



Arizona Medical Board

9545 East Doubletree Ranch Road • Scottsdale, Arizona 85258

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DRAFT MINUTES FOR REGULAR SESSION MEETING

Held on Wednesday, December 11, 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. Ibàñez, 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 8:02 a.m.

ROLL CALL

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

FORMAL HEARING MATTERS

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

1. MD-13-0149A, VERNON L. JOHNSON, M.D., LIC. #N/A

Board members indicated that they received and reviewed the administrative record of the Formal Hearing in this matter. Dr. Johnson was not presenting during the Board's consideration of this case. Anne Froedge, Assistant Attorney General, was present on behalf of the State.

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

SECOND: Dr. Lee

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

MOTION PASSED.

The Board entered into Executive Session at 8:08 a.m.

The Board returned to Open Session at 8:28 a.m.

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

MOTION: Dr. Gillard moved to adopt the ALJ's recommended Findings of Fact.

SECOND: Dr. Krishna

Christopher Munns, Assistant Attorney General, Solicitor General's Office, informed the Board that the standard of evidence that recently changed to clear and convincing only applied to the Board's disciplinary matters. He stated that the preponderance of evidence standard is to be applied in licensing cases.

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

MOTION PASSED.

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

SECOND: Dr. Krishna

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

MOTION PASSED.

Board members discussed re-noticing for an Advisory Letter to track the physician's conduct. Mr. Munns stated that the issues raised by the Board are similar to the concerns reflected in an order issued by another jurisdiction that was published with the national databank.

MOTION: Dr. Gillard moved to adopt the ALJ's recommended Order to uphold Dr. Johnson's appeal of license denial and issue a license to practice allopathic medicine in Arizona.

SECOND: Dr. Krishna

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

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

MOTION PASSED.

2. MD-12-1006A, REYNALDO A. DE LOS ANGELES, M.D., LIC. #12231

Board members indicated that they received and reviewed the administrative record of the Formal Hearing in this matter. Dr. De Los Angeles was not present during the Board's consideration of this case. Sara Selzer, Assistant Attorney General, was present on behalf of the State. Ms. Selzer reported that the ALJ amended the original recommendation to correct the Board's standard of evidence to the clear and convincing standard that applies to the Board's disciplinary matters. Mr. Munns informed the Board that because Board staff could not facilitate the means for Dr. De Los Angeles to participate telephonically, the physician submitted his arguments in writing to the Board.

MOTION: Dr. Lee moved to adopt the ALJ's recommended Findings of Fact, Conclusions of Law and Order to revoke the license.

SECOND: Dr. Krishna

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

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

MOTION PASSED.

LEGAL MATTERS

CONSIDER RESCINDING REFERRAL TO FORMAL HEARING AND LICENSE DENIAL TO PERMIT LICENSE APPLICATION WITHDRAWAL

1. MD-13-0443A, SURBHI JAIN, M.D., LIC. #N/A

Attorney Robert Chelle was presented on behalf of Dr. Jain. Ms. Selzer was present on behalf of State.

MOTION: Dr. Krishna moved to rescind the referral to Formal Hearing and license denial to allow license application withdrawal.

SECOND: Dr. Gillard

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

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

MOTION PASSED.

CALL TO THE PUBLIC

SB and Sherry Petta addressed the Board during the Call to the Public regarding matters not listed on the Board's agenda.

DISCUSSION AND APPROVAL OF ARTICLE 5 FIVE-YEAR REVIEW REPORT SUBMISSION

Kathleen Phillips, Rule Writer, presented the Board with the Article 5 five-year review report.

MOTION: Dr. Krishna moved to approve the Article 5 five-year review report submission.
SECOND: Dr. Lee
VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.
MOTION PASSED.

DISCUSSION AND APPROVAL OF LICENSING AUDIT AND BIDDING PROCESS

Celina Shepherd, Licensing Office Manager, presented this matter to the Board along with Dale Chapman, Performance Audit Director, and Derek Barber, Auditor, from the Auditor General's Office.

MOTION: Dr. Khera moved to recess the Board.
SECOND: Dr. Thrift
VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.
MOTION PASSED.

The Board took a brief recess at 11:32 a.m.

MOTION: Dr. Khera moved to reconvene the Board.
SECOND: Ms. Salter
VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.
MOTION PASSED.

The Board reconvened at 11:48 a.m.

FORMAL INTERVIEW

1. This matter moved to Other Business Item #2.

CONSIDERATION AND DISCUSSION OF NOTICES OF CLAIM FILED AGAINST THE BOARD ON OR ABOUT NOVEMBER 19, 2013

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

The Board entered into Executive Session at 11:49 a.m.
The Board returned to Open Session at 12:07 p.m.
No legal action was taken by the Board during Executive Session.

NON-TIME SPECIFIC ITEMS

EXECUTIVE DIRECTOR'S REPORT

Patricia E. McSorley, Interim Acting Executive Director, presented a report to the Board.

CHAIR'S REPORT

Dr. Khera presented a report to the Board.

LEGAL ADVISOR'S REPORT

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

PHYSICIAN HEALTH PROGRAM (PHP)

MOTION: Dr. Krishna moved to renew the Board's Contract with the PHP Monitoring Company for a period of one year.
SECOND: Dr. Lee
VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.
MOTION PASSED.

CONSIDERATION OF REQUEST FOR LETTER FROM BOARD TO RETAKE USMLE – RACHEL SCHACHT, M.D.

This matter was tabled.

DISCUSSION AND DIRECTION REGARDING PUBLIC RECORDS LAWS' APPLICATION TO RECORDS CREATED ON OR BY PERSONAL COMMUNICATION DEVICES

CONSIDERATION AND APPROVAL OF BOARD POLICY REGARDING FEDERATION CREDENTIALS VERIFICATION SERVICE (FCVS) PACKETS

MOTION: Ms. Ibáñez moved to approve the Board policy regarding utilizing FCVS packets in addition to other items currently being used for verification purposes.

SECOND: Dr. Jenkins

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

MOTION PASSED.

APPROVAL OF MINUTES

MOTION: Dr. Thrift moved to approve the October 2, 2013 Regular Session Meeting Minutes, the October 2, 2013 Special Meeting Minutes, the October 12, 2013 Special Teleconference Meeting Minutes, the October 18, 2013 Special Teleconference Meeting Minutes, the October 28, 2013 Special Teleconference Meeting Minutes, the November 8, 2013 Emergency Teleconference Meeting Minutes, and the November 21, 2013 Special Teleconference Meeting Minutes.

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 2, 3, 5, 10, 11, 12, 13, 15, 17, 20, 21, 23, and 25.

SECOND: Dr. Krishna

VOTE: 10-yay, 0-nay, 0-abstain, 3-recusals as noted in Advisory Letter item numbers 11 and 17, 1-absent.

MOTION PASSED.

1. MD-13-0715A, SIMRANJIT S. GALHOTRA, M.D., LIC. #27506

Dr. Lee was recused from this case.

MOTION: Gillard moved to dismiss.

SECOND: Dr. Krishna

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

MOTION PASSED.

2. MD-13-0744A, TIMOTHY C. SAPP, M.D., LIC. #30780

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

3. MD-13-0293A, DENNIS J. FOLEY, M.D., LIC. #32012

RESOLUTION: Issue an Advisory Letter for failure to consult the obstetrician on call in a timely manner and for inadequate medical records. This matter does not rise to the level of discipline.

4. MD-12-1497A, PEGGY SHAFAGHI, M.D., LIC. #42141

MOTION: Dr. Gillard moved for dismissal.

SECOND: Dr. Khera

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

MOTION FAILED.

MOTION: Dr. Jenkins moved to issue an Advisory Letter for failure to properly manage loss of radial pulse in a patient with a comminuted supracondylar fracture. 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.

5. MD-12-1497B, LOUIS P. VU, M.D., LIC. #25183

RESOLUTION: Issue an Advisory Letter for failure to communicate with the admitting hospitalist regarding any concerns about potential vascular compromise of an extremity following a fracture. This matter does not rise to the level of discipline.

6. MD-13-0313A, RONNEY L. FERGUSON, M.D., LIC. #28951

Dr. Lee was recused from this case.

MOTION: Dr. Jenkins moved for dismissal.

SECOND: Dr. Krishna

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

MOTION PASSED.

7. MD-13-0025A, YOON M. HONG, M.D., LIC. #41210

MOTION: Dr. Khera moved to return this case to the Staff Investigational Review Committee (SIRC) for consideration in light of the Advisory Letter issued to the physician in Advisory Letter item #15.

SECOND: Dr. Krishna

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

MOTION PASSED.

8. MD-13-0277A, PARUL AGARWAL, M.D., LIC. #44847

MOTION: Dr. Gillard moved to return the case and re-notice the physician for the issuance of a Non-Disciplinary CME Order in addition to the recommended Advisory Letter. The CME Order shall require the physician to obtain 15 CME hours in headache evaluation. The physician shall be offered the alternative of presenting for a Formal Interview before the Board.

SECOND: Dr. Krishna

Drs. Gillard and Krishna withdrew the motion.

MOTION: Dr. Krishna moved to notice the physician that a violation of A.R.S. §32-1401(27)(q) - Any conduct that is or might be harmful or dangerous to the health of the patient or the public; was identified by the Board in that the standard of care requires full headache evaluation including the performance of a history and physical examination, and to determine other causes of the headache. The Board determined that the physician in this case deviated from the standard of care by failing to fully evaluate the patient's headache resulting in actual harm to the patient. Dr. Krishna further moved to re-notice the physician regarding the issuance of the recommended Advisory Letter with the addition of a Non-Disciplinary CME Order requiring the completion of 15 hours of Board staff pre-approved Category I CME within six months regarding headache evaluation. The CME hours shall be in addition to the hours required for license renewal.

SECOND: Dr. Khera

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

MOTION PASSED.

9. MD-13-0227A, MELISSA K. LINNER, M.D., LIC. #36066

MOTION: Dr. Gillard moved to issue a non-disciplinary Advisory Letter.

SECOND: Dr. Khera

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

MOTION PASSED.

10. MD-13-0274B, DANA M. KOSMALA-RUNKLE, M.D., LIC. #42148

RESOLUTION: Issue an Advisory Letter for inadequate follow up and for failure to consult with the surgeon regarding possible postoperative complications. This matter does not rise to the level of discipline.

11. MD-13-0578A, SUSAN J. DAVIES, M.D., LIC. #25210

Drs. Lee and Thrift were recused from this case.

RESOLUTION: Issue an Advisory Letter for failure to do a cardiac work up on a high risk patient with chest pain and dyspnea.

12. MD-13-0583A, RICHARD A. CARDONE, M.D., LIC. #26223

RESOLUTION: Issue an Advisory Letter for using confidential Board investigation material outside of a Board proceeding, in violation of statute. This matter does not rise to the level of discipline.

13. MD-13-0422A, NEERAJ K. VIJ, M.D., LIC. #29678

RESOLUTION: Issue an Advisory Letter for prescribing controlled substances to a family member and for failing to conduct a proper in-person examination prior to prescribing prescription medication. This matter does not rise to the level of discipline.

14. MD-12-1474A, HARINDER K. TAKYAR, M.D., LIC. #34308

MOTION: Dr. Gillard moved for dismissal.

SECOND: Dr. Thrift

Drs. Gillard and Thrift withdrew the motion.

MOTION: Dr. Krishna moved to issue an Advisory Letter for failure to disclose pertinent information on a privilege application. 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.

15. MD-13-0444A, YOON M. HONG, M.D., LIC. #41210

RESOLUTION: Issue an Advisory Letter for incomplete evaluation of the urinary system to rule out fistula. This matter does not rise to the level of discipline.

MOTION: Dr. Krishna moved to reopen this matter and rescind the issuance of the Advisory Letter.

SECOND: Dr. Khera

Drs. Khera and Krishna withdrew the motion.

16. MD-12-1268A, ALAN P. KAZAN, M.D., LIC. #10092

MOTION: Dr. Jenkins moved to issue an Advisory Letter for improper prescribing of controlled substances. This matter does not rise to the level of discipline.

SECOND: Dr. Krishna

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

MOTION PASSED.

17. MD-13-0737A, GWYNN R. PATTERSON, M.D., LIC. #14904

Dr. Jenkins was recused from this case.

RESOLUTION: Issue an Advisory Letter for reporting an abnormal pap smear as normal. This matter does not rise to the level of discipline.

18. MD-12-1361A, MARY-HELENE BROWN, M.D., LIC. #15293

MOTION: Ms. Salter moved to return the case to invite the physician for a Formal Interview.

SECOND: Ms. Ibáñez

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

MOTION PASSED.

19. MD-13-0597A, JEANETTE A. CRUZ, M.D., LIC. #42393

MOTION: Dr. Jenkins moved for dismissal.

SECOND: Ms. Ibáñez

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

MOTION PASSED.

20. MD-13-0458A, CRAIG W. TOLLESON, M.D., LIC. #36928

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

21. MD-13-0565A, ARULASANAM P. KALANITHI, M.D., LIC. #16387

RESOLUTION: Issue an Advisory Letter for failing to follow up on lab results ordered by his partner and for inadequate medical records. This matter does not rise to the level of discipline.

22. MD-13-0041A, JOHN P. ELLIOTT, M.D., LIC. #13923

Dr. Perry was recused from this case.

MOTION: Ms. Ibáñez moved to issue an Advisory Letter for failure to personally review ultrasound images on multiple patients. This matter does not rise to the level of discipline.

SECOND: Ms. Salter

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

MOTION PASSED.

23. MD-13-0723A, GREGORY M. CREVER, M.D., LIC. #32026

RESOLUTION: Issue an Advisory Letter for failing to maintain adequate medical records on a patient and for prescribing prescription medications without first performing a physical exam and establishing a physician-patient relationship. This matter does not rise to the level of discipline.

24. MD-13-0787A, TONG LI, M.D., LIC. #27967

MOTION: Dr. Gillard moved for dismissal.

There was no seconder to the motion; therefore, the motion failed.

MOTION: Dr. Thrift moved to return this case along with Advisory Letter item #25 to determine the legal liability regarding the contractual services involving the unlicensed nurse.

SECOND: Dr. Lee

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

MOTION FAILED.

MOTION: Dr. Lee moved to return Advisory Letter item numbers 24 and 25 for further investigation.

SECOND: Dr. Krishna

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

MOTION PASSED.

25. MD-13-0787B, JOSE L. ROBLEDO, M.D., LIC. #13386

RESOLUTION: Issue an Advisory Letter for inadequate informed consent and for use of a non-FDA approved cosmetic filler by a nurse unlicensed in Arizona. This matter does not rise to the level of discipline.

MOTION: Dr. Lee moved to reopen this matter.

SECOND: Dr. Jenkins

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

MOTION PASSED.

NON-DISCIPLINARY CONTINUING MEDICAL EDUCATION (CME) ORDER

1. MD-13-0467A, PATRICK L. FLYTE, M.D., LIC. #31870

MOTION: Dr. Krishna moved to issue an Order for Non-Disciplinary CME for inadequate medical records. Within six months, complete 15-22 hours of Board staff pre-approved Category I CME in an in-person, intensive CME course in medical recordkeeping. The course hours shall be in addition to the CME hours required for licensure renewal. 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.

ADVISORY LETTERS WITH NON-DISCIPLINARY CME ORDER

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

SECOND: Dr. Gillard

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

MOTION PASSED.

1. MD-12-1010A, GREGORY L. ELLISON, M.D., LIC. #12426

RESOLUTION: Issue an Advisory Letter for inadequate medical records and Non-Disciplinary CME Order for controlled substance prescribing. Within six months, complete 15-23 hours of Board staff pre-approved Category I CME in an in-person, intensive CME course regarding controlled substance prescribing. The course hours shall be in addition to the CME hours required for license renewal. This matter does not rise to the level of discipline.

2. MD-13-0347A, ROBERT G. ZENNER, M.D., LIC. #18691

RESOLUTION: Issue an Advisory Letter for inadequate informed consent, inadequate referral for counseling, labs, and EKG on patients taking medication for mood and anxiety disorders; and Order for Non-Disciplinary CME for inadequate medical records. Within six months, complete 15-22 hours of Board staff pre-approved Category I CME in an in-person, intensive medical recordkeeping course. The course hours shall be in addition to the CME hours required for license renewal. This matter does not rise to the level of discipline.

REVIEW OF EXECUTIVE DIRECTOR DISMISSALS

MOTION: Dr. Khera moved to uphold the dismissal in item numbers 1-9.

SECOND: Dr. Jenkins

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

MOTION PASSED.

1. MD-13-0352A, BEATRIZ A. MATEUS, M.D., LIC. #33802

RESOLUTION: Uphold the dismissal.

2. MD-13-0409A, ALEX WESTERBAND, M.D., LIC. #23180

RESOLUTION: Uphold the dismissal.

3. MD-13-0400A, JEFFREY B. MONASH, M.D., LIC. #37196

RESOLUTION: Uphold the dismissal.

4. MD-13-0589A, CHARLES S. PLIMPTON, M.D., LIC. #20429

RESOLUTION: Uphold the dismissal.

5. MD-13-0820A, ANDRES ALVARADO, M.D., LIC. #26109

RESOLUTION: Uphold the dismissal.

6. MD-13-0734A, SHAUN D. PARSON, M.D., LIC. #27008

RESOLUTION: Uphold the dismissal.

7. MD-13-0633A, GREGORY L. LABENZ, M.D., LIC. #29349

RESOLUTION: Uphold the dismissal.

8. MD-13-0865A, ISLAM M. ABUJUBARA, M.D., LIC. #44391

RESOLUTION: Uphold the dismissal.

9. MD-13-0827A, SCOTT A. PERKINS, M.D., LIC. #20529

RESOLUTION: Uphold the dismissal.

10. MD-13-0272A, JAMES Y. CHOI, M.D., LIC. #32010

MOTION: Dr. Gillard moved to return the case to re-notice the physician for an Advisory Letter.

Dr. Gillard withdrew the motion.

MOTION: Dr. Gillard moved to issue an Advisory Letter for failure to supervise a nurse.

SECOND: Dr. Jenkins

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

MOTION PASSED.

OTHER BUSINESS

PROPOSED CONSENT AGREEMENT (Disciplinary)

1. MD-13-1073A, MICHAEL K. MCKINNEY, M.D., LIC. #24574

MOTION: Dr. Krishna moved to accept the proposed Consent Agreement for License Reactivation, Letter of Reprimand, and Five Year Probation to participate in PHP. Dr. McKinney's PHP participation shall be retroactive to September 19, 2013. The Probation shall include psychiatric monitoring and psychotherapy. After twelve months, Dr. McKinney may request the Monitor to terminate the requirement that he remain in treatment with a psychiatrist and psychotherapist.

SECOND: Ms. Ibáñez

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

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

MOTION PASSED.

2. MD-13-0475A, SARDEV S. SIDHU, M.D., LIC. #23778

MOTION: Ms. Ibáñez moved to accept the proposed Consent Agreement for a Letter of Reprimand and Five Year Probation. Within thirty days, Dr. Sidhu shall enter into a contract with a Board approved monitoring company to provide all monitoring services, at his expense. Within six months, Dr. Sidhu shall complete the PACE medical recordkeeping course and the PACE prescribing course. The CME course hours shall be in addition to the hours required for license renewal. The Probation shall include quarterly chart reviews, to be performed by the monitoring company. After one year, Dr. Sidhu may petition the Board for termination of the Probation.

SECOND: Dr. Thrift

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

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

REQUEST FOR TERMINATION OF BOARD ORDER

3. MD-09-0468A, STEPHEN A. BASS, M.D., LIC. #41904

MOTION: Dr. Gillard moved to grant the request for termination of the May 19, 2009 Board Order.

SECOND: Dr. Krishna

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

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

MOTION PASSED.

REQUEST FOR MODIFICATION OF BOARD ORDER AND PHYSICIAN PROFILE

4. MD-02-L088A, MD-04-1506A, AND MD-05-0170A, MARC A. BAUDER, M.D., LIC. #15235

This matter was tabled.

APPEAL OF ED DENIAL OF LICENSURE

5. MD-13-0576A, LEONARD A. RUBINSTEIN, M.D., LIC. #N/A

MOTION: Dr. Krishna moved to offer the physician the opportunity to withdraw his license application in lieu of license denial.

SECOND: Ms. Ibáñez

Dr. Krishna and Ms. Ibáñez agreed to amend the motion.

AMENDED MOTION: Dr. Krishna moved to deny the appeal of the ED denial of licensure.

SECOND: Ms. Ibáñez

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

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

MOTION PASSED.

APPROVE OR DENY LICENSE APPLICATION

6. MD-13-1197A, PHILIP M. JAMES, M.D., LICE. #N/A

MOTION: Dr. Magalnick moved to grant Dr. James a full, unrestricted medical license as the previous conduct has been monitored, corrected and resolved.

SECOND: Dr. Krishna

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

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

MOTION PASSED.

7. MD-13-0992A, JULIE L. DAVIS-BEST, M.D., LIC. #N/A

MOTION: Dr. Krishna moved to grant the license as the Board has determined to its satisfaction that mitigating circumstances exist that prevent resolution of the previous conduct.

SECOND: Dr. Thrift

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

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

MOTION PASSED.

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

8. MD-12-1300A, AJMAL A. SULTAN, M.D., LIC. #46001

MOTION: Dr. Gillard moved to approve the draft Findings of Fact, Conclusions of Law and Order for a Decree of Censure and Five Year Probation to participate in PHP. The Probation shall include periodic chart reviews and psychiatric monitoring, at the physician's expense.

SECOND: Dr. Krishna

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Dr. Gillard, Ms. Ibáñez, Dr. Jenkins, Dr. Khera, Dr. Krishna, Dr. Lee, Dr. Magalnick, Dr. Perry, Ms. Salter, and Dr. Thrift. The following Board member was absent: Ms. Bain.
VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.
MOTION PASSED.

The meeting adjourned at 3:03 p.m.



Patricia E. McSorley, Interim Acting Executive Director