



Arizona Medical Board

9545 East Doubletree Ranch Road • Scottsdale, Arizona 85258

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DRAFT MINUTES FOR SPECIAL TELECONFERENCE MEETING Held on Thursday, March 2, 2017 9545 E. Doubletree Ranch Road • Scottsdale, Arizona

Board Members

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

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

Jodi A. Bain, Esq., Secretary

Marc D. Berg, M.D.

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.

GENERAL BUSINESS

A. CALL TO ORDER

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

B. ROLL CALL

The following Board members participated telephonically: 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"); Anne Froedge, AAG; John Tellier, AAG; Patricia E. McSorley, Executive Director; Kristina Fredericksen, Deputy Director; Kathleen Coffey, M.D., Internal Medical Consultant; 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

- Legislative Update
Ms. McSorley reported she continues to meet with legislators regarding the Board's bill; which has been transferred from the House to the Senate.

LEGAL MATTERS

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

1. MD-15-0347A, CHRISTIANA M. LIETZKE, M.D., LIC. #48554
Dr. Gillard summarized that the physician was charged with felonies during an arrest and was sanctioned by other state medical boards including a license denial for failure to notify the board of the arrest. The physician is not currently working and unable to comply with the Arizona Medical Board's recommendations and has signed a consent agreement for surrender of her license.

MOTION: Dr. Farmer moved to accept the proposed consent agreement for voluntary surrender of license.

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, Ms. Bain, Dr. Berg, Dr. Figge, Ms. Jones, Dr. Connolly, Dr. Krahn, Dr. Paul and Ms. Salter.

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

MOTION PASSED.

F. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING SUMMARY ACTION

1. MD-16-0562A, KENNETH B. FLEISCH, M.D., LIC. #28922
Dr. Gillard summarized that in this case the Medical Consultant ("MC") found no deviation of care but there was an allegation of inappropriate touching. A psychosexual evaluation was completed and the recommendation was for the physician to have a chaperone when treating patients. Dr. Gillard reported that the physician has since signed a Consent Agreement for the surrender of his license.

Dr. Paul clarified that the physician had the option of practicing with a chaperone or surrendering the license and has chosen to surrender.

Board staff reported that the physician was also offered the option to obtain another evaluation.

MOTION: Dr. Krahn moved to accept the proposed consent agreement for voluntary surrender of license.

SECOND: Ms. Salter

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

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

MOTION PASSED.

2. MD-17-0083A, JOSE M. PISCOYA, M.D., LIC. #25569
Board staff summarized that on January 24, 2017 the Board received a complaint from MR alleging that while she was a patient she had developed a sexual relationship with the physician. During his interview with Board staff Dr. Piscoya confirmed the relationship and Board staff found evidence of a previous sexual relationship with a another patient. Dr. Piscoya presented to a board-approved evaluation center to undergo a psychosexual evaluation which indicated that he was not safe to practice.

Board staff reported that the Executive Director has already accepted the Consent Agreement for an Interim Practice Restriction and it is already in effect.

CONSENT AGENDA

G. CASES RECOMMENDED FOR ADVISORY LETTERS

MOTION: Dr. Figge moved to issue an Advisory Letter in item numbers 3, 5, 8, 9 and 11-17.

SECOND: Dr. Krahn.

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

MOTION PASSED.

1. MD-16-0648A, ROHIT K. SAHAI, M.D., LIC. #41771

Dr. Sahai addressed the Board during the Public Statements portion of the meeting. S.J. addressed the Board during the Public Statements portion of the meeting.

Dr. Farmer explained that this is a case of a normal appendix being removed where the concern was raised that the physician did the procedure for financial gain. Dr. Farmer agreed with the MC that the radiological findings were soft however, the physician was very conscientious and visited the patient many times and reviewed the films with the radiologist. A normal appendix being taken out happens to prevent a missed diagnosis and an appendix rupture.

MOTION: Dr. Farmer moved to dismiss.

SECOND: Dr. Paul.

Dr. Gillard commented that when if a physician ignored acute abdominal pain and conflicting scans that doctor would be liable to miss symptoms and there may be tragic results.

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

MOTION PASSED.

2. MD-16-0655A, VLADIMIR TROCHE, M.D., LIC. #20010

Ms. Jones summarized that two patients had eggs retrieved on the same day and were mixed in the same dish by a technician. Once the physician was notified he contacted both patients immediately and reimbursed both patients and offered no charge IVF procedures. The doctor hired a lab consultant and instituted the recommended protocols to remedy the issue.

Dr. Figge agreed that the embryologist did not follow the office protocols already in place.

Motion: Ms. Jones moved to dismiss

SECOND: Dr. Figge.

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

MOTION PASSED.

3. MD-16-0669A, BRENT J. LAYTON, M.D., LIC. #14119

RESOLUTION: Issue an Advisory Letter for excessive treatment with gabapentin for diabetic neuropathy for a patient on renal dialysis. There is insufficient evidence to support disciplinary action.

4. MD-16-1004A, JOSEPH S. GIMBEL, M.D., LIC. #7363

Dr. Gimbel and Attorney Richard Delow addressed the Board during the Public Statements portion of the meeting.

Dr. Farmer summarized that this is a case involving alleged improper management by a physician assistant. Dr. Farmer opined there was no evidence of the PA being improperly supervised, the physician was available to answer questions and the patient was seen promptly.

MOTION: Dr. Farmer moved to dismiss.

SECOND: Dr. Krahn.

Dr. Gillard noted the physician stated he was readily available but the MC's concern was that the ankle was not properly examined. Board staff confirmed that the physician assistant was referred to the PA Board.

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

MOTION PASSED.

5. MD-16-0470A, RANDALL W. PORTER, M.D., LIC. #28395

RESOLUTION: Issue an Advisory Letter for performing an anterior cervical discectomy at the improper level. There is insufficient evidence to support disciplinary action.

6. MD-16-0958A, ROBERT T. STOFFER, M.D., LIC. #10355

Dr. Paul summarized that the physician assumed the patient had diabetes and started him on a medication combination due to his presenting glucose levels and family history of diabetes. The complaint was a vague complaint about being prescribed a new medication for diabetes without lab results, but the next day the lab results were viewed and supported the medication recommendation. Dr. Gillard noted that the urine dip showed elevated glucose levels and no ketones. Board members agreed that there was enough evidence to support diabetes and baseline medications should have been prescribed.

MOTION: Dr. Paul moved to dismiss.

SECOND: Dr. Figge.

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

MOTION PASSED.

7. MD-15-1117A, BRYAN J. PIMLOTT, M.D., LIC. #32940

Ms. Jones inquired with Board staff why two MC reviews occurred with this case.

Board staff noted that the second report was requested due to the inconsistencies in the first report, and noted that both medical consultants were in agreement that the child should have been re-examined before discharge when the patient reported new pain and popping.

MOTION: Ms. Jones to issue an Advisory Letter for failing to utilize appropriate postoperative external immobilization and by failing to evaluate the patient when complications were reported. There is insufficient evidence to support disciplinary action.

SECOND: Dr. Figge

Dr. Berg opined that the physician should learn from this case and in the future complete a reexamination and, if treatment is needed, work with the family to seek the recommended treatment.

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

MOTION PASSED.

8. MD-16-1051A, WILLIAM H. STRAW, M.D., LIC. #26981

RESOLUTION: Issue an Advisory Letter for failure to order an ultrasound or refer the patient to the ER for evaluation, and for inadequate description of the lesion examined. There is insufficient evidence to support disciplinary action.

9. MD-13-0656A, MUHAMMAD A. KHAN, M.D., LIC. #9994

RESOLUTION: Issue an Advisory Letter for failure to intervene in a sufficiently timely fashion on a patient with abdominal sepsis and for inadequate medical records. There is insufficient evidence to support disciplinary action.

10. MD-16-0314A, TAYLOR Y. CARDALL, M.D., LIC. #31348

A.C., A.C. and A.G. addressed the Board during the Public Statements portion of the meeting.

Ms. Jones summarized that this is a case where a patient whose hand was crushed during an assault and went to the emergency room. The medical records note the patient tried to leave the hospital and that the physician stated the x-rays were preliminary. There was a two day delay in diagnosis and treatment and the physician has implemented new procedures to prevent this from occurring in the future.

Board members agreed this was a particularly challenging situation with mitigating factors. Dr. Gillard noted this fracture was obvious and despite the mitigating circumstances the physician must review the radiographs.

Board staff reported that the MC found that the physician missed a metacarpal fracture.

MOTION: Dr. Figge moved to issue an Advisory Letter for failure to identify a metacarpal fracture on x-ray. There is insufficient evidence to support disciplinary action.

SECOND: Dr. Connolly.

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

MOTION PASSED.

11. MD-16-0613A, RYAN R. STRATFORD, M.D., LIC. #33881

S.G. addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Issue an Advisory Letter for failure to consider further attempts at correction or replacement of a bladder sling given the described intraoperative difficulties.

12. MD-16-0763A, THOMAS L. ERICKSON, M.D., LIC. #14731

Dr. Erickson and Attorney Scott King addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Issue an Advisory Letter for transection of the median nerve during carpal tunnel release surgery and for failure to recognize transection of the median nerve. There is insufficient evidence to support disciplinary action.

13. MD-16-0412A, JAMES. I. COLLINS, M.D., LIC. #24893

RESOLUTION: Issue an Advisory Letter for failing to ensure that his examination was adequate to make a diagnosis and for failing to correctly interpret an upper GI examination to make a diagnosis. 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.

14. MD-16-0513A, JEFFREY A. SAUNDERS, M.D., LIC. #50931

RESOLUTION: Issue an Advisory Letter for failure to detect an L4 fracture with spinal compromise. The violation is a minor or technical violation that is not of sufficient merit to warrant disciplinary action.

15. MD-16-0187A, SAM S. CHENG, M.D., LIC. #40085

RESOLUTION: Issue an Advisory Letter for misinterpretation of a CT scan. There is insufficient evidence to support disciplinary action.

16. MD-16-0393A, DAVID M. FREEDMAN, M.D., LIC. #40066

RESOLUTION: Issue an Advisory Letter for inadequate participation in the discharge process and for inadequate and illegible records. There is insufficient evidence to support disciplinary action.

17. MD-16-1195A, GREGORY B. FEHR, M.D., LIC. #36090

RESOLUTION: Issue an Advisory Letter for action taken by the State of Texas. 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.

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

1. MD-15-0595A, JAMES D. D'ANTONIO, M.D., LIC. #46242

Ms. Jones stated that she knows the physician but it would not affect her ability to adjudicate the case.

Dr. Gillard summarized there was a malpractice settlement regarding Dr. D'Antonio's care and treatment of a patient alleging unnecessary stent placement using incorrect size stents with subsequent migration and surgical stent removal.

Board staff commented that the purpose of the CME is to allow the physician to gain knowledge about this surgical procedure in the event that he performs the procedure in the future.

MOTION: Dr. Krahn moved to issue an Advisory Letter and Order for Non-Disciplinary CME for performing percutaneous endovenous intervention on a patient utilizing undersized stents which embolized and required additional surgery. 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 proper endovenous intervention. The CME hours shall be in addition to the hours required for license renewal.

SECOND: Ms. Jones.

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

MOTION PASSED.

I. REVIEW OF EXECUTIVE DIRECTOR DISMISSALS

MOTION: Dr. Paul moved to uphold the dismissal in item numbers 1-5.

SECOND: Dr. Figge.

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

MOTION PASSED.

1. MD-16-0911A, LOYD B. OLSON, M.D., LIC. #51018

RESOLUTION: Uphold the dismissal.

2. MD-16-0918A, ROBERT D. JONES, M.D., LIC. #29835

K.R. addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Uphold the dismissal.

3. MD-16-0918B, TRACI L. WHERRY, M.D., LIC. #23703

K.R. addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Uphold the dismissal.

4. MD-16-1283A, ANA M. SIERRA DE ARAGON, M.D., LIC. #41648

D.O. addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Uphold the dismissal.

5. MD-16-1283C, GREGORY S. ALLEN, M.D., LIC. #36540

Dr. Allen addressed the Board during Public Statements portion of the meeting. D.O. addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Uphold the dismissal.

J. PROPOSED CONSENT AGREEMENTS (Disciplinary)

MOTION: Dr. Farmer moved to accept the proposed Consent Agreement in item numbers 1-3.

SECOND: Dr. Krahn.

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Dr. Gillard, 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-16-0065A, ROBERT B. BULLOCH, M.D., LIC. #30398

RESOLUTION: Accept proposed Consent Agreement for a Letter of Reprimand.

2. MD-15-1215A, WARREN M. BUTLER, M.D., LIC. #41991

RESOLUTION: Accept proposed Consent Agreement for a Letter of Reprimand and One Year Probation. Dr. Butler shall continue his psychotherapy treatment as recommended by the neuropsychological evaluator. Dr. Butler's Probation shall be retroactive to August 8, 2016. Once the licensee has complied with the terms of the Probation, he must affirmatively request that the Board terminate the Probation.

3. MD-15-1103A, TRISTRAM G. HORTON, M.D., LIC. #45637

S.E.D addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Accept proposed Consent Agreement for Surrender of Licensure.

K. LICENSE APPLICATIONS

MOTION: Dr. Figge moved to grant licensure in item numbers 2-4.

SECOND: Dr. Paul.

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

MOTION PASSED.

i. APPROVE OR DENY LICENSE APPLICATION

1. THIS ITEM HAS BEEN PULLED FROM THE AGENDA.

2. MD-17-0151A, ASHLEY G. TIAN, M.D., LIC. # N/A

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

Dr. Gillard summarized the case and license applications K(i)(1) through (3) were considered together.

RESOLUTION: Grant the license.

3. MD-16-1499A, ANTHONY J. ROWE, M.D., LIC. # N/A

Dr. Gillard summarized the case and license applications K(i)(1) through (3) were considered together.

RESOLUTION: Grant the license.

4. MD-17-0015A, WILLIAM F. REES, M.D., LIC. # N/A

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

Dr. Gillard summarized the case and license applications K(i)(1) through (3) were considered together.

RESOLUTION: Grant the license.

ii. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING APPLICANT'S REQUEST FOR WAIVER OF DOCUMENTATION REQUIREMENT

MOTION: Dr. Figge moved to grant the request for waiver of documentation requirement and grant the license in items 1 and 2.

SECOND: Dr. Farmer.

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

MOTION PASSED.

1. TERRENCE L. STULL, M.D., LIC. #N/A

RESOLUTION: grant the request for waiver of documentation requirement and grant the license.

2. GLENN C. ARMEN, M.D., LIC. #N/A

RESOLUTION: grant the request for waiver of documentation requirement and grant the license.

iii. APPROVE OR DENY LICENSE APPLICATION WITH RECOMMENDATION FROM THE EXECUTIVE DIRECTOR

1. NOALL E. WOLFF, M.D., LIC. #N/A

Dr. Gillard explained that the physician is unable to verify his expired Montana license since Montana purged records from this time period.

MOTION: Dr. Farmer moved to grant the license.

SECOND: Ms. Jones.

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

MOTION PASSED.

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

1. MD-17-0110A, GEORGE F. SIEFFERT, M.D., LIC. #9612

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

Dr. Gillard summarized that Dr. Sieffert is a vascular surgeon. After a health issue he was assessed and cleared to practice.

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

SECOND: Dr. Paul.

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

MOTION PASSED.

OTHER BUSINESS

L. REQUEST FOR TERMINATION OF BOARD ORDER

1. MD-07-0986A, ALEXANDER VILLARES, M.D., LIC. #32704

Board staff summarized the physician has requested early termination of his ten year probation. In February 2009 entered into an Order for a Decree of Censure and Ten Year Probation that included a requirement for chart reviews. No deviations from the standards of care were identified during any chart reviews.

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

SECOND: Dr. Krahn.

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

MOTION PASSED.

The Board entered into Executive Session at 7:58 p.m.

The Board returned to Open Session at 8:07 p.m.

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

Board staff confirmed that this is the physician's first request for termination. Board staff opined the physician was highly trained and noted that the physician underwent chart reviews for eight years without incident.

MOTION: Dr. Figge moved to grant the request for termination of the Board Order.

SECOND: Dr. Paul.

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

MOTION PASSED.

M. GENERAL CALL TO THE PUBLIC

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

MOTION: Ms. Jones 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 8:13 p.m.



Patricia E. McSorley, Executive Director