



## Arizona Medical Board

9545 East Doubletree Ranch Road • Scottsdale, Arizona 85258

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### DRAFT MINUTES FOR SPECIAL TELECONFERENCE MEETING Held on May 5, 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 6:01 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.

##### **ALSO PRESENT**

Present among Board staff include: Elizabeth Campbell, Assistant Attorney General (“AAG”); Carrie Smith, AAG; Anne Froedge, AAG; Patricia E. McSorley, Executive Director; Kristina Fredericksen, Deputy Director; Kathleen Coffey, Internal Medical Consultant; Anita Shepherd, Investigations 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 that addressed the Board during the Public Statements portion of the meeting appear beneath the matter(s) referenced.

##### **D. UPDATE, DISCUSSION AND POSSIBLE ACTION REGARDING LICENSING LOOK BACK CASES WITH “YES” RESPONSES NOT PREVIOUSLY ADDRESSED BY THE BOARD**

Dr. Gillard opined the two licensees disclosed minor malpractice cases and expressed his opinion that no action needed to be taken.

Ms. Smith clarified the Board staff's typical process when reviewing an application and the basis for opening an investigation. Ms. Smith stated the Board's staff has made a recommendation to open an investigation on these two cases.

**MOTION: Dr. Fromm moved for the Board to request that the Board's CMC review the matters and determine whether specialty review is warranted.**

**SECOND: Dr. Paul.**

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

**MOTION PASSED.**

## **LEGAL MATTERS**

### **E. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON SETTLEMENT OFFER IN LIEU OF FORMAL HEARING**

1. MD-13-1319A, ANDRE C. MATTHEWS, M.D., LIC. #12836

Dr. Gillard noted at the December 2, 2015 regular session meeting the Board ordered an advisory letter for delay in treatment of and intraoperative distal femur fracture; and Order for non-disciplinary CME for inadequate medical records. On January 14, 2016 Respondent appealed the CME order.

Ms. McSorley summarized the Board action was for an Advisory Letter and 15 Hours of in-person Board staff preapproved CME for medical records. Dr. Matthews has requested the Board reduce the hours of CME to five hours due to the knowledge he gained from transferring to an electronic record system in 2014. Ms. McSorley commented that Dr. Matthews requested the CME be approved for online courses due to scheduling and financial expenses.

Mr. Bradford addressed the Board on behalf of Dr. Matthews. Mr. Bradford stated Dr. Matthews' has completed extensive training on electronic medical records in order to become current and has addressed the medical record concerns that were raised in this case.

AAG Froedge stated the State takes no position on this case. Ms. Froedge further stated the records in question were from 2008, and noted that Dr. Matthews transitioned to an electronic record system in 2014 and a letter was provided by the electronic medical record company detailing Dr. Matthews' efforts and compliance with the new system.

AAG Campbell suggested the Board consider accepting a consent agreement to amend the previous CME order.

**MOTION: Dr. Farmer moved for the Board to grant the physician's request for settlement by accepting a Consent Agreement to amend the Board's previous sanction in that the previously completed CME in medical recordkeeping combined with the 5 hours of online CME in medical recordkeeping, which shall be completed within three months, shall satisfy the CME requirement, and the appeal shall be dismissed.**

**SECOND: Dr. Krahn.**

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

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

**MOTION PASSED.**

## **CONSENT AGENDA**

### **F. PROPOSED CONSENT AGREEMENTS (Disciplinary)**

**MOTION: Dr. Farmer moved to accept the proposed Consent Agreement in item numbers 1-6.**

**SECOND: Dr. Paul.**

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

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

**MOTION PASSED.**

1. MD-15-0015A, DANIEL K. KIM, M.D., LIC. #18541  
**RESOLUTION: Accept the proposed Consent Agreement for a Letter of Reprimand.**
2. MD-15-1374A, EDGAR F. LIVINGSTONE, M.D., LIC. #31013  
**RESOLUTION: Accept the proposed Consent Agreement for a Letter of Reprimand.**
3. MD-14-0613A, HOWARD J. ROLINS, M.D., LIC. #24625  
**RESOLUTION: Accept the proposed Consent Agreement for a Letter of Reprimand.**
4. MD-15-0073A, ISSADA THONGTRANGAN, M.D., LIC. #45920  
**RESOLUTION: Accept the proposed Consent Agreement for a Decree of Censure and Five Year Probation. Dr. Thongtrangan's Probation start date shall be retroactive to February 3, 2016. Dr. Thongtrangan shall implement the practice and treatment recommendations made by the evaluating facility, and is responsible for all associated costs. Once he has complied with the terms of this Order, Dr. Thongtrangan must affirmatively request that the Board terminate the Probation. The request must be accompanied by a recommendation that he is safe to practice without continued monitoring and he has satisfied all the terms and conditions of the Order.**
5. MD-15-0025A, ELIZABETH V. MAHOUR-MOYER, M.D., LIC. #37282  
**RESOLUTION: Accept the proposed Consent Agreement for a Letter of Reprimand.**
6. MD-15-1212A, RANDAL J. LEWIS, M.D., LIC. #50616  
**RESOLUTION: Accept the proposed Consent Agreement for surrender of licensure.**

## **G. LICENSE APPLICATIONS**

### **i. APPROVE OR DENY LICENSE APPLICATION**

**MOTION:** Ms. Bain moved to approve the license application in item numbers 1-3 and 5-9.

**SECOND:** Dr. Krahn.

**VOTE:** 11-yay, 0-nay, 1-abstention noted in item #6, 0-recuse, 1-absent.

**MOTION PASSED.**

1. MD-16-0446A, DONALD R. ELTON, M.D., LIC. #N/A  
**RESOLUTION: Approve the license application.**
2. MD-16-0037A, PHILIP D. WITKOP, M.D., LIC. #N/A  
**RESOLUTION: Approve the license application.**
3. MD-16-0452A, HAROLD ACKERSTEIN, M.D., LIC. #N/A  
**RESOLUTION: Approve the license application.**
4. MD-16-0121A, BENJAMIN R. LEE, M.D., LIC. #N/A  
Dr. Coffey summarized the Chief Medical Consultant found no pattern of unprofessional conduct and did not recommend review of either of the original reported cases. The pending malpractice matter involved a 58 year-old male who underwent a robotic partial nephrectomy with laparoscopic ultrasound. The medical records were reviewed by an OMC who found the applicant deviated from the standard of care by failing to grossly inspect the removed tissue and that the applicant's response to the pathology report and subsequent explanation to the

patient was seriously below the standard of care. The OMC additionally noted that waiting another year before doing the first post-operative imaging was below the standard of care for unusual cases of missed tumor at the time of the initial operation. The OMC originally expressed concern that the applicant did not fully accept that he had missed the tumor, but was reassured by the applicant's response, reported practice changes and large numbers of subsequent procedures performed without similar outcome. The Executive Director recommended granting the license after conferring with the CMC.

Dr. Fromm agreed with the OMC findings and noted that if there is a settlement; the case may come back before the Board and at that time the Board can decide on what action needs to be taken.

**MOTION: Dr. Fromm moved to approve the license application and grant licensure.**

**SECOND: Dr. Paul.**

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

**MOTION PASSED.**

5. MD-16-0439A, KENNETH C. CARTER, M.D., LIC. #N/A

**RESOLUTION: Approve the license application.**

6. MD-16-0369A, CHELSEA A. ROBERTS, M.D., LIC. #N/A

Attorney Stephen Perlmutter, Dr. Roberts, and Dr. Samuel Roberts addressed the Board during the Public Statements portion of the meeting. Dr. Fromm abstained.

**RESOLUTION: Approve the license application.**

7. MD-16-0389A, PAUL R. MACDONALD, M.D., LIC. #N/A

**RESOLUTION: Approve the license application.**

8. MD-16-0401A, LARRY B. VANDER WOUDE, M.D., LIC. #N/A

**RESOLUTION: Approve the license application.**

9. MD-16-0253A, JAMES E. BECKETT, M.D., LIC. #N/A

**RESOLUTION: Approve the license application.**

10. DOMINIQUE GAGNE, M.D., LIC. #N/A

Dr. Gillard noted that the Board was previously informed by its AAG that the Board has not been presented with this type of issue previously. Dr. Gillard noted the physician scored well on part one of the Canadian exam and was exempt from taking the second part of the exam. Dr. Gillard and Dr. Krahn opined that there did not seem to be a reason to hold up granting the applicant a license.

**MOTION: Dr. Farmer moved to approve the license application and grant licensure.**

**SECOND: Ms. Salter.**

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

**MOTION PASSED.**

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

**MOTION: Dr. Fromm moved to approve the license application in item numbers 1-10.**

**SECOND: Dr. Farmer.**

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

**MOTION PASSED.**

1. MD-16-0382A, ANDREW F. DUCRUET, M.D., LIC. #N/A

**RESOLUTION: Approve the license application.**

2. MD-16-0127A, DANIEL J. OSTLIE, M.D., LIC. #N/A  
**RESOLUTION: Approve the license application.**

3. MD-15-1499A, KATHLEEN L. BROOKS, M.D., LIC. #N/A  
Dr. Brooks addressed the Board during the Public Statements portion of the meeting.

**RESOLUTION: Approve the license application.**

4. MD-16-0387A, SHEETAL N. THAKER, M.D., LIC. #N/A  
**RESOLUTION: Approve the license application.**

5. MD-15-1183A, ALI S. AZIZ, M.D., LIC. #N/A  
**RESOLUTION: Approve the license application.**

6. MD-16-0383A, ELIZABETH CONNICK, M.D., LIC. #N/A  
**RESOLUTION: Approve the license application.**

7. MD-16-0384A, ELIZABETH G. BUTLER, M.D., LIC. #N/A  
**RESOLUTION: Approve the license application.**

8. MD-16-0318A, KEN SCHREIBMAN, M.D., LIC. #N/A  
**RESOLUTION: Approve the license application.**

9. MD-16-0403A, MATTHEW T. WILSON, M.D., LIC. #N/A  
**RESOLUTION: Approve the license application.**

10. MD-16-0339A, ADAM R. HECHT, M.D., LIC. #N/A  
**RESOLUTION: Approve the license application.**

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

1. MD-15-1442A, FAHIM H. JAFARY, M.D., LIC. #30369

Dr. Gillard noted that the applicant had an affirmative reply on the look back and had to pay a fine with the Idaho and Indiana Board.

**MOTION: Ms. Brister moved to grant the license renewal and dismiss the pending investigation.**

**SECOND: Dr. Paul.**

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

**MOTION PASSED.**

2. MD-16-0006A, JOHN H. ARNOLD, M.D., LIC. #45791

Dr. Gillard commented that the applicant disclosed suspension of privileges on two applications on the look back; he resigned before investigations and has been working as a thoracic surgeon. Dr. Gillard noted Dr. Arnold has had no complaints since.

**MOTION: Dr. Fromm moved to grant the license renewal and dismiss the pending investigation.**

**SECOND: Dr. Farmer.**

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

**MOTION PASSED.**

iv. **REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING RENEWAL APPLICATION AND RECOMMENDED ADVISORY LETTER**

Dr. Gillard noted that in both of these cases the physicians reported that an action was taken by another state board on their renewal applications.

**MOTION:** Dr. Farmer moved to grant the license renewal and issue an Advisory Letter in item numbers 1 and 2.

**SECOND:** Dr. Fromm.

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

**MOTION PASSED.**

1. MD-16-0264A, STEVEN A. BALDWIN, M.D., LIC. #19101

**RESOLUTION:** Grant the license renewal and issue an Advisory Letter for action taken by the State of Kentucky. There is insufficient evidence to support disciplinary action.

2. MD-16-0007A, LARRY A. WARMOTH, M.D., LIC. #22321

**RESOLUTION:** Grant the license renewal and issue an Advisory Letter for action taken by the State of Texas. There is insufficient evidence to support disciplinary action.

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

1. HECTOR GONZALEZ, M.D.

Ms. Stark explained Board staff has not been able to receive a response from the hospital for a primary source after multiple requests; however all other requirements of the application have been met.

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

**SECOND:** Ms. Brister.

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

**MOTION PASSED.**

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

**a. ADMINISTRATIVELY COMPLETE**

1. MICHAEL A. BOLOGNESE, M.D.

Dr. Bolognese addressed the Board during the Public Statements portion of the meeting.

**MOTION:** Dr. Figge moved to grant the license by endorsement to Dr. Michael A. Bolognese.

**SECOND:** Ms. Salter.

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

**MOTION PASSED.**

**OTHER BUSINESS**

**H. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING REQUEST FOR MODIFICATION OF PRIOR BOARD ORDER**

1. MD-00-0545A, LEWIS M. SATLOFF, M.D., LIC. #17470

Dr. Satloff addressed the Board during the Public Statements portion of the meeting.

Dr. Gillard summarized that Dr. Satloff is requesting a modification of his 2001 Board Order of Probation under Findings of Fact paragraph 5 and 6 which references a relapse through the use of IV Fentanyl. Dr. Satloff states he did not relapse and would like the Order to reflect this.

**MOTION: Dr. Krahn moved for the Board to enter into Executive Session to receive legal advice.**  
**SECOND: Dr. Fromm.**  
**VOTE: 0-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.**  
**MOTION PASSED.**

The Board entered into Executive Session at 7:08 p.m.  
The Board returned to Open Session at 7:20 p.m.  
No legal action was taken by the Board during Executive Session.

Ms. Smith summarized this issue was referred to the Board based on Dr. Satloff's self-report and the Board gathered information from the California Medical Board's diversion program. The case was heard at a formal interview in 2000 and the Board at that time received information from its investigator Ms. Muller that Dr. Satloff had relapsed on Fentanyl. Dr. Satloff and his counsel filed a motion for rehearing and review contesting language in the Board's final order paragraphs 5 and 6. Ultimately the Board denied his motion for rehearing. Ms. Smith stated that Dr. Satloff had the option to appeal the matter however; no appeal was filed.

Dr. Krahn and Dr. Fromm opined this request is challenging due to the initial actions being taken long ago and that there is no way to address the discrepancies. Dr. Krahn recommended letting the Order stand as is.

**MOTION: Dr. Fromm moved for the Board to deny Dr. Satloff's request to modify his 2001 Probationary Order.**  
**SECOND: Dr. Krahn.**  
**VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.**  
**MOTION PASSED.**

## **I. GENERAL CALL TO THE PUBLIC**

No individuals addressed the Board during the General Call to the Public.

The meeting adjourned at 7:25 p.m.



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Patricia E. McSorley, Executive Director