



Arizona Medical Board

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FINAL MINUTES FOR REGULAR SESSION MEETING Held on Wednesday, June 6, 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, and Dr. Schneider. The following Board member was absent: Dr. Thrift.

CALL TO THE PUBLIC

EXECUTIVE DIRECTOR'S REPORT

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

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

MOTION: Dr. Jenkins moved for the Arizona Medical Board to recognize the General Medical Council as an educational or professional association that accredits schools or colleges offering a course of study resulting in the degree of doctor of medicine as provided in ARS section 32-1401(5).

SECOND: Dr. Lee

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

MOTION PASSED.

MOTION: Dr. Jenkins moved for the Board to delegate to the Executive Director the authority to suspend, until the next regularly scheduled Board meeting, the recognition of the General Medical Council as an accrediting association under ARS section 32-1401(5) in the event of legal issues or public health and safety concerns related to the recognition of the General Medical Council.

SECOND: Dr. Krishna

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

MOTION PASSED.

RESCISSION OF VOTE TO APPEAL JUNE GOLD, M.D. v. AMB

MOTION: Dr. Schneider moved to rescind the vote to appeal June Gold, M.D. v. AMB.

SECOND: Dr. Krishna

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

MOTION PASSED.

APPROVAL OF MINUTES

MOTION: Dr. Jenkins moved to approve the April 4, 2012 Regular Session Meeting, including Executive Session.

SECOND: Dr. Schneider

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

MOTION PASSED.

FORMAL HEARING MATTERS – CONSIDERATION OF ADMINISTRATIVE LAW JUDGE (ALJ) RECOMMENDED DECISION

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
1.	MD-11-0471A	TIN T. WIN, M.D.	28212	Adopt and modify the ALJ's recommended Findings of Fact, Conclusions of Law and Order, and approve the proposed Board Order filed by the State for a Decree of Censure, Practice Restriction, and Probation. Dr. Win is prohibited from prescribing, administering or dispensing any controlled substances for a period of three years. The Practice Restriction is retroactive to May 5, 2011. After two years, Dr. Win may petition the Board to lift the Practice Restriction. Dr. Win shall be placed on Probation for a period of three years or until such time that she has completed one full year of consecutive, successful chart reviews. Within thirty days, Dr. Win shall enter into a contract with a Board approved monitoring program to provide all monitoring services and Dr. Win is responsible for all monitoring costs. At such time as the Practice Restriction is lifted, the monitoring program will conduct quarterly chart reviews for the remainder of the probationary period.

Anne Froedge, Assistant Attorney General, was present on behalf of the State and presented to the Board recommendations for modification of the ALJ's recommended decision.

The State recommended that Finding of Fact #17 read as follows:

DJ's primary care physician in Washington had been treating her for chronic pain with Tylenol III, but during the winter of 2011, DJ ran out of pain medications. Dr. Win's records state that DJ had been treated with morphine and oxycodone in the past. Because DJ's primary care physician had suggested that she start addressing long-term management of her chronic pain by seeing a neurologist, DJ made an appointment with Dr. Win.

The State requested the following modifications to the ALJ's recommended Order:

1. Based upon the evidence presented at the hearing, it appears that a probationary period of three years including a practice restriction and one year of chart reviews to follow, should be adequate to protect the public.
2. Dr. Win should be restricted from prescribing controlled substances for three years, retroactive to the date of the Interim Practice Restriction, due to the fact that she completed the PACE CME prescribing course and medical recordkeeping course pursuant to a prior Board Order and engaged in similar unprofessional conduct just months later. Dr. Win should be permitted to petition the Board to lift the Practice Restriction after two years.
3. The requirements of paragraphs a. and b. should be deleted because Dr. Win already completed the PACE CME courses in prescribing of controlled substances and medical recordkeeping just a few months prior to the conduct that led to this case.
4. Since the Board does not perform monitoring services, Dr. Win shall contract with a Board approved monitoring company to provide all monitoring services including monitoring the Practice Restriction and conducting quarterly chart reviews for one year after the Practice Restriction is lifted to ensure compliance with the standard of care in her prescribing of controlled substances and adequate documentation. Paragraphs c., d., and e. should be deleted, as the monitoring company will set up the method of review.
5. Paragraph i. of the ALJ's Decision should be deleted, as the law allows Dr. Win to cancel her license once she is no longer under investigation and the Board has not commenced disciplinary proceedings. In other words, once this matter is resolved, the law allows for Dr. Win to cancel her license.
6. Paragraph j. of the ALJ's Order has been modified in paragraph 5 of the State's proposed Order to provide notice that further disciplinary action may be taken if Dr. Win violates the Order, including the terms of Probation. The term regarding extension of Probation was taken out because Probation will not terminate, in any event, until Dr. Win completes one year of consecutive, successful chart reviews.

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

SECOND: Dr. Khera

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

MOTION PASSED.

MOTION: Dr. Krishna moved to adopt and modify the ALJ's recommended Order for a Decree of Censure, Practice Restriction, and Probation. Dr. Win shall be prohibited from prescribing, administering or dispensing any controlled substances for a period of three years. The Practice Restriction is retroactive to May 5, 2011. After two years, Dr. Win may petition the Board to lift the Practice Restriction. Dr. Win shall be placed on Probation for a period of three years or until such time that she has completed one full year of consecutive, successful chart reviews. Within thirty days, Dr. Win shall enter into a contract with a Board approved monitoring program to provide all monitoring services and Dr. Win is responsible for all monitoring costs. At such time as the Practice Restriction is lifted, the monitoring program will conduct quarterly chart reviews for the remainder of the probationary period.

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, and Dr. Schneider. The following Board member was absent: Dr. Thrift.

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

MOTION PASSED.

LEGAL MATTERS

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
1.	MD-10-0683A MD-10-1075A MD-10-1390A MD-11-0197A MD-11-1134A	DARRYL J. MOHR, M.D.	11224	Deny the motion for rehearing or review.

Dr. Mohr was present with legal counsel, Mr. Robert Chelle. Ms. Froedge was present on behalf of the State.

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

SECOND: Ms. Ibáñez

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

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
2.	MD-10-1418A	MICHAEL P. LOWE, M.D.	29130	Rescind the referral to Formal Hearing and offer Dr. Lowe a proposed Consent Agreement for a Letter of Reprimand and requirement to complete 15-20 hours of Board approved CME in medical ethics within six months. The CME hours shall be in addition to the hours required for license renewal. If Dr. Lowe declines, the case shall be referred to Formal Hearing.

Attorney Paul Forrest was present on behalf of Dr. Lowe. Ms. Froedge was present on behalf of the State.

MOTION: Dr. Gillard moved to rescind the referral to Formal Hearing and issue an Advisory Letter and Non-Disciplinary CME for becoming the beneficiary of the estate of a vulnerable adult. 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. There is insufficient evidence to support disciplinary action.

SECOND: Dr. Krishna

Dr. Gillard and Dr. Krishna withdrew the motion.

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

SECOND: Dr. Jenkins

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

MOTION PASSED.

The Board entered into Executive Session at 8:40 a.m.

The Board returned to Open Session at 8:52 a.m.

No discussions or deliberations were made during Executive Session.

MOTION: Dr. Jenkins moved to rescind the referral to Formal Hearing and re-notice Dr. Lowe for a Letter of Reprimand with CME in ethics. If Dr. Lowe refuses the Letter of Reprimand, he shall have the options of presenting before the Board for a Formal Interview or having the case referred to Formal Hearing.

SECOND: Ms. Proulx

Dr. Jenkins and Ms. Proulx agreed to amend the motion.

AMENDED MOTION: Dr. Jenkins moved to rescind the referral to Formal Hearing and offer Dr. Lowe a proposed Consent Agreement for a Letter of Reprimand and requirement to complete 15-20 hours of Board approved CME in medical ethics within six months. The CME hours shall be in addition to the hours required for license renewal. If Dr. Lowe declines, the case shall be referred to Formal Hearing.

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. Magalnick, and Ms. Proulx. The following Board members voted against the motion: Dr. Lee and Dr. Schneider. The following Board member was absent: Dr. Thrift.

VOTE: 7-yay, 2-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

ADVISORY LETTERS

MOTION: Dr. Khera moved to issue an Advisory Letter in item numbers 1, 5, 6, 7, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, and 24.

SECOND: Dr. Krishna

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

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
1.	MD-11-1013A	DAVID W. FOREST, M.D.	27504	Issue an Advisory Letter for failing to discuss the potential failure and significant risk of teratogenicity should an IUP continue, for failing to obtain further laboratory and radiologic studies prior to administering MTX, and for inadequate medical records. This matter does not rise to the level of discipline.
2.	MD-11-1715A	RICHARD A. RUBEN, M.D.	44981	Dismiss.

MOTION: Dr. Gillard moved for dismissal.

SECOND: Dr. Krishna

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

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
3.	MD-11-1620A	MIRIAM A. ARCE, M.D.	15645	Issue an Advisory Letter for failure to inform a patient of test results in a timely manner and for inadequate medical records. This matter does not rise to the level of discipline.

MOTION: Dr. Khera moved to issue an Advisory Letter for failure to inform a patient of test results in a timely manner 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, 0-recuse, 1-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
4.	MD-11-1218A	MARVIN G. RISKE, M.D.	21421	Issue an 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.

MOTION: Dr. Khera moved to issue an 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.

SECOND: Dr. Krishna

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

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
5.	MD-11-1219A	SYED Z. TAHIR, M.D.	19801	Issue an Advisory Letter for inadequate medical records. This matter does not rise to the level of discipline.
6.	MD-11-1493A	ROBERT M. HURWITZ, M.D.	22057	Issue an Advisory Letter for failing to reconcile all medications upon receipt of patient transferred to his care. This matter does not rise to the level of discipline.
7.	MD-11-1707A	TERRY J. HAPPEL, M.D.	15358	Issue an Advisory Letter for prescribing controlled substances to a family member, for prescribing to a patient without first conducting a physical exam and for failing to maintain medical records on a patient. This matter does not rise to the level of discipline.
8.	MD-11-1725A	TODD L. SAMUELS, M.D.	44921	Issue an Advisory Letter for action taken by the State of North Carolina. This matter does not rise to the level of discipline.

MOTION: Dr. Jenkins moved to issue an Advisory Letter for action taken by the State of North Carolina. This matter does not rise to the level of discipline.

SECOND: Dr. Lee

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

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
9.	MD-11-1283A	SHAHBAZ A. QURESHI, M.D.	40783	Issue an Advisory Letter for inadequate medical records. This matter does not rise to the level of discipline.
10.	MD-11-1687A	MICHAEL G. WADE, M.D.	15797	Issue an Advisory Letter for failing to perform cholesterol blood test on the patient for failing to perform an EKG in spite of the patient's complaints of chest pain and difficulties breathing. This matter does not rise to the level of discipline.
11.	MD-12-0099A	DONNA CATANZARO, M.D.	29473	Issue an Advisory Letter for violation of a Board Order. This matter does not rise to the level of discipline.
12.	MD-11-1510A	DEBORAH S. GELBSPAN, M.D.	28872	Issue an Advisory Letter for failing to get a second consult or review from another pathologist at the time of her initial review which showed skin cancer. This matter does not rise to the level of discipline.
13.	MD-11-1529A	JOHN A. SARKO, M.D.	23503	Issue an Advisory Letter for failure to timely recognize potential

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
				difficulties in managing a patient's' airway. This matter does not rise to the level of discipline.

MOTION: Dr. Gillard moved for dismissal.
SECOND: Dr. Krishna
VOTE: 3-yay, 6-nay, 0-abstain, 0-recuse, 1-absent.
MOTION FAILED.

MOTION: Dr. Lee moved to issue an Advisory Letter for failure to timely recognize potential difficulties in managing a patient's airway. This matter does not rise to the level of discipline.
SECOND: Dr. Jenkins
VOTE: 6-yay, 3-nay, 0-abstain, 0-recuse, 1-absent.
MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
14.	MD-11-1557A	SULTAN MOHAMMAD, M.D.	38055	Issue an Advisory Letter for failure to appropriately and safely monitor a patient's medications and for inadequate records. This matter does not rise to the level of discipline.
15.	MD-11-1720A	RICHARD L. SMITH, M.D.	3360	Issue an Advisory Letter for inappropriate prescribing of Naproxen at too high a level and for inadequate medical records. This matter does not rise to the level of discipline.
16.	MD-11-1386A	JAMES G. RULA, M.D.	19122	Issue an Advisory Letter for insufficiently aggressive postoperative management of a deteriorating patient following Nissen fundoplication. The violation was a one-time occurrence that does not rise to the level of discipline.
17.	MD-11-1560A	WALTER K. LIPPARD, M.D.	4579	Issue an Advisory Letter for delay in evaluation of a patient reporting possible fecal drainage from incision. This matter does not rise to the level of discipline.
18.	MD-11-1580A	WILLIAM J. HERRMANN, M.D.	18619	Issue an Advisory Letter for failing to notify the patient of her ultrasound and pathology findings in a timely manner. This matter does not rise to the level of discipline.
19.	MD-11-1728A	JEFFREY A. ZIPPER, M.D.	34833	Issue an Advisory Letter for action taken by the State of Florida. This matter does not rise to the level of discipline.
20.	MD-12-0018A	CHRISTOPHER BLICHARSKI, M.D.	42371	Issue an Advisory Letter for action taken by the State of Colorado. This matter does not rise to the level of discipline.
21.	MD-11-1468A	GORDON D. DAVIS, M.D.	12102	Issue an Advisory Letter for inadequate documentation, for tracking small bowel injury following surgery, and for tracking possible inadequate follow up. This matter does not rise to the level of discipline.
22.	MD-11-1301A	ELIZABETH CRUZ, M.D.	32943	Dismiss.

MOTION: Dr. Jenkins moved for dismissal.
SECOND: Ms. Proulx
VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.
MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
23.	MD-11-1213A	JILL K. ROSSINOW, M.D.	42009	Issue an Advisory Letter for utilizing a breast radiation therapy plan which exceeded recommended dosing parameters. This matter does not rise to the level of discipline.

MOTION: Dr. Schneider moved to issue an Advisory Letter for utilizing a breast radiation therapy plan which exceeded recommended dosing parameters. This matter does not rise to the level of discipline.
SECOND: Dr. Jenkins
VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.
MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
24.	MD-11-1498A	JOHN J. COREY, M.D.	18509	Issue an Advisory Letter for inadequate medical records. 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-11-0738A	DAVID A. RUBEN, M.D.	11382	Issue an Order for Non-Disciplinary CME for inadequate medical recordkeeping. Within six months, complete 15-20

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
				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 hours required for license renewal. This matter does not rise to the level of discipline.

Dr. Jenkins was recused from this case.

MOTION: Dr. Lee moved to issue an Order for Non-Disciplinary CME for inadequate medical recordkeeping. 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 hours required for licensure renewal. This matter does not rise to the level of discipline.

SECOND: Dr. Krishna

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

MOTION PASSED.

ADVISORY LETTERS AND NON-DISCIPLINARY CME

MOTION: Dr. Lee moved to issue an Advisory Letter with Non-Disciplinary CME in item numbers 2, 3, and 4.

SECOND: Ms. Proulx

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

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
1.	MD-11-1262A	JOHN N. HERROD, M.D.	23116	Issue an Advisory Letter for prescribing Zolpidem for long-term treatment of insomnia with inadequate monitoring and tracking of Zolpidem prescribing, and for inadequate medical records; and an Order for Non-Disciplinary CME. Within six months, complete 15-20 hours of Board staff pre-approved Category I CME in an intensive prescribing course. 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.

Dr. Jenkins was recused from this case.

MOTION: Dr. Gillard moved to issue an Advisory Letter for prescribing Zolpidem for long-term treatment of insomnia with inadequate monitoring and tracking of Zolpidem prescribing, and for inadequate medical records; and an Order for Non-Disciplinary CME. Within six months, complete 15-20 hours of Board staff pre-approved Category I CME in an intensive prescribing course. 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. Krishna

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

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
2.	MD-11-0915A	DAVID S. GOTTFRIED, M.D.	7914	Issue an Advisory Letter for excessive prescribing of narcotics and an Order for Non-Disciplinary CME. Within six months, complete 15-20 hours of Board staff pre-approved Category I CME in an intensive, in-person prescribing course. The course hours shall be in addition to the CME hours required for license renewal. The violation was a one-time occurrence that does not rise to the level of discipline.
3.	MD-11-0580A	CHARLES ROGERS, M.D.	4969	Issue an Advisory Letter for injecting a larger amount of Polidocanol in one session than recommended, and for failure to document pedal pulses when there may have been arterial injury; and an Order for Non-Disciplinary CME. Within six months, complete 15-20 hours of Board staff pre-approved Category I CME in an intensive, in-person sclerotherapy course to include management of sclerotherapy complications. The course hours shall be in addition to the hours required for license renewal. This matter does not rise to the level of discipline.
4.	MD-12-0001A	RAVI B. GALHOTRA, M.D.	29150	Issue an Advisory Letter for providing duplicate prescriptions for Xanax with refills thereby allowing a patient to fill multiple prescriptions for Xanax within a short period of time, and for inadequate medical records. Within six months, complete 15-20 hours of Board staff pre-approved Category I CME in an intensive, in-person prescribing 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.

Dr. Khera was recused from this case.

REVIEW OF EXECUTIVE DIRECTOR DISMISSALS

MOTION: Dr. Khera moved to uphold the dismissal in item numbers 1, 2, 5, 6, 7, 8, 9, 13, 14, 15 and 16.

SECOND: Dr. Jenkins

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

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
1.	MD-11-1581A	BERTRAND P. KAPER, M.D.	27483	Uphold the dismissal.
2.	MD-11-1546A	ALICIA ACEVEDO-URCUYO, M.D.	32996	Uphold the dismissal.
3.	MD-11-1420A	STEPHEN L. PEDRON, M.D.	37741	Uphold the dismissal.

MOTION: Dr. Gillard moved to uphold the dismissal.

SECOND: Dr. Jenkins

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

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
4.	MD-11-1637A	CHRISTOPHER P. APPLETON, M.D.	12220	Uphold the dismissal.

MOTION: Dr. Gillard moved to uphold the dismissal.

SECOND: Dr. Khera

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

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
5.	MD-11-0912A	MARTIN L. BELL, M.D.	23962	Uphold the dismissal.
6.	MD-12-0235A	GAIL GUERRERO-TUCKER, M.D.	33940	Uphold the dismissal.
7.	MD-12-0111A	FRANK N.K. OPPONG-TAKYI, M.D.	31138	Uphold the dismissal.
8.	MD-11-1574A	KENT W. COX, M.D.	24584	Uphold the dismissal.

Dr. Lee was recused from this case.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
9.	MD-11-1273A	RICHARD J. HARDING, M.D.	23337	Uphold the dismissal.
10.	MD-11-1453A	CARL R. NOBACK, M.D.	24334	Uphold the dismissal.

MOTION: Dr. Krishna moved to uphold the dismissal.

SECOND: Dr. Gillard

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

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
11.	MD-11-1352A	DAVID PODKAMENI, M.D.	36059	Uphold the dismissal.

MOTION: Dr. Gillard moved to uphold the dismissal.

SECOND: Dr. Schneider

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

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
12.	MD-11-1674A	PETER S. YOUNG, M.D.	26395	Uphold the dismissal.

MOTION: Dr. Lee moved to uphold the dismissal.

SECOND: Dr. Krishna

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

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
13.	MD-11-1492A	YOON M. HONG, M.D.	41210	Uphold the dismissal.
14.	MD-11-1209A	GAUTAM M. SHAH, M.D.	10116	Uphold the dismissal.
15.	MD-12-0135A	MARK C. CARTER, M.D.	31559	Uphold the dismissal.
16.	MD-11-1477A	TRISTAN T. BERRY, M.D.	43352	Uphold the dismissal.

OTHER BUSINESS

MOTION: Ms. Ibáñez moved to accept the proposed Consent Agreement in Other Business item numbers 1-7 and 10, 11.

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, and Dr. Schneider. The following Board member was absent: Dr. Thrift.

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

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
1.	MD-11-0862A	AMIT WAGHRAY, M.D.	34299	Accept the proposed Consent Agreement for a Letter of Reprimand.
2.	MD-11-1683A	NAVNEET N. SHARDA, M.D.	27157	Accept the proposed Consent Agreement for a Letter of Reprimand.
3.	MD-11-1480A	GRANT T. FANKHAUSER, M.D.	37503	Accept the proposed Consent Agreement for a Letter of Reprimand and Five Year Probation to participate in PHP. Dr. Fankhauser's PHP participation shall be retroactive to February 27, 2012. In the event of a relapse in violation of the Order, Dr. Fankhauser's license shall be summarily suspended pending a hearing for revocation.
4.	MD-11-1443A	EDGAR F. LIVINGSTONE, M.D.	31013	Accept the proposed Consent Agreement for a Letter of Reprimand, Practice Restriction and Probation. Dr. Livingstone shall have a female chaperone present while examining or treating all female patients in all settings. Within thirty days, Dr. Livingstone shall enter into a contract with a Board pre-approved monitoring company and is responsible for all monitoring costs. The Probation shall include a requirement to complete 15-20 hours of a Board staff pre-approved Category I CME boundaries course. The CME hours shall be in addition to the hours required for license renewal. The Probation shall terminate upon successful completion of the CME.
5.	MD-12-0276A	KEVIN S. LADIN, M.D.	20895	Accept the proposed Consent Agreement for Reactivation of License and Five Year Probation to participate in PHP. In the event of a relapse in violation of the Order, Dr. Ladin's license shall be summarily suspended pending a hearing for revocation.
6.	MD-11-1653A	JAMES N. YARUSSO, M.D.	31732	Accept the proposed Consent Agreement for Reactivation of License and Five Year Probation to participate in PHP. The Probation shall include psychiatric monitoring. In the event of a relapse in violation of the Order, Dr. Yarusso's license shall be summarily suspended pending a hearing for revocation.
7.	MD-11-0615A	MICHAEL S. SNYDER, M.D.	17687	Accept the proposed Consent Agreement for Surrender of license.
8.	MD-11-1718A	WILLIAM F. KIVETT, M.D.	N/A	Grant the license.

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

MOTION: Dr. Gillard moved to grant the license.

SECOND: Dr. Magalnick

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. Magalnick, and Ms. Proulx. The following Board members voted against the motion: Ms. Ibáñez, Dr. Krishna, Dr. Lee, and Dr. Schneider. The following Board member was absent: Dr. Thrift.

VOTE: 5-yay, 4-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
9.	MD-12-0293A	RICHARD E. BURTON, M.D.	N/A	Grant the license.

MOTION: Dr. Magalnick moved to grant the license.

SECOND: Dr. Gillard

MOTION: Dr. Lee moved to enter into Executive Session to review confidential documents and receive legal advice.

SECOND: Dr. Khera

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

MOTION PASSED.

The Board entered into Executive Session at 12:06 p.m.

The Board returned to Open Session at 12:15 p.m.

No discussions or deliberations were made during Executive Session.

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

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

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
10.	MD-11-1457A	ALLAN J. STAHL, M.D.	20347	Accept the proposed Consent Agreement for a Letter of Reprimand.
11.	MD-11-1726A	KENNETH C. WESTFIELD, M.D.	13740	Accept the proposed Consent Agreement for a Letter of Reprimand.

FORMAL INTERVIEWS

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
1.	This matter was moved to Other Business item #11.			
2.	MD-11-0900A	GREGG P. STANDAGE, M.D.	22289	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 and is responsible for all monitoring costs. After five years, Dr. Standage may petition the Board to request termination of the Practice Restriction.

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

MOTION PASSED.

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

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, and Dr. Schneider. The following Board member was absent: Dr. Thrift.

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

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
3.	This matter was moved to Other Business item #10.			

The meeting adjourned at 1:19 p.m.



Lisa S. Wynn, Executive Director