



Arizona Medical Board

9545 East Doubletree Ranch Road • Scottsdale, Arizona 85258

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DRAFT MINUTES FOR SPECIAL TELECONFERENCE MEETING Held on Thursday, March 10, 2016 9545 E. Doubletree Ranch Road • Scottsdale, Arizona

Board Members

James M. Gillard, M.D., M.S., F.A.C.E.P., F.A.A.E.M., Chair

R. Screven Farmer, M.D., Vice-Chair

Jodi A. Bain, Esq., Secretary

Marc D. Berg, M.D.

Donna S. Brister

Teresa L. Connolly, D.N.P., R.N., N.E.A.-B.C.

Gary R. Figge, M.D.

Robert E. Fromm, M.D., M.P.H.

Lois E. Krahn, M.D.

Edward G. Paul, M.D.

Richard T. Perry, M.D.

Wanda J. Salter, R.N.

GENERAL BUSINESS

A. CALL TO ORDER

Dr. Gillard called the meeting to order at 6:03 p.m.

B. ROLL CALL

The following Board members participated telephonically: Ms. Bain, Dr. Berg, Ms. Brister, Dr. Connolly, Dr. Farmer, Dr. Figge, Dr. Fromm, Dr. Gillard, Dr. Krahn, Dr. Paul, Dr. Perry, and Ms. Salter.

The following Board members were absent: Dr. Krahn.

ALSO PRESENT

Present among Board staff include: Jeanne Galvin, Assistant Attorney General ("AAG"); Carrie Smith, AAG; Mary D. Williams, AAG; Anne Froedge, AAG; Patricia E. McSorley, Executive Director; Kristina Fredericksen, Deputy Director; William Wolf, M.D., Chief Medical Consultant; Kathleen Coffey, Internal Medical Consultant; Anita Shepherd, Investigations Manager; Kathleen Muller, Physician Monitoring Manager; Leah Rossow, Investigator; Rachel Shepherd, Investigator; Twana Fairbourn, Licensing Office Manager; Bernita Stark, Licensing Coordinator; James Gentile, Chief Information Officer; Sean Charles, Systems Administrator; Mary Bober, Board Operations Manager; Michelle Robles, Board Coordinator; and Andrea Cisneros, Staff Investigational Review Committee ("SIRC") Coordinator.

C. PUBLIC STATEMENTS REGARDING MATTERS LISTED ON THE AGENDA

Individuals who addressed the Board during the Public Statements portion of the meeting appear beneath the matter(s) referenced.

D. DISCUSSION AND POSSIBLE ACTION REGARDING SCHEDULING FUTURE MEETINGS FOR THE ARIZONA MEDICAL BOARD

Ms. McSorley proposed moving the October 5, 2016 Board meeting to October 3, 2016. The Board agreed that if the majority of members confirmed their availability for October 3, 2016 the

meeting will be rescheduled. Ms. McSorley explained that, based on the number of outstanding consent agreements, a two day board meeting in June may be appropriate. Ms. Bain asked whether there was a statute requiring licensees to be noticed for a formal interview thirty days before the date of the Board meeting. Ms. McSorley clarified the 30 day timeframe is not in statute but Board's policy. Ms. McSorley proposed that the Board revisit having a second day for the June meeting at the April meeting.

E. APPROVAL OF MINUTES

Dr. Gillard opined that at the time the action was no way disciplinary and he recognized that Dr. Summer had a very distinguished career as a pathologist and requested the June 3rd minutes reflect his statement.

MOTION: Ms. Bain moved to approve the June 3, 2015 Regular Session, including Executive Session; June 3, 2015 Special Teleconference; August 5, 2015 Regular Session, including Executive Session; August 27, 2015 Special Teleconference; September 18, 2015 Offsite Meeting, including Executive Session; October 7, 2015 Executive Session; October 15, 2015 Special Teleconference, including Executive Session; December 1-2, 2015 Regular Session, including Executive Session; and the December 15, 2015 Special Teleconference.

SECOND: Dr. Farmer

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

MOTION PASSED.

LEGAL MATTERS

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

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

Dr. Gecosala was not present during the Board's consideration of this matter. AAG Froedge was present on behalf of the State. AAG Galvin was present as Independent Legal Advisor for the Board. Dr. Gillard noted that Dr. Gecosala signed a Consent Agreement for Voluntary Surrender.

MOTION: Dr. Farmer moved to rescind the referral to Formal Hearing and accept the proposed Consent Agreement for surrender of licensure.

SECOND: Dr. Fromm

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. Connolly, Dr. Farmer, Dr. Figge, Dr. Fromm, Dr. Gillard, Dr. Krahn, Dr. Paul, Dr. Perry, and Ms. Salter. The following Board member was absent: Dr. Krahn.

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

MOTION PASSED.

2. MD-13-0480A, MD-13-0883A, MD-14-0266A, Susan B. Fleming, M.D., LIC. #14840

Dr. Fleming was not present during the Board's consideration of this matter. AAG Froedge was present on behalf of the State. AAG Galvin was present as Independent Legal Advisor for the Board. Dr. Gillard noted that Dr. Fleming had signed a Consent Agreement for Voluntary Surrender.

MOTION: Dr. Farmer moved to rescind the referral to Formal Hearing and accept the proposed Consent Agreement for surrender of licensure.

SECOND: Dr. Fromm

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. Connolly, Dr. Farmer, Dr. Fromm, Dr. Gillard, Dr. Krahn, Dr. Paul, Dr. Perry, and Ms. Salter. The following Board members were absent: Drs. Figge and Krahn.

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

MOTION PASSED.

G. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION OF SETTLEMENT OFFER IN LIEU OF FORMAL HEARING

1. MD-14-1646A, MD-15-0208A, ALAAELDIN A. BABIKER, M.D., LIC. #28043

Dr. Babiker addressed the Board telephonically during the Board's consideration of this matter. AAG Williams was present on behalf of the State.

Dr. Coffey summarized case MD-15-0208A, namely that on October 3, 2014 the Board issued Dr. Babiker Decree Of Censure and Probation to include chart reviews, PHP monitoring, abstinence from controlled substance prescribing, completion of medical marijuana certificates and intensive in person CME for opiate prescribing and medical record keeping regarding three cases. In February 2015, the AMB was notified Dr. Babiker was not compliant with Probation and had not checked in for drug testing since February 12, 2015. Dr. Babiker had past due balances with the lab and PHP contractor. An investigation was opened regarding violation of a formal Board order. On Feb 26, 2015, Dr. Babiker signed an interim order for practice restriction. In April 2015, Dr. Babiker failed to submit proof of completion of his Board ordered CME. The investigation confirmed Dr. Babiker was non-compliant with his PHP agreement, had failed to complete his CME order and failed to respond to the Board's request for a response. The case was considered by SIRC on June 11, 2015. SIRC found that Dr. Babiker could not be regulated and recommended license revocation. Dr. Babiker was referred for Formal Hearing, which was scheduled for March 18, 2016.

The second case, MD-14-1646A arose after the AMB received a confidential complaint on December 12, 2014 alleging that patient KH died on July 28, 2013 from cardiorespiratory arrest due to multiple drug and alcohol toxicity. Dr. Coffey summarized the factual allegations of the case for the Board. Dr. Coffey further noted that the case had been combined with MD-15-0208A for purposes of hearing.

Dr. Coffey also advised the Board that on February 26, 2016 Dr. Babiker submitted a letter to the Board which included proof of attendance for an intensive, in person medical record keeping course and the USCD prescribing course in January 2015. Also in the letter, Dr. Babiker reported his inability to work in due to his mental health issues and inability to afford PHP monitoring. Dr. Babiker admitted to poor record keeping and treatment control in case MD-14-1646. Dr. Babiker asked the Board to extend his suspension with less intensive monitoring.

Dr. Babiker stated he attempted to comply with the Board's order for PHP monitoring, meeting and record keeping but was unable to go to treatment due to his mental health issues and financial situation. Dr. Babiker explained that his current goal is to be mentally fit enough to be cleared to work by his doctor. Dr. Babiker requested that the Board extend his suspension with monitoring and drug screening.

Dr. Fromm questioned whether an extension would be appropriate in the case, given the history of non-compliance. Ms. Bain asked staff and council whether Dr. Babiker's request was consistent with past Board practice. Dr. Coffey opined she did not believe so. Ms. McSorley explained that since Dr. Babiker has not met the terms of his order, his case has been referred to formal hearing which may result in a recommendation to revoke his license. Ms. McSorley noted in five years from the Board's decision revoking his license, Dr. Babiker can reapply for licensure and prove his sobriety. AAG Williams noted Dr. Babiker can sign a consent agreement for surrender of his license before going to Formal Hearing.

MOTION: Ms. Bain moved to reject the settlement offer for an extended suspension and reaffirm the Board's referral to Formal Hearing with the option to settle the matter through a consent agreement to surrender the license.

SECOND: Dr. Fromm

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. Connolly, Dr.

Farmer, Dr. Fromm, Dr. Gillard, Dr. Krahn, Dr. Paul, Dr. Perry, and Ms. Salter. The following Board member was absent: Drs. Figge and Krahn.
VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.
MOTION PASSED.

H. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING THE REFERRAL TO FORMAL HEARING AND POSSIBLE RECISSION OF THE SAME

1. MD-14-1646A, MD-15-0208A, ALAAELDIN A. BABIKER, M.D., LIC. #28043
See above agenda item.

CONSENT AGENDA

I. LICENSE APPLICATIONS

i. APPROVE OR DENY LICENSE APPLICATION

MOVED: Dr. Connolly moved to approve the license applications in item numbers 1-3.

SECOND: Dr. Paul

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

MOTION PASSED.

1. MD-15-0957A, MICHAEL AFSHARI, M.D., LIC. #N/A
RESOLUTION: Approve the license application.
2. MD-16-0103A, SANDRA A. GARZA, M.D., LIC. #N/A
RESOLUTION: Approve the license application.
3. MD-15-1498A, RUTH M. BERNER, M.D., LIC. #N/A
RESOLUTION: Approve the license application.

ii. APPROVE OR DENY LICENSE APPLICATIONS WITH RECOMMENDATION FROM CHIEF MEDICAL CONSULTANT

MOTION: Dr. Fromm moved to grant the license in items 1-13.

SECOND: Dr. Paul

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

MOTION PASSED.

1. MD-15-1500A, DILIP S. KITTUR, M.D., LIC. # N/A
RESOLUTION: Approve the license application.
2. MD-15-1311A, JEFFREY A. SAUNDERS, M.D., LIC. # N/A
RESOLUTION: Approve the license application.
3. MD-16-0126A, CHAWKI E. NAHABET, M.D., LIC. # N/A
RESOLUTION: Grant the license.
4. MD-16-0114A, ETHAN M. PHILPOTT, M.D., LIC. # N/A
RESOLUTION: Grant the license.
5. MD-16-0110A, HARRY R. BOROVNIK, M.D., LIC. # N/A
RESOLUTION: Grant the license.
6. MD-15-1510A, MONTHAKAN RATNARATHORN, M.D., LIC. # N/A
RESOLUTION: Grant the license.
7. MD-16-0161A, HEATHER J. DALTON, M.D., LIC. # N/A
RESOLUTION: Grant the license.

8. MD-16-0202A, STEVEN J. WEGERT, M.D., LIC. # N/A
RESOLUTION: Grant the license.
9. MD-15-1514A, JULIE WIDDISON, M.D., LIC. #N/A
RESOLUTION: Grant the license.
10. MD-15-1017A, PAVEL POLEHNA, M.D., LIC. # N/A
RESOLUTION: Grant the license.
11. MD-16-0124A, SUSAN E. FAN, M.D., LIC. # N/A
RESOLUTION: Grant the license.
12. MD-16-0113A, MICHAEL E. MOLLOT, M.D., LIC. # N/A
RESOLUTION: Grant the license.
13. MD-16-0204A, STEVEN P. MARON, M.D., LIC. # N/A
RESOLUTION: Grant the license.

iii. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING RENEWAL APPLICATION AND CONSIDERATION OF RECOMMENDED DISMISSAL OF PENDING INVESTIGATION

MOTION: Dr. Fromm moved to dismiss the pending investigation and grant the license renewal in item numbers 1-6.

SECOND: Ms. Salter

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

MOTION PASSED.

1. MD-15-1296A, WILLIAM P. JOHNSON, M.D., LIC. #16862
RESOLUTION: Dismiss the pending investigation and grant the renewal.
2. MD-15-1267A, SERRIE C. LICO, M.D., LIC. #25639
RESOLUTION: Dismiss the pending investigation and grant the renewal.
3. MD-15-1255A, EDWARD M. TURPIN, M.D., LIC. #45890
RESOLUTION: Dismiss the pending investigation and grant the renewal.
4. MD-16-0003A, JONATHAN B. LIGHT, M.D., LIC. #43489
RESOLUTION: Dismiss the pending investigation and grant the renewal.
5. MD-15-0984A, EARL D. COTTRELL, M.D., LIC. #18810
RESOLUTION: Dismiss the pending investigation and grant the renewal.
6. MD-15-1112A, JOHN E. LANKENAU, M.D., LIC. #48261
RESOLUTION: Dismiss the pending investigation and grant the renewal.

iv. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING RENEWAL APPLICATION

1. MD-15-0698A, KATHRYN L. FICK, M.D., LIC. #47068
MOTION: Dr. Fromm moved to grant the license renewal.
SECOND: Ms. Salter
VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.
MOTION PASSED.

OTHER BUSINESS

J. REQUEST FOR MODIFICATION OF BOARD ORDER

1. MD-13-1215A, EDGARDO R. LAUREL, M.D., LIC. #21887
Dr. Perry was recused from this case.

Dr. Gillard summarized Dr. Laurel obtained Benzodiazepine and opiates on his partner's DEA number. The order was for a Decree of Censure with a five year PHP Probation with the ability to request probation lifted after one year. Dr. Gillard noted Dr. Laurel has been compliant with PHP terms for over one year. Ms. Muller stated Dr. Laurel has been submitting his CSPMP reports to staff as well as to the PHP coordinator as required in the Board order. Ms. Muller clarified this request is for termination of CSPMP reporting requirement only and not termination of PHP probation.

Ms. Bain inquired if there is a favorable letter from the PHP. Ms. Muller confirmed there is a favorable recommendation from the PHP coordinator.

MOTION: Dr. Fromm moved to grant the request for Board Order modification of Dr. Laurel's December 3, 2014 Board Order by terminating the requirement for the physician to submit CSPMP reports to the Board on a monthly basis regarding his prescribing and what he is being prescribed. The remainder of the Probationary terms shall remain in effect.

SECOND: Dr. Farmer

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

MOTION PASSED.

K. GENERAL CALL TO THE PUBLIC

There were no individuals that addressed the Board during the General Call to the Public.

MOTION: Dr. Farmer moved to adjourn the meeting.

SECOND: Dr. Gillard

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

MOTION PASSED.

The meeting adjourned at 6:53 p.m.



Patricia E. McSorley,
Executive Director