



Arizona Medical Board

9545 East Doubletree Ranch Road • Scottsdale, Arizona 85258

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FINAL MINUTES FOR REGULAR SESSION MEETING Held on Tuesday, April 2, 2013 9535 E. Doubletree Ranch Road • Scottsdale, Arizona

Board Members

Gordi S. Khera, M.D., F.A.C.C., Chair

Jody L. Jenkins, M.D., Vice Chair

Harold Magalnick, M.D., Secretary

Andrea E. Ibáñez, Member At Large

Jodi A. Bain, Esq.

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

Ram R. Krishna, M.D.

Douglas D. Lee, M.D.

Richard T. Perry, M.D.

Wanda J. Salter, RN

William J. Thrift, M.D.

CALL TO ORDER

Dr. Khera called the meeting to order at 8:00 a.m.

ROLL CALL

The following Board members were present: Ms. Bain, Dr. Gillard, Ms. Ibáñez, Dr. Jenkins, Dr. Khera, Dr. Krishna, Dr. Lee, Dr. Magalnick, Ms. Salter, and Dr. Thrift. The following Board member was absent: Dr. Perry.

FORMAL HEARING MATTERS

CONSIDERATION OF AND VOTE ON PROPOSED BOARD ORDER ARISING FROM ADMINISTRATIVE LAW JUDGE (ALJ) RECOMMENDED DECISION

1. MD-12-1169A, TIN T. WIN, M.D., LIC. #28212

Dr. Win and Attorney Matt Bartz were present during the Board's consideration of this case. Anne Froedge, Assistant Attorney General, was present on behalf of the State. Ms. Froedge requested that the Board adopt the ALJ's recommended decision with a minor modification to Finding of Fact #15 by correcting the statutory citation to A.R.S. §32-1451.D.

MOTION: Dr. Khera moved to enter into Executive Session to receive legal advice.

SECOND: Dr. Gillard

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

The Board entered into Executive Session at 8:15 a.m.

The Board returned to Open Session at 8:27 a.m.

No deliberations or discussions were made during Executive Session.

MOTION: Dr. Krishna moved to adopt and modify the ALJ's recommended Findings of Fact.

SECOND: Dr. Lee

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Bain, Ms. Ibáñez, Dr. Jenkins, Dr. Khera, Dr. Krishna, Dr. Lee, Dr. Magalnick, and Ms. Salter. Roll call vote was taken and the following Board members voted against the motion: Drs. Gillard and Thrift. The following Board member was absent: Dr. Perry.

VOTE: 8-yay, 2-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

MOTION: Dr. Krishna moved to adopt the ALJ's recommended Conclusions of Law.

SECOND: Dr. Jenkins

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

MOTION PASSED.

MOTION: Dr. Krishna moved to adopt the ALJ's recommended Order for License Revocation.

SECOND: Ms. Ibáñez

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Bain, Ms. Ibáñez, Dr. Jenkins, Dr. Khera, Dr. Krishna, Dr. Lee, Dr. Magalnick, Ms. Salter, and Dr. Thrift. The following Board member voted against the motion: Dr. Gillard. The following Board member was absent: Dr. Perry.

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

MOTION PASSED.

CALL TO THE PUBLIC

FORMAL INTERVIEWS

1. MD-12-0191A, PARMINDER S. CHAHAL, M.D., LIC. #36053

MOTION: Dr. Thrift moved to enter into Executive Session to receive legal advice.

SECOND: Dr. Krishna

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

The Board entered into Executive Session at 10:34 a.m.

The Board returned to Open Session at 10:40 a.m.

No deliberations or discussions were made during Executive Session.

MOTION: Ms. Ibáñez moved for a finding of unprofessional conduct in violation of A.R.S. §32-1401(27)(f) – Habitual intemperance in the use of alcohol or habitual substance abuse; and A.R.S. §32-1401(27)(r) – Violating a formal order, probation, consent agreement or stipulation issued or entered into by the board or its executive director under the provisions of this chapter.

SECOND: Dr. Lee

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

MOTION: Ms. Ibáñez moved for a draft Findings of Fact, Conclusions of Law and Order for a Letter of Reprimand with Five Year Probation to participate in the Board's Physician Health Program (PHP). Dr. Chahal's PHP participation shall be retroactive to October 31, 2012.

SECOND: Dr. Jenkins

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Bain, Dr. Gillard, Ms. Ibáñez, Dr. Jenkins, Dr. Khera, Dr. Krishna, Dr. Lee, Dr. Magalnick, Ms. Salter, and Dr. Thrift. The following Board member was absent: Dr. Perry.

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

NON-TIME SPECIFIC ITEMS

EXECUTIVE DIRECTOR'S REPORT

Lisa S. Wynn, Executive Director, presented her report to the Board.

CHAIR'S REPORT

Dr. Khera presented his report to the Board.

LEGAL ADVISOR'S REPORT

Jennifer Boucek, Assistant Attorney General, presented her report to the Board.

ASSISTANT ATTORNEY GENERAL'S REPORT FOR BOARD DIRECTION AND POSSIBLE ACTION

Ms. Froedge presented these matters to the Board.

1. Gabriel Ogonnaya, M.D. v. Arizona Medical Board, Superior Court Case No. LC2012-000271-0001

MOTION: Dr. Krishna moved to enter into Executive Session to receive legal advice.

SECOND: Ms. Bain

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

The Board entered into Executive Session at 10:53 a.m.

The Board returned to Open Session at 11:23 a.m.

No deliberations or discussions were made during Executive Session.

2. Court of Appeals Opinion re Shakeel A. Kahn v. Arizona Medical Board

RESCIND RECOGNITION OF GENERAL MEDICAL COUNCIL AS AN APPROVED MEDICAL SCHOOL ACCREDITING ASSOCIATION

Ms. Boucek presented this matter to the Board.

MOTION: Dr. Magalnick moved to rescind recognition of General Medical Council as an approved medical school accrediting association.

SECOND: Dr. Lee

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

OFFSITE MEETING TOPICS

Ms. Wynn presented this matter to the Board.

APPROVAL OF MINUTES

MOTION: Dr. Lee moved to approve the February 6, 2013 Regular Session Meeting, including Executive Session.

SECOND: Dr. Magalnick

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

ADVISORY LETTERS (Non-Disciplinary)

MOTION: Dr. Khera moved to issue an Advisory Letter in item numbers 1, 3, 4, 6, 7, 9, 10, 11, 12, 14, 15, 16, 19, 20, 21, and 22.

SECOND: Dr. Krishna

VOTE: 10-yay, 0-nay, 0-abstain, 1-recuse on Advisory Letter numbers 6, 12, and 17, 1-absent.

MOTION PASSED.

1. MD-12-1287A, HARRIS J. WATERS, M.D., LIC. #14300

RESOLUTION: Issue an Advisory Letter for action taken by the State of Oregon. This matter does not rise to the level of discipline.

2. MD-12-1264A, SANJAY VERMA, M.D., LIC. #31649

MOTION: Dr. Krishna moved to issue an Advisory Letter for failing to withhold anticoagulants prior to performing an elective endoscopic dilation of a Schatzke ring; and Non-Disciplinary CME Order. Within six to nine months, complete 10-15 hours of Board staff pre-approved Category I CME in management of anticoagulation in patients undergoing endoscopy procedures. The CME hours shall be in addition to the CME hours required for license renewal. This matter does not rise to the level of discipline.

SECOND: Dr. Jenkins

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

3. MD-12-0774A, PAUL J. GILBERT, M.D., LIC. #38237

RESOLUTION: Issue an Advisory Letter for inadequate medical records. This matter does not rise to the level of discipline.

4. MD-12-0991A, GEORGE J. HUNTER, M.D., LIC. #31352

RESOLUTION: Issue an Advisory Letter for failure to recognize a low lying conus or tethered cord on MRI. This matter does not rise to the level of discipline.

5. MD-12-1241A, MICHAEL A. MARMER, M.D., LIC. #28174

MOTION: Dr. Lee moved to return the case for further investigation to re-notice the physician regarding a violation of A.R.S. §32-1401(27)(e).

SECOND: Dr. Krishna

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

6. MD-12-0263A, HAROLD L. REKATE, M.D., LIC. #15074

Dr. Magalnick was recused from this case.

RESOLUTION: Issue an Advisory Letter for inadequate medical records. This matter does not rise to the level of discipline.

7. MD-12-0950B, SATINDER S. PUREWAL, M.D., LIC. #26854

RESOLUTION: Issue an Advisory Letter for inadequate psychiatric evaluation and for inadequate medical records. This matter does not rise to the level of discipline.

8. MD-12-0024A, SARJITA J. SHUKLA, M.D., LIC. #40620

MOTION: Dr. Gillard moved for dismissal.

SECOND: Ms. Bain

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

9. MD-12-1136A, MASON P. MAKDESI, M.D., LIC. #37397

RESOLUTION: Issue an Advisory Letter for prescribing two long-acting opioid agents to an opioid naïve patient. This matter does not rise to the level of discipline.

10. MD-12-1141A, MONTE J. SCHWARTZ, M.D., LIC. #33951

RESOLUTION: Issue an Advisory Letter for prescribing controlled substances to a family member and for failure to maintain appropriate records. This matter does not rise to the level of discipline.

11. MD-12-0994A, AHMAD BALI, M.D., LIC. #30820

RESOLUTION: Issue an Advisory Letter for action taken by the State of West Virginia. This matter does not rise to the level of discipline.

12. MD-12-0942A, ERNESTO J. DORAME, M.D., LIC. #12349

Dr. Magalnick was recused from this case.

RESOLUTION: Issue an Advisory Letter for inadequate records and for failure to monitor the use of Fioricet. This matter does not rise to the level of discipline.

13. MD-12-0901A, JEFFREY D. LEITNER, M.D., LIC. #42839

MOTION: Dr. Gillard moved to issue an Advisory Letter for failure to perform an independent assessment of the patient's complaint of heartburn, failure to reassess the diagnosis when interventions failed to improve the condition, and for inadequate medical records; and Non-Disciplinary CME Order. Complete 10 hours of Board staff pre-approved Category I CME in acute coronary syndromes. The CME hours shall be in addition to the hours required for license renewal. This matter does not rise to the level of discipline.

SECOND: Dr. Krishna

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

MOTION: Dr. Khera moved to amend the Non-Disciplinary CME Order to include a timeframe for the CME to be completed within six months.

SECOND: Dr. Krishna

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

14. MD-12-1228A, CHRISTINA M. UNDERWOOD, M.D., LIC. #40298

RESOLUTION: Issue an Advisory Letter for failing to discontinue Lithium in a patient with worsening renal failure. This matter does not rise to the level of discipline.

15. MD-12-1149A, JAGDEEP K. BAINS, M.D., LIC. #29311

RESOLUTION: Issue an Advisory Letter for failing to see and evaluate the patient or transfer care in a timely manner. This matter does not rise to the level of discipline.

16. MD-12-1098A, SUSAN K. HADLEY, M.D., LIC. #21170

RESOLUTION: Issue an Advisory Letter for prescribing controlled substances to an immediate family member, for prescribing medication without first establishing a doctor-patient relationship or performing a physical examination, and for inadequate medical records. This matter does not rise to the level of discipline.

17. MD-12-1372A, STEVEN I. WALSH, M.D., LIC. #9110

Dr. Jenkins was recused from this case.

MOTION: Dr. Gillard moved for dismissal.

SECOND: Dr. Thrift

MOTION FAILED.

MOTION: Dr. Krishna moved to issue an Advisory Letter for incorrect interpretation of a hysterosalpingogram. This matter does not rise to the level of discipline.

SECOND: Dr. Lee

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

MOTION PASSED.

18. MD-12-1119A, JAMES M. JOHNSON, M.D., LIC. #27769

MOTION: Dr. Khera moved to issue an Advisory Letter for failing to appreciate an arrest in descent and dilation along with an abnormal fetal heart tracing which required a timely C-section, and for inadequate medical records. This matter does not rise to the level of discipline.

SECOND: Dr. Lee

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

19. MD-12-1271A, WILLIAM S. KYLE, M.D., LIC. #28339

RESOLUTION: Issue an Advisory Letter for action taken in the State of Nevada. This matter does not rise to the level of discipline.

20. MD-12-0902A, STEPHANIE Y. WANG, M.D., LIC. #31321

RESOLUTION: Issue an Advisory Letter for failing to appreciate and report the blood surrounding the brain stem on a neck CT scan. This matter does not rise to the level of discipline.

21. MD-12-1291A, MOHAMMAD ANNABA, M.D., LIC. #36105

RESOLUTION: Issue an Advisory Letter for practicing medicine with an expired license. This matter does not rise to the level of discipline.

22. MD-12-1488A, DOUGLAS W. BRANDT, M.D., LIC. #43649

RESOLUTION: Issue an Advisory Letter for failing to recognize and report a left hip fracture on x-ray. This matter does not rise to the level of discipline.

NON-DISCIPLINARY CONTINUING MEDICAL EDUCATION (CME) ORDER

1. MD-12-0814A, NAJIBULLAH MURADI, M.D., LIC. #35302

MOTION: Dr. Khera moved to issue an Advisory Letter and Order for Non-Disciplinary CME for inappropriate prescribing and for inadequate medical records. Within six months, complete 20-25 hours of Board staff pre-approved Category I non-disciplinary CME in an intensive, in-person course regarding opioid prescribing, and 15-20 hours of Board staff pre-approved Category I non-disciplinary CME in an intensive, in-person course regarding medical recordkeeping. The course hours shall be in addition to the CME hours for the renewal of licensure. This matter does not rise to the level of discipline.

SECOND: Dr. Krishna

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

2. MD-12-1117A, DRAGICA LEKIC, M.D., LIC. #33688

MOTION: Dr. Magalnick moved for dismissal.

SECOND: Dr. Jenkins

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

MOTION PASSED.

ADVISORY LETTERS WITH NON-DISCIPLINARY CME ORDER

1. MD-12-0631B, JOACHIN U. OKAFOR, M.D., LIC. #36747

MOTION: Dr. Khera moved to issue an Advisory Letter for failure to perform an adequate evaluation, and failure to review previous medical records; and Non-Disciplinary CME Order for inadequate documentation. Within six months, complete 15-20 hours of Board staff pre-approved Category I CME in an intensive, in-person course regarding medical recordkeeping. The CME hours shall be in addition to the hours required for license renewal. This matter does not rise to the level of discipline.

SECOND: Dr. Jenkins

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

2. MD-12-1261A, REGINA Y. NAJERA, M.D., LIC. #37027

MOTION: Dr. Krishna moved to not issue the physician an Advisory Letter and Non-Disciplinary CME Order.

SECOND: Dr. Khera

No vote was taken.

MOTION: Dr. Krishna moved to return the case for further investigation to obtain a new quality of care review by a second Medical Consultant to specifically address whether it is appropriate to perform LASIK in the presence of cataracts.

SECOND: Dr. Gillard

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

MOTION PASSED.

REVIEW OF EXECUTIVE DIRECTOR (ED) DISMISSALS

MOTION: Dr. Lee moved to uphold the dismissal in item numbers 1, 2, 3, 4, 7, 9 and 10.

SECOND: Dr. Krishna

VOTE: 10-yay, 0-nay, 0-abstain, 1-recuse on Review of ED Dismissal number 8, 1-absent.

MOTION PASSED.

1. MD-12-1105A, MARK D. FETTER, M.D., LIC. #24439

RESOLUTION: Uphold the dismissal.

2. MD-12-1118A, ROBERT N. BREMS, M.D., LIC. #20722

RESOLUTION: Uphold the dismissal.

3. MD-12-1266A JASJEET KAUR, M.D., LIC. #36320

RESOLUTION: Uphold the dismissal.

4. MD-12-1095A, ROBERT L. KISTNER, M.D., LIC. #20804

RESOLUTION: Uphold the dismissal.

5. MD-12-1031A, GEORGE K. MYO, M.D., LIC. #42034

MOTION: Dr. Jenkins moved to uphold the dismissal.

SECOND: Dr. Krishna

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

6. MD-12-1259A, HENRY J. SCHULTE, M.D., LIC. #12400

MOTION: Dr. Gillard moved to uphold the dismissal.

SECOND: Dr. Jenkins

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

7. MD-12-1129A, JENNIFER A. GEOGHEGAN, M.D., LIC. #36143
RESOLUTION: Uphold the dismissal.

8. MD-12-0688A, TIMOTHY J. GELETY, M.D., LIC. #21851
Ms. Bain was recused from this case.

MOTION: Dr. Krishna moved to uphold the dismissal.
SECOND: Dr. Jenkins
VOTE: 9-yay, 0-nay, 0-abstain, 1-recuse, 1-absent.
MOTION PASSED.

9. MD-12-1182A, RAJ M. SINGH, M.D., LIC. #12583
RESOLUTION: Uphold the dismissal.

10. MD-12-0950A, KALYANI S. MOOLA, M.D., LIC. #30511
RESOLUTION: Uphold the dismissal.

OTHER BUSINESS

BOARD CONSIDERATION

MOTION: Dr. Khera moved to enter into Executive Session to receive legal advice.
SECOND: Dr. Krishna
VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.
MOTION PASSED.

The Board entered into Executive Session at 1:23 p.m.
The Board returned to Open Session at 1:40 p.m.
No deliberations or discussions were made during Executive Session.

1. MD-12-0679A, JAMES R. FREDE, M.D., LIC. #42806
MOTION: Dr. Lee moved to continue this case until further decisions are made.
SECOND: Dr. Krishna
VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.
MOTION PASSED.

2. MD-12-0918A, ALAN ROGA, M.D., LIC. #25828
MOTION: Dr. Jenkins moved to continue this case until further decisions are made.
SECOND: Dr. Krishna
No vote was taken.

MOTION: Dr. Lee moved to administratively close this case with the opportunity to re-open it after further decisions are made.
SECOND: Ms. Ibáñez
VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.
MOTION PASSED.

PROPOSED CONSENT AGREEMENTS (Disciplinary)

3. MD-11-1582A, RICK J. GOMEZ, M.D., LIC. #33677
MOTION: Dr. Krishna moved to accept the proposed Consent Agreement for a Letter of Reprimand and Practice Restriction. Dr. Gomez shall be prohibited from performing spinal injections. Within thirty days, Dr. Gomez shall enter into a contract with a Board approved monitoring company to provide all monitoring services, at his expense. The monitoring company shall perform chart reviews. After three years, Dr. Gomez may petition the Board to request that the monitoring requirement be terminated.
SECOND: Dr. Khera
ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Bain, Dr. Gillard, Ms. Ibáñez, Dr. Jenkins, Dr. Khera, Dr. Krishna, Dr. Lee, Dr. Magalnick, Ms. Salter, and Dr. Thrift. The following Board member was absent: Dr. Perry.
VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.
MOTION PASSED.

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

MOTION: Dr. Krishna moved to approve the draft Findings of Fact, Conclusions of Law and Order in item numbers 4 and 5.

SECOND: Dr. Lee

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Bain, Dr. Gillard, Ms. Ibáñez, Dr. Jenkins, Dr. Khera, Dr. Krishna, Dr. Lee, Dr. Magalnick, Ms. Salter, and Dr. Thrift. The following Board member was absent: Dr. Perry.

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

4. MD-12-0805A, ABDUL-SAMI F. SIDDIQUI, M.D., LIC. #34975

5. MD-12-0392A, EDWARD J. SAYEGH, M.D., LIC. #40787

APPROVE OR DENY LICENSE APPLICATION

6. MD-12-1308A, JOHN V. SPENCER, M.D., LIC. #N/A

MOTION: Dr. Gillard moved to grant the license.

SECOND: Dr. Thrift

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Bain, Dr. Gillard, Ms. Ibáñez, Dr. Jenkins, Dr. Khera, Dr. Krishna, Dr. Magalnick, Ms. Salter, and Dr. Thrift. The following Board member was abstained: Dr. Lee. The following Board member was absent: Dr. Perry.

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

MOTION PASSED.

7. MD-12-1110A, CHAD A. LEEP, M.D., LIC. #N/A

MOTION: Dr. Gillard moved to grant the license as recommended in the SIRC report.

SECOND: Dr. Krishna

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Bain, Dr. Gillard, Ms. Ibáñez, Dr. Jenkins, Dr. Khera, Dr. Krishna, Dr. Lee, Dr. Magalnick, Ms. Salter, and Dr. Thrift. The following Board member was absent: Dr. Perry.

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

The meeting adjourned at 2:33 p.m.



Lisa S. Wynn, Executive Director