



Arizona Medical Board

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FINAL MINUTES FOR REGULAR SESSION MEETING Held on Wednesday, August 1, 2012 9535 E. Doubletree Ranch Road - Scottsdale, Arizona

Board Members

Amy J. Schneider, M.D., F.A.C.O.G., Chair
Douglas D. Lee, M.D., Vice Chair
Gordi S. Khera, M.D., F.A.C.C., Secretary
Andrea E. Ibáñez, Member At Large
James M. Gillard, M.S., M.D., F.A.C.E.P., F.A.A.E.M.
Jody L. Jenkins, M.D.
Ram R. Krishna, M.D.
Harold Magalnick, M.D.
Germaine Proulx
William J. Thrift, M.D.

CALL TO ORDER

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

ROLL CALL

The following Board members were present: Dr. Gillard, Ms. Ibáñez, Dr. Jenkins, Dr. Khera, Dr. Krishna, Dr. Lee, Dr. Magalnick, Ms. Proulx, Dr. Schneider, and Dr. Thrift.

CALL TO THE PUBLIC

EXECUTIVE DIRECTOR'S REPORT

Lisa Wynn, Executive Director, presented a report to the Board.

CHAIR'S REPORT

LEGAL ADVISOR'S REPORT

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

SECOND: Dr. Lee

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

MOTION PASSED.

The Board entered into Executive Session at 11:39 a.m.

The Board returned to Open Session at 11:49 a.m.

No discussions or deliberations were made during Executive Session.

APPROVAL OF 2013 MEETING DATES

The Board voted to approve the 2013 meeting dates.

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

APPROVAL OF FY 2011-2012 ANNUAL REPORT/APPROVAL OF FY 2012-2014 STRATEGIC PLAN/FY 2013 BUDGET

MOTION: Dr. Schneider moved to approve the FY 2011-2012 Annual Report, the FY 2012-2014 Strategic Plan, and the FY 2013 budget.

SECOND: Dr. Krishna

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

MOTION PASSED.

APPROVAL OF MINUTES

MOTION: Dr. Lee moved to approve the May 24, 2012 Special Teleconference Meeting, including Executive Session, and the June 6, 2012 Regular Session Meeting, including Executive Session.

SECOND: Dr. Krishna
VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.
MOTION PASSED.

LEGAL MATTERS

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
1.	MD-11-0471A	TIN T. WIN, M.D.	28212	Deny the motion for rehearing or review.

Dr. Win was present during the Board's consideration of this case. Anne Froedge, Assistant Attorney General, was present on behalf of the State.

MOTION: Dr. Krishna moved to deny the motion for rehearing or review.
SECOND: Ms. Ibáñez
VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.
MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
2.	MD-11-0573A	MELVYN V. MAHON, M.D.	42434	Rescind the referral to Formal Hearing and accept the proposed Consent Agreement for a Decree of Censure and Three Year Probation. Within thirty days, Dr. Mahon shall enter into a contract with a Board pre-approved monitoring company to provide all monitoring services at his expense. Dr. Mahon shall submit to the monitoring company monthly logs of all invasive cardiac procedures set forth in the May 12, 2011 Interim Order for Summary Restriction. Dr. Mahon shall notify the monitoring company within ten days that he has re-initiated performance of such invasive cardiac procedures. The monitoring company will conduct quarterly chart reviews. Dr. Mahon may request termination of the Probation after eight successful chart reviews.

Attorney William Phillips was present on behalf of Dr. Mahon. Ms. Froedge was present on behalf of the State.

MOTION: Dr. Khera moved to rescind the referral to Formal Hearing and accept the proposed Consent Agreement for a Decree of Censure and Three Year Probation. Within thirty days, Dr. Mahon shall enter into a contract with a Board pre-approved monitoring company to provide all monitoring services including quarterly chart reviews, at his expense. Dr. Mahon shall submit to the monitoring company monthly logs of all invasive cardiac procedures set forth in the May 12, 2011 Interim Order for Summary Restriction. Dr. Mahon shall notify the monitoring company within ten days that he has re-initiated performance of such invasive cardiac procedures. The monitoring company will conduct quarterly chart reviews. Dr. Mahon may request termination of the Probation after eight successful chart reviews.

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, Ms. Proulx, Dr. Schneider, and Dr. Thrift.
VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.
MOTION PASSED.

ADVISORY LETTERS

MOTION: Dr. Magalnick moved to issue an Advisory Letter in item numbers 1, 2, 3, 4, 6, 8, 10, 12, 14, 15, and 17.
SECOND: Dr. Jenkins
VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.
MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
1.	MD-11-1535A	BRIAN H. HESS, M.D.	35640	Issue an Advisory Letter for inadequate documentation. This matter does not rise to the level of discipline.
2.	MD-11-1344A	THOMAS J. WALL, M.D.	24251	Return the case for further investigation to allow the Medical Consultant the opportunity to review the additional information submitted by Dr. Wall.

MOTION: Dr. Lee moved to reopen this matter.
SECOND: Dr. Jenkins
VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.
MOTION PASSED.

MOTION: Dr. Lee moved to return the case for further investigation to allow the Medical Consultant the opportunity to review the additional information submitted by Dr. Wall.
SECOND: Dr. Krishna
VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.
MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
3.	MD-11-1587A	DONALD J. ROACH, M.D.	22256	Issue an Advisory Letter for failure to notify a patient's providers of the presence of free intraperitoneal gas noted on CT. This matter does not rise to the level of discipline.
4.	MD-11-1729A	GARY A. HERRING, M.D.	31329	Issue an Advisory Letter for failure to maintain records on a patient and for failure to conduct an examination before prescribing.

Dr. Lee was recused from this case.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
5.	MD-12-0166A	FARRUKH QURESHI, M.D.	37827	Dismiss.

MOTION: Dr. Jenkins moved for dismissal.

SECOND: Dr. Lee

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

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
6.	MD-11-0612A	FELIX F. JABCZENSKI, M.D.	23092	Issue an Advisory Letter for improper intraoperative management of an ankle fusion. The violation was a one-time occurrence that does not rise to the level of discipline.

Dr. Gillard was recused from this case.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
7.	MD-11-1563A	STEVEN J. BLATCHFORD, M.D.	15176	Issue an Advisory Letter for inadequate informed consent and for inadequate medical records. This matter does not rise to the level of discipline.

Dr. Gillard was recused from this case.

MOTION: Dr. Lee moved to issue an Advisory Letter for inadequate informed consent and for inadequate medical records. This matter does not rise to the level of discipline.

SECOND: Dr. Jenkins

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

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
8.	MD-11-1589A	RAVI BHALLA, M.D.	22399	Issue an Advisory Letter for failure to accurately diagnose a patient, for incorrectly or unnecessarily using a medication which can cause liver disease, and for inadequate medical records. This matter does not rise to the level of discipline.
9.	MD-12-0020A	MOHAMMAD A. KHEZRIAN, M.D.	37112	Dismiss.

MOTION: Dr. Jenkins moved for dismissal.

SECOND: Dr. Magalnick

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

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
10.	MD-12-0160A	MADONNA C. MALLARI, M.D.	33207	Issue an Advisory Letter for unnecessary prescription of glyburide. This matter does not rise to the level of discipline.
11.	MD-12-0036A	STEPHANIE A. SEDIVY, M.D.	24601	Issue an Advisory Letter for failure to have rule-out-melanoma lesion formally reviewed by a colleague. This matter does not rise to the level of discipline.

MOTION: Dr. Gillard moved for dismissal.

SECOND: Dr. Jenkins

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

MOTION FAILED.

MOTION: Dr. Jenkins moved to issue an Advisory Letter for failure to have rule-out-melanoma lesion formally reviewed by a colleague. This matter does not rise to the level of discipline.

SECOND: Dr. Krishna

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

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
12.	MD-11-1509A	JIMMY C. LEUNG, M.D.	28189	Issue an Advisory Letter for failing to communicate cervical MRI results in a timely fashion. This matter does not rise to the level of discipline.
13.	MD-12-0195A	MOHAMMAD-ALI EL-HARAKEH, M.D.	37929	Dismiss.

Dr. Thrift stated that he knows Dr. El-Harakeh professionally and that it would not affect his ability to adjudicate the case.

MOTION: Dr. Krishna moved for dismissal.

SECOND: Dr. Thrift

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

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
14.	MD-12-0014A	MIKHAIL I. SHTIVELBAND, M.D.	32733	Issue an Advisory Letter for inadequate medical records. This matter does not rise to the level of discipline.
15.	MD-11-1414A	PAUL A. BUDNICK, M.D.	34093	Issue an Advisory Letter for failing to perform adequate informed consent for laser liposuction, failure to perform appropriate tumescent anesthesia, failure to provide informed consent for Kenalog injections, failure to maintain adequate medical records, and for inappropriate prescribing of Phentermine. This matter does not rise to the level of discipline.
16.	MD-12-0291A	ARNALDO F. TRABUCCO, M.D.	42374	Dismiss.

MOTION: Dr. Krishna moved for dismissal.

SECOND: Dr. Gillard

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

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
17.	MD-12-0146A	ROBERT D. BALDWIN, M.D.	23292	Issue an Advisory Letter for not obtaining the results of a post procedural CT scan and for discharging a patient from observation status without re-evaluating her. This matter does not rise to the level of discipline.

NON-DISCIPLINARY CONTINUING MEDICAL EDUCATION (CME) ORDER

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
1.	MD-11-1415A	DAVID A. RUBEN, M.D.	11382	Issue an Order for Non-Disciplinary CME for inadequate medical records. Within six months, complete 15-20 hours of Board staff pre-approved Category I CME in an intensive, in-person medical recordkeeping course. The course hours shall be in addition to the CME hours required for license renewal. Should Dr. Ruben complete the CME requirement under case MD-11-0738A, that shall satisfy the Non-Disciplinary CME Order recommended in this matter and the CME Order for this case would be terminated.

MOTION: Dr. Krishna moved to issue an Order for Non-Disciplinary CME for inadequate medical records. Within six months, complete 15-20 hours of Board staff pre-approved Category I CME in an intensive, in-person medical recordkeeping course. The course hours shall be in addition to the CME hours required for license renewal. Should Dr. Ruben complete the CME requirement under case MD-11-0738A, that shall satisfy the Non-Disciplinary CME Order recommended in this matter and the CME Order for this case would be terminated.

SECOND: Dr. Lee

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

MOTION PASSED.

ADVISORY LETTERS WITH NON-DISCIPLINARY CME

MOTION: Dr. Lee moved to issue an Advisory Letter with non-disciplinary CME in item numbers 1 and 2.

SECOND: Dr. Krishna

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

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
1.	MD-11-1218A	MARVIN G. RISKE, M.D.	21421	Issue and Advisory Letter for inappropriate use of HCG and for inadequate medical records; complete 15-20 hours of CME in management of obesity. This matter does not rise to the level of discipline.
2.	MD-11-1553A	JOHN J. DUGGAN, M.D.	31494	Issue an Advisory Letter for inadequate evaluation and follow up of a

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
				patient with a dural leak, for inappropriate postoperative mobilization of a postoperative patient with persistent headaches, and for inadequate medical records. Order for intensive, in person Non-Disciplinary CME to complete within six months 15-20 hours of Board staff pre-approved Category I CME in medical recordkeeping. The CME hours shall be in addition to the hours required for license renewal. This matter does not rise to the level of discipline.

REVIEW OF EXECUTIVE DIRECTOR DISMISSALS

MOTION: Ms. Proulx moved to uphold the dismissal in item numbers 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, and 14.

SECOND: Dr. Gillard

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

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
1.	MD-11-1648A	SEAN J. BRIMACOMBE, M.D.	36412	Uphold the dismissal.
2.	MD-12-0064A	HARSHAD G. JOSHI, M.D.	42606	Uphold the dismissal.
3.	MD-12-0064B	KENNETH J. MISHARK, M.D.	25611	Uphold the dismissal.
4.	MD-11-1652A	JEROLD L. POWERS, M.D.	11237	Uphold the dismissal.
5.	MD-12-0347A	MICHAEL A. DEAN, M.D.	25332	Uphold the dismissal.
6.	MD-12-0442A	LUCY BURCIAGA, M.D.	35181	Uphold the dismissal.
7.	MD-12-0068A	ELISA M. MUNIZ, M.D.	37690	Uphold the dismissal.
8.	MD-11-1614A	AUDREY C. BUTKO, M.D.	28623	Uphold the dismissal.

MOTION: Dr. Krishna moved to uphold the dismissal.

SECOND: Dr. Jenkins

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

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
9.	MD-12-0476A	DAVIS A. ROMNEY, M.D.	36722	Uphold the dismissal.

MOTION: Dr. Gillard moved to uphold the dismissal.

SECOND: Ms. Proulx

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

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
10.	MD-12-0476B	HARRISON J. BACHRACH, M.D.	17873	Uphold the dismissal.
11.	MD-12-0365A	ABEL SALAZAR, M.D.	21717	Uphold the dismissal.
12.	MD-12-0410A	NARENDRA CHAUHAN, M.D.	16201	Uphold the dismissal.
13.	MD-12-0055A	PATRICIA A. RYAN, M.D.	27191	Uphold the dismissal.
14.	MD-12-0487A	LILLIAN MUZYKA, M.D.	20195	Uphold the dismissal.

Dr. Krishna was recused from this case.

OTHER BUSINESS

MOTION: Ms. Proulx moved to accept the proposed Consent Agreements in item numbers 2, 3, 4, 5, 6, and 7.

SECOND: Dr. Lee

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, Ms. Proulx, Dr. Schneider, and Dr. Thrift.

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

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
1.	MD-11-1037A	JOHN N. GLOVER, M.D.	8971	Accept the proposed Consent Agreement for a Decree of Censure and Three Year Probation. Within thirty days, Dr. Glover shall enter into a contract with a Board pre-approved monitoring company to provide all monitoring services including quarterly chart reviews, at his expense. After two years, Dr. Glover may petition the Board to request early termination of the Probation.

MOTION: Dr. Krishna moved to accept the proposed Consent Agreement for a Decree of Censure and Three Year Probation. Within thirty days, Dr. Glove shall enter into a contract with a Board pre-approved monitoring company to

provide all monitoring services including quarterly chart reviews, at his expense. After two years, Dr. Glover may petition the Board to request early termination of the Probation.

SECOND: Dr. Jenkins

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, Ms. Proulx, Dr. Schneider, and Dr. Thrift.

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

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
2.	MD-12-0149A	THOMAS E. GARRISON, M.D.	27988	Accept the proposed Consent Agreement for a Decree of Censure.
3.	MD-11-1659A	SELWYN A. KIDNEY, M.D.	33735	Accept the proposed Consent Agreement for a Letter of Reprimand.
4.	MD-11-1723A	HARVEY J. ROSENBERG, M.D.	17439	Accept the proposed Consent Agreement for a Letter of Reprimand.
5.	MD-11-0273A	WILLIAM T. MESHIER, M.D.	15822	Accept the proposed Consent Agreement for a Letter of Reprimand.
6.	MD-11-1579A	SANJAY KRISHNAN, M.D.	34277	Accept the proposed Consent Agreement for a Letter of Reprimand and Five Year Probation to participate in PHP. Dr. Krishnan's PHP participation shall be retroactive to March 15, 2012. In the event of relapse, or the physician's use of drugs or alcohol in violation of this Order, his license shall be summarily suspended pending a hearing for revocation. Shall obtain a treating psychotherapist and remain in psychotherapy treatment for six months.
7.	MD-11-0264A	STEVEN L. ARMUS, M.D.	36276	Accept the proposed Consent Agreement for Surrender of license.
8.	MD-10-0395A	TERESA L. JACKSON, M.D.	32627	Grant the request for modification of a Board Order and vacate the Practice Restriction.

MOTION: Dr. Krishna moved to grant the request for modification of a Board Order and vacate the Practice Restriction.

SECOND: Dr. Jenkins

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

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
9.	MD-11-0900A	GREGG P. STANDAGE, M.D.	22289	Approve the Draft Findings of Fact, Conclusions of Law and Order for a Decree of Censure and Practice Restriction. Dr. Standage shall be prohibited from prescribing any controlled substances for a period of ten years. Within thirty days, he shall enter into a contract with a Board pre-approved monitoring company to provide all monitoring services, at his expense. After five years, Dr. Standage may petition the Board to request termination of the Practice Restriction.

MOTION: Dr. Lee moved to approve the draft Findings of Fact, Conclusions of Law and Order for a Decree of Censure and Practice Restriction. Dr. Standage shall be prohibited from prescribing any controlled substances for a period of ten years. Within thirty days, he shall enter into a contract with a Board pre-approved monitoring company to provide all monitoring services, at his expense. After five years, Dr. Standage may petition the Board to request termination of the Practice Restriction.

SECOND: Dr. Krishna

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

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
10.	MD-12-0222A	STEVEN J. BIER, M.D.	N/A	Approve the license application and grant the license.

MOTION: Ms. Ibáñez moved to approve the license application and grant the license.

SECOND: Dr. Gillard

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

MOTION PASSED.

FORMAL INTERVIEWS

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
1.	MD-11-1534A	JOHN M. KASSENBRÖCK, M.D.	17245	Issue an Advisory Letter for accidental femoral nerve blocks for tracking purposes. This matter does not rise to the level of discipline.

Dr. Khera stated that he knows Dr. Kassenbrock and that it would not affect his ability to adjudicate the case.

MOTION: Dr. Jenkins moved for a finding of unprofessional conduct in 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.

SECOND: Dr. Khera

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

MOTION: Dr. Gillard moved to issue an Advisory Letter for accidental femoral nerve blocks for tracking purposes. This matter does not rise to the level of discipline.

SECOND: Dr. Jenkins

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, Ms. Proulx, Dr. Schneider, and Dr. Thrift.

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

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
2.	MD-11-1705A	KHUSHAL D. PATIL, M.D.	40340	Refer the case to Formal Hearing.

MOTION: Dr. Lee moved to refer the case to Formal Hearing.

SECOND: Dr. Jenkins

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

MOTION PASSED.

The meeting adjourned at 11:49 a.m.



A handwritten signature in cursive script, appearing to read "Lisa S. Wynn".

Lisa S. Wynn, Executive Director