



Arizona Medical Board

9545 East Doubletree Ranch Road • Scottsdale, Arizona 85258

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FINAL MINUTES FOR SPECIAL TELECONFERENCE MEETING Held on Thursday, January 21, 2016 9545 E. Doubletree Ranch Road • Scottsdale, Arizona

Board Members

Richard T. Perry, M.D., Chair
James M. Gillard, M.S., M.D., F.A.C.E.P., F.A.A.E.M., 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.
R. Screven Farmer, M.D.
Gary R. Figge, M.D.
Robert E. Fromm, M.D., M.P.H.
Lois E. Krahn, M.D.
Edward G. Paul, M.D.
Wanda J. Salter, R.N.

GENERAL BUSINESS

A. CALL TO ORDER

Dr. Perry called the meeting to order at 6.01 p.m.

B. ROLL CALL

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

The following Board members were absent: Dr. Connolly.

ALSO PRESENT:

Present among Board Staff: Patricia E. McSorley, Executive Director; Kristina Fredericksen, Deputy Director; Carrie Smith, Assistant Attorney General (AAG); Anita Shepherd, Investigations Manager; William Wolf, M.D., Chief Medical Consultant; Mary Bober, Board Operations Manager; Alicia Cauthon, Executive Assistant; Andrea Cisneros, Staff Investigational Review Committee (SIRC) Coordinator; James Gentile, Chief Information Officer; Raquel Rivera, Assistant Investigations Manager; Bernita Stark, Licensing Coordinator; Rachel Shepherd, Licensing Investigator; Leah Rossow, Investigator; Amanda Schwabe, Board Coordinator and Michelle Robles, Public Records Coordinator.

C. CALL TO THE PUBLIC

Individuals who address the Board during the call to the public appear beneath the matters referenced.

D. EXECUTIVE DIRECTOR REPORT

Ms. McSorley presented the following items to the Board.

- Consideration and Possible Action Regarding Potential March Teleconference
Ms. McSorley presented to the Board a proposed meeting date in March for a Special Teleconference. Dr. Perry directed staff to reagendaize this matter for the February 4-5, 2016 Regular Session Meeting.

- **Consideration and Possible Action Regarding Rescheduling of the April 6, 2016 Regular Session Meeting**
Ms. McSorley presented to the Board a proposed date change for the April 2016 Regular Session Meeting. Ms. Salter requested that Board members be provided with proposed dates for the Board's Offsite Planning Meeting. Dr. Perry directed staff to reagendize this matter for the February 4-5, 2016 Regular Session Meeting.
- **Discussion and Possible Action Regarding Proposed Legislation HB 2501- Transfer of Health Regulatory Boards to the Department of Health Services**
Ms. McSorley presented this matter to the Board. Board members discussed different aspects of the proposed House Bill.
- **Discussion and Possible Action Regarding HB 2502 – Licensure Compact**
Ms. McSorley presented this matter to the Board.
- **Discussion Regarding ADOA FY2017 Capital Improvement Plan**
Ms. McSorley presented this matter to the Board. She reported that according to the Plan, the current building is to be sold and that the AMB and ARBoPA Boards will move to 18th Ave and Adams.

CONSENT AGENDA

E. CASES RECOMMENDED FOR ADVISORY LETTERS

1. MD-14-1683A, DONNA M. HUFANA, M.D., LIC. #43708
Board staff presented this matter for the Board. Dr. Gillard stated prescribing Fiorecet for someone with migraines to have on hand is often done. Dr. Gillard noted that Fiorecet is not drug of abuse. Dr. Gillard further stated that his concern is with Dr. Hufana's inadequate medical records. Dr. Figge opined it is not uncommon to prescribe Fiorecet for migraines. Dr. Paul stated that the patient's toe pain was not well documented. Dr. Paul opined it reasonable to prescribe medication, and noted the migraines had been resolved and not an active problem. Dr. Gillard moved to issue an Advisory Letter for inadequate medical records only. Dr. Krahn spoke for the motion and noted the patient's complaint was about being treated disrespectfully and that the MC had no comment on that complaint.

MOTION: Dr. Gillard moved to issue an Advisory Letter for inadequate medical records. There is insufficient evidence to support disciplinary action.

SECOND: Dr. Krahn

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

MOTION PASSED.

F. LICENSE APPLICATIONS

i. APPROVE OR DENY LICENSE APPLICATION

MOTION: Dr. Perry moved to approve the license application in item numbers 2, 4 and 9.

SECOND: Dr. Gillard

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

MOTION PASSED.

1. MD-15-0905A, SUSAN L. HOLLANDER, M.D., LIC. #N/A

Dr. Gillard noted Dr. Hollander has training in neurology and provides telemedicine consultation. Dr. Gillard questioned if the Board's statutes would allow the Board to notify a physician regarding the requirements for an appropriate physical examination to be performed. AAG Smith stated that Board staff can revise the standard Notice Letter to provide the applicant with notice of the relevant Board statutes. Dr. Gillard opined that he believed there was no reason not to grant the license. Dr. Berg inquired whether he had the correct understanding of the current statute regarding telemedicine consultations. AAG Smith clarified that current

statute states that it is an act of unprofessional conduct for a physician to prescribe without an appropriate physical exam.

MOTION: Dr. Gillard moved to approve the license application. Direct board staff to provide explanation regarding prescribing and physical examination when performing telemedicine.

SECOND: Dr. Fromm

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

MOTION PASSED

2. MD-15-1029A, NITA K. BABCOCK, M.D., LIC. #N/A

RESOLUTION: Grant the license.

3. MD-15-1492A, TIMOTHY S. SCHMIDT, M.D., LIC. #N/A

Dr. Wolf reviewed the two remote malpractice settlements from the nineties and did not believe they needed Medical Consultant review. Board staff requested Board approval of a primary source waiver. Dr. Schmidt was unable to comply with the malpractice reporting requirement due to not being able to obtain the complaint or judgements.

MOTION: Dr. Fromm moved to grant license.

SECOND: Dr. Krahn

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

MOTION PASSED.

4. MD-15-1413A, JEFFREY A. STONE, M.D., LIC. #N/A

RESOLUTION: Grant the license.

5. MD-15-1364A, DEBORAH L. HUNTER, M.D., LIC. #N/A

Dr. Gillard observed that Dr. Hunter is currently Board Certified in pediatrics, and that she reapplied after her previous Arizona license expired.

MOTION: Dr. Gillard moved to approve the license application.

SECOND: Dr. Paul

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

MOTION PASSED.

MOTION: Ms. Salter moved to issue an Advisory Letter for practicing medicine from October 22-23, 2015 on an expired license. There is insufficient evidence to support disciplinary action.

SECOND: Dr. Figge

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

MOTION PASSED

6. MD-15-1433A, BARRY J. COE, M.D., LIC. #N/A

Board staff summarized the case for the Board. Dr. Coe previously held an Arizona license from 1981-2012. Dr. Coe is not board certified and has not recently completed a SPEX exam. The Board must determine if he is safe to practice. Dr. Coe disclosed that he was arrested in 1983 for marijuana possession. He underwent monitoring which terminated successfully in 1997. Dr. Coe is currently licensed in Colorado.

Dr. Gillard inquired if the Board's criteria for consideration of licensure by endorsement had changed. AAG Smith stated that due to recent rule amendments the Board has more discretion for consideration of applications for licensure by endorsement. The board may review the physician's practice history and records, can request additional information and can request the physician undergo an assessment. Dr. Fromm noted that if this applicant were currently licensed in Arizona he would be renewed. Dr. Perry agreed that if Dr. Coe had renewed his license the Board would not be discussing the case.

MOSSION: Dr. Paul moved to grant the license.

SECOND: Dr. Gillard

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

7. MD-16-0027A, DONALD B. LARSEN, M.D., LIC. #N/A

Dr. Gillard noted Dr. Larsen is currently Board Certified by the American Board of Emergency until 2017. Dr. Gillard expressed concern that Dr. Larsen let his Arizona license expire and practiced on an expired license. Dr. Gillard inquired if there was issues with Dr. Larsen's address causing him to not renew. Board staff noted that Dr. Larsen's address was current. Dr. Gillard moved to grant the application with an Advisory Letter for practicing on an expired license. Dr. Paul expressed concern regarding Dr. Larsen practicing for two months and treating 500 patients with an expired license..

MOTION Dr. Gillard moved to grant the license and issue an Advisory Letter for practicing medicine on an expired license. There is insufficient evidence to support disciplinary action.

SECOND: Dr. Fromm

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

MOTION PASSED.

8. THIS ITEM HAS BEEN REMOVED FROM THE AGENDA

9. MD-15-1480A, WESLEY A. LEWIS, M.D., LIC. #N/A

RESOLUTION: Grant the license.

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

MOTION: Dr. Perry moved to approve the license application and grant licensure to applicants in item numbers 1-3 and 5-9.

SECOND: Dr. Figge

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

MOTION PASSED.

1. MD-15-1518A, DOUGLAS J. STOCKWELL, M.D., LIC. #N/A

RESOLUTION: Grant the license.

2. MD-15-1286A, HAYWOOD HALL, M.D., LIC. #N/A

RESOLUTION: Grant the license.

3. MD-15-1496A, TODD A. GRAY, M.D., LIC. #N/A

RESOLUTION: Grant the license.

4. THIS ITEM HAS BEEN REMOVED FROM THE AGENDA

5. MD-15-1163A, DARREN L. SHIRLEY, M.D., LIC. #N/A

RESOLUTION: Grant the license.

6. MD-15-1479A, CHARLES JOHNSON, M.D., LIC. #N/A

RESOLUTION: Grant the license.

7. MD-15-1481A, LAURIE E. BLACH, M.D., LIC. #N/A

RESOLUTION: Grant the license.

8. MD-15-1478A, BARRY S. BRENNER, M.D., LIC. #N/A

RESOLUTION: Grant the license.

9. MD-15-1299A, REID D. BRECKWOLDT, M.D., LIC. #N/A

RESOLUTION: Grant the license.

iii. **REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING LICENSURE BY ENDORSEMENT PURSUANT TO A.R.S. § 32-1426(B) AND R4-16-201(F)**

1. JENNIFER PARSONS, M.D.

Dr. Gillard noted that the applicant recently completed an 18 month fellowship program in geriatric medicine and recommended that the Board grant the waiver. Dr. Fromm asked why a waiver is necessary. AAG Smith clarified that the Board should consider the applicant's practice history as a whole to determine whether or not to grant license.

MOTION: Dr. Fromm moved to grant the application for licensure by endorsement.

SECOND: Dr. Paul

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

MOTION PASSED.

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

1. ROBERT LAPIDUS, M.D.

Dr. Gillard noted the Primary radiology group that the applicant was employed with is closed and the phone numbers are invalid.

MOTION: Dr. Gillard moved to grant the request for waiver of primary source requirement.

SECOND: Dr. Krahn

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

MOTION PASSED.

END OF CONSENT AGENDA

ACTION ON CASE(S)

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

1. MD-14-0100A, KENNETH M. FISHER, M.D., LIC. #12762

MOTION: Gillard moved to approve the Draft Findings of Fact, Conclusions of Law and Order for Probation.

SECOND: Dr. Paul

ROLL CALL: Roll call vote was taken and the following Board members voted in favor of the motion: Dr. Perry, Dr. Gillard, Ms. Brister, Dr. Farmer, Dr. Figge, Dr. Fromm, Dr. Krahn, Dr. Paul, Ms. Salter, Ms. Bain, and Dr. Berg. The following Board member was absent: Dr. Connolly.

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

MOTION PASSED.

2. MD-14-1229A, NATHAN M. BROOKS, M.D., LIC. #34307

Attorney Jessica Miller addressed the Board during the Call to the Public on behalf of Dr. Brooks. Ms. Miller requested that the Board acknowledge the fact that Dr. Brooks married the patient in the case and that it be reflected in the Findings of Fact language of the order. Ms. Miller also requested the Board extend the time frame to comply with the civil penalty portion of the order.

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

SECOND: Dr. Bain

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

MOTION PASSED.

The Board entered into Executive Session at 07:01 p.m.

The Board returned to Open Session at 07:07 p.m.

No action was taken by the Board during Executive Session.

Dr. Gillard opined the Board all agreed that Dr. Brooks committed unprofessional conduct. Dr. Gillard opined the fact that Dr. Brooks married the patient in the case could be made clearer in final text but had no concern with extending the civil penalty timeframe to 120 days. Dr. Paul stated that he believed that the fact that Dr. Brooks married the patient was sufficiently clear in the facts. Dr. Paul agreed with extending the time for Dr. Brooks to pay the civil penalty. Dr. Krahn noted Dr. Brooks's lack of cooperation during the investigation. Dr. Krahn opined this Finding of Fact description is accurate and assisted in making the decision. Dr. Fromm opined the fact that Dr. Brooks married the patient should not play a role in the Board's decision and no changes to normal policies because of marriage should be made. Dr. Gillard noted the discussed the subject of marriage during open meeting but did not affect the decision. Ms. Brister noted subject of marriage was not 100% unanimous among the Board during open meeting.

MOTION: Dr. Gillard moved to approve the draft Findings of Fact, Conclusions of Law and Order with the modification to add to the findings of fact that Dr. Brooks married the patient involved in the case, and to extend the time to pay the 5K penalty to 120 days.

SECOND: Dr. Figge

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

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

MOTION PASSED.

3. MD-14-1074A, JOSE H. ALVAREZ, M.D., LIC. #21702

MOTION: Gillard moved to approve the Draft Findings of Fact, Conclusions of Law and Order for Letter of Reprimand.

SECOND: Krahn

ROLL CALL: Roll call vote was taken and the following Board members voted in favor of the motion: Dr. Perry, Dr. Gillard, Ms. Bain, Dr. Berg, Ms. Brister, Dr. Farmer, Dr. Figge, Dr. Fromm, Dr. Krahn, Dr. Paul, and Ms. Salter. The following Board member was absent: Dr. Connolly.

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

MOTION PASSED.

MOTION: Dr. Perry moved to adjourn the meeting.

SECOND: Dr. Krahn

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

MOTION PASSED.

The meeting adjourned at 7:18 p.m.



Patricia E. McSorley
Patricia E. McSorley, Executive Director