



Arizona Medical Board

9545 East Doubletree Ranch Road • Scottsdale, Arizona 85258

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DRAFT MINUTES FOR REGULAR SESSION MEETING Held on Wednesday, February 1, 2017 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.
Teresa L. Connolly, D.N.P., R.N., N.E.A.-B.C.
Gary R. Figge, M.D.
Pamela E. Jones
Lois E. Krahn, M.D.
Edward G. Paul, M.D.
Wanda J. Salter, R.N.

Wednesday, February 1, 2017

GENERAL BUSINESS

A. CALL TO ORDER

Dr. Gillard called the meeting to order at 8:09 a.m.

B. ROLL CALL

The following Board members were present: Dr. Gillard, Dr. Farmer, Ms. Bain, Dr. Berg, Dr. Connolly, Dr. Figge, Ms. Jones, Dr. Krahn, Dr. Paul and Ms. Salter.

ALSO PRESENT

Present among Board staff include: Carrie Smith, Assistant Attorney General ("AAG"); Patricia E. McSorley, Executive Director; Kristina Fredericksen, Deputy Director; William Wolf, M.D., Chief Medical Consultant; Andrea Cisneros, Staff Investigational Review Committee ("SIRC") Coordinator; Raquel Rivera, 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

- Update on Investigations Caseload

Ms. McSorley reported regarding the improvements regarding the number of pending completed investigations cases and that having regular telephonic meetings has assisted with moving cases more efficiently.

- Update on Agency Relocation

Ms. McSorley reported that the new building's renovation completion date is set for November and the move date is tentatively set for December of this year.

E. DISCUSSION AND POSSIBLE ACTION REGARDING ELECTION OF OFFICERS

The Board acknowledged the work of its current officers, and several members spoke in support of retaining them.

MOTION: Dr. Figge moved to retain the current Board officers: Dr. Gillard, Chair; Dr. Farmer, Vice Chair; and Ms. Bain, Secretary.

SECOND: Dr. Paul.

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

MOTION PASSED.

F. CHAIR'S REPORT

Dr. Gillard commented that the FSMB annual meeting is in April and he will attend as the Board's voting delegate and invited fellow Board members to attend.

G. LEGAL ADVISOR'S REPORT

- Update on CA-CV-15-0730 *Scorzo and Grabe v. Arizona Medical Board*

Ms. Smith informed the Board that the dismissal in this matter has been upheld.

H. DISCUSSION AND UPDATE FROM THE PHYSICIAN HEALTH PROGRAM (PHP) COMMITTEE

- Report from January 17, 2017 PHP Committee meeting

Dr. Krahn reported that the Committee is considering multiple components of the program. The goal is to standardize collected information and provide a larger list of PHP assessment providers for physicians.

- Discussion and Potential Action Regarding Potential Changes to the Board's DUI Policy.

Dr. Krahn discussed potential changes to the Board's DUI Policy regarding when an assessment should be required for DUIs, based on the cost of the assessment and monitoring process.

I. THIS ITEM HAS BEEN REMOVED FROM THE AGENDA

J. APPROVAL OF MINUTES

MOTION: Dr. Krahn moved to approve the December 8, 2016 Special Meeting, December 7-8 Regular Session, Including Executive Session; and the January 12, 2017 Special Teleconference.

SECOND: Dr. Figge.

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

MOTION PASSED.

LEGAL MATTERS

K. FORMAL INTERVIEWS

1. MD-15-1215A, WARREN M. BUTLER, M.D., LIC. #41991
This matter has been tabled for a future agenda.
2. MD-16-0050A, MANSOUR H. ASSAR, M.D., LIC. #23221
Dr. Assar was present without counsel.

Board staff summarized that the Board initiated the case after receiving a complaint alleging an inappropriate administration of a stress test. BA suffered from multiple comorbidities and was given a stress test in the office with an IV medication.

During questioning, Dr. Assar addressed the MC's concerns regarding the use of a beta-blocker in this patient's case. Dr. Assar referenced a letter of support by a board certified cardiologist for the use of a beta-blocker for a patient such as BA. Dr. Assar opined that his clinical judgement in this case did not violate the standard of care. Dr. Assar opined that both the Dobutamine stress test and a nuclear cardiac stress test are equally effective tests and that the clinical event could have been similar.

During deliberation, Dr. Berg noted that the Medical Consultant ("MC") did call the use of a beta blocker with a pacemaker a relative contraindication however; at the end of her report the MC stated in retrospect the test was done in an appropriate manner and did not find this to be a standard of care deviation. Dr. Berg agreed with the physician that the two tests are equally effective and appropriate. Dr. Berg opined that he did not find a standard of care violation.

MOTION: Dr. Berg moved to dismiss.

SECOND: Dr. Farmer.

Dr. Paul opined there was careful consideration of the patients' individual risks and noted that the patient was under constant observation and care. Dr. Figge noted that the cardiologist's review validated that the stress test resulted in a finding of hypocanesis.

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

MOTION PASSED.

3. MD-15-0882A, ROBERT A. CAMPBELL, M.D., LIC. #32900
Dr. Campbell was present with counsel Artie Eaves.

Board staff summarized that the Board initiated the case after receiving Dr. Campbell's self-report, via legal counsel, stating that on July 11, 2015, he was charged with aggravated assault with a deadly weapon and leaving the scene of a serious physical injury accident. Dr. Campbell was referred to the PHP contractor for an assessment and the PHP Contractor opined that monitoring and treatment was not recommended. On February 8, 2016, Dr. Campbell pled guilty to leaving the scene of a serious physical injury accident, which is a Class 3 Felony. On June 20, 2016, Dr. Campbell was sentenced to probation. The charge of aggravated assault with a deadly weapon was dismissed.

In opening, Mr. Eaves stated that Dr. Campbell has strived to show respect and humility throughout this process. Dr. Campbell's sentence has been detrimental but he has maintained his professional relationships and employment throughout the entire process.

During questioning, Dr. Campbell explained his reasoning and thought process for leaving and returning to the scene. Dr. Campbell explained that he had been cooperative throughout the police investigation.

In response to Board member questions, Ms. Smith clarified that the Arizona Good Samaritan Law does not require a licensed physician to provide aid.

MOTION: Ms. Bain moved for the Board to enter into Executive Session pursuant to A.R.S. § 38-431.03(A)(3).

SECOND: Dr. Connolly.

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

MOTION PASSED.

The Board entered into Executive Session at 11:03 a.m.

The Board returned to Open Session at 11:12 a.m.

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

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

SECOND: Ms. Bain.

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

MOTION PASSED.

Dr. Connolly opined that in this case a Letter of Reprimand is appropriate as the physician did violate state law.

MOTION: Dr. Connolly moved for Draft Findings of Fact, Conclusions of Law and Order for a Letter of Reprimand.

SECOND: Dr. Krahn.

Board members spoke against the motion based on various mitigating factors, the testimony given, the various circumstances involved in this case and that there was no patient harm. Dr. Farmer spoke against the motion due to the unusual set of circumstances and stated that he found it mitigating that the physician's conduct has been very responsible, sincere, and that the physician has learned from this situation. Dr. Farmer also noted that the PHP contractor found the physician safe to practice.

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

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

MOTION FAILED.

MOTION: Dr. Farmer moved to issue an Advisory Letter for violating A.R.S. § 32-1401(27)(d). While the licensee has demonstrated substantial compliance through remediation that has mitigated the need for disciplinary action, the Board believes that repetition of the activities that led to the investigation may result in further Board action against the licensee.

SECOND: Dr. Paul.

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

MOTION PASSED.

4. MD-15-0217A, DALTON R. CARPENTER, M.D., LIC. #32356
Dr. Carpenter was not present for the Formal interview.

Ms. Smith stated that Board staff contacted the physician this morning and that he is not going to attend the meeting today.

Board members discussed referring the physician to formal hearing due to his non-appearance.

MOTION: Ms. Bain moved to refer the matter to the Office of Administrative Hearings for a Formal Hearing.

SECOND: Dr. Figge.

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

MOTION PASSED.

L. FORMAL INTERVIEWS

1. THIS ITEM HAS BEEN MOVED TO ITEM "O" NUMBER 6.
2. MD-16-0504A, HIMANSHU H. SHUKLA, M.D., LIC. #33766
Dr. Shukla was present with counsel Steve Myers. Ms. Jones recused from this case.

Board staff summarized that the Board initiated this case after receiving a complaint regarding Dr. Shukla's care and treatment of a 69 year-old male patient ("RM") alleging inappropriate medication management. The Board heard this case at the December 2016 meeting with the recommendation for issuance of an Advisory Letter. The Board moved to offer the physician a Consent Agreement for a Letter of Reprimand or invite him for a Formal Interview..

In opening, Dr. Shukla asserted that his medication change did not contribute to the patient's death and explained his rationale for the medication change.

Dr. Shukla explained that based on the patient's history and current prognosis, which is supported by three letters of support from expert physicians, his treatment and medication therapy was reasonable. Dr. Shukla admitted his communication regarding the seriousness of the patient's situation could have been better.

In closing, Mr. Myers referenced the letters of support stating that regardless of approach there was 100 percent mortality, that treatment options were minimal and that he conformed to the standard of care.

During deliberation, Dr. Berg stated that there was a medication change and previous medication changes were done in a hospital setting. Dr. Berg noted that the sotalol did not contribute to the death and opined there was not a violation to the Standard of care.

MOTION: Dr. Berg moved to dismiss.

SECOND: Dr. Paul.

Dr. Gillard commented that sotalol is a medication with various warnings but in certain situations the medication is required. Dr. Farmer opined there was reasonable decision making in this case and the physician weighed the risk and benefits. Dr. Farmer noted that many of these issues could have been mitigated by communication between the

family and the physician. Dr. Krahn expressed concern that the physician's medication change was made without hospitalization in such an ill patient. **VOTE: 8-yay, 1-nay, 0-abstain, 1-recuse, 0-absent.**
MOTION PASSED.

CONSENT AGENDA

M. CASES RECOMMENDED FOR ADVISORY LETTERS

MOTION: Dr. Krahn moved to issue an Advisory Letter in item numbers 4, 5, 7, 9 and 14.

SECOND: Ms. Jones.

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

MOTION PASSED.

1. THIS ITEM HAS BEEN PULLED FROM THE AGENDA.

2. MD-15-0568A, GEORGE WANG, M.D., LIC. #29668

Dr. Wang and Attorney Steve Myers addressed the Board during the Public Statements portion of the meeting.

Dr. Krahn recognized that the physician was confused with regards to being available to when his PA referred a patient to the ER. Dr. Krahn opined it is a serious matter and that physicians need to be available to communicate with the ER regarding referred patients.

MOTION: Dr. Krahn moved to issue an Advisory Letter for failure to coordinate the patient's care with the ER physician. There is insufficient evidence to support disciplinary action.

SECOND: Dr. Figge

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

MOTION PASSED.

3. MD-14-0534A, DANIEL J. ENGLE, M.D., LIC. #40488

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

Ms. Jones found it concerning that the patient requested to pull her complaint after settling with the facility and that various issues with the facility were discovered throughout the investigation.

Board staff noted that the naturopathic physician has been referred to the Naturopathic Board. Board staff clarified that although the complainant withdrew the complaint it is the Board's discretion to continue to the investigation.

Ms. Jones directed staff to refer the facility to the appropriate governing agency.

MOTION: Ms. Jones moved to issue an Advisory Letter for failing to perform adequate evaluations of patients, for inadequate or improper chelation therapy, for failing to obtain informed consent for a benzodiazepine taper schedule, for failing to address patients' underlying psychiatric disorders, and for inadequate medical records. There is insufficient evidence to support disciplinary action.

SECOND: Dr. Figge.

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

MOTION PASSED.

4. MD-13-0801A, DOUGLAS G. LOWELL, M.D., LIC. #19871
Dr. Farmer stated he knows the physician but it would not affect his ability to adjudicate the case.

RESOLUTION: Issue an Advisory Letter for failing to restore GI continuity during emergency surgery for intestinal perforation. The violation was a minor or technical violation that does not rise to the level of disciplinary action.

5. MD-16-0832A, PETER M. REUSS, M.D., LIC. #36554
RESOLUTION: Issue an Advisory Letter for action taken by the State of Wisconsin. There is insufficient evidence to support disciplinary action.

6. MD-16-0536B, DOUGLAS D. HOBBS, M.D., LIC. #27198
Dr. Farmer opined that this was a clerical error and that substantial remediation has occurred. Dr. Gillard noted that this matter was referred to the Board by the Arizona Regulatory Board of Physician Assistant's regarding an expired delegation agreement.

MOTION: Dr. Farmer moved to dismiss.

SECOND: Dr. Figge.

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

MOTION PASSED.

7. MD-15-1344A, LILLIAN MUZYKA, M.D., LIC. #20195
Dr. Muzyka and Attorney Steven Perlumtter addressed the Board during the Public Statements portion of the meeting. Dr. Paul stated he knows the physician but it would not affect his ability to adjudicate the case.

RESOLUTION: Issue an Advisory Letter for failing to follow up on an abnormal mammogram in a timely manner. There is insufficient evidence to support disciplinary action.

8. MD-15-1313B, ROBERT M. RUMMEL, M.D., LIC. #14391
Attorney Paul Giancola addressed the Board during the Public Statements portion of the meeting on behalf of the physician. Ms. Jones recused from this case. Dr. Farmer stated he knows the MC in this case but it would not affect his ability to adjudicate the case.

Dr. Connolly noted that the Board has already dismissed the cases of the other ophthalmologists involved in the care of this patient. Dr. Farmer noted that multiple physicians missed this diagnosis.

MOTION: Dr. Connolly moved to dismiss.

SECOND: Dr. Figge.

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

MOTION PASSED.

9. MD-16-0108A, ANN A. TRAN, M.D., LIC. #34434
RESOLUTION: Issue an Advisory Letter for failing to identify a mid-upper sternal mass on a CT scan. There is insufficient evidence to support disciplinary action.

10. MD-16-0402A, MICHAEL D. PURKIS, M.D., LIC. #24422

Dr. Farmer stated he knows the physician but it would not affect his ability to adjudicate the case.

Dr. Farmer commented that this patient had results sent to two different labs and opined this was a system issue.

Dr. Gillard clarified that the patient called the office and was informed that the labs were fine however, when the physician got the results from the second lab took immediate action and put the patient on the appropriate antibiotics.

Board staff clarified that there was a twenty-four hour time frame between the two results being reported to the patient.

MOTION: Dr. Farmer moved to dismiss.

SECOND: Dr. Krahn.

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

MOTION PASSED.

11. MD-15-1251A, GABRIEL EL-KASS, M.D., LIC. #47983

Dr. El-Kass and Attorney Steve Myers addressed the Board during the Public Statements portion of the meeting.

Ms. Jones noted that the physician acknowledged the mistake and was supervised by his group until the group felt he achieved the required expertise. Dr. Gillard noted that it is not uncommon to hit an artery but unfortunately a dialysis catheter is much larger and there were various other problems in this case. Dr. Farmer commented that this situation is linked to the patient's negative outcome and there were many opportunities to remediate the situation.

Board staff agreed that it is a recognized complication however; it should be recognized and addressed.

MOTION: Ms. Jones moved to issue an Advisory Letter for failing to recognize the incorrect placement of a catheter into the carotid artery. While the licensee has demonstrated substantial compliance through remediation that has mitigated the need for disciplinary action, the Board believes that repetition of the activities that led to the investigation may result in further Board action against the licensee.

SECOND: Dr. Figge.

Dr. Berg commented that this physician has completed thousands of these procedures and has made practice changes.

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

MOTION PASSED.

12. MD-15-1341A, WILLIAM F. FULTON, M.D., LIC. #22294

Dr. Farmer commented that this was a case of a physician missing a sepsis diagnosis with clear implication and opined that CME may be needed. Dr. Gillard agreed that CME may be required based on the patient presenting symptoms the physician should not have gone with oral antibiotics.

MOTION: Dr. Farmer moved to Issue an Advisory Letter and Order for Non-disciplinary CME for failure to administer IV antibiotics and for failure to admit an elderly patient with symptomatic nephrolithiasis with moderate hydronephrosis. There is insufficient evidence to support disciplinary action. Within six months, complete no less than 5 hours of Board staff pre-approved Category I CME in the diagnosis and management of obstructive uropathy, urosepsis, and appropriate antibiotic selection in geriatric patient populations. The CME hours shall be in addition to the hours required for license renewal.

SECOND: Dr. Figge.

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

MOTION PASSED.

13. MD-16-0095A, SIRI C. KHALSA, M.D., LIC. #34227

J.D. addressed the Board during the Public Statements portion of the meeting. Dr. Paul stated he knows the physician but it would not affect his ability to adjudicate the case.

Ms. Jones commented that the physician has since changed her practice and will obtain written consent for an AIDS test instead of verbal. Dr. Gillard noted that there is a statute that requires a written consent before providing an AIDS test. Dr. Figge opined that an Advisory Letter is appropriate as it is now understood by the physician that a written consent is required.

MOTION: Ms. Jones moved to issue an Advisory Letter for failure to obtain explicit permission for performing HIV testing. There is insufficient evidence to support disciplinary action.

SECOND: Dr. Figge.

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

MOTION PASSED.

14. MD-16-0163A, MEGAN Y. BLACKBURN, M.D., LIC. #32492

R.R. and J.R. addressed the Board during the Public Statement portion of the meeting.

RESOLUTION: Issue an Advisory Letter for incorrect use of GoLytely, failure to perform a rectal exam, and for inadequate records. There is insufficient evidence to support disciplinary action.

15. MD-16-0239A, LEONARD A. CEDARS, M.D., LIC. #46697

Dr. Cedars and Attorney Margaret Dean addressed the Board during the Public Statements portion of the meeting.

Dr. Gillard summarized that the sample was not sent at the time of surgery and that the three other physicians in this case were dismissed.

Board staff commented that although some fault lies on the pathologist however, Dr. Cedars did not follow through to check on the specimen. Board staff noted that the pathology department's policy had changed during this time and that is why the second test on the specimen was not completed.

Dr. Figge opined that this appears to be a system error.

MOTION: Dr. Figge moved to dismiss.
SECOND: Dr. Krahn.
VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.
MOTION PASSED.

16. MD-16-0289A, ARLENE SUSSMAN, M.D., LIC. #44035
S.B. addressed the Board during the Public Statements portion of the meeting.

Dr. Berg noted the complainant's Public Statement regarding being able to trust their treating physician. Dr. Berg commented that a tumor was missed and that there is a significant distinction to the term of hindsight bias that once a finding is known it is easy to catch.

MOTION: Dr. Berg moved to dismiss.

SECOND: Dr. Paul

Board staff commented that it is mitigating that there is no prior Board history however; the purpose of an Advisory Letter is for tracking purposes.

MOTION WAS WITHDRAWN.

MOTION: Dr. Berg moved to Issue an Advisory Letter for failure to identify enhancing breast masses on MRI. There is insufficient evidence to support disciplinary action.

SECOND: Dr. Figge.

Dr. Krahn commented that it is unacceptable for the physician not to communicate findings to the patient. Dr. Paul opined that it is concerning that with such a large mass an earlier follow up meeting was not scheduled. Dr. Farmer opined that he is sympathetic to the patient however, during her treatment it is rare to have the time to sit down with the patient and fully explain what is happening.

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

MOTION PASSED.

17. MD-15-0484A, DONALD R. NELSON, M.D., LIC. #5491
Ms. Jones noted that the MC found a deviation from the standard of care as Dr. Nelson failed to carry out an evaluation of LS's anemia, fibroids or status of the endometrium. Dr. Nelson also failed to discuss treatment options with the patient.

Board staff commented that Dr. Nelson met with the Board's MC for an investigational interview and Dr. Nelson admitted that his documentation could have been better.

Dr. Gillard noted that the physician has since retired from practice in May, 2015. Dr. Farmer opined that he was uncomfortable with not pursuing disciplinary action just because the physician is retired. He noted that if a physician holds an active license the Board has no way of knowing whether he will continue to practice. Board members expressed concern with issuing an Advisory Letter based on physician retirement for a case that would otherwise result in discipline.

MOTION: Ms. Jones moved to issue an Advisory Letter for incomplete evaluation of a patient with menorrhagia and uterine fibroids, and for failing to document a discussion of options of treatment. There is insufficient evidence to support disciplinary action.

MOTION FAILED DUE TO A LACK OF A SECONDER.

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

SECOND: Ms. Jones.

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

MOTION PASSED.

N. REVIEW OF EXECUTIVE DIRECTOR DISMISSALS

MOTION: Dr. Krahn moved to uphold the dismissal in item numbers 1 and 3-7.

SECOND: Dr. Paul.

VOTE: 9-yay, 0-nay, 0-abstain, 0 (1 Recusal from item #6)-recuse, 1-absent.

MOTION PASSED.

1. MD-16-0321A, JENNIFER K. O'NEILL, M.D., LIC. #33230

RESOLUTION: Uphold the dismissal.

2. MD-16-1034A, RAMESH C. PATRI, M.D., LIC. #13643

M.J., G.J. and S.J. addressed the Board during the Public Statements portion of the meeting.

Board staff summarized that the Board initiated the case after receiving a complaint from MJ. The patient was seen multiple times for an ulcer that continued to grow. At each visit the ulcer was drained and redressed. MJ was offered to see a plastic surgeon and diversion which he refused both. The MC reported that Dr. Patri did not deviate from the Standard of care and opined the care provided was appropriate.

Dr. Gillard opined this was an unfortunate case with an unfortunate outcome. Board members discussed sending the case to another MC to address the timing of the referrals in this case.

MOTION: Dr. Gillard moved to return the case for further investigation to obtain a second quality of care review by a new Medical Consultant.

SECOND: Dr. Krahn.

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

MOTION PASSED.

3. MD-16-1311A, MARIA-TERESA P. LAUREL, M.D., LIC. #21888

Attorney Mark Romaneski, on behalf of the physician, and M.W. addressed the Board during Public Statements portion of the meeting.

RESOLUTION: Uphold the dismissal.

4. MD-16-0028A, ANNE B. BOJORQUEZ, M.D., LIC. #49789

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

RESOLUTION: Uphold the dismissal.

5. MD-16-0222A, PETER J. DEBARTOLO, M.D., LIC. #48494

RESOLUTION: Uphold the dismissal.

6. MD-15-0386B, EDWARD J. HA, M.D., LIC. #46688

Ms. Jones was recused from this case.

RESOLUTION: Uphold the dismissal.

7. MD-16-0254A, CHARLES HEIKKENEN, M.D., LIC. #32037
RESOLUTION: Uphold the dismissal.

O. PROPOSED CONSENT AGREEMENTS (Disciplinary)

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

SECOND: Dr. Krahn.

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

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

MOTION PASSED.

1. MD-16-0548A, DANIEL L. ROWLAND, M.D., LIC. #28887
RESOLUTION: Accept the proposed Consent Agreement for Letter of Reprimand and Probation. Within six months, complete a minimum of 5 hours of Board staff pre-approved Category 1 CME in hypertensive disorders in pregnancy. 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.
2. MD-15-1424A, EDDIE A. RAMIREZ, M.D., LIC. #36004
RESOLUTION: Accept the proposed Consent Agreement for Letter of Reprimand and Probation. Within six months, complete no less than 5 hours of Board staff pre-approved Category I CME in perioperative management of pediatric patients. 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.
3. MD-16-0714A, MARK E. LOGAN, M.D., LIC. #22621
RESOLUTION: Accept the proposed Consent Agreement for Surrender of License.
4. MD-16-1037A, KATHRYN L. COOK, M.D., LIC. #23642
RESOLUTION: Accept the proposed Consent Agreement for Surrender of License.
5. MD-14-0230A, MD-14-1060A, MD-15-1027B, MARK R. AUSTEIN, M.D., LIC. #14196
RESOLUTION: Accept the proposed Consent Agreement for a Decree of Censure and Five Year Probation for PHP participation. Dr. Austein's PHP participation shall be retroactive to August 4, 2015. Dr. Austein's practice is restricted in that he shall not practice in a solo setting and is prohibited from seeing patients out of his home. Dr. Austein shall promptly obtain a Board-certified pain management physician who shall be in charge of managing the physician's chronic pain. The Probation shall include psychiatric monitoring and psychotherapy. After one year the physician may request that this requirement be terminated. Within six months, complete no less than 15 hours of Board staff pre-approved Category I CME in an intensive, in-person course for prescribing controlled substances. The CME hours shall be in addition to the hours required for license renewal. Dr. Austein shall be subject to periodic chart reviews for the duration of Probation. The chart reviews shall be conducted by CPEP, at the physician's expense. After 18 months, the physician may request termination of the chart reviews. The request must be accompanied by at least three favorable chart reviews.
6. MD-15-0894A, REZA A. ROD, M.D., LIC. #38069

RESOLUTION: Accept the proposed Consent Agreement for Two Year Probation. Dr. Rod shall be subject to periodic chart reviews. After two favorable chart reviews, Dr. Rod may request termination of the Probation.

P. LICENSE APPLICATIONS.

i. APPROVE OR DENY LICENSE APPLICATION

MOTION: Dr. Farmer moved to grant licensure in item numbers 1, 2, 3 and 5.

SECOND: Dr. Krahn.

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

MOTION PASSED.

1. MD-16-0922A, GARY MARTINOVSKY, M.D., LIC. # N/A

RESOLUTION: Grant the license.

2. MD-16-1534A, MARK C. RUCHMAN, M.D., LIC. # N/A

RESOLUTION: Grant the license.

3. MD-16-1436A, PHILLIP M. LESUEUR, M.D., LIC. # N/A

RESOLUTION: Grant the license.

4. MD-16-1401A, MARY L. BALLARD, M.D., LIC. # N/A

Ms. Jones opined that in the physician's response she did not take responsibility for the issues addressed in the investigation. Dr. Gillard noted that Dr. Ballard currently has an unrestricted license in Washington but there was an incident in which she treated her boyfriend.

MOTION: Ms. Jones moved to return the case for further investigation to allow the applicant the opportunity to meet with Board staff for an investigative interview.

SECOND: Ms. Bain.

Dr. Berg noted that the applicant has completed CME in anger management, has undergone professional evaluations to successfully meet the terms of the Washington Board's agreement and no longer has a restricted license.

VOTE: 8-yay, 2-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

5. MD-16-1010A, KENNETH L. SERRA, M.D., LIC. # N/A

RESOLUTION: Grant the license.

ii. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING RENEWAL APPLICATION

1. MD-14-1431A, GARY S. CHRISTENSEN, M.D., LIC. #14081

Dr. Farmer and Dr. Figge stated they know the physician but it would not affect their ability to adjudicate the case. Ms. Bain abstained from this case.

Dr. Gillard explained that the physician signed a consent agreement for a Letter of Reprimand and five year Probation that was approved and the physician is on the agenda today to grant renewal.

MOTION: Dr. Figge moved to grant the license renewal.

SECOND: Dr. Paul.

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

MOTION PASSED.

iii. **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. JEFFREY S. NESTA, M.D.

Dr. Gillard summarized that the physician has an unrestricted license in Wisconsin and has let his family medicine boards lapse. He is moving from family medicine to holistic medicine.

MOTION: Dr. Krahn moved to grant licensure by endorsement once the file is administratively complete.

SECOND: Dr. Paul.

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

MOTION PASSED.

*****END OF CONSENT AGENDA*****

ACTION ON CASE(S)

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

1. MD-15-0164A, BRIAN R. BRIGGS, M.D., LIC. #41631

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

MOTION: Dr. Krahn moved to approve the Draft Findings of Fact, Conclusions of Law and Order.

SECOND: Ms. Jones.

Dr. Figge commented that although the physician made a public statement he did not provide new information.

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

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

MOTION PASSED.

2. MD-14-1551A, CEDRIC W. MCCLINTON, M.D., LIC. #12711

Dr. McClinton and Attorney Melissa Ho addressed the Board during the Board during the Public Statements portion of the meeting.

Dr. Gillard summarized that the Board voted for a Letter of Reprimand and CME at the December agenda.

MOTION: Ms. Salter moved to approve the Draft Findings of Fact, Conclusions of Law and Order.

SECOND: Dr. Paul.

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

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

MOTION PASSED.

3. MD-15-0892A, JOHN E. HENSLER, M.D., LIC. #5346
Dr. Gillard summarized that the physician was interviewed at the December meeting and the Board voted to issue a Letter of Reprimand and Probation for CME.

MOTION: Dr. Connolly moved to approve the Draft Findings of Fact, Conclusions of Law and Order.

SECOND: Dr. Krahn.

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

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

MOTION PASSED.

OTHER BUSINESS

R. REQUEST FOR TERMINATION OF BOARD ORDER

1. MD-13-1101A, PETER C. LIANG, M.D., LIC. #34107
Dr. Gillard summarized that the physician was compliant with his monitoring in Minnesota and Arizona and that the PHP contractor is in favor of early termination.

MOTION: Dr. Krahn moved to grant the request to terminate the October 3, 2014 Board Order.

SECOND: Dr. Farmer.

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

MOTION PASSED.

2. MD-14-1000A, MD-15-0748A, ROBERT K. TRUESDALE, M.D., LIC. #34085
Dr. Truesdale addressed the Board during the Public Statements portion of the meeting.

Board staff summarized that Dr. Truesdale entered into a Consent Agreement for a Decree of Censure and agreed to the probationary terms. The terms included obtaining 15 hours of CME regarding prescribing controlled substances, a practice restriction from prescribing controlled substances for five years and periodic chart reviews. Dr. Truesdale is requesting early termination to prevent the termination of his DEA license. At this time Dr. Truesdale has not undergone a chart review. On November 11, 2016 Dr. Truesdale completed the required CME however, there is insufficient evidence to support that Dr. Truesdale's order should be terminated.

Dr. Gillard noted that due to the Order he is restricted from prescribing for 5 years and therefore, does not require a DEA license.

MOTION: Ms. Bain moved to deny the request to terminate the Board Order.

SECOND: Dr. Paul.

Dr. Krahn noted that the DEA's regulations are to prevent unsafe physicians from prescribing. Dr. Berg noted that although Dr. Truesdale completed the CME requirement he has not met the other requirements of the Order.

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

MOTION PASSED.

S. REQUEST FOR MODIFICATION OF BOARD ORDER

1. MD-16-0123A, JOHN V. WOELLNER, M.D., LIC. #12440

Attorney Melissa Ho addressed the Board during the Public Statements portion of the meeting on behalf of the physician.

Dr. Gillard summarized that Board staff had difficulty locating a course to meet the CME requirement for the CME ordered at the November meeting. However; the physician has found various journal review articles and will provide an assessment for Dr. Wolfs review in order to satisfy this requirement.

MOTION: Dr. Farmer moved to grant the request to modify the November 6, 2016 Order for Non-Disciplinary CME.

SECOND: Dr. Figge.

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

MOTION PASSED.

MOTION: Dr. Farmer moved to break for lunch at 11:55 a.m.

SECOND: Dr. Krahn.

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

MOTION PASSED.

The meeting was called to Order at 12:37 p.m.

T. GENERAL CALL TO THE PUBLIC

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

MOTION: Dr. Farmer moved to adjourn the meeting.

SECOND: Ms. Salter.

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

MOTION PASSED.

The meeting adjourned at 3:02 p.m.



Patricia E. McSorley, Executive Director