



## 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 6, 2016 9535 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 8:00 a.m.

##### **B. ROLL CALL**

The following Board members were present: Dr. Berg, Ms. Brister, Dr. Connolly, Dr. Farmer, Dr. Figge, Dr. Gillard, Dr. Krahn, Dr. Paul, Ms. Salter. The following Board member participated telephonically: Ms. Bain.

The following Board members were absent: Dr. Fromm and Dr. Perry.

##### **ALSO PRESENT**

Present among Board staff include: Seth Hargraves, AAG; Carrie Smith, AAG; Mary D. Williams, AAG; Anne Froedge, AAG, Patricia E. McSorley, Executive Director; Kristina Fredrickson, Deputy Director; William Wolf, M.D., Chief Medical Consultant; Andrea Cisneros, Staff Investigational Review Committee Coordinator, Anita Shepherd, Investigations Manager; Mary Bober, Board Operations Manager; and Michelle Robles, Board 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. EXECUTIVE DIRECTOR'S REPORT**

- Review, Discussion and Possible Action Regarding Executive Director Projects:
  - PHP Process Review  
Ms. McSorley expressed the need to allow physicians more choices and cost structures.
  - "Tips for Filing a Complaint" for Board Website  
Ms. McSorley provided information on proposed tips for filing a complaint for the Board's review.

- Telemedicine Policy Development Project  
Ms. McSorley stated this policy is a concern of many physicians and she will gather information at the upcoming FSMB meeting.
- Progress of GACCP Review  
Ms. McSorley reported the process is moving along and of the files turned over to the Board, there are only four to six unresponsive physicians remaining after Board staff's attempts to contacts them.
- OMC Marketing Campaign  
Ms. McSorley reported Ms. Fredrickson is developing a new marketing campaign with OMC packets and added in the last three months staff has made progress with placing cases and moving along investigations.
- Development of Board Policy Regarding Billing Cases  
Ms. McSorley summarized to the Board regarding pending cases. She stated that Board Staff has started investigating different policies and procedures to address billing cases. Ms. McSorley noted that legislative history of the statute from 1992 addressed how to define "clearly excessive." Dr. Farmer also discussed adopting a policy that more closely hewed to the legislative intent of the provision. Board staff Mr. Cimino noted a topic of concern for the Board staff is billing in the ER setting where patients believe the hospital is in network but the specialist that responds for treatment is out of network..
- Update Regarding 5 Year Rule Review for Articles 3, 5 and 6 of Board Rules  
Draft by May 15 that must be submitted this year.
- Discussion Regarding Scheduling for Upcoming Board Meetings  
The Board agreed to make the June Board meeting a two day meeting, June 1 will begin at 10:00 a.m. and June 2 at 8:00 a.m. Ms. McSorley requested the remaining Board regular session meetings for 2016 be two day meetings to accommodate the large number of cases coming out of SIRC.

#### **E. CHAIR'S REPORT**

Dr. Gillard will be attending the Federation of State Medical Boards Annual Meeting with Dr. Krahn and Dr. Paul to gain insight on how to manage increasing caseloads.

#### **F. LEGAL ADVISOR'S REPORT**

- Update on MD-14-0565A and Request for Possible Action
- Update on Case No. 1CA-CV 14-0288  
AAG Smith reported the Board was notified of the memorandum decision in the Board's favor at the December meeting. The decision was not appealed and is now final.
- Update on Case No. 1CA-CV-15-0730  
AAG Smith reported the matter is still in the briefing stage.
- Update on Case No. 2:15-cv-01022-JJT  
AAG Smith explained counsel made a motion to dismiss which was denied by the court and the case will move forward to case management next month.
- Update on Case No. LC2014-000407-001 DT  
AAG Smith reported the court upheld the Board's decision in this matter.

#### **G. REVIEW DISCUSSION AND POSSIBLE ACTION REGARDING REPORT FROM JOINT LEGISLATIVE RULES COMMITTEE – Legislative Session Update and Anticipated Up and Coming JLRC Submissions**

Ms. Bain participated telephonically.

- HB 2364 – Medical Board; License Renewal  
Dr. Farmer presented there were some concern regarding the \$1000 fine, staff was able to address these concerns and it is likely the bill will pass.
- HB 2501 – Health Regulatory Boards; Transfer; DHS  
Dr. Farmer informed the Board that the bill is done for the year. Dr. Farmer explained there were concerns with the pace of the boards being transferred to DHS and therefore an amendment to alter the time frames was offered. The Governor's Office rejected the approach and withdrew the bill. The Governor's Office will complete a study by October.

The issue is likely to be raised again in the 2017 session. Mr. Goodman has advised to the collective boards to offer input for the study once the current session adjourns.

- **HB 2502 – Medical Licensure Compact**  
Dr. Farmer explained there have been objections to the bill and that the bill has been held up in the Senate President's office indefinitely. The bill may move forward in 2017.
- **HB 2517 – Businesses; Professions; Regulation Restrictions**
- **SB 1283 – Controlled Substances Prescription Monitoring Program**  
Dr. Farmer informed the Board that the bill is moving forward, there are seven carve outs and the bill regards all controlled substances including opioids and benzodiazepines. Dr. Farmer stated the likelihood of the bill passing is significant and that it will result in a change in practice for many physicians.
- **SB 1443 – Health Profession Regulatory Boards**  
Dr. Farmer explained the two main issues in the bill are establishing term limits for board members and requiring that all non-disciplinary actions are to be posted to the licensing boards' websites. Dr. Farmer mentioned the argument made by the bill's sponsor is that since the public is able to obtain non-disciplinary actions by phone, therefore the information should be available on a board's website. Dr. Figge noted the advisory letters will be removed from the website after five years.
- **SB 1445 – Health Care Services; Patient Education**
- **SB 1524 – Regulatory Actions; Limitation**
- **SB 1096 – Exemption for Physician Assistants from Fluoroscopy Training Requirements set by the Medical Radiologic Technology Board**  
Ms. McSorley noted that language in the bill exempted physician assistants from requiring licensure by the MRTBE before performing fluoroscopy. There will be more discussion regarding training requirements for physician assistants in the upcoming months.
- **SB 1136 – Physician Assisted Suicide**

Ms. Bain requested the matrix for the Five Year Review be ready for the JLRC Committee by May 15th to include the concepts and adjustments for Articles Three and Six of the Rules for discussion. Ms. Bain suggested May so the Committee may discuss the matrix and be able to present to the full Board in June.

#### **H. APPROVAL OF MINUTES**

**MOTION:** Ms. Brister moved to approve the January 21, 2016 Special Teleconference, including Executive Session; the February 4-5, 2016 Regular Session, including Executive Session; and the March 10, 2016 Special Teleconference.

**SECOND:** Dr. Berg.

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

**MOTION PASSED.**

#### **LEGAL MATTERS**

##### **I. REVIEW, CONSIDERATION AND POSSIBLE ACTION ON THE ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION AND/OR ACCEPT PROPOSED CONSENT AGREEMENT**

1. MD-15-0848A, KEVIN S. LEWIS, M.D., LIC. #17850

AAG Froedge was present on behalf of the State. Dr. Lewis was not present during the Board's consideration of this matter.

AAG Froedge presented the case to the board Dr. Lewis' license was summarily suspended on December 15, 2015. An administrative hearing was set before the Office of Administrative Hearing for February 11, 2016, Dr. Lewis did not appear and the hearing proceeded in his absence. Ms. Froedge received an email from Dr. Lewis after the hearing where he signed a previously offered consent agreement for voluntary surrender of his license. The Administrative Law Judge's recommendation was revocation of license. The State did not express a position for which avenue the Board should take. Ms. Froedge noted the consent agreement is not appealable and does not have as many details as the recommended findings of fact, conclusions of law and order

provided by the Administrative Law Judge. Ms. Froedge noted if the Board adopts the Administrative Law Judge's recommendation she made some minor typographical changes that the Board may consider.

Dr. Gillard moved to accept the consent agreement as opposed to the ALJ's recommendation.

AAG Seth Hargraves recommended the Board notify the ALJ that they decided to accept the proposed consent agreement.

**MOTION: Dr. Krahn moved to accept the proposed Consent Agreement, and notify the Office of Administrative Hearings of the Board's action and request that the matter be vacated pursuant to A.A.C. R2-19-111(4).**

**SECOND: Dr. Figge.**

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

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

**MOTION PASSED.**

## **J. RESCIND REFERRAL TO FORMAL HEARING AND ACCEPT PROPOSED CONSENT AGREEMENT**

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

Dr. Babiker was not present during the Board's consideration of this matter. AAG Williams was present on behalf of the State.

AAG Mary Williams requested the board accept the consent agreement for voluntary surrender of license and rescind the referral of the two cases to formal hearing.

**MOTION: Ms. Salter moved to rescind the referral to Formal Hearing and accept the proposed Consent Agreement for surrender of licensure.**

**SECOND: Dr. Paul.**

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

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

**MOTION PASSED.**

## **K. FORMAL INTERVIEWS**

1. MD-14-1233A, MD-14-0980A, TIMOTHY W. JORDAN, M.D., LIC. #26988

Complainant TP addressed the Board prior to the Formal Interview. Dr. Jordan was present with Attorney Scott King.

Dr. Sosnowski summarized to the Board that Board staff received a complaint from A.P.'s mother for failure to treat and properly diagnose Autism in her son. The OMC was concerned that documentation suggested a number of issues which indicated a need for subspecialty consultation but none was given. In summary, regarding case MD-14-1233A the OMC found that Dr. Jordan deviated from the standard of care in multiple areas and likely caused harm to the patient and mother with an inappropriate diagnosis. The second case, MD-14-0980A was a complaint filed by mother of patient E.M who had an evaluation with Dr. Jordan on June 24, 2014. E.M.'s mother noted she felt belittled, crushed by Dr. Jordan's poor interaction with her and her child and that Dr. Jordan inappropriately dismissed E.M.'s potential autism diagnosis. The OMC found multiple deviations of care similar to the prior case. SIRC recommended a Letter of Reprimand and two years' probation.

In his opening statement, Mr. King argued that Dr. Jordan met the standard of care with regard to his treatment of both patients.

Dr. Jordan stated that in the last paragraph of the report he informed A.P.'s mother of her option to make an appointment with another doctor in the office for the ADOLF standardized test to ensure diagnosis. Dr. Jordan furthered states he makes this recommendation due to the possibility of him being wrong. Dr. Jordan stated testing for Autism is extremely complex and controversial and that he prefers to use the Wexler standardized test to obtain his diagnosis of autism.

In closing, Mr. King stated Dr. Jordan learned how to complete the Wexler exam during his fellowship training and therefore it is in his scope to do perform. Dr. Jordan noted he has hired a nutritionist to address feeding issues for his patients. Mr. King requested the Board dismiss the case.

During deliberations, Dr. Berg opined Dr. Jordan is not recommending harsh treatments for children but that his manner is frank which many patient's parents are not receptive of. Dr. Berg stated the main concern is with Dr. Jordan's records, documentation and agreed with the violations as recommended in the SIRC report. Dr. Berg commented with regards to the medical record the main issue is with the work up. Dr. Paul noted Dr. Jordan did provide a referral for an additional opinion and testing follow up and that there is no medical practice act violation for frankness. Dr. Krahn agreed with Dr. Berg that the documentation and work up should provide more clarity and information. Dr. Farmer commented that the OMC was extremely thorough in his report.

**MOTION: Dr. Berg moved for a finding of unprofessional conduct in violation of A.R.S. § 32-1401(27)(e) and (q).**

**SECOND: Dr. Farmer.**

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

**MOTION PASSED.**

Dr. Berg recommended a Letter of Reprimand with one year probation and periodic chart reviews to confirm Dr. Jordan completes appropriately detailed evaluations for his patients. Dr. Berg opined the licensee is well versed with diagnosis and therefore there is no support for CME. Dr. Farmer opined CME is for physicians to gain an understanding of a mainstream workup. Dr. Krahn agreed with Dr. Berg that periodic monitoring would be more effective than CME hours.

**MOTION: Dr. Berg moved for a Draft Findings of Fact, Conclusions of Law and Order for a Letter of Reprimand and One Year Probation. The Probation shall include periodic chart reviews of 5-10 patient charts to confirm appropriate work up of patients diagnosed with Autism Spectrum Disorder, at the physician's expense.**

**SECOND: Dr. Farmer.**

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

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

**MOTION PASSED.**

2. MD-15-0079A, CHRISTOPHER Q. MAY, M.D., LIC. #42576

Complainant LG addressed the Board during the Public Statements portion of the Board's meeting. Dr. May was present and represented by Attorney Joseph Kendhammer.

Dr. Coffey presented to the Board that in January of 2015 the Arizona Medical Board received a complaint from the Chief Medical Officer of Banner Thunderbird Hospital regarding Dr. May. The complaint alleged that Dr. May took photographs of patient L.G. on his cell phone. Dr. May noted photographs were taken with L.G.'s permission. Dr. May did report that the photographs were not uploaded into the medical records and deleted because he did not find them helpful. The OMC found no deviation from the standard of care for idiopathic edema and recommended that in the future Dr. May use hospital camera and enter all photos into patient records. SIRC recommended a Letter of Reprimand and 15 hours of CME in an in personal boundaries course.

Mr. Kendhammer stated Board staff and the Glendale Police's investigations found no evidence to support the patient's allegations. Mr. Kendhammer commented the outside medical consultant completed an extensive analysis of the patient's medical and prescription records. Mr. Kendhammer noted that according to the medical consultant's report the patient was in withdrawal from her psychiatric medication and that withdrawal from the medication can produce delusions and paranoia, which could account for the patient's different interpretation of events then what is stated in the medical records.

Dr. May stated there was no foundation for L.G.'s allegations. Dr. May summarized she presented with a complaint of leg pain, leg swelling, questionable history of sciatica as well as concerns of a DVT. Dr. May stated he also had ultrasounds taken to rule out DVT. Dr. May stated he did not take inappropriate photographs, movies or images of the patient. Dr. May stated he did performed a careful examination designed in emergency department workup and performed a repeat examination before discharging her safely. Dr. May agreed that the photographs should have been uploaded to the medical record and documented but that it is difficult to upload photos in the medical record, especially in a timely manner. Dr. May stated he has learned from this complaint and now records when he takes a photo.

In closing, Mr. Kendhammer reiterated there were no findings or credible evidence to support the patient's allegations against Dr. May. Mr. Kendhammer noted Banner had no written policy regarding using one's phone to take photographs or uploading photographs into records. Mr. Kendhammer opined this case does not rise to the level of disciplinary action and requested dismissal. Mr. Kendhammer noted the use of cell phones is becoming more common in a hospital setting and that hospital cameras are inaccessible.

During Board deliberations, Dr. Figge commented that the patient's accusations were not able to be proven and that the main issue is the use of a personal cell phone to take photographs. Dr. Figge opined that photographs taken to send to specialist or of a patient's wound should be a part of the medical records. Dr. Figge stated the issue of photograph being difficult to upload is not a reasonable excuse and that there is cause for a records violation.

**MOTION: Dr. Figge moved for a finding of unprofessional conduct in violation of A.R.S. § 32-1401(27)(e).**

**SECOND: Ms. Brister.**

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

**MOTION PASSED.**

Dr. Figge opined an advisory letter for tracking purposes is appropriate and agreed with counsel that the case does not rise to a level of discipline and that there is no support for CME courses regarding boundaries.

**MOTION: Dr. Figge moved to Issue an Advisory Letter and Order for Non-Disciplinary CME for inadequate medical records. There is insufficient evidence to support disciplinary action. Within six months, complete a minimum of 10 hours of Board staff pre-approved Category I CME in medical recordkeeping. The CME hours shall be in addition to the hours required for license renewal.**

**SECOND: Dr. Farmer.**

Dr. Farmer observed a mitigating factor in this case is that the use of cell phones to take photos to send to a specialist, share with colleagues and for educational purposes is becoming fairly common. Dr. Farmer agreed the patient should consent to the photographs before they can be taken and that the photos should be documented. Dr. Farmer opined there is a need to address the issues of phone usage. Dr. Berg opined a hospital's camera not being available is not an appropriate excuse for photographs and not being uploaded to the medical record. Dr. Berg opined that 10 hours of CME for medical records are appropriate. Dr. Berg commented there are applications available to physicians for medical records and that Dr. May demonstrated a lack of clarity and understanding of why photos should be part of the patient's record.

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

3. MD-15-0229A, RONALD D. GORDON, M.D., LIC. #8503  
Dr. Gordon was present and represented by Attorney Richard Delo.

Dr. Caruso presented the case to the Board. The matter was originally presented during the February 2016 Board meeting with a recommendation for an advisory letter. The OMC stated that Dr. Gordon's lack of prompt recognition of the patient's condition despite two phone conversations deviated from the standard of care.

Mr. Delo stated Dr. Gordon takes this matter seriously and believes there was a mistake with the facts as reported to the Board. Dr. Gordon stated that he called the patient and she reported no symptoms. Mr. Delo stated the patient later called Dr. Gordon's staff with symptoms but when Dr. Gordon returned her call fifteen minutes later the patient reported that her symptoms were gone. Mr. Delo requested the case be dismissed.

Dr. Gordon stated every patient when they leave understands if they call him that he will follow up and that in the case of an emergency they should go to emergency room. Dr. Gordon stated he called R.G. at 8:00 p.m. on the night of the procedure and the patient reported no symptoms. Dr. Gordon stated the patient called the medical directory the next morning and he called her back within 15 minutes where he questioned about shortness of breath and pain. Dr. Gordon stated the patient she did experience shortness of breath but no longer had felt any symptoms.

Dr. Farmer noted the OMC did not identify any deviation with how the procedure was performed. During deliberations, Dr. Farmer opined the licensee was very conscientious and followed up quickly but the patient was unclear with what was going on. Dr. Farmer did not find egregious behavior and recommended dismissal. Dr. Farmer opined CME is not necessary and that Dr. Gordon is a very experienced physician.

**MOTION: Dr. Farmer moved to dismiss the case.**  
**SECOND: Dr. Paul.**  
**VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.**  
**MOTION PASSED.**

4. MD-14-0472A, IRFAN MIRZA, M.D., LIC. #28306  
Dr. Mirza present without counsel.

Dr. Haas presented the case to the Board. The Board received a complaint from patient CO alleging unnecessary implantation of a pacemaker. CO presented to Dr. Jacobson in August 2011 for evaluation of mitral valve prolapse and complained of fatigue and dizziness. A Holter monitor showed sinus rhythm average heart rates in the 60s and peak heart rates of 102 beats per minute. Frequent episodes of bradycardia were seen during the nighttime. Because of the observed bradycardia, CO was referred to Dr. Mirza for pacemaker implant. A dual-chamber pacemaker, Boston Scientific, was implanted on April 11, 2014 by Dr. Mirza. The procedure was without complications. CO was seen several times in follow-up. CO complained of discomfort at the pacemaker site as well as

in the neck and left arm. In August 2014, CO was seen by another physician and due to CO's discomfort with the pacemaker; bradycardia only seen during nighttime and repeated symptoms of dizziness and fatigue, the pacemaker was subsequently removed. The OMC felt the implantation of the pace maker was not appropriate and that C.O. did not meet diagnostic criteria for the implantation of a pacemaker.

Dr. Mirza explained that C.O. was seen by Dr. Jacobson with complaints of dizziness and palpitations. Dr. Mirza stated Dr. Jacobson completed the appropriate work up and recommended the patient for a pacemaker. Dr. Mirza stated after reviewing Dr. Jacobson's work up and his interview with the patient was satisfied with Dr. Jacobson's recommendation. Dr. Mirza stated the procedure went well and he saw the patient post-operatively and the patient stated she felt fine.

In closing, Dr. Mirza stated before the procedure the patient was bradycardic and the patient provided a history of frustration for going to so many doctors with no result.

During deliberations, Dr. Paul opined documentation was good and that much thought went into this case but ultimately agreed with the medical consultant that the pacemaker was not needed.

**MOTION: Dr. Paul moved for a finding of unprofessional conduct in violation of A.R.S. § 32-1401(27)(q).**

**SECOND: Dr. Farmer.**

Dr. Figge opined while practicing the art of medicine there is a guideline but sometimes symptoms and the solutions are not always clear. Dr. Figge noted the patient felt better after the operation and it was due to the discomfort of the pacemaker that the patient had it removed. Dr. Gillard spoke against the motion and agreed with Dr. Figge. Dr. Farmer opined there are clear guidelines and if a physician goes outside of those guidelines there should be an in depth work up to support the decision. Dr. Farmer spoke in favor of motion. Dr. Figge opined many tests were completed however; there was a lack of documentation explaining the reason the procedure should be completed. Dr. Paul commented a key part for a lack of documentation was due to not having a Holter monitor diary. Dr. Krahn mentioned the Holter monitor data did not justify the need for a pacemaker. Ms. Brister noted the patient was scared of her symptoms and Dr. Mirza offered a solution.

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

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

**MOTION FAILED.**

**MOTION: Dr. Figge moved to dismiss the case.**

**SECOND: Ms. Brister.**

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

**MOTION PASSED.**

## **L. FORMAL INTERVIEWS**

1. MD-13-1071A, MD-14-0288A, DUC M. PHAM, M.D., LIC. #31116

Dr. Ron Cohen spoke during the Public Statements portion of the Board's meeting on behalf of Dr. Pham. Dr. Pham was present and represented by Attorney Bob Milligan and Attorney Stephen Myers.

Mr. Cimino presented the case to the Board. On September 12, 2013 the Board received a complaint from H.N. alleging that Dr. Pham fell below the standard of care in treating his son M.N. and charged a clearly excessive fee. An MC opined Dr. Pham met the

standard of care in his treatment of M.N. but had concerns regarding his billing practices. The MC stated Dr. Pham failed to maintain medical records documenting some of the procedures while billing for those procedures. The Board also received a complaint from Blue Cross Blue Shield of Arizona ("BCBSAZ") alleging Dr. Pham inappropriately charged an excessive fee for services regarding patient W.E. Thirty two days after the procedure, Dr. Pham placed a medical lien against W.E. in the amount of \$22,035.00. SIRC recommended a Letter of Reprimand and Probation and 15 hours of CME in a medical ethics course.

Dr. Pham stated he accepts what insurance companies pay and he is sensitive to patient's financial situations and that their health is his first priority. Dr. Pham noted he has never sent a patient to collections. Dr. Pham noted one patient paid \$50 and the other patient paid \$1195 for four operations and treatment and that these amounts are less than what the patients would have had to pay for an in-network provider. Dr. Pham further stated he does not discuss fees with his patients. Dr. Pham agreed with Board members that there was a shock value with the bill amounts. Dr. Pham explained he had an internal biller who recommended the amounts; however, he takes full responsibility for billing statements issued from his practice.

Mr. Myers argued that Board staff has not provided necessary evidence to demonstrate that Dr. Pham charged a clearly excessive fee as required by statute and requested dismissal.

During deliberations, Dr. Farmer expressed his skepticism of using CMS as a standard but in this case the shock value of the charges is unconscionable and the licensee admitted the charges were ungrounded in reality. Dr. Farmer noted that even Dr. Pham's attorney admitted some emotional harm towards the family and patient. Dr. Krahn opined this case is egregious. Dr. Farmer stated there is an irregularity with the records and noted it was hard to discern if it was Banner's fault or the physician's. Dr. Farmer moved to dismiss the records violation.

**MOTION: Dr. Farmer moved for no finding of unprofessional conduct in violation of A.R.S. § 32-1401(27)(e).**

**SECOND: Dr. Figge**

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

**MOTION PASSED.**

**MOTION: Dr. Farmer moved for a finding of unprofessional conduct in violation of A.R.S. § 32-1401(27)(w).**

**SECOND: Dr. Krahn.**

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

**MOTION PASSED.**

Dr. Farmer noted a mitigating factor is that Dr. Pham has made an effort to change his behavior but would be remiss if the Board did not take action for exploiting the patients with such excessive fees. Dr. Farmer moved for Letter of Reprimand. Dr. Figge agreed with Dr. Farmer, that the charge was a statement towards the insurance company and his intent was not to harm the patient. Dr. Figge also noted a mitigating factor that the physician took responsibility for the situation despite receiving billing advice from another individual. Dr. Berg offered a friendly amendment to add CME.

**MOTION: Dr. Farmer moved Draft Findings of Fact, Conclusions of Law and Order 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 medical ethics course. The CME hours shall be in addition to the hours required for license renewal. The Probation shall terminate upon proof of successful completion of the CME course.**

**SECOND: Dr. Krahn.**

**MOTION TO AMEND:** Dr. Berg moved to amend the Board's motion for disciplinary action by adding the requirement that the physician pay a Civil Penalty in the amount of \$10,000, to be paid within 90 days.

**SECOND:** Ms. Salter.

Dr. Berg offered an additional amendment of a \$10,000 civil penalty to be paid in 90 days as recommended by SIRC. Dr. Gillard opined the violation has already been addressed and spoke against the motion.

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

**VOTE:** 3-yay, 4-nay, 1-abstain, 0-recuse, 4-absent.

**MOTION FAILED.**

**ORIGINAL MOTION:** Dr. Farmer moved Draft Findings of Fact, Conclusions of Law and Order 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 medical ethics course. The CME hours shall be in addition to the hours required for license renewal. The Probation shall terminate upon proof of successful completion of the CME course.

**SECOND:** Dr. Krahn.

Dr. Paul spoke against the motion based on the mitigating factors in the case. Dr. Figge and Ms. Brister agreed with Dr. Paul.

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

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

**MOTION FAILED.**

**MOTION:** Dr. Figge moved to Issue an Advisory Letter and Order for Non-Disciplinary CME for charging an excessive fee for services rendered. Within six months, complete no less than 15 hours of Board staff pre-approved Category I CME in an intensive, in-person medical ethics course. The CME hours shall be in addition to the hours required for license renewal. While the licensee has demonstrated substantial compliance through remediation that mitigates 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.

**SECOND:** Ms. Brister.

**VOTE:** 7-yay, 2-nay, 0-abstain, 0-recuse, 4-absent.

**MOTION PASSED.**

2. MD-14-0317A, DAVID LABINER, M.D., LIC. #20248 #2

Dr. Berg recused. Dr. Labiner was present and represented by attorney Peter Akmajian.

Dr. Mattalino presented the case to the Board. The Board received a complaint regarding Dr. Labiner's care and treatment of A.A. alleging inadequate management of post-operative complications resulting from a right frontal lobectomy. The MC opined Dr. Labiner failed to document a definitive diagnosis of epilepsy. SIRC determined that this matter rises to the level of discipline and recommended to a Letter of Reprimand.

Dr. Labiner stated that during the timeframe of when the patient was being evaluated he was preparing to take the Board exam in epilepsy and therefore was knowledgeable of options and available treatments. Dr. Labiner stated he did not overrule or alter the University of Arizona's conference committee's process. Dr. Labiner explained there were two separate conferences. Dr. Labiner explained the conference committee's process

and that it ultimately leads to a surgical plan. Dr. Labiner further stated the two conferences resulted in differing consensus. Dr. Labiner noted the procedure was low risk and was supported by the family and patient.

In closing, Mr. Akmajian reiterated that the conference is a collaborative process and that Dr. Weinand's is on the agenda for the same case with a previous recommendation for dismissal and felt Dr. Labiner receive the same resolution.

Dr. Krahn observed there was no evidence to support inadequate records and moved for dismissal.

**MOTION: Dr. Krahn moved to dismiss the case.**

**SECOND: Dr. Paul.**

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

**MOTION PASSED.**

3. MD-14-1665A, ALLEN D. SLOAN, M.D., LIC. #17481

Dr. Farmer recused. Complainant R.M. addressed the board during the Public Statement portion. Dr. Sloan was present and represented by Attorney Dan Cavett.

Dr. Caruso summarized the Board opened the case after receiving a complaint from NPDB of a settlement paid on behalf of the licensee. D.M. was a 62 year-old woman who presented for amputation of a gangrenous toe. The initial OMC cited an inadequacy of intervention, delayed notification to the surgeon and failure to gain assistance, however opined Dr. Sloan did not fall below stand of care. A second OMC report was completed and no deviation of standard of care was found. The initial SIRC recommendation was for a dismissal.

Dr. Sloan stated the patient was anxious about the surgery but decided to go forward with it. Dr. Sloan opined the need for surgery was urgent due to the patient having a fever and gangrene of the toe. Dr. Sloan noted during the brief period of hypertension there was no decrease in oxygen saturation. Dr. Sloan stated critical medical history was missing from her medical records. Dr. Sloan stated if he had received the patients' medical records he would not have gone through with the procedure. Dr. Sloan stated the automatic blood monitoring cuff failed to record the patient's blood pressure and that in morbidly obese patients it takes multiple cycles to record a pressure.

In closing, Mr. Cavett explained the patient was unhealthy due obesity and comorbidities. Mr. Cavett noted the MC stated it is not uncommon to have technical difficulties and that the second OMC stated Dr. Sloan responded in a timely manner. Mr. Cavett observed no deviation of standard of care was found by the OMCs and Board staff. Mr. Cavett stated this was a tragic case does but that it does not rise to the level of discipline.

**MOTION: Dr. Berg moved for a finding of unprofessional conduct in violation of A.R.S. § 32-1401(27)(q). The standard of care requires a physician to timely recognize a life threatening condition of the patient and initiate resuscitation, and to obtain complete past medical history for non-emergency surgery. Dr. Sloan deviated from this standard of care by delay or failure to recognize the patient's life threatening condition, failure to initiate resuscitative efforts, and failure to obtain complete past medical history for non-emergency surgery. There was the potential for patient harm relating to anoxic brain injury. Actual patient harm was identified in that the patient died.**

**SECOND: Dr. Paul.**

Dr. Berg noted there is a concern regarding 25 minutes of no blood pressure being recorded. Multiple Board members noted that the surgery was not emergent. Dr. Gillard noted that in an obese patient the cuff cannot be trusted. Dr. Gillard observed the mitigating factors are that the patient suffered from comorbidities and that a gangrenous

toe in a diabetic patient can be life threatening. Dr. Paul opined the biggest issue is that the patient's medical records were not obtained before the surgery.

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

**MOTION PASSED.**

Dr. Berg stated a patient's death can rise to a level of discipline up to a Decree of Censure and does not believe the case rises to that level but recommends a Letter of Reprimand.

**MOTION: Dr. Berg moved for a draft Findings of Fact, Conclusions of Law and Order for a Letter of Reprimand.**

**SECOND: Dr. Paul.**

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

**VOTE: 7-yay, 1-nay, 0-abstain, 1-recuse, 3-absent.**

**MOTION PASSED.**

4. MD-14-1557A, HAROON QURASHI-UL-HAQUE, M.D., LIC. #23305

Dr. Haque was present and represented by Attorney Dan Cavett.

Ms. Rivera summarized that this case was opened after receiving a notice from Kindred Hospital of Tucson regarding the summary suspension of Dr. Haque's privileges on October 2, 2014 for physically assaulting a hospital employee on September 30, 2014. Dr. Haque was reported to have placed his hands around the neck of RP, a respiratory therapist. Board staff initially recommended dismissal and in December 2015 the Board considered the dismissal and returned the case for an advisory letter. In February 2016, the Board returned the case to request a formal interview.

Dr. Haque expressed he realizes the serious allegations that have been made against him and that he is working with a psychiatrist on physical boundaries with friends and coworkers. Dr. Haque stated he only remembers a playful and joking interaction and that he was not angry at the time. Dr. Haque stated he perceived his actions to be part of the joking culture of the hospital and in retrospect understands how from the nurse's perspective he was not joking. Dr. Haque stated he no longer puts his hands on peers.

Mr. Cavett clarified it is never appropriate to touch a colleague unless one is sure the intent of no harm is clear. Mr. Cavett noted that Dr. Haque has completed 12 hours of anger management CMEs and completed 20 hours of counseling and continuing to receive ongoing counseling. Mr. Cavett referenced the letter from Dr. Haque's colleagues explaining the atmosphere at the hospital and why Dr. Haque would perceive this behavior as acceptable.

Deliberations, Board members expressed having a hard time understanding how placing hand on a person's neck and shaking taken as a joke. Dr. Berg opined that Dr. Haque did not have an angry intent but a disruptive physician is a patient care issue. Dr. Berg opined a mitigating factor is the letter from peers acknowledging in this work environment this type of behavior was not unheard of and acceptable and therefore moved to dismiss. Dr. Farmer agreed with Dr. Berg that conduct issues do affect patient care. Dr. Farmer disagreed that even though the behavior seems to be acceptable in this hospital's atmosphere it does not make it acceptable. Dr. Farmer noted that he found it mitigating the licensee has sought counseling. Dr. Farmer argued against dismissal but does not feel the case rises to the level of discipline.

**MOTION: Dr. Berg moved to dismiss the case.**

**SECOND: Ms. Brister.**

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

**MOTION FAILED.**

**MOTION:** Dr. Farmer moved to issue an Advisory Letter for inappropriate behavior with staff. While the licensee has demonstrated substantial compliance through remediation that mitigates 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.

**SECOND:** Ms. Salter.

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

**MOTION PASSED.**

## **CONSENT AGENDA**

### **M. CASES RECOMMENDED FOR DISMISSAL**

**MOTION:** Dr. Figge moved for dismissal of item numbers 1-7.

**SECOND:** Dr. Krahn.

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

**MOTION PASSED.**

1. MD-14-0317B, MARTIN E. WEINAND, M.D., LIC. #19949  
**RESOLUTION:** Dismiss.
2. MD-14-1488A, KANAGASABAI MUTHU, M.D., LIC. #36287  
**RESOLUTION:** Dismiss.
3. MD-15-1000A, JOHN J. DE BARROS, M.D., LIC. #33265  
**RESOLUTION:** Dismiss.
4. MD-14-1104A, JOSEPH C. VAGLIO, M.D., LIC. #48608  
**RESOLUTION:** Dismiss.
5. MD-14-1675A, ALI M. MOSHARRAFA, M.D., LIC. #24276  
**RESOLUTION:** Dismiss.
6. MD-14-0542A, KENNETH C. WESTFIELD, M.D., LIC. #13740  
**RESOLUTION:** Dismiss.
7. MD-14-1324A, ALLEN S. Y. LIU, M.D., LIC. #46313  
**RESOLUTION:** Dismiss.

### **N. CASES RECOMMENDED FOR ADVISORY LETTERS**

**MOTION:** Ms. Salter moved to issue an Advisory Letter in item numbers 1, 2, 4-7, 9-12, 16, 19, 21, 23- 28.

**SECOND:** Dr. Krahn.

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

**MOTION PASSED.**

1. CASE MD-15-0074A, VIDALIA M. BUTLER-POKU, M.D., LIC. #33705  
**RESOLUTION:** Issue an Advisory Letter for inadequate medical records. There is insufficient evidence to support disciplinary action.
2. CASE MD-14-0325A, GABRIEL F. RAMIREZ, M.D., LIC. #35532  
**RESOLUTION:** Issue an Advisory Letter for action taken by the Kansas Medical Board. There is insufficient evidence to support disciplinary action.
3. MD-14-0680A, NATHAN LAUFER, M.D., LIC. #14922  
Attorney Steven Myers and Dr. Laufer addressed the Board during the Public Statements portion of the meeting. Dr. Figge recused.

Dr. Farmer stated he had concerns regarding the protocol used; the nurse practitioner was in error and failed to execute her job. Dr. Farmer agreed with Mr. Myers that the physician should not be held accountable. Dr. Farmer opined the physician completed his

job. Dr. Berg recommended staff make a referral to the nursing board regarding the nurse in this case.

**MOTION: Dr. Farmer moved to dismiss the case.**

**SECOND: Dr. Krahn.**

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

**MOTION PASSED.**

4. MD-14-0928A, JACK E. GAMES, M.D., LIC. #5940  
**RESOLUTION: Issue an Advisory Letter for prescribing controlled substances to an immediate family member and for failure to maintain adequate medical records. There is insufficient evidence to support disciplinary action.**
5. MD-14-1449A, WLADISLAW G. FEDORIW, M.D., LIC. # 35835  
**RESOLUTION: Issue an Advisory Letter for failing to provide a patient with a radiologist's findings of a thyroid nodule on a cervical MRI and the need for follow up. There is insufficient evidence to support disciplinary action.**
6. MD-14-0615A, PAUL E. CLINCO, M.D., LIC. #11114  
**RESOLUTION: Issue an Advisory Letter for failing to access the CSPMP database before completing and signing Medical Marijuana Physician Certification forms. While the licensee has demonstrated substantial compliance through rehabilitation or remediation that mitigates 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.**
7. MD-14-1429A, BRYAN K. MATANKY, M.D., LIC. #22110  
**RESOLUTION: Issue an Advisory Letter for inadequate medical records. There is insufficient evidence to support disciplinary action.**
8. MD-14-0622A, MICHAEL C. MAXWELL, M.D., LIC. #31814  
Dr. Berg summarized the patient had a mechanical aortic valve and was to have surgery. The patient did not have the surgery as planned and then ultimately suffered a severe, debilitating stroke for the time the patient had been off of Coumadin and there was no Heparin bridge provided. The MC found it was inappropriate to require the patient to go seven days with no coagulation therapy in the face an aortic mechanical valve without a Heparin bridge. The physician stated he did not make the order and that it was part of the surgery itinerary. Dr. Berg opined that the itinerary came from the licensee's office and any patient received these instructions from the physician would perceive them as an order from the physician. Dr. Berg opined a Consent Agreement for a Letter of Reprimand for violations as stated by SIRC or to come in for an interview.  
**MOTION: Dr. Berg moved to offer the physician a Consent Agreement for a Letter of Reprimand. If he declines, invite for a Formal Interview.**  
**SECOND: Dr. Figge.**  
**VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 4-absent.**  
**MOTION PASSED.**
9. MD-15-0093A, MARY E. SHANNON, M.D., LIC. #19717  
**RESOLUTION: Issue an Advisory Letter for inadequate medical records. There is insufficient evidence to support disciplinary action.**
10. MD-14-1527A, ROBERT M. CERCEK, M.D., LIC. #41492  
**RESOLUTION: Issue an Advisory Letter for inadequate medical records. There is insufficient evidence to support disciplinary action.**
11. MD-14-1024A, MICHAEL E. PAULK, M.D., LIC. #30289

**RESOLUTION: Issue an Advisory Letter for failure to timely respond to Board staff's requests and for failure to comply with a Board Order to Appear. There is insufficient evidence to support disciplinary action.**

12. MD-14-1228A, ANN C. FOXX LEACH, M.D., LIC. #44778

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

13. MD-15-0252A, JILL A. MEHLHAF, M.D., LIC. #29715

Dr. Farmer opined this case did not reach a level of egregious billing and that CMS is not a realistic standard.

**MOTION: Dr. Farmer moved to dismiss the case.**

**SECOND: Dr. Figge.**

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

**MOTION PASSED.**

14. MD-14-1528A, SAVITHA B. KALYA, M.D., LIC. #42037

Dr. Berg summarized that the patient was evaluated for a rheumatologic illness, the medical consultant found no issues with the medical care and work up, but found a medical record issue for omitting a skin and neurologic exam. Dr. Berg moved to dismiss the case. Dr. Gillard opined that the MC was too critical.

**MOTION: Dr. Berg moved to dismiss the case.**

**SECOND: Ms. Brister.**

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

**MOTION PASSED.**

15. MD-13-1331A, ROGER A. HASSINGER, M.D., LIC. #36833

Attorney Steven Myers and Dr. Hassinger addressed the Board during the Public Statements portion of the meeting.

Dr. Krahn found a violation for making false statements and opined that there was a misunderstanding regarding the employment relationship. Dr. Krahn moved to dismiss the case. Dr. Gillard observed the physician's attorney advised him not to respond.

**MOTION: Dr. Krahn moved to dismiss the case.**

**SECOND: Dr. Farmer.**

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

**MOTION PASSED.**

16. MD-14-0716A, MUHAMMAD J. AKHTAR, M.D., LIC. #10007

**RESOLUTION: Issue an Advisory Letter for prescribing a controlled substance to a member of his immediate family and for inadequate medical records. There is insufficient evidence to support disciplinary action.**

17. MD-15-0338A, JOEL J. PAULINO, M.D., LIC. #28843

Dr. Berg stated he pulled this case because he found grounds for a (t) violation. Dr. Berg stated the licensee checked the box affirming that the CSPMP had been reviewed when he knew it had not been done. Dr. Berg moved for a Letter of Reprimand or invite in for a formal interview. Board members agreed with Dr. Berg.

**MOTION: Dr. Berg moved to offer the physician a Consent Agreement for a Letter of Reprimand. If he declines, invite him for a Formal Interview**

**SECOND: Dr. Figge.**

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

**MOTION PASSED.**

18. MD-15-0117A, SAMAN A. FARNOUSH, M.D., LIC. #33804

Attorney Kraig Marton, Kim Peterson, and Michelle Kaufman addressed the Board during the Public Statements portion of the meeting on behalf of Dr. Farnoush.

Dr. Farmer opined this case did not reach a level of egregious billing and that CMS is not a realistic standard. Dr. Krahn noted the charge was corrected but that the CPT code was wrong.

**MOTION: Dr. Farmer moved to dismiss the case.**

**SECOND: Dr. Paul.**

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

**MOTION PASSED.**

19. MD-14-1670A, SAMUEL W. DOWNING, M.D., LIC. #16298

**RESOLUTION: Issue an Advisory Letter for signing preprinted order forms for hospice patients which included controlled substance prescriptions. While the licensee has demonstrated substantial compliance through remediation that mitigates 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.**

20. MD-14-1540A, VASILIOS KAPERONIS, M.D., LIC. #20732

Dr. Krahn observed this was a complicated patient on multiple medications. Dr. Krahn stated the documentation was good and the use of dementia medicine that is not FDA approved is common practice. Dr. Krahn moved to dismiss. Dr. Gillard noted the complainant later withdrew the complaint.

**MOTION: Dr. Krahn moved to dismiss the case.**

**SECOND: Dr. Figge.**

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

**MOTION PASSED.**

21. MD-15-0044A, CHRISTOPHER J. GUALTIERI, M.D., LIC. #42801

Attorney Scott King spoke on behalf of Dr. Gualtieri during the Public Statements portion of the Board's meeting.

**RESOLUTION: Issue an Advisory Letter for failure to perform his own dilated ophthalmological examination prior to performing LASIK surgery on the patient. There is insufficient evidence to support disciplinary action.**

22. MD-14-1600A, ROBERT J. RAUSCHER, M.D., LIC. #13109

Dr. Rauscher spoke during the Public Statements portion of the Board's meeting.

Dr. Snowsnowski summarized the case for the Board. The Board received a complaint regarding Dr. Rauscher's care and treatment of M.J. alleging failure to properly inform and treat the patient. The MC found no deviation from the standard of care but SIRC found the physician's handwriting difficult to read.

Dr. Berg and Dr. Farmer noted SIRC found a medical records violation and that the MC found no deviation from the standard of care. Dr. Berg opined that since the evaluation was already scheduled but the appointment was made incorrectly that without seeing the specialist who would know if the outcome would be different. Dr. Berg moved to dismiss. Dr. Gillard expressed concern regarding the patient suffering from various symptoms and had no labs being ordered on two separate occasions.

**MOTION: Dr. Berg moved to dismiss the case.**

**SECOND: Dr. Farmer.**

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

**MOTION PASSED.**

23. MD-14-0472B, THOMAS E. JACOBSON, M.D., LIC. #22278  
**RESOLUTION: Issue an Advisory Letter for recommending placement of a pacemaker without proper indications. There is insufficient evidence to support disciplinary action.**
24. MD-15-0201A, SABRINA VIRK, M.D., LIC. #R74728  
**RESOLUTION: Issue an Advisory Letter for improper patient management, failing to respond to calls and pages, and for inadequate medical recordkeeping. There is insufficient evidence to support disciplinary action.**
25. MD-14-0966A, MARCUS W. PARKER, M.D., LIC. #44777  
**RESOLUTION: Issue an Advisory Letter for failing to identify an intertrochanteric fracture on x-ray. The violation is a minor or technical violation that is not of sufficient merit to warrant disciplinary action.**
26. MD-14-1632A, RICHARD A. MELDE, M.D., LIC. #7685  
**RESOLUTION: Issue an Advisory Letter for inadequate management of controlled substances and inadequate medical records. There is insufficient evidence to support disciplinary action.**
27. MD-14-1647A, JOSEPH L. HABER, M.D., LIC. #33440  
**RESOLUTION: Issue an Advisory Letter for representing to a patient that a cyst would be removed and failing to remove it during surgery, and for failing to document the reasoning in the medical record. There is insufficient evidence to support disciplinary action.**
28. MD-15-0935A, RICHARD A. MELDE, M.D., LIC. #7685  
**RESOLUTION: Issue an Advisory Letter for performance of a non-standard breast examination and for inadequate medical records. There is insufficient evidence to support disciplinary action.**
29. THIS ITEM HAS BEEN REMOVED FROM THE AGENDA
30. MD-15-0372A, JOZEF ZOLDOS, M.D., LIC. #28314  
Attorney Robert Milligan, Dr. Craig Norquist, Dr. Donald Lauer and Dr. John Shufeldt addressed the Board during the Public Statements portion of the meeting on behalf of Dr. Zoldos.

Dr. Farmer stated that hand surgeons face a lack of coverage with ED's He further stated that he sympathized for patients but for the reasons addressed before regarding the Board's billing policies he moved to dismiss the case.

**MOTION: Dr. Farmer moved to dismiss the case.**

**SECOND: Dr. Figge.**

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

**MOTION PASSED.**

31. MD-15-0372B, LLOYD P. CHAMPAGNE, M.D., LIC. #27791  
Attorney Robert Milligan, Dr. Champagne, Dr. Craig Norquist, Dr. Donald Lauer and Dr. John Shufeldt addressed the Board during the Public Statements portion of the meeting on behalf of Dr. Champagne. Complainant RY also addressed the Board.

Dr. Farmer stated that hand surgeons face a lack of coverage with ED's He further stated that he sympathized for patients but for the reasons addressed before regarding the Board's billing policies he moved to dismiss the case.

**MOTION: Dr. Farmer moved to dismiss the case.**

**SECOND: Dr. Figge.**

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

**MOTION PASSED.**

32. MD-14-0365A, LLOYD P. CHAMPAGNE, M.D., LIC. #27791

Dr. Gillard expressed concern of a patient having a traumatic amputation of a finger from a dog bite and prescribing antibiotics that were not indicated. Dr. Gillard opined an antibiotic should be given for a diabetic who has a dog bite. Dr. Mattaliano opined that he would give antibiotics in this situation. Dr. Farmer agreed there is literature to support not administering an antibiotic but agreed with SIRC that if no antibiotic is given, follow up is needed.

**MOTION: Dr. Farmer moved to issue an Advisory Letter for failure to arrange closer follow up after a traumatic finger amputation due to dog bite that required surgical amputation, irrigation and debridement. There is insufficient evidence to support disciplinary action.**

**SECOND: Dr. Berg.**

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

**MOTION PASSED.**

33. MD-15-0813A, MD-15-0222A, ANITA R. RAMAIAH, M.D., LIC. #25196

Dr. Farmer stated that hand surgeons face a lack of coverage with ED's He further stated that he sympathized for patients but for the reasons addressed before regarding the Board's billing policies he moved to dismiss the case.

**MOTION: Dr. Farmer moved to dismiss the case.**

**SECOND: Dr. Figge.**

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

**MOTION PASSED.**

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

**MOTION: Dr. Krahn moved to issue an Advisory Letter with Non-Disciplinary CME Order in item numbers 1 and 2.**

**SECOND: Dr. Paul.**

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

**MOTION PASSED.**

1. MD-14-1417A, SONIA M. PEREZ-PADILLA, M.D., LIC. #20697

**RESOLUTION: Issue an Advisory Letter and Order for Non-Disciplinary CME for delay in repeating a chest x-ray to evaluate for a possible underlying neoplasm when short term interval follow up films were recommended. Within six months, complete a minimum of 10 hours of Board staff pre-approved Category I CME in follow up of abnormal diagnostic imaging test results. The CME hours shall be in addition to the hours required for license renewal.**

2. MD-14-0328A, ROBERT L. DEAN, M.D., LIC. #32516

**RESOLUTION: Issue an Advisory Letter for excessive use of endoscopy at follow up visits and for inadequate medical records. There is insufficient evidence to support disciplinary action. Issue an Order for Non-Disciplinary CME for inadequate medical records. Within six months, complete a minimum of 15 hours of Board staff pre-approved Category I CME in an intensive, in-person course for medical recordkeeping. The CME hours shall be in addition to the hours required for license renewal.**

**P. REVIEW OF EXECUTIVE DIRECTOR DISMISSALS**

**MOTION: Dr. Figge moved to uphold the dismissal in item numbers 1 and 4.**

**SECOND: Dr. Paul.**

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

**MOTION PASSED.**

1. MD-15-0440A, DARYL R. PFISTER, M.D., LIC. #24384

Complainant JC spoke during the Public Statements portion of the Board's meeting. Attorney Shane Armstrong also addressed the Board on behalf of Dr. Pfister.

**RESOLUTION: Uphold the dismissal.**

2. MD-15-0728A, GARY M. PRINCE, M.D., LIC. #27475  
Attorney David Selden spoke during the Public Statements portion of the Board's meeting on behalf of Dr. Prince. Complainant PW and CB also addressed the Board.

**RESOLUTION: Uphold the dismissal.**

3. MD-15-0019A, LISA J. STEARNS, M.D., LIC. #24521  
Complainant PP spoke during the Public Statements portion of the Board's meeting.

**RESOLUTION: Uphold the dismissal.**

4. MD-15-0357A, LYNN S. LYDON, M.D., LIC. #23216  
**RESOLUTION: Uphold the dismissal.**

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

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

**SECOND:** Ms. Salter.

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

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

**MOTION PASSED.**

1. MD-14-1541A, DUANE M. WOOTEN, M.D., LIC. #17126  
**RESOLUTION: Accept the proposed Consent Agreement for a Letter of Reprimand.**
2. MD-14-1541B, TAMERA B. JORDAN, M.D., LIC. #34494  
**RESOLUTION: Accept the proposed Consent Agreement for a Letter of Reprimand.**
3. MD-14-1173A, LUCIO ARTEAGA, M.D., LIC. #16150  
**RESOLUTION: Accept the proposed Consent Agreement for a Letter of Reprimand and Six Month Probation. Within six months, complete the Professional/Problem-Based Ethics program ("Probe") offered by the Center for Personalized Education for Physicians for Ethics and Boundaries. The CME hours shall be in addition to the hours required for license renewal. The Probation shall terminate upon proof of successful completion of the coursework.**
4. MD-14-1194A, MARK A. ABRAMOVICH, M.D., LIC. #35225  
**RESOLUTION: Accept the proposed Consent Agreement for a Decree of Censure and Ten Year Probation. The Probation shall include a Practice Restriction**
5. MD-15-0759A, MANISH J. PATEL, M.D., LIC. #29685  
**RESOLUTION: Accept the proposed Consent Agreement for a Letter of Reprimand and Five Year Probation to participate in PHP. Dr. Patel's PHP participation shall be retroactive to October 22, 2015. Once the licensee has complied with Probation, he must affirmatively request that the Board terminate the Probation.**
6. MD-16-0293A, MARK A. WELLEK, M.D., LIC. #6416  
**RESOLUTION: Accept the proposed Consent Agreement for a surrender of licensure.**

## **R. LICENSE APPLICATIONS**

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

**MOTION: Ms. Brister moved to approve the license application in item numbers 1-6, 8, 10 and 11.**

**SECOND: Dr. Paul.**

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

**MOTION PASSED.**

1. MD-15-1094A, SUBHASH C. SAHAI, M.D., LIC. # N/A

**RESOLUTION: Approve the license application.**

2. MD-16-0304A, GEORGE T. LIN, M.D., LIC. # N/A

**RESOLUTION: Approve the license application.**

3. MD-16-0255A, SHERYL M. A. MILLS, M.D., LIC. # N/A

**RESOLUTION: Approve the license application.**

4. MD-15-1181A, TERENCE A. ALEXANDER, M.D., LIC. # N/A

**RESOLUTION: Approve the license application.**

5. MD-16-0276A, CHINWE N. N. CHUKWURAH, M.D., LIC. # N/A

**RESOLUTION: Approve the license application.**

6. MD-15-1491A, JOAO H. S. RAMOS, M.D., LIC. # N/A

**RESOLUTION: Approve the license application.**

7. MD-16-0099A, CHARLES E. NELSON, M.D., LIC. # N/A

Dr. Gillard summarized the licensee was disciplined in Wisconsin in 2013 for prescribing issues but his license is now unrestricted and his DEA number has been reinstated. Board staff, Ms. Rossow reported the licensee still maintains his sobriety from opiates but continues to use alcohol socially. Dr. Gillard suggested referring the case to the PHP consultant. Dr. Krahn suggested at minimum a PHP assessment.

**MOTION: Dr. Krahn moved to continue the investigation to allow the applicant the opportunity to complete a PHP assessment. If PHP recommends licensing the physician, the Executive Director shall grant the license.**

**SECOND: Ms. Brister.**

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

**MOTION PASSED.**

8. MD-16-0355A, PATRICIA L. CLARK, M.D., LIC. # N/A

**RESOLUTION: Approve the license application.**

9. MD-15-0183A, GIREESH VELUGUBANTI, M.D., LIC. #N/A

Dr. Figge summarized the physician had a cocaine and drug screening in 2011 from the Wisconsin Board. The physician successfully completed monitoring with the Wisconsin Board in 2014. Dr. Figge suggested a PHP assessment with the Board's PHP program. Dr. Gillard noted the Board reviewed the case during the December 2015 meeting where they recommended approval pending a PHP evaluation and approval and the physician has not completed the PHP evaluation. Dr. Gillard moved to allow the physician to withdraw his application and reapply once the evaluation is completed. Board staff Ms. Rivera noted staff had reached out to Dr. Velugubanti on multiple occasions. AAG Smith suggested a timeframe to complete the evaluation or withdraw his application.

**MOTION: Dr. Figge moved to allow the applicant an additional 30 days to complete the previously recommended PHP assessment or withdraw his license application. If the applicant fails to comply, the license shall be denied based on A.R.S. § 32-1422(A)(3).**

**SECOND: Dr. Krahn.**

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

Figge, Dr. Krahn, Dr. Paul and Ms. Salter. The following Board member voted against the motion: Dr. Berg. The following Board members were absent: Dr. Farmer, Dr. Perry and Dr. Fromm.  
VOTE: 8-yay, 1-nay, 0-abstain, 0-recuse, 3-absent.  
MOTION PASSED.

10. MD-16-0038A, BARRY S. TOY, M.D., LIC. #N/A  
RESOLUTION: Approve the license application.
11. MD-16-0209A, JOSHUA FREEMAN, M.D., LIC. #N/A  
RESOLUTION: Approve the license application.
12. MD-16-0130A, CAROLYN L. SEIFERT, M.D., LIC. #N/A  
Dr. Krahn noted two situations where she pre-signed prescriptions for telemedicine. Dr. Gillard noted the licensee has unrestricted licenses in four states; she had a dispute with a veteran's administration hospital and an advisory letter.

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

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

MOTION: Dr. Paul moved to approve the license application in item numbers 1-10.  
SECOND: Ms. Brister.  
VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.  
MOTION PASSED.

1. MD-15-1517A, ROVIE T. P. MESOLA, M.D., LIC. #  
RESOLUTION: Approve the license application.
2. MD-16-0125A, JAMES C. LARSEN, M.D., LIC. #  
RESOLUTION: Approve the license application.
3. MD-16-0252A, EYASSU HAILEMICHAEL, M.D., LIC. #  
RESOLUTION: Approve the license application.
4. MD-16-0317A, GORDON A. COHEN, M.D., LIC. # N/A  
RESOLUTION: Approve the license application.
5. MD-15-1271A, ERIC S. POSTAL, M.D., LIC. # N/A  
RESOLUTION: Approve the license application.
6. MD-16-0320A, SUZANNE B. HARRIS, M.D., LIC. # N/A  
RESOLUTION: Approve the license application.
7. MD-16-0111A, AARON P. TANSY, M.D., LIC. # N/A  
RESOLUTION: Approve the license application.
8. MD-16-0274A, JESSICA W. TOMASELLO, M.D., LIC. # N/A  
RESOLUTION: Approve the license application.
9. MD-16-0316A, MAUREEN A. LILLICH, M.D., LIC. # N/A  
RESOLUTION: Approve the license application.
10. MD-16-0162A, CHARLES B. TANG, 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 (bain)**
1. MD-14-1555A, CORALEE H. MCKAY, M.D., LIC. #17374  
Dr. Gillard summarized there was a problem with the DEA where the physician prescribed methadone for addicted patients and surrendered her DEA license in 2014 after a random audit. Dr. Peairs noted the MC opined violating DEA regulations is below the standard of care but did not explain how or cite a specific standard of care violation. Dr. Peairs reported there was no criminal activity and that the physician was not prescribing methadone in a clinical setting and was within the approved uses for chronic pain. Dr. Peairs could not find a violation of federal or state law.
- MOTION: Ms. Brister moved to grant the license renewal and dismiss the pending investigation.**  
**SECOND: Dr. Figge.**  
**VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.**  
**MOTION PASSED.**
- iv. **REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING RENEWAL APPLICATION AND RECOMMENDED ADVISORY LETTER**
1. MD-15-1376A, MONICA VALDES-DE LA CRUZ, M.D., LIC. #25854  
Dr. Gillard summarized the physician did not report a DUI on a renewal application within the ten days. SIRC recommended that the Board grant renewal and issue an advisory letter for failure to report.
- MOTION: Dr. Berg moved to grant the license renewal and issue an Advisory Letter for failure to report a DUI in a timely manner to the Board. There is insufficient evidence to support disciplinary action.**  
**SECOND: Ms. Brister.**  
**VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.**  
**MOTION PASSED.**
- v. **REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING RENEWAL APPLICATION AND REQUEST FOR BOARD DIRECTION**  
**MOTION: Dr. Berg moved to grant the license renewal in item numbers 1 and 2.**  
**SECOND: Dr. Connolly.**  
**VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.**  
**MOTION PASSED.**
1. MD-15-1293A, JOSEPH E. WEST, M.D., LIC. #12717  
**RESOLUTION: Grant the license renewal.**
2. MD-15-1486A, JOHN A. LORANT, M.D., LIC. #30875  
**RESOLUTION: Grant the license renewal.**
- 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. CHARLES SCOWCROFT, M.D.  
Dr. Gillard summarized the physician is up to date on CME hours, has had several state licenses without discipline but hasn't passed national boards certification since 1997.
- MOTION: Dr. Paul moved to grant the license by endorsement to Dr. Charles Scowcroft.**  
**SECOND: Dr. Berg.**

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

## **ACTION ON CASE(S)**

### **S. APPROVAL OF DRAFT FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

1. MD-14-1049A, HELEN E. WATT, M.D., LIC. #22016  
Dr. Gillard summarized the board adjudicated the case and ordered a Letter of Reprimand.

**MOTION: Dr. Krahn move to approve the draft Findings of Fact, Conclusions of Law and Order for a Letter of Reprimand.**

**SECOND: Ms. Brister.**

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

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

**MOTION PASSED.**

2. MD-14-0310A, JONATHAN B. MURPHY, M.D., LIC. #44962  
Dr. Gillard summarized the Board ordered CME hours, Probation and Letter of Reprimand for wrong dosing of neoplastic drugs and for writing orders when not on staff.

**MOTION: Dr. Berg move to approve the draft Findings of Fact, Conclusions of Law and Order.**

**SECOND: Dr. Krahn.**

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

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

**MOTION PASSED.**

## **OTHER BUSINESS**

### **T. REQUEST FOR TERMINATION OF BOARD ORDER**

1. MD-12-1172A, MICHAEL P. RIDGE, M.D., LIC. #15513  
Ms. Muller summarized on September 12, 2013 Dr. Ridge entered into a Letter of Reprimand and three year probation. Dr. Ridge was required to enter into a contract with a board approved monitoring company to provide all monitoring services including chart reviews.

Dr. Krahn noted the monitoring company does not oppose early termination. Dr. Berg noted approving this request would be an exception not a rule.

**MOTION: Dr. Krahn moved to grant the request to terminate the physician's September 12, 2013 Board Order.**

**SECOND: Dr. Paul.**

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

**MOTION PASSED.**

2. MD-10-0812A, GALEN B. JOHNSON, M.D., LIC. #19218  
Attorney Kimberly Kent and Dr. Johnson addressed the Board during the Public Statements portion of the Board's meeting.

Ms. Muller summarized that on January 31, 2013, Dr. Johnson entered into a consent agreement for a practice restriction and probation. Terms of the Board Order include a practice restriction for a chaperone, entering into a contract with a Board approved

monitor and CME hours for boundaries. In June 2014, the monitor informed staff that Dr. Johnson had not practiced since the complaint was filed in 2010 and there has been no practice of chaperones to be monitored. The boundaries CME hours were not completed in time. Due to the physician not practicing the Board Order was tolled retroactive to the date of the Order. Dr. Johnson requested termination through his attorney and underwent psychosexual evaluations by two psychologists however they were not Board approved.

Ms. Downey clarified that Dr. Johnson was ordered by Board staff to get a psychosexual evaluation and he did not get one completed. The case was then reviewed by the Board who ordered a psychosexual evaluation and one was not completed. Dr. Johnson was informed prior to the completion of his evaluation that his chosen psychologists were not Board approved.

**MOTION: Dr. Krahn moved to deny the physician's request to terminate the Board Order.**

**SECOND: Ms. Brister.**

Dr. Figge opined the Board is unable to regulate this physician. Dr. Gillard inquired if Dr. Johnson needs to undergo an evaluation for reentry since he has not practiced since 2010. Ms. Muller clarified due to his order being tolled; if he practices he needs to be required to complete the order.

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

**MOTION PASSED.**

## **U. APPEAL OF EXECUTIVE DIRECTOR ACTION PURSUANT TO R4-16-510**

### **1. MD-16-0211A, MUHAMMAD SAEED, M.D., LIC. #32955**

Attorney Peter Akmajian spoke during the Public Statements portion of the Board's meeting along with Dr. Saeed.

Dr. Saeed stated this was a complex patient that he has treated over a six year timeframe. Dr. Saeed stated the allegations made by the complainant are false. Dr. Saeed informed the Board he is no longer practicing general medicine and is only practicing psychiatry.

Dr. Downey presented that the Board received a complaint from patient C. P. alleging that in June 2015 Dr. Saeed took her into a side room of his office and performed an inappropriate fibromyalgia examination on her. Dr. Saeed's written response and testimony given during his interview were confusing, inconsistent and lacked credibility. Dr. Saeed had a previous complaint that was very similar in 2012 and Board staff requested the Board uphold the Order.

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

The Board returned to Open Session at 07:19 p.m.

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

Mr. Akmajian expressed an understanding of the serious nature of the allegations and the Board's responsibility to protect the public but feels the ordering of a psychosexual evaluation is not justified. Mr. Akmajian reiterated that Dr. Saeed has self-limited his practice to psychiatry and that he understands the need for a chaperone for a male physician examining a female patient. Mr. Akmajian requested the board to consider a less severe measurement such as a boundaries evaluation.

**MOTION: Dr. Krahn moved to deny the motion for appeal.**

**SECOND: Dr. Paul.**

Dr. Krahn opined the case does not make coherent sense and in the sense of protecting the public a better understanding of what actually happened is needed. Dr. Paul noted his concern regarding Dr. Saeed's prior complaint of a similar nature.

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

**V. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING SUMMARY ACTION**

1. MD-15-0916A, SUSAN D. SCARLA, M.D., LIC. #13951  
Dr. Gillard stated the allegations are for improper prescribing. AAG Smith reported to the Board Dr. Scarla signed a Consent Agreement for an Interim Practice Restriction.

**W. GENERAL CALL TO THE PUBLIC**

Patient R.L. spoke on non-agendized case regarding Dr. Sanders, MD-15-1264B.

**MOTION: Dr. Krahn moved to adjourn the meeting.**

**SECOND: Ms. Salter**

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

**MOTION PASSED.**

The meeting adjourned at 7:36 p.m.



*Patricia E. McSorley*  
Patricia E. McSorley, Executive Director