Ms. Salter moved to approve the March 13, 2015 Special Teleconference.

SECOND: Dr. Farmer

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

MOTION PASSED.

LEGAL MATTERS

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

1. MD-14-1608A, GEORGE F. GWINN, M.D., LIC. #25811

Dr. Gwinn was not present during the Board's consideration of this case. AAG Smith was present on behalf of the State. AAG Smith requested that the Board adopt the ALJ's recommendation for license revocation.

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

SECOND: Dr. Gillard

This motion was tabled.

MOTION: Dr. Berg moved to adopt the ALJ's recommended Findings of Fact and Conclusions of Law.

SECOND: Dr. Farmer

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

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

MOTION PASSED.

The following vote was taken for the initial motion:

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

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

MOTION PASSED.

MOTION: Dr. Berg moved to approve the Board Order arising from the ALJ's recommended decision.

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

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

MOTION PASSED.

Q. MOTION FOR REHEARING/REVIEW

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

Dr. Falconer participated telephonically during the Board's consideration of this matter. AAG Smith was present on behalf of the State.

Dr. Falconer addressed the Board, explaining that he filed the petition for rehearing or review based on several concerns. He stated that the Administrative Law Judge's ("ALJ's") decision did not separately state the facts set forth in the proceeding, making it difficult for the Superior Court to review the matter on appeal. He stated that there are notice issues that also warrant a rehearing or review of the case. Dr. Falconer stated that he had filed a motion for continuance of the Formal Hearing, but was denied. He explained that the continuance was necessary because of his inability to travel at the time due to the requirement that he remain on house confinement at the time. He also stated that he was not aware of the Board's February 2015 meeting at which time the ALJ's recommended decision was considered and acted upon.

AAG Smith stated that the physician has not demonstrated that there was an irregularity in the Board's proceedings, and therefore, his petition should be denied. AAG Smith pointed out that the Complaint and Notice of Hearing was filed in September of 2014 for the January 2015 Formal Hearing, allowing the physician sufficient time to request a continuance at an earlier date than that of December 2014. She added that the ALJ would likely have granted a motion to appear telephonically; however, the physician did not file one.

MOTION: Dr. Gillard moved to grant a partial review to review the Board's decision.

SECOND: Ms. Brister

Board members questioned the grounds for denying the physician's request for continuance and whether the Board's Order contained sufficient information for the Superior Court to review the matter on appeal. AAG Munns stated that the notice to the physician in this matter was procedurally correct, and that the Board set forth the factual allegations by voting at its meeting in February 2015 to incorporate the Complaint and Notice of Hearing into the final Order. AAG Munns added that should the Board find that there were deficiencies in the ALJ's decision, the Board has the authority to correct those issues as long as it is supported by the hearing record. He stated that the Board also has the authority to refer the matter back to Formal Hearing.

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

MOTION PASSED.

MOTION: Dr. Gillard moved to refer this matter to Formal Hearing.

SECOND: Dr. Farmer

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

MOTION PASSED.

R. REVIEW, CONSIDERATION AND POSSIBLE ACTION REGARDING STATE'S MOTION TO CONSIDER ALTERNATIVE ACTION

1. MD-14-0757A, SAMUEL W. GEHRING, M.D., LIC. #14691

Dr. Gehring was not present during the Board's consideration of this case. AAG Smith was present on behalf of the State. AAG Smith summarized that this matter stemmed from a Kentucky Board action taken against Dr. Gehring. She stated that Dr. Gehring initially failed to respond to the Board's investigation and the matter was referred for a Formal Hearing. AAG Smith stated that her office was able to contact Dr. Gehring and he requested that he be allowed to maintain his license. A settlement agreement was discussed and a proposed Consent Agreement was prepared, commensurate with the Board's general practice in cases involving disciplinary action taken by another state. She requested that the Board approve the proposed Consent Agreement, and that Dr. Gehring be allowed until April 17th to respond. If the physician declined the Board's offer for settlement, the matter shall proceed to Formal Hearing.

MOTION: Dr. Gillard moved to offer the physician a Consent Agreement for a Letter of Reprimand and Probation. The Probation shall be for a period of time equal to the length of time remaining on the Second Agreed Order. Once the physician has complied with the terms of Probation, he may petition the Board requesting termination of the Board Order. If the physician declines or does not respond by April 17, 2015, the matter shall proceed to Formal Hearing.

SECOND: Mr. Gerding

Board members recognized that the action taken by Kentucky involved prescribing concerns. Dr. Farmer proposed restricting Dr. Gehring's Arizona medical license relating to his prescribing abilities in order to protect the public.

MOTION: Dr. Farmer moved to amend the motion to include a practice restriction to the Probation prohibiting the physician from prescribing controlled substances in Arizona for the duration of the Order.

SECOND: Dr. Gillard

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

MOTION PASSED.

AMENDED MOTION: Dr. Gillard moved to offer the physician a Consent Agreement for a Letter of Reprimand and Probation. The Probation shall be for a period of time equal to the length of time remaining on the Second Agreed Order. The Probation shall include a restriction on the physician's ability to prescribe controlled substances in the State of Arizona for the duration of the Board Order. Once the physician has complied with the terms of Probation, he may petition the Board requesting termination of the Board Order. If the physician declines or does not respond by April 17, 2015, the matter shall proceed to Formal Hearing.

SECOND: Mr. Gerding

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

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

MOTION PASSED.

S. RESCIND REFERRAL TO FORMAL HEARING AND ACCEPT PROPOSED CONSENT AGREEMENT

1. MD-14-1276A, MICHAEL E. JAMES, M.D., LIC. #24537

Dr. James was not present during the Board's consideration of the case. AAG Smith was present on behalf of the State. AAG Smith summarized that Dr. James' license was suspended in October of 2014, after which he was assessed by PHP and successfully completed treatment. She added that Dr. James has been deemed safe to practice while participating in PHP, and she requested that the Board accept the proposed Consent Agreement in lieu of proceeding to Formal Hearing.

MOTION: Dr. Gillard moved to rescind the referral to Formal Hearing and accept the proposed Consent Agreement for Five Year Probation to participate in PHP. The Probation shall include psychotherapy. This Order vacates the Summary Suspension Order dated October 1, 2014. Once the physician has complied with the Probation, he may petition the Board requesting termination of the Board Order.

SECOND: Dr. Farmer

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

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

MOTION PASSED.

T. STAFF REQUEST FOR FURTHER ACTION CONSIDERATION OF RESPONDENT'S REQUEST FOR ALTERNATIVE ACTION

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

Attorney Paul Giancola was present on behalf of Dr. Sharma. Mr. Giancola requested that the Board accept the proposed Consent Agreement that was submitted concerning the Judicial Review Action currently pending regarding the previously issued Letter of Reprimand with Probation and Practice Restriction. He stated that he believes the settlement is a fair and reasonable resolution of the matter, and protects the public while allowing the physician to continue to practice general surgery. Mr. Giancola emphasized that the physician is aware of his practice limitations and that he has voluntarily discontinued his performance of breast augmentation surgery.

MOTION: Dr. Perry moved for the Board to enter into Executive Session for 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 10:34 a.m.

The Board returned to Open Session at 10:50 a.m.

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

MOTION: Ms. Bain moved to instruct the AAG and staff to enter into discussions and negotiations with the licensee and counsel to discuss a consent agreement that would include a voluntary restriction on the type of surgical procedure that is of issue in this particular case. Any violation of the Agreement would result in Board discipline, including license revocation.

SECOND: Dr. Gillard

Dr. Berg spoke against the motion, questioning whether the existing Board Order was stayed by the Court. AAG Smith clarified that the Court issued an order that was unclear as to the restrictions placed on the physician's practice.

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

MOTION PASSED.

U. FORMAL INTERVIEWS

1. MD-13-1294A, FRANCIS K. TINDALL, M.D., LIC. #14589

Dr. Perry reported that this matter was pulled from the agenda.

2. MD-14-0271A, ALEX WESTERBAND, M.D., LIC. #23180

Ms. Bain stated that she knew the physician's spouse, but that it would not affect her ability to adjudicate the case. Dr. Westerbands was present with Attorney Steve Myers. Board staff summarized that Dr. Westerbands was found to have deviated from the standard of care in this case regarding treatment of acute traumatic occlusion of the popliteal artery in that there was a delay in treatment, experimental use of minimally invasive technology, failure to

perform surgical thrombectomy, and leaving the facility while the patient was on the procedure table in the catheterization lab.

Dr. Westerland stated that he had to make very difficult decisions in this case, and that at no time did he believe the care provided to the patient was substandard. Dr. Westerland also stated that he has learned from this terrible outcome and has made changes in his practice to prevent a future occurrence.

Board members discussed Dr. Westerland's involvement in this patient's care, and questioned whether the outcome would have been different had the physician performed open surgery on the patient. It was noted that the two vascular surgery experts retained by the physician had found that Dr. Westerland did perform within the standard of care for this patient. In his closing statement, Mr. Myers stated that discipline on the physician's profile would be a disservice to the public and not representative of who he is as a physician.

During its deliberations phase, the Board recognized that leaving the patient in the catheterization lab is unusual, but that the patient continued to be monitored medically under the circumstances. Dr. Farmer stated it was clear that the physician cared about the patient's management, but questioned who was in charge of assuring viability of the limb versus the orthopedic outcome. Dr. Farmer also expressed concern regarding how the second procedure was performed and the events that transpired. Dr. Perry pointed out that although the standard of care in trauma is to perform an open procedure, there are always exceptions made. Dr. Perry commented that the physician exhibited a great knowledge of what was necessary for the situation. Board members questioned whether the Board's standard of evidence was satisfied in this case for sustaining a violation of A.R.S. § 32-1401(27)(q).

MOTION: Dr. Farmer moved for dismissal.

SECOND: Dr. Gillard

Several Board members spoke in favor of the motion. Dr. Gillard stated that he could not find that the physician was at fault in terms of performing an open procedure when considering the contraindicating factors in this patient. Dr. Paul stated that he was impressed with Dr. Westerland's remorsefulness and attention to the situation as well as the recorded discussions with the patient at the time of injury.

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

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

MOTION PASSED.

V. CONSIDERATION OF SUMMARY ACTION

1. MD-14-0520A, RODNEY S. IANCOVICI, M.D., LIC. #28530

Dr. Iancovici was not present during the Board's consideration of this case. Board staff summarized that this matter involved prescribing issues, medical records violation, and violation of a Board Order. The case was reviewed by SIRC and it was recommended the physician be offered the opportunity to surrender his license, or to refer the matter to Formal Hearing for license revocation. AAG Smith reported that Board staff attempted to contact Dr. Iancovici; however, his mail was returned as undeliverable and his phone numbers listed with the Board were inoperable.

MOTION: Ms. Bain moved to summarily suspend Dr. Iancovici's Arizona medical license based on the finding of unprofessional conduct in violation of A.R.S. § 32-1401(27)(e), (h), (q), and (r) and based on the additional finding that the public health, safety, or welfare imperatively requires emergency action by the Board.

SECOND: Dr. Farmer

Board members questioned how the Board would monitor the physician's suspension, and what was to keep the physician from continuing to prescribe while his license is suspended. AAG Smith informed the Board that a notice is transmitted to the Pharmacy Board and DEA,

and that the Board's Order is posted to the physician's online profile with the hope that the pharmacies do not fill any prescriptions written by him.

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

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

MOTION PASSED.

2. MD-14-1547A, RINLY R. GECOSALA, M.D., LIC. #27229

Dr. Gecosala was not present during the Board's consideration of this matter. Board staff summarized that this matter stemmed from a patient complaint filed against Dr. Gecosala alleging inappropriate prescribing and sexual misconduct. AAG Smith informed the Board that during the course of the investigation, Dr. Gecosala was invited to meet with Board staff for an investigational interview. She stated that the interview was cancelled as the physician had expressed his desire to voluntarily surrender his medical license.

After the surrender agreement was drafted and provided to the licensee, he requested to enter into a practice restriction with the Board in lieu of surrendering his license. AAG Smith stated that the agreement was drafted and submitted to the physician with the provision that the investigation would continue. The physician was again requested to meet with Board staff for an investigational interview. Rather than appear, Dr. Gecosala's counsel submitted correspondence to the Board stating that the physician planned to retire and requested a thirty day transition period for him to disseminate his patients to other providers. Dr. Gecosala and his attorney refused to participate any further in the Board's investigation.

Dr. Farmer agreed that the circumstances require emergency action of the Board based on the allegations and the physician's lack of cooperation with the investigation process.

MOTION: Dr. Famer moved to summarily suspend Dr. Gecosala's Arizona medical license based on the finding of unprofessional conduct in violation of A.R.S. § 32-1401(27)(j), (k), (q), and (z) and based on the additional finding that the public health, safety, or welfare imperatively requires emergency action by the Board.

SECOND: Ms. Brister

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

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

MOTION PASSED.

W. FORMAL INTERVIEWS

1. MD-13-1440A, CATHERINE SANDER MOSES, M.D., LIC. #29297

Dr. Berg stated that he was the discharging physician for this patient, but that it would not affect his ability to adjudicate the case. Dr. Moses was present with Attorney Dan Cavett. Board staff summarized that Dr. Moses was found to have deviated from the standard of care by improperly ordering 10-20 times the dose of Ketamine for a pediatric patient, and by failing to know basic pediatric algorithms including proper endotracheal tube and mask sizes, contributing to a difficult resuscitation as well as poor sealing of the mask and difficulty with bagging the patient.

Dr. Moses provided a summary of her involvement in this patient's care. She stated that she understands the Board's concern in this case, sincerely regrets the errors and has done what is needed to prevent such errors from occurring in the future. Board members noted that this matter was reported to the Board as a malpractice settlement, and that the underlying care occurred four and one half years previously. Dr. Moses explained that she ordered the dose of Ketamine to be drawn up by the nurse, but not to be given to the patient. She stated that the nurse, however, administered the IV sedation without the physician present in the room. Dr. Moses acknowledged that she made a decimal error in her documentation, which resulted in the nurse drawing up the incorrect dose of Ketamine and administering the sedation to the

patient. In relation to the allegation regarding proper endotracheal tube and mask sizes, Dr. Moses explained that she did not prep the procedure suite prior to the case, and that a nurse was responsible to take care of the equipment in the room.

In his closing statement, Mr. Cavett reiterated that Dr. Moses made a decimal point error, and that the nurse administered the IV sedation in breach of the hospital's protocols. Mr. Cavett stated that Dr. Moses has taken several CME courses since this event occurred regarding pediatric sedation, airway control, and how to use Ketamine in the Emergency Room.

During the Board's deliberations, Dr. Gillard stated he found that the physician was not given the opportunity to check over the surgical suite prior to commencement of the procedure. Dr. Gillard also stated that he was bothered by the dose of Ketamine, but that he did not find any harm came to the patient as a result of the dose miscalculation. Board members noted that this matter was referred to the Arizona Board of Nursing for review of the nurses involved in this case.

MOTION: Dr. Gillard moved for dismissal.

SECOND: Dr. Berg

Dr. Farmer spoke against the motion and stated that there is evidence to support a violation of A.R.S. § 32-1401(27)(q).

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

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

MOTION FAILED.

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. Paul

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

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

MOTION PASSED.

Dr. Farmer stated he recognized that Dr. Moses performed a substantial amount of mitigation in the form of CME, accumulating a significant body of knowledge in pediatric sedation. However, Dr. Farmer stated that concerns exist regarding medication handling as well as the concept of administering a general anesthetic without emergency ventilation equipment available. He questioned whether additional CME was warranted. Dr. Gillard stated that he did not see where the physician had any control over the equipment available in the room. Dr. Berg spoke in favor of issuing an Advisory Letter to track the occurrence.

MOTION: Dr. Farmer moved to issue an Advisory Letter for incorrect ordering of anesthetic medication dose and incorrect preparation of equipment and setting of administration. 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: Dr. Paul

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

Gerding. The following Board members were absent: Dr. Fromm, Dr. Khera, and Dr. Krishna.

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

MOTION PASSED.

2. MD-14-0416A, HETALKUMAR C. SHAH, M.D., LIC. #25006

Dr. Shah was present with Attorney Gordon Lewis. Board staff summarized that Dr. Shah failed to evaluate the patient for her pain, failed to obtain an accurate history and physical examination, failed to evaluate the patient using hCGs with close follow up and repeat ultrasound, and failed to evaluate the patient for Rh status and treat appropriately.

Dr. Shah provided a brief overview of the care provided to the patient. He stated that the patient misrepresented ultrasound findings in relation to the ectopic pregnancy, assuring that it was an intrauterine pregnancy. Dr. Shah added that the patient's failure to return for follow up prevented his office from assessing her any further for the source of her pain. Dr. Shah further indicated that he has changed his practice to prevent a future occurrence as he no longer relies on the patient's report of test results.

Dr. Paul recognized that Dr. Shah had an experienced PA that saw the patient and provided appropriate care. Dr. Paul noted the unfortunate outcome in this case, and stated that in understanding the perspective of the providers involved, he does not find that this matter rises to the level of discipline.

MOTION: Dr. Paul moved for dismissal.

SECOND: Dr. Gillard

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

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

MOTION PASSED.

X. 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. Perry moved for the Board to enter into Executive Session for legal advice.

SECOND: Dr. Gillard

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

MOTION PASSED.

The Board entered into Executive Session at 3:41 p.m.

The Board returned to Open Session at 3:54 p.m.

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

Dr. Gillard stated that, having reviewed the letter from the Homeopathic Board's Executive Director, he was in favor of allowing the Homeopathic Board to have jurisdiction over the case of this physician. Board members noted that should the matter result in a disciplinary sanction against the physician, the Board would have the discretion to review the matter and take action against the physician at that time.

MOTION: Dr. Gillard moved to allow the Arizona Board of Homeopathic Examiners to have jurisdiction over the case of Martha Grout, M.D.

SECOND: Mr. Gerding

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

MOTION PASSED.

CONSENT AGENDA

Y. CASES RECOMMENDED FOR DISMISSAL

MOTION: Dr. Farmer moved to dismiss item numbers 1, 2, 3, 5, and 6.

SECOND: Dr. Gillard

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

MOTION PASSED.

1. MD-14-0213A, SUDEEP S. PUNIA, M.D., LIC. #20224

RESOLUTION: Dismiss.

2. MD-14-0308A, SCOTT C. JONES, M.D., LIC. #36766

RESOLUTION: Dismiss.

3. MD-14-0874A, KHUSHVANT S. BHOLA, M.D., LIC. #26771

RESOLUTION: Dismiss.

4. MD-14-0655A, ERIC D. PITTMAN, M.D., LIC. #30757

Board staff summarized that the medical consultant found that Dr. Pittman met the standard of care in this case, but that he failed to document a progress note. Dr. Gillard stated that he was in favor of the dismissal, but took issue with the care provided by the emergency room physician and night hospitalist in that the record does not reflect that an EKG was performed or a cardiac biomark was drawn.

MOTION: Dr. Gillard moved for review of the emergency room physician and the night hospitalist.

SECOND: Dr. Berg

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

MOTION PASSED.

MOTION: Dr. Gillard moved for dismissal.

SECOND: Dr. Farmer

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

MOTION PASSED.

5. MD-14-0734A, AILEEN LO, M.D., LIC. #48487

RESOLUTION: Dismiss.

6. MD-14-1008A, AJMAL A. SULTAN, M.D., LIC. #46001

RESOLUTION: Dismiss.

Z. CASES RECOMMENDED FOR ADVISORY LETTERS

MOTION: Dr. Berg moved to issue an Advisory Letter in item numbers 2, 6, 7, 8, 9, and 11.

SECOND: Ms. Brister

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

MOTION PASSED.

1. MD-13-1399A, SAIF JAFFERY, M.D., LIC. #26330

Dr. Jaffery spoke during the call to the public as well as Attorney Chris Smith on Dr. Jaffery's behalf. Board staff summarized that the Board's reviewer found that Dr. Jaffery met the standard of care in this case and identified a medical recordkeeping violation in that further clarification of the patient termination plan should have been documented.

Board members recalled Dr. Jaffery's call to public statement, noting his indication that the patient was discharged from the practice in an urgent manner due to safety of his staff. Dr. Farmer noted the threatening situation, and stated that the care was appropriate. Dr. Farmer stated he is inclined to give the physician the benefit of the doubt, given the threatening nature of the patient and spoke in favor of dismissing the case.

MOTION: Dr. Farmer moved for dismissal.

SECOND: Dr. Gillard

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

MOTION PASSED.

2. MD-14-0124A, RANDAL R. SCHLOSSER, M.D., LIC. #43849

RESOLUTION: Issue an Advisory Letter for excessive number of attempts at performing epidural anesthesia and for inadequate documentation. While the licensee has demonstrated substantial compliance through remediation that has mitigated the

need for disciplinary action, the board believes that repetition of the activities that led to the investigation may result in further Board action against the licensee.

3. MD-14-0413A, ANNE M. HAWKINS, M.D., LIC. #11624

Board staff presented that the Board's reviewer found that Dr. Hawkins failed to conduct a complete history of present illness and review of systems, and also identified a medical recordkeeping violation.

Dr. Gillard stated that this was not a straightforward case of a patient with an upper respiratory infection. Dr. Gillard stated he believed that the physician was correct in transferring the patient to a higher level of care. He spoke in favor of dismissing the case.

MOTION: Dr. Gillard moved for dismissal.

SECOND: Dr. Berg

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

MOTION PASSED.

4. MD-14-0530A, DASHANT S. KAVATHIA, M.D., LIC. #44816

Board staff summarized that the Board's reviewer found that Dr. Kavathia deviated from the standard of care by being unaware that the patient was on Plavix and by performing an elective transbronchial biopsy on a patient taking Plavix.

Dr. Berg observed that there was a significant pulmonary hemorrhage and that the patient required a stay in the ICU after resuscitation. He also recognized that the patient was readmitted to the hospital shortly after the events occurred, and stated that it was likely related to the complication. Dr. Berg noted that in his response to the Board's investigation, Dr. Kavathia indicated that the patient's medications were not brought to his attention and that there was a breakdown in the reviewing of the patient's chart.

Dr. Berg stated that he found real harm came to the patient in this case, and that Dr. Kavathia should have investigated the medications that the patient was taking. For that reason, Dr. Berg spoke in favor of a disciplinary sanction. Dr. Perry agreed with Dr. Berg's comments, and stated that it is incumbent on a surgeon to be familiar with whether or not the patient is taking anticoagulants.

MOTION: Dr. Berg moved to offer the physician a Consent Agreement for a Letter of Reprimand for a violation of A.R.S. § 32-1401(27)(q).

SECOND: Dr. Gillard

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

MOTION PASSED.

5. MD-14-0342A, SUSAN J. KUDLINSKI, M.D., LIC. #25219

Dr. Berg pulled this case for discussion. He noted that Dr. Kudlinski discussed with the patient and obtained consent for the performance of tubal ligation, and that there was a resultant pregnancy. Dr. Berg stated he believes that this represented real patient harm and spoke in favor of a disciplinary sanction for the physician's failure to perform a tubal ligation.

MOTION: Dr. Berg moved to offer the physician a Consent Agreement for a Letter of Reprimand.

SECOND: Ms. Salter

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

MOTION PASSED.

6. MD-13-1469A, PAUL S. SAPHIER, M.D., LIC. #46654

RESOLUTION: Issue an Advisory Letter for being on-call while under the influence of alcohol. There is insufficient evidence to support disciplinary action.

7. MD-14-0287B, OYOYO O. ONUOHA, M.D., LIC. #42096

RESOLUTION: Issue an Advisory Letter for failure to further evaluate a patient's anemia. There is insufficient evidence to support disciplinary action.

8. MD-14-1263A, JOSEPH P. ZAJCHOWSKI, M.D., LIC. #42388

RESOLUTION: Issue an Advisory Letter for prescribing a controlled substance to an immediate family member. There is insufficient evidence to support disciplinary action.

9. MD-14-1649A, LYNN S. LYDON, M.D., LIC. #23216

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

10. MD-14-0501A, SHOBHA M. PARVATHALA, M.D., LIC. #25533

Complainant MR spoke during the call to the public. Board staff summarized that the Board's reviewer found that Dr. Parvathala met the standard of care in this case, but identified medical recordkeeping violation in that the physician failed to document pertinent negatives in the patient's chart.

Dr. Paul recognized that Dr. Parvathala had seen the patient on multiple occasions for acute complaints. Dr. Perry commented that it is sometimes difficult to palpate a neck mass, noting that the complaint in this case alleged that Dr. Parvathala failed to recognize the patient's neck mass. Dr. Perry recalled the complainant's comments from the call to the public, and stated that it is unclear whether the patient's mention of resultant vocal cord nodules is relative to the thyroid nodules. Board members noted that several physicians saw this patient and also failed to document the thyroid nodule. Dr. Perry spoke in favor of dismissal, recognizing that a thyroid nodule could develop and become palpable without previously being palpable.

MOTION: Dr. Paul moved for dismissal.

SECOND: Ms. Brister

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

MOTION PASSED.

11. MD-14-0881A, AJAY M. NARWANI, M.D., LIC. #35814

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

12. MD-14-0904A, JEFFREY I. MARDER, M.D., LIC. #15778

Dr. Farmer pulled this case for discussion. He noted that the allegation made in this case involved whether there was inappropriate monitoring of the CRNA under the anesthesiologist's supervision. Dr. Farmer stated that after revisiting the statutory violations alleged, his question in this case was satisfied. He spoke in favor of issuing an Advisory Letter.

MOTION: Dr. Farmer moved to issue an Advisory Letter for action taken by the State of Florida and for inadequate supervision of a CRNA. There is insufficient evidence to support discipline.

SECOND: Dr. Berg

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 5-absent.

MOTION PASSED.

13. MD-13-0924A, BASHIR A. AZHER, M.D., LIC. #14725

Attorney Scott King spoke during the call to the public on behalf of Dr. Azher. Board staff summarized that the Board's reviewer found that Dr. Azher performed a cystoscopy with meatal dilation and greenlight laser ("GLL") ablation on the prostate prior to complete resolution of the patient's urinary tract infection.

Dr. Gillard stated that meatal dilation may have been appropriate for treating the urinary obstruction. Dr. Gillard added that he does not see that there was patient harm in this case, noting that the patient's condition improved thereafter. He spoke in favor of dismissing the case.

MOTION: Dr. Gillard moved for dismissal.

SECOND: Dr. Paul

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 5-absent.

MOTION PASSED.

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

1. MD-14-0857A, BENJAMIN H. VENGER, M.D., LIC. #20605

Dr. Gillard noted that the Board's reviewer did not find any issue with Dr. Venger's prescribing of medication to the patient. Dr. Gillard recognized SIRC's recommendation to issue an Advisory Letter with Non-Disciplinary CME Order for inadequate records. Dr. Gillard noted that Dr. Venger was previously issued a Decree of Censure for false testimony in that the physician generated false records. Dr. Gillard stated that he agreed with SIRC's recommendation, but questioned whether it would be appropriate for staff to conduct a chart review following the physician's completion of the CME requirement.

AAG Smith pointed out that the Board at its February 2015 meeting, voted to issue the physician an Advisory Letter and Non-Disciplinary CME Order for inadequate records to be completed within six months. She stated that the CME has not yet been completed, and that the underlying patient care occurred within the same time frame. Dr. Gillard spoke in favor of offering the physician a Consent Agreement for Probation to complete CME in medical recordkeeping and chart reviews.

MOTION: Dr. Gillard moved to offer the physician a Consent Agreement for One Year Probation. Within six months, complete a minimum of 15 hours of Board staff pre-approved Category I CME in an in-person, intensive course regarding medical recordkeeping. The CME hours shall be in addition to the hours required for license renewal. The period of Probation shall include one quarterly chart review of ten of the physician's records to ensure accuracy and completeness of the records. The chart review shall occur after completion of the CME. Once the physician has complied with the Probation, he may petition the Board requesting termination of the Board Order.

SECOND: Dr. Paul

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

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

MOTION PASSED.

BB. REVIEW OF EXECUTIVE DIRECTOR DISMISSALS

MOTION: Dr. Farmer moved to uphold the dismissal in item numbers 2 and 3.

SECOND: Ms. Brister

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

MOTION PASSED.

1. MD-13-1422C, RACHEL M. JONES, M.D., LIC. #43226

Dr. Gillard pulled this case for discussion and spoke in favor of the dismissal. He noted the unfortunate outcome for the patient, and stated that the outcome was not caused by the physician's involvement in this patient's care.

MOTION: Dr. Gillard moved to uphold the dismissal.

SECOND: Dr. Farmer

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

MOTION PASSED.

Dr. Gillard questioned whether the family was notified of the patient's blood culture findings prior to contacting the physician's office and obtaining the results themselves when the patient was doing poorly. Board staff reported that the medical records reflect that attempts were made to reach the family; however, the number on file was not in service. In addition to attempted contact telephonically, the documentation indicates that a letter was sent to the family regarding the blood culture.

2. MD-14-0081A, MARTIN SCHIFF, M.D., LIC. #17440

RESOLUTION: Uphold the dismissal.

3. MD-14-0493A, PATRICK L. PINE, M.D., LIC. #44789

RESOLUTION: Uphold the dismissal.

CC. PROPOSED CONSENT AGREEMENTS (Disciplinary)

MOTION: Dr. Berg moved to accept the proposed Consent Agreement in item numbers 1 and 3.

SECOND: Ms. Salter

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion:

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

MOTION PASSED.

1. MD-13-1231A, SUDHIR RANJAN, M.D., LIC. #13308

RESOLUTION: Accept the proposed Consent Agreement for a Letter of Reprimand and Probation. Within six months, complete no less than 15 hours of Board staff pre-approved Category I CME in an intensive, in-person course regarding medical recordkeeping. The CME hours shall be in addition to the hours required for license renewal.

2. MD-14-0495A, DAVID ELDREDGE, M.D., LIC. #42612

Dr. Gillard observed that Dr. Eldredge performed a tubal ligation on the patient and rather than remove the fallopian tube, a blood vessel was removed, resulting in an unwanted pregnancy. A malpractice claim was subsequently filed and settled with payment on behalf of the physician. Dr. Gillard spoke in favor of approving the proposed Consent Agreement.

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

SECOND: Ms. Salter

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

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

MOTION PASSED.

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

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

DD. LICENSE APPLICATIONS

i. APPROVE OR DENY LICENSE APPLICATION

MOTION: Dr. Berg moved to grant the license in item numbers 1, 2, 3, 6, 7, 10, 11, 12, 13, 14, 17, 20, and 22.

SECOND: Ms. Salter

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

MOTION PASSED.

1. MD-15-0001A, Robert J. Aria, M.D., LIC. #N/A

Dr. Aria spoke during the call to the public.

RESOLUTION: Grant the license.

2. MD-15-0241A, RAVINDU P. GUNATILAKE, M.D., LIC. #N/A

RESOLUTION: Grant the license.

3. MD-14-1439A, MARK R. ROCKOFF, M.D., LIC. #N/A

RESOLUTION: Grant the license.

4. MD-14-1080A, PETER M. MAMALAKIS, M.D., LIC. #N/A

Dr. Gillard pulled this case for discussion, noting that Dr. Mamalakis currently holds active medical licenses in Maryland, New York, and Virginia. It was also noted that Dr. Mamalakis had a previous DUI, and that the Board's PHP Contractor reported that the applicant was safe to practice while enrolled in PHP for two years. Dr. Gillard spoke in

favor of granting the license with the stipulation that Dr. Mamalakis participate in PHP for a period of two years.

MOTION: Dr. Gillard moved to grant the license contingent upon entering into a Consent Agreement for PHP participation.

SECOND: Dr. Farmer

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

MOTION PASSED.

5. MD-14-0234A, ADAM A. MORGAN, M.D., LIC. #N/A

The Board members noted that Dr. Morgan reported two previous malpractice cases on his license application, both of which were reviewed by an expert. The reviewer determined that there was no discrepancy in Dr. Morgan's care. The Board discussed requiring Dr. Morgan to undergo a chart review in the future for review of his radiology interpretations. AAG Smith pointed out to the Board that the patient care involved with the malpractice cases occurred in 2009 and 2013, and that the applicant has been issued licensed by a number of other jurisdictions since that time. Dr. Gillard recognized that the physician has no reported disciplinary sanctions in any of the multiple states in which he is licensed. He spoke in favor of granting licensure in this case.

MOTION: Dr. Gillard moved to grant the license.

SECOND: Dr. Paul

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

MOTION PASSED.

6. MD-14-1478A, MARK E. BEEHNER, M.D., LIC. #N/A

RESOLUTION: Grant the license.

7. MD-15-0185A, JULIO E. WILLIAMS, M.D., LIC. #N/A

RESOLUTION: Grant the license.

8. MD-15-0052A, HIEP T. NGUYEN, M.D., LIC. #N/A

Dr. Edward Carter spoke during the call to the public on behalf of Dr. Nguyen. Dr. Gillard pulled this case for discussion, noting that Dr. Nguyen currently holds active medical licenses in California and Massachusetts. Dr. Gillard commented that this physician seemed to be very well trained, and noted that the complaint made to the other licensing authority did not involve any patient harm, but rather, it was filed by a colleague concerning his research.

MOTION: Dr. Gillard moved to grant the license.

SECOND: Dr. Berg

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

MOTION PASSED.

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

Board members recognized that Dr. Stump previously surrendered his Arizona medical license due to issues surrounding substance abuse. As part of the licensing review process, Dr. Stump completed Phase I and II of PACE, and was deemed more than competent in emergency medicine. Dr. Gillard spoke in favor of granting the license with the stipulation that the applicant participate in PHP for a period of five years with biweekly psychotherapy sessions.

MOTION: Dr. Gillard moved to grant the license contingent upon entering into a Consent Agreement for PHP participation and psychotherapy.

SECOND: Dr. Berg

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

MOTION PASSED.

10. MD-15-0084A, GREGG K. TRIGGS, M.D., LIC. #N/A

RESOLUTION: Grant the license.

11. MD-15-0135A, BERNARD R. BENDOK, M.D., LIC. #N/A
RESOLUTION: Grant the license.

12. MD-15-0146A, RICHARD P. ABRAMOWITZ, M.D., LIC. #N/A
RESOLUTION: Grant the license.

13. MD-15-0063A, RONALD C. WHEELER, M.D., LIC. #N/A
RESOLUTION: Grant the license.

14. MD-15-0147A, SIMON J. FARROW, M.D., LIC. #N/A
RESOLUTION: Grant the license.

15. MD-15-0051A, DANNY C. BLANKENSHIP, M.D., LIC. #N/A
Board staff reported that Dr. Blankenship disclosed on his license application that he had entered into a Consent Agreement with the Ohio Board for having a relationship with an employee to whom he was also prescribing medication without maintaining a chart. As a result of the Ohio Board's review, Dr. Blankenship's license was suspended for 180 days per the Consent Agreement. Dr. Blankenship was subsequently reinstated without restriction.

MOTION: Dr. Gillard moved to grant the license.
SECOND: Mr. Gerding
VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 4-absent.
MOTION PASSED.

16. MD-15-0274A, MICHAEL L. MESSING, M.D., LIC. #N/A
MOTION: Dr. Gillard moved to grant the license.
SECOND: Dr. Paul
VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 4-absent.
MOTION PASSED.

17. MD-14-0693A, JOSEPH MOZA, M.D., LIC. #N/A
MOTION: Dr. Gillard moved to reopen this matter.
SECOND: Dr. Paul
VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 4-absent.
MOTION PASSED.

Dr. Gillard observed that this was a complicated case. He noted that Dr. Moza, while practicing as a hospitalist, was suspended for multiple errors. However, Dr. Gillard recognized that the applicant challenged the suspension and as a result, it was found that the suspension was improper. Dr. Gillard noted that the file included a large number of patient-related complaints, and he recommended that the matter be referred to SIRC for a recommendation.

MOTION: Dr. Gillard moved to reconsider the Board's decision to grant the license and return the matter to continue the investigation to have the case reviewed by SIRC.
SECOND: Ms. Salter
VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 4-absent.
MOTION PASSED.

18. MD-15-0022A, MICHAEL S. ORENSTEIN, M.D., LIC. #N/A
Dr. Gillard stated that this matter involved a voluminous amount of information for review, and given the late addition to the Board's agenda, he requested that the matter be reviewed by SIRC with a recommendation regarding the license applicant.

MOTION: Dr. Gillard moved to continue the investigation to allow the matter to be reviewed by SIRC for a recommendation.
SECOND: Dr. Berg
VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 4-absent.

MOTION PASSED.

19. MD-15-0350A, EUN Y. PARK, M.D., LIC. #N/A

The Board discussed this case along with item number 23, noting that the physicians inadvertently allowed their Arizona licenses to expire. Board staff reported that the physicians indicated that they practiced without a license for a period of time when they were unaware that their licenses had lapsed. Dr. Gillard spoke in favor of issuing Advisory Letters to the physicians for practicing on an expired license, in addition to granting re-licensure.

MOTION: Dr. Gillard moved to grant the license and issue an Advisory Letter for practicing on an expired license in item numbers 19 and 23.

SECOND: Ms. Salter

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

MOTION PASSED.

20. MD-14-1155A, JEFFREY F. SHALL, M.D., LIC. #N/A

MOTION: Dr. Gillard moved to reopen this matter.

SECOND: Dr. Paul

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

MOTION PASSED.

Board members noted that this matter involved the disclosure of four previous malpractice cases and that the application was considered by the Board previously and returned for further investigation. The Board's two expert reviewers had conflicting opinions regarding Dr. Shall's care. Dr. Gillard recommended that the application be referred to SIRC for review.

MOTION: Dr. Gillard moved to continue the investigation to have the case reviewed by SIRC.

SECOND: Dr. Farmer

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

MOTION PASSED.

21. MD-14-1519A, SHIRAZALI G. SUNDERJI, M.D., LIC. #N/A

Board staff reported that Dr. Sunderji filed his license renewal application, reporting two previous malpractice cases that resulted in a settlement with payment on behalf of the physician. The Board's CMC reviewed the matters and recommended that the most recent of which (2007) should be reviewed by an expert. Board staff pointed out that many attempts were made at obtaining the medical records, but Board staff was unsuccessful in doing so.

The Board's Internal Medical Consultant, Dr. Ingrid Haas, summarized that the 2007 case involved internal fetal medicine specialist Dr. Sunderji and a colleague of his within the same group, both of which were covering at the time. Dr. Haas pointed out that Dr. Sunderji was in the operating room when he was notified that there was a concern with the patient. Dr. Sunderji called on his colleague who had admitted the patient, and a cesarean section was subsequently carried out.

Dr. Gillard noted that there were extenuating circumstances surrounding the case, and spoke in favor of granting the license.

MOTION: Dr. Gillard moved to grant the license.

SECOND: Dr. Paul

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

MOTION PASSED.

22. MD-15-0355A, DOYLE E. JOHNSON, M.D., LIC. #N/A

RESOLUTION: Grant the license.

23. MD-15-0356A, VINEE SRIVASTAVA, M.D., LIC. #N/A

RESOLUTION: Grant the license and issue an Advisory Letter for practicing on an expired license.

ii. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING RENEWAL APPLICATIONS

MOTION: Dr. Perry moved to grant the license renewal in item numbers 1, 2, 3, 10, 13, 14, 15, 16, 17, 18, and 19.

SECOND: Dr. Gillard

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

MOTION PASSED.

1. MD-14-1277A, SUSAN B. KAY, M.D., LIC. #27450

RESOLUTION: Grant the license renewal.

2. MD-14-1275A, ESTEBAN MAGANA, M.D., LIC. #35409

RESOLUTION: Grant the license renewal.

3. MD-15-0226A, WILLIAM M. WOLF, M.D., LIC. #17077

RESOLUTION: Grant the license renewal.

4. MD-14-0660A, JAN J. DOBROWOLSKI, M.D., LIC. #32508

The Board discussed items 4, 5, 6, 7, and 8, noting that the applicants for re-licensure were noted to be deficient based upon a CME audit performed by Board staff. Board members noted that the Board has historically issued Advisory Letters to licensees who have failed to complete the statutorily required CME hours within the qualifying date range.

MOTION: Dr. Gillard moved to grant the license renewal and issue an Advisory Letter for CME deficiency on audit in item numbers 4, 5, 6, 7, and 8.

SECOND: Dr. Berg.

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

MOTION PASSED.

5. MD-14-0806A, MANUEL E. BABAIAN, M.D., LIC. #36812

RESOLUTION: Grant the license renewal and issue an Advisory Letter for CME deficiency on audit.

6. MD-14-0816A, ANDRE HAGEVIK, M.D., LIC. #29951

RESOLUTION: Grant the license renewal and issue an Advisory Letter for CME deficiency on audit.

7. MD-14-0880A, NORMA A. PRICE, M.D., LIC. #26030

RESOLUTION: Grant the license renewal and issue an Advisory Letter for CME deficiency on audit.

8. MD-14-1589A, CONCHITA A. TEE, M.D., LIC. #13342

RESOLUTION: Grant the license renewal and issue an Advisory Letter for CME deficiency on audit.

9. MD-15-0305A, THOMAS L. WACHTEL, M.D., LIC. #14715

The Board discussed items 9, 11, and 12, noting the applicants in each of the cases disclosed medical conditions on their license applications. The Board recognized that the applicants have self-limited their practices with no reported issues in the past. Board members spoke in favor of granting re-licensure to the applicants.

MOTION: Dr. Berg moved to grant the license renewal in item numbers 9, 11, and 12.

SECOND: Ms. Brister

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

MOTION PASSED.

10. MD-14-0984A, KEVIN S. KLOPFENSTEIN, M.D., LIC. #15403

RESOLUTION: Grant the license renewal.

11. MD-15-0310A, STEVEN B. PERLMUTTER, M.D., LIC. #15219

RESOLUTION: Grant the license renewal.

12. MD-15-0312A, RABINDRANATH SINGH, M.D., LIC. #37678

RESOLUTION: Grant the license renewal.

13. MD-15-0315A, BARBARA A. KESKE, M.D., LIC. #19629

RESOLUTION: Grant the license renewal.

14. MD-15-0316A, THOMAS L. PODOLSKY, M.D., LIC. #14643

RESOLUTION: Grant the license renewal.

15. MD-15-0320A, CLEVE R. SHIREY, M.D., LIC. #47671

RESOLUTION: Grant the license renewal.

16. MD-15-0319A, DAMIEN C. JOY, M.D., LIC. #19519

RESOLUTION: Grant the license renewal.

17. MD-15-0318A, ROBERT L. MOSS, M.D., LIC. #14008

Dr. Moss spoke during the call to the public.

RESOLUTION: Grant the license renewal.

18. MD-14-0982A, JOSE A. CARRION, M.D., LIC. #14604

RESOLUTION: Grant the license renewal.

19. MD-14-1282A, MICHAEL D. DERSAM, M.D., LIC. #30263

RESOLUTION: Grant the license renewal.

20. MD-15-0333A, AARON M. SCOTT, M.D., LIC. #26539

Board members observed that the applicants in items 20, 21, and 22 all disclosed medical conditions on their application. The Board recognized that these applicants are aware of their limitations and have taken steps to self-limit their practices. Board members spoke in favor of granting re-licensure in the three cases.

MOTION: Dr. Gillard moved to grant the license renewal in item numbers 20, 21, and 22.

SECOND: Dr. Paul

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

MOTION PASSED.

21. MD-15-0335A, THOMAS A. VETTO, M.D., LIC. #15826

RESOLUTION: Grant the license renewal.

22. MD-15-0337A, JOHN L. JENSEN, M.D., LIC. #13293

RESOLUTION: Grant the license renewal.

iii. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING APPLICANT'S REQUEST FOR WAIVER OF SPECIAL PURPOSE EXAMINATION ("SPEX")

1. RAUL J. RODRIGUEZ SORA, M.D.

The Board discussed items 1 and 2 together, recognizing the comparable circumstances surrounding the request for waiver. Dr. Gillard stated that the licensing requirements are clear regarding an applicant having to had completed the SPEX within the past ten years or hold current board certification. Dr. Gillard noted that the applicants in items 1 and 2 are not board certified, and he stated that the Board does not have the discretion to grant a waiver under the circumstances in either case.

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

SECOND: Dr. Farmer

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

MOTION PASSED.

The Board entered into Executive Session at 5:54 p.m.

The Board returned to Open Session at 6:09 p.m.

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

MOTION: Dr. Farmer moved to deny the waiver request in item numbers 1 and 2.

SECOND: Dr. Berg

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

MOTION PASSED.

2. TERENCE A. COCHRAN, M.D.

RESOLUTION: Deny the request for waiver of SPEX.

3. SYED M. RAHMAN, M.D.

Board staff reported that Dr. Rahman met the basic requirements for licensure; however, the applicant is a foreign medical graduate and is required to have at least 36 months of post graduate training in the United States, or have served as an assistant professor or above for at least three years. The Board noted that Dr. Rahman was an assistant professor for 14 years, but staff was not able to verify this as it was an unpaid position and no record was kept. Board staff clarified that Dr. Rahman reported on his application that he served as an assistant clinical professor in the radiation department and that everyone he worked with is no longer there.

Dr. Berg stated that there is a significant distinction between clinical assistant professor and assistant professor. He added that there are important distinctions with regard to the role of the physician in these positions.

MOTION: Dr. Farmer moved to deny the applicant's request for waiver of primary source verification requirement.

SECOND: Dr. Berg

Dr. Gillard stated that the Board cannot make an exception under these circumstances, pursuant to statute and rule.

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

MOTION PASSED.

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

Complainant AA spoke during the call to the public regarding dismissal case #52.

Complaint #138 was pulled for Board discussion. This case involved a patient that presented with abdominal pain with a history of diverticulosis. D. Gillard stated that times that were listed throughout the reviewer's report were all conflicting and inaccurate. Dr. Gillard suggested that the matter be returned for further investigation to have it reviewed by SIRC.

MOTION: Dr. Gillard moved for item #138 to return for further investigation to have it reviewed by SIRC.

SECOND: Dr. Paul

VOTE: 6-yay, 0-nay, 2-abstain, 0-recuse, 4-absent.

MOTION PASSED.

ACTION ON CASE(S)

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

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

Attorney Steve Myers spoke during the call to the public on behalf of Dr. Holden. Board members noted Attorney Myers' request to add two positive points to the Findings of Fact and discussed including the following language into a revised draft Findings of Fact, Conclusions of Law and Order:

"During a Formal Interview on this matter, Respondent testified that he had been committed to recovery efforts and was diligently pursuing recovery through the Board's PHP. During that same Formal Interview, the Board's PHP Contractor testified that Respondent was in full compliance with the PHP program and that Respondent had an excellent prognosis for recovery."

MOTION: Dr. Farmer moved to approve the draft Findings of Fact, Conclusions of Law and Order, as revised, 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 physician has complied with the Probation, he may petition the Board to terminate the Probation.

SECOND: Dr. Paul

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

MOTION PASSED.

OTHER BUSINESS

GG. REQUEST FOR TERMINATION OF BOARD ORDER

1. MD-10-0131A, GERALD S. ASIN, M.D., LIC. #20348

Dr. Asin spoke during the call to the public. The Board discussed Dr. Asin's request to terminate his Board Order. Board members noted that Dr. Asin was issued a Board Order in October of 2010 that prohibited him from prescribing schedule II controlled substances for a period of five years. Board staff reported that Dr. Asin had been compliant with the terms and conditions of his practice restriction as demonstrated on multiple periodic pharmacy surveys.

The Board recognized that, in addition to the prescribing restriction, the Board Order requires Dr. Asin to complete a comprehensive course in prescribing at least six months prior to requesting that the restriction be lifted. Board staff reported to the Board that Dr. Asin has paid and scheduled the PACE prescribing course, but has yet to complete it. Dr. Gillard pointed out that Dr. Asin no longer holds a DEA registration, essentially prohibiting the physician from prescribing any controlled substances. For that reason and because the physician has been fully compliant with the Board's Order, Dr. Gillard spoke in favor of granting the request to lift the practice restriction, recognizing that the physician will continue to be prohibited from prescribing any controlled substances until receiving a DEA registration.

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

SECOND: Dr. Perry

Dr. Farmer spoke against the motion, noting that the Board Order indicates that the practice restriction should remain in place for at least five years which, in this case, is October of 2015. Dr. Farmer stated that he is concerned with setting a precedent by lifting the practice early when prescribing of controlled substances is a significant issue in the community.

VOTE: 7-yay, 1-nay, 0-abstain, 0-recuse, 4-absent.

MOTION PASSED.

2. THIS MATTER WAS REMOVED FROM THE AGENDA.

HH. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING COMMITTEE RECOMMENDATION

1. MD-12-1261A, REGINA Y. NAJERA, M.D., LIC. #37027

Dr. Najera spoke during the call to the public with Attorney Thomas Langan. Dr. Gillard noted Attorney Langan's call to public statement wherein he stated that only one of the Board's three experts who reviewed the case was qualified to do so. Board members recognized that this was a complicated case and discussed SIRC's recommendation for a disciplinary sanction.

MOTION: Dr. Farmer moved to offer the physician a Consent Agreement for a Letter of Reprimand. If the physician declines, she shall be invite for a Formal Interview.

SECOND: Dr. Gillard

The Board's Chief Medical Consultant, Dr. William Wolf, addressed the Board, stating that the main concern among the three Board expert reviewers involved corneal topography that should have been performed in the patient cases that were reviewed. Dr. Wolf stated that this issue was conceded by the physician, and he pointed out that Dr. Najera has successfully completed Phases I and II of PACE.

Dr. Paul noted that Dr. Najera's prior Board history included the issuance of an Advisory Letter for an excessive complication rate following cataract surgery. Dr. Perry suggested obtaining a fourth review of the case by an expert who practiced during the same time frame.

Drs. Farmer and Gillard withdrew the motion.

MOTION: Dr. Farmer moved to return the case to have it considered by SIRC.

SECOND: Dr. Gillard

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

MOTION PASSED.

MOTION: Dr. Perry moved to adjourn the meeting.

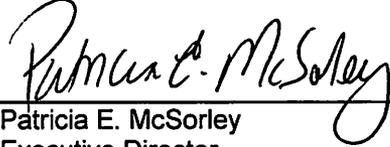
SECOND: Dr. Gillard

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

MOTION PASSED.

The meeting adjourned at 6:47 p.m.




Patricia E. McSorley
Executive Director