



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 5, 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.

FORMAL HEARING MATTERS

LEGAL MATTERS

MOTION FOR REHEARING/REVIEW

1. MD-11-1326A, HOWARD E. WEINSTEIN, M.D., LIC. #11075

Dr. Weinstein was not present during the Board's consideration of this case. Anne Froedige, Assistant Attorney General, was present on behalf of the State.

MOTION: Dr. Lee moved to deny the motion for rehearing or review.

SECOND: Ms. Ibanez

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

MOTION PASSED.

RESCIND REFERRAL TO FORMAL HEARING AND ACCEPT PROPOSED CONSENT AGREEMENT

2. MD-11-1705A, KHUSHAL D. PATIL, M.D., LIC. #40340

Dr. Patil was not present during the Board's consideration of this case. Attorney Robert Chelle was present on behalf of Dr. Patil. Sarah Selzer, Assistant Attorney General, was present on behalf of the State.

MOTION: Dr. Krishna moved to reject the proposed Consent Agreement and reoffer a Consent Agreement for Surrender of License. If the physician declines, offer a Consent Agreement for a Decree of Censure and Five Year Probation requiring Dr. Patil to pay a Civil Penalty in the amount of \$2,000 within thirty days.

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.

DISCUSSION AND POSSIBLE RESOLUTION OF CME ORDERS

3. MD-11-0738A and MD-11-1415A, DAVID A. RUBEN, M.D., LIC. #11382

Dr. Gillard stated that he knows Dr. Ruben and that it would not affect his ability to adjudicate the case. Dr. Ruben was not present during the Board's consideration of this matter. Ms. Froedge was present on behalf of the State.

MOTION: Dr. Lee moved to dismiss case MD-11-0738A.

SECOND: Dr. Krishna

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

MOTION PASSED.

DISCUSSION AND CONSIDERATION OF TERMS OF POTENTIAL CONSENT AGREEMENT

4. MD-10-0812A, GALEN B. JOHNSON, M.D., LIC. #19218

Dr. Johnson was present with legal counsel, Ms. Kimberly Kent. Ms. Froedge was present on behalf of the State.

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

SECOND: Dr. Krishna

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

MOTION PASSED.

The Board entered into Executive Session at 8:21 a.m.

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

No discussions or deliberations were made during Executive Session.

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

SECOND: Dr. Krishna

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

MOTION PASSED.

The Board entered into Executive Session at 8:49 a.m.

The Board returned to Open Session at 8:57 a.m.

No discussions or deliberations were made during Executive Session.

MOTION: Dr. Gillard moved to modify and accept Dr. Johnson's proposed Consent Agreement for a Non-Disciplinary CME Order for failing to timely submit to the Board's Order for psychosexual evaluation and assessment. Within six months, Dr. Johnson shall complete 15-20 hours of Board staff pre-approved Category I CME in an intensive course regarding patient boundaries, and 10 Category I CME hours in the physician's field of practice. The CME hours shall be in addition to the hours required for license renewal.

SECOND: Dr. Khera

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

MOTION FAILED.

MOTION: Dr. Krishna moved to reoffer the State's proposed Consent Agreement for Practice Restriction and Probation in which Dr. Johnson shall have a female licensed healthcare provider chaperone present while examining or treating all female patients in all settings, and he may request that the Board lift the Practice Restriction at such time that he has completed a psychosexual evaluation and is determined to be safe to practice without a female chaperone. Within thirty days, Dr. Johnson shall enter into a contract with a Board approved monitoring company to provide all monitoring services at his expense, and within six months, Dr. Johnson shall complete 10-20 hours of Board staff pre-approved Category I CME in a boundaries course and 10 hours of CME in the physician's field of practice. The CME hours shall be in addition to the hours required for license renewal. The June 18, 2010 Interim Order for Practice Restriction shall be terminated upon the effective date of this Order. If Dr. Johnson declines the proposed Consent Agreement, this matter shall proceed to Formal Hearing. If the physician signs the proposed Consent Agreement, the Executive Director will have the authority to approve so that the Order will become effective immediately.

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.

CALL TO THE PUBLIC

FORMAL INTERVIEWS

1. MD-11-0662A, CLAUDIO G. ZAMORANO, M.D., LIC. #10019

MOTION: Dr. Khera moved for a finding of unprofessional conduct in violation of A.R.S. §32-1401(27)(e) - Failing or refusing to maintain adequate records on a patient; and 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. Krishna

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

MOTION: Dr. Khera moved for a draft Findings of Fact, Conclusions of Law and Order for a Letter of Reprimand and Practice Restriction. Dr. Zamorano shall be restricted from performing cardiac valve procedures until he completes a Board approved training program, petitions the Board to demonstrate his safety to perform cardiac valve procedures, and receives Board approval. Within thirty days, Dr. Zamorano shall contract with a Board approved monitoring company to provide all monitoring services at his 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, Ms. Proulx, Dr. Schneider, and Dr. Thrift.

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

2. MD-12-0648A, SCOTT J. CRAWFORD, M.D., LIC. #10293

MOTION: Dr. Schneider moved for a finding of unprofessional conduct in violation of A.R.S. §32-1401(27)(e) - Failing or refusing to maintain adequate records on a patient; and 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: 10-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.
MOTION PASSED.

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

SECOND: Ms. Proulx

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

VOTE: 6-yay, 4-nay, 0-abstain, 0-recuse, 0-absent.
MOTION PASSED.

3. MD-11-0467A, ERIK W. GUNDERSON, M.D., LIC. #21024

MOTION: Dr. Schneider 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: 9-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.
MOTION PASSED.

MOTION: Dr. Schneider moved to issue an Advisory Letter for inappropriate management of PIH. There is insufficient evidence to support discipline.

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. Lee, Dr. Magalnick, Ms. Proulx, Dr. Schneider, and Dr. Thrift. The following Board member was absent: Dr. Krishna.

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

EXECUTIVE DIRECTOR'S REPORT

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

CHAIR'S REPORT

Dr. Schneider presented a report to the Board. The following Board members were appointed to the Board's Staff Relations Committee: Ms. Ibáñez, Dr. Magalnick, and Dr. Thrift.

PROPOSED LEGISLATION

Lisa S. Wynn, Executive Director, presented proposed legislation to the Board.

APPROVAL OF MINUTES

MOTION: Dr. Magalnick moved to approve the October 3, 2012 Regular Session Meeting, including Executive Session, and the October 25, 2012 Teleconference Meeting.

SECOND: Dr. Khera

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

MOTION PASSED.

ADVISORY LETTERS (Non-Disciplinary)

MOTION: Dr. Lee moved to issue an Advisory Letter in item numbers 1, 2, 3, 4, 6, 7, 9, 10, and 11.

SECOND: Dr. Jenkins

VOTE: 10-yay, 0-nay, 0-abstain, 1-recuse on Advisory Letter #2, 0-absent.

MOTION PASSED.

1. MD-11-1578A, HIMAL R. SHAH, M.D., LIC. #36976

RESOLUTION: Issue an Advisory Letter for performing a complicated cardiac ablation procedure in a facility without surgical backup. This matter does not rise to the level of discipline.

2. MD-12-0373A, JODY L. JENKINS, M.D., LIC. #23558

Dr. Jenkins was recused from this case.

RESOLUTION: Issue an Advisory Letter for failing to identify the critical view of the patient's anatomy and for continued dissection through structures prior to clear identification during performance of the laparoscopic cholecystectomy. This matter does not rise to the level of discipline.

3. MD-12-0744A, DONALD GATES, M.D., LIC. #42094

RESOLUTION: Issue an Advisory Letter for failing to obtain an EKG prior to prescribing Phentermine, for failing to order thyroid function testing in the evaluation of an overweight patient, and for inadequate medical recordkeeping. This matter does not rise to the level of discipline.

4. MD-12-0754A, DONALD R. NELSON, M.D., LIC. #5491

RESOLUTION: Issue an Advisory Letter for failing to examine a patient after an unplanned home delivery, for failing to evaluate maternal and fetal wellbeing in a high-risk patient, and for inadequate medical records. This matter does not rise to the level of discipline.

5. MD-12-0295A, GARY T. PURCELL, M.D., LIC. #26179

MOTION: Dr. Krishna moved to return the case for further investigation to obtain clarification regarding whether Dr. Purcell reads his own x-rays, whether he obtained his own x-rays in the office, and whether this was documented in the patient's chart.

SECOND: Ms. Proulx

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

MOTION PASSED.

6. MD-12-0109A, WILLIAM E. DROBNES, M.D., LIC. #31662

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

7. MD-12-0359A, REGINA Y. NAJERA, M.D., LIC. #37027

RESOLUTION: Issue an Advisory Letter for an excessive complication rate following cataract surgery. This matter does not rise to the level of discipline.

8. MD-12-0631A, BERTRAM I. OKORIE, M.D., LIC. #18431

MOTION: Dr. Gillard moved for dismissal.

SECOND: Dr. Krishna

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

MOTION PASSED.

9. MD-12-0624A, DOUGLAS S. PETERSON, M.D., LIC. #21014

RESOLUTION: Issue an Advisory Letter for failing to review the findings of an abnormal CT scan. This matter does not rise to the level of discipline.

10. MD-12-0395A, KIMBERLY J. BURKHOLZ, M.D., LIC. #35237

RESOLUTION: Issue an Advisory Letter for failure to properly interpret a CT scan. This matter does not rise to the level of discipline.

11. MD-12-0375A, GLENN B. ROTHMAN, M.D., LIC. #23172

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

12. MD-12-0525A, MONICA N. SIMBA, M.D., LIC. #33287

MOTION: Dr. Gillard moved for dismissal.

SECOND: Dr. Thrift

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

MOTION PASSED.

13. MD-12-0580A, ERIC E. CAPRILES, M.D., LIC. #43714

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

SECOND: Dr. Thrift

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

MOTION PASSED.

NON-DISCIPLINARY CME ORDER

1. MD-12-0488A, ROBERT J. SINSHEIMER, M.D., LIC. #41598

MOTION: Dr. Lee moved to issue a Non-Disciplinary CME Order for failing to replace magnesium and potassium when deficiencies were found on lab testing. Within six months, complete 8-10 hours of Board staff pre-approved Category I CME in electrolyte management. 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, 0-absent.

MOTION PASSED.

ADVISORY LETTER WITH NON-DISCIPLINARY CME ORDER

1. MD-12-0611A, ROBERT J. MONDSCHHEIN, M.D., LIC. #32344

MOTION: Dr. Krishna moved to issue an Advisory Letter for failing to see and examine patients on medications with a potential for adverse effects and abuse, and for inadequate medical records; and Non-Disciplinary CME Order. Within six months, complete 15-20 hours of Board staff pre-approved Category I CME in ethics. 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. Lee

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

MOTION PASSED.

REVIEW OF EXECUTIVE DIRECTOR DISMISSALS

MOTION: Dr. Krishna moved to uphold the dismissal on item numbers 2, 3, 4, 6, 8, 9, 10 and 11.

SECOND: Ms. Proulx

VOTE: 10-yay, 0-nay, 0-abstain, 1-recuse on ED Dismissal #2, 0-absent.

MOTION PASSED.

1. MD-12-0985A, ROBERT V. NEWMAN, M.D., LIC. #13732

MOTION: Dr. Lee moved to uphold the dismissal.

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

2. MD-12-0724A, JANET MOORE, M.D., LIC. #28427

Dr. Schneider was recused from this case.

RESOLUTION: Uphold the dismissal.

3. MD-12-0361B, MICHELLE L. CABRET-CARLOTTI, M.D., LIC. #30196

RESOLUTION: Uphold the dismissal.

4. MD-12-0371A, MIN C. KIM, M.D., LIC. #36025

RESOLUTION: Uphold the dismissal.

5. MD-12-0181A, EMELIA A. ANNOH, M.D., LIC. #36796

MOTION: Dr. Gillard moved to uphold the dismissal.

SECOND: Dr. Khera

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

MOTION PASSED.

6. MD-12-0498A, MIQUEL D. GOMEZ, M.D., LIC. #23411

RESOLUTION: Uphold the dismissal.

7. MD-12-0640A, STEVEN H. TURKELTAUB, M.D., LIC. #17258

MOTION: Dr. Gillard moved to uphold the dismissal.

SECOND: Dr. Thrift

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

MOTION PASSED.

8. MD-12-0658A, JAMES A. HIATT, M.D., LIC. #32626

RESOLUTION: Uphold the dismissal.

9. MD-12-0875A, ANTHONY M. DE BEUS, M.D., LIC. #28334

RESOLUTION: Uphold the dismissal.

10. MD-12-1054A, ARMANDO GONZALEZ, M.D., LIC. #24499

RESOLUTION: Uphold the dismissal.

11. MD-12-0889A, DOUGLAS P. HARTZLER, M.D., LIC. #13201

RESOLUTION: Uphold the dismissal.

OTHER BUSINESS

PROPOSED CONSENT AGREEMENTS (Disciplinary)

MOTION: Dr. Thrift moved to accept the proposed Consent Agreement in item numbers 1, 3, and 4.

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.

1. MD-12-0290A, HERBERT M. GROSSMAN, M.D., LIC. #19836

RESOLUTION: Accept the proposed Consent Agreement for a Letter of Reprimand and Probation. Within six months, Dr. Grossman shall complete 15-20 hours of Board staff pre-approved Category I CME in addiction medicine. The CME hours shall be in addition to the hours required for license renewal. The Probation shall terminate upon successful completion of the CME.

2. MD-12-0391A, JULES F. LEVEY, M.D., LIC. #43996

MOTION: Dr. Gillard moved to accept the proposed Consent Agreement for a Letter of Reprimand.

SECOND: Ms. Proulx

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.

3. MD-11-1623A, ROGER S. CHAN, M.D., LIC. #44020

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

RESOLUTION: Accept the proposed Consent Agreement for a Letter of Reprimand and Two Year Probation. Within thirty days, Dr. Chan shall enter into a contract with a Board approved monitoring company to provide all monitoring services at his expense. The monitor shall conduct quarterly chart reviews. After 12 months or four successful chart reviews, Dr. Chan may petition the Board to terminate the Probation.

4. MD-12-0360A, ALVIN W. NUTTALL, M.D., LIC. #20169

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

PROPOSED CONSENT AGREEMENT (Non-Disciplinary)

5. MD-11-1033A, DAVID L. CHILD, M.D., LIC. #6275

MOTION: Ms. Ibáñez moved to accept the proposed Consent Agreement for Surrender of License.

SECOND: Dr. Krishna

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

MOTION PASSED.

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

6. MD-12-0120A and MD-12-0123A, ABDULKADIR A. HOURANI, M.D., LIC. #25270

Dr. Krishna was recused from this matter.

MOTION: Dr. Lee moved to approve the draft Findings of Fact, Conclusions of Law and Order for a Letter of Reprimand and Probation. Within six months, Dr. Hourani shall complete 15-20 hours of Board staff pre-approved Category I CME in the treatment of pulmonary emergencies. The CME hours shall be in addition to the hours required for license renewal. The Probation shall terminate upon successful completion of the CME.

SECOND: Dr. Gillard

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

MOTION PASSED.

The meeting adjourned at 3:45 p.m.



Lisa S. Wynn, Executive Director