



Arizona Medical Board

9545 East Doubletree Ranch Road • Scottsdale, Arizona 85258

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

Board Members

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

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

Harold Magalnick, M.D., Secretary

Andrea E. Ibáñez, Member At Large

Jodi A. Bain, Esq.

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

Ram R. Krishna, M.D.

Douglas D. Lee, M.D.

Richard T. Perry, M.D.

Wanda J. Salter, RN

William J. Thrift, M.D.

CALL TO ORDER

Dr. Khera called the meeting to order at 8:05 a.m.

ROLL CALL

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

CALL TO THE PUBLIC

Attorneys Bob Milligan, Steve Myers, and Jeff Tonner addressed the Board during the Call to the Public regarding a matter not listed on the Board's agenda.

FORMAL INTERVIEWS

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

MOTION: Ms. Ibáñez moved for a finding of unprofessional conduct in violation of A.R.S. §32-1401(27)(f) – Habitual intemperance in the use of alcohol or habitual substance abuse; and A.R.S. §32-1401(27)(s) – Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision of this chapter: A.R.S. §32-1427.B.1. All of the information contained in the application and accompanying evidence or other credentials submitted are true.

SECOND: Dr. Jenkins

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

MOTION: Ms. Ibáñez moved to offer the physician a Consent Agreement to surrender his license. If he declines, this matter shall be referred to the Office of Administrative Hearings for a Formal Hearing.

SECOND: Dr. Krishna

Ms. Ibáñez and Dr. Krishna withdrew the motion.

MOTION: Dr. Gillard moved to issue a draft Findings of Fact, Conclusions of Law and Order for a Decree of Censure and Five Year Probation to participate in the Physician Health Program (PHP), with review of the physician's compliance after five years by the Arizona Medical Board. 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, Dr. Jenkins, Dr. Khera, Dr. Krishna, Dr. Magalnick, Dr. Perry, and Dr. Thrift. The following Board members voted against the motion: Ms. Bain, Ms. Ibáñez, Dr. Lee, and Ms. Salter.

VOTE: 7-yay, 4-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

EXECUTIVE DIRECTOR'S REPORT

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

CHAIR'S REPORT

Dr. Khera confirmed with staff that the Board was currently in compliance with rules and statutes.

LEGAL ADVISOR'S REPORT

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

APPROVAL OF ANNUAL FEES

MOTION: Dr. Krishna moved to approve the annual fees.

SECOND: Dr. Lee

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

APPROVAL OF MINUTES

The Board members voted to approve the August 7, 2013 Regular Session Meeting Minutes, including Executive Session; the August 8, 2013 Special Teleconference Meeting Minutes; and the August 16, 2013 Special Teleconference Meeting Minutes.

VOTE: 11-yay, 0-nay, 0-abstain, 2-recused from the August 16, 2013 Meeting, 0-absent.

MOTION PASSED.

RECOMMENDATION FOR DISMISSAL

1. MD-13-0426A, EDGARDO D. ZAVALA-ALARCON, M.D., LIC. #27016

MOTION: Dr. Gillard moved to return the case for further investigation and obtain a quality of care review by a plastic surgery medical consultant as well as an internist medical consultant.

SECOND: Dr. Jenkins

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

2. MD-13-0360A, ABDUL J. TAJIK, M.D., LIC. #34702

MOTION: Dr. Khera moved to return the case for further investigation to obtain a new quality of care review by a cardiology medical consultant.

SECOND: Dr. Jenkins

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

DISMISSAL/ADVISORY LETTER

1. MD-12-0460A, STEVEN J. BLATCHFORD, M.D., LIC. #15176

Dr. Gillard stated that he knows Dr. Blatchford, but that it would not affect his ability to adjudicate the case.

MOTION: Dr. Gillard moved for dismissal.

SECOND: Ms. Ibáñez

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

MOTION PASSED.

2. MD-13-0503A, ARULASANAM P. KALANITHI, M.D., LIC. #16387

MOTION: Dr. Khera moved for dismissal.

SECOND: Dr. Gillard
VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.
MOTION PASSED.

ADVISORY LETTERS (Non-Disciplinary)

MOTION: Dr. Khera moved to issue an Advisory Letter in item numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 17, 19, 20, 23, 24, and 25.

SECOND: Ms. Bain

VOTE: 11-yay, 0-nay, 0-abstain, 1-recusal as noted in Advisory Letter numbers 2, 3, 11, and 19, 0-absent.

MOTION PASSED.

1. MD-13-0082A, NADIM B. KHATIB, M.D., LIC. #26804

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

2. MD-13-0184A, THOMAS D. PERRY, M.D., LIC. #14450

Dr. Perry was recused from this case.

RESOLUTION: Issue an Advisory Letter for using controlled substances not prescribed by another physician for use during a prescribed course of treatment, and for inadequate medical records. The violation was a one-time occurrence that does not rise to the level of discipline.

3. MD-12-1020A, CAROL J. NEWMYER, M.D., LIC. #18661

Dr. Perry was recused from this case.

RESOLUTION: Issue an Advisory Letter to track the complication rate in the performance of port placement. This matter does not rise to the level of discipline.

4. MD-12-0661A, VENKATESH G. RAMAIAH, M.D., LIC. #25125

RESOLUTION: Issue an Advisory Letter for inadequate medical records. The physician has shown substantial compliance through remediation that mitigates the need for discipline.

5. MD-13-0221A, STANLEY L. COMBS, M.D., LIC. #16113

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

6. MD-13-0193A, TERESA MALCOLM, M.D., LIC. #40361

RESOLUTION: Issue an Advisory Letter for delay in recognizing an injury to the ureter and for failing to perform a thorough evaluation of anemia following a hysterectomy. This matter does not rise to the level of discipline.

7. MD-13-0623A, KRISHNA R. MUDIMBI, M.D., LIC. #46423

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

8. MD-12-1457A, CATHERINE A. FOLL, M.D., LIC. #35300

RESOLUTION: Issue an Advisory Letter for failure to follow up on an MRI ordered by a supervised PA in a timely manner. This matter does not rise to the level of discipline.

9. MD-13-0245A, STEVEN J. KETCHEL, M.D., LIC. #7839

RESOLUTION: Issue an Advisory Letter for failure to release requested medical records in a timely manner. This matter does not rise to the level of discipline.

10. MD-13-0141A, LORI L. MCNEAL, M.D., LIC. #19928

RESOLUTION: Issue an Advisory Letter for performing a C-section for fetal demise at 19 weeks without discussions of other options for delivery. This matter does not rise to the level of discipline.

11. MD-13-0104A, JANARDHANACHAR PRASAD, M.D., LIC. #17912

Dr. Khera was recused from this case.

RESOLUTION: Issue an Advisory Letter for leaving a critical patient unattended for a brief time to take care of a personal matter. This matter does not rise to the level of discipline.

12. MD-13-0378A, KENNETH MERCHANT, M.D., LIC. #17823

MOTION: Dr. Thrift moved for dismissal.

SECOND: Ms. Ibáñez

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

13. MD-13-0238A, DIANA F. FLETCHER, M.D., LIC. #33729

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

14. MD-13-0278A, MAJA M. EVERSON, M.D., LIC. #43625

RESOLUTION: Issue an Advisory Letter for failing to use appropriate caution in prescribing benzodiazepines in the context of ongoing substance use or abuse, and lack of documentation of the rationale for benzodiazepine use. This matter does not rise to the level of discipline.

15. MD-13-0433A, REID F. SCHINDLER, M.D., LIC. #13059

RESOLUTION: Issue an Advisory Letter for failing to document a detailed informed consent that outlined the possible complications specific to the surgical procedure performed. This matter does not rise to the level of discipline.

16. MD-13-0223A, GARRON R. HALE, M.D., LIC. #6164

MOTION: Dr. Thrift moved for dismissal.

SECOND: Ms. Bain

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

17. MD-13-0549A, DEAN R. WRIGHT, M.D., LIC. #11512

RESOLUTION: Issue an Advisory Letter for failing to obtain a thorough history of present illness, failure to perform complete vital sign evaluation and for failure to obtain appropriate lab work in a patient with fever, diarrhea and dehydration. This matter does not rise to the level of discipline.

18. MD-13-0531A, JAMES N. YARUSSO, M.D., LIC. #31732

MOTION: Dr. Gillard moved for dismissal.

SECOND: Dr. Krishna

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

19. MD-12-1377A, ANTHONY D. GRECO, M.D., LIC. #22688

Dr. Lee was recused from this case.

RESOLUTION: Issue an Advisory Letter for tracking purposes of an inadequate esophageal dilatation with subsequent perforation, a known complication. While there is insufficient evidence to support disciplinary action, the board believes that continuation of the activities that led to the investigation may result in further board action against the licensee.

20. MD-13-0027A, ARIO B. KIARASH, M.D., LIC. #27353

RESOLUTION: Issue an Advisory Letter for inadequate follow up of a postoperative patient, for failure to maintain professional behavior with a patient and staff, and for inadequate medical records. This matter does not rise to the level of discipline.

21. MD-12-0370A, HANI SHENNIB, M.D., LIC. #35648

MOTION: Dr. Gillard moved for dismissal.

Dr. Gillard withdrew his motion.

MOTION: Dr. Lee moved to issue an Advisory Letter for tracking purposes regarding proper placement of a central line. While there is insufficient evidence to support disciplinary action, the

Board believes that continuation of the activities that led to the investigation may result in further board action against the licensee.

SECOND: Dr. Krishna

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

22. MD-13-0164A, ANDREW G. SHETTER, M.D., LIC. #7082

Dr. Lee stated that he knows the medical consultants who reviewed this matter, but that it would not affect his ability to adjudicate the case.

MOTION: Ms. Bain moved to issue an Advisory Letter for improper placement of an intrathecal catheter and for inadequate medical records. This matter does not rise to the level of discipline.

SECOND: Dr. Jenkins

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

23. MD-13-0716A, CHARLENE H. WHITFILL, M.D., LIC. #27167

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

24. MD-13-0096B, MOHAMMAD A. SHAKIR, M.D., LIC. #29303

RESOLUTION: Issue an Advisory Letter for missing and failing to act on an abnormal lab result. This matter does not rise to the level of discipline.

25. MD-13-0379A, CAROL L. HULETT, M.D., LIC. #41131

RESOLUTION: Issue an Advisory Letter for improper performance of carpal tunnel surgery. This matter does not rise to the level of discipline.

ADVISORY LETTERS WITH NON-DISCIPLINARY CME ORDER

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

SECOND: Dr. Krishna

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

1. MD-13-0321A, TODD M. DOERR, M.D., LIC. #34341

RESOLUTION: Issue an Advisory Letter and Order for Non-Disciplinary CME for providing regular prescriptions for controlled substances without documentation in the medical record, regular follow up, or documentation of suspected aberrant drug seeking behavior. Within six months, complete 15-20 hours of Board staff pre-approved Category I CME in an in-person, intensive course for narcotic 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-13-0100A, PAUL AFEK, M.D., LIC. #23108

RESOLUTION: Issue an Advisory Letter for and Order for Non-Disciplinary CME for improper management of a chronic pain patient. Within six months complete 15-20 hours of Board staff pre-approved Category I CME in an in-person, intensive opioid 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.

REVIEW OF EXECUTIVE DIRECTOR DISMISSALS

MOTION: Dr. Lee moved to uphold the dismissal in item numbers 2, 3, 5, 6, 7, and 10.

SECOND: Dr. Krishna

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

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

MOTION: Dr. Gillard moved to issue a Non-Disciplinary CME Order.

Dr. Gillard withdrew his motion.

MOTION: Ms. Ibáñez moved to uphold the dismissal.

SECOND: Dr. Khera
VOTE: 5-yay, 5-nay, 1-abstain, 0-recuse, 0-absent.
MOTION FAILED.

MOTION: Dr. Jenkins moved to re-notice the physician for an Advisory Letter.

SECOND: Dr. Krishna
VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.
MOTION PASSED.

2. MD-13-0134A, RICHARD A. CARDONE, M.D., LIC. #26223
RESOLUTION: Uphold the dismissal.

3. MD-13-0437A, RICHARD E. HENDRIX, M.D., LIC. #32537
Dr. Thrift stated that he knows the medical consultant who reviewed this matter, but it would not affect his ability to adjudicate the case.

RESOLUTION: Uphold the dismissal.

4. MD-13-0227A, MELISSA K. LINNER, M.D., LIC. #36066
MOTION: Dr. Gillard moved to reject the dismissal.

Dr. Gillard withdrew his motion.

MOTION: Dr. Gillard moved to re-notice the physician for a Non-Disciplinary CME Order.

SECOND: Dr. Krishna
Drs. Gillard and Krishna withdrew the motion.

MOTION: Dr. Gillard moved to return the case for further investigation to obtain a quality of care review by a new medical consultant.

This motion was not seconded, and therefore failed.

MOTION: Dr. Krishna moved to re-notice the physician for an Advisory Letter.

SECOND: Dr. Khera
VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.
MOTION PASSED.

5. MD-13-0424A, CHRISTOPHER T. MALONEY, M.D., LIC. #30130
RESOLUTION: Uphold the dismissal.

6. MD-13-0647A, SURYAKANTH R. GURUDU, M.D., LIC. #31742
RESOLUTION: Uphold the dismissal.

7. MD-13-0640A, YEBABE M. MENGESHA, M.D., LIC. #32769
Dr. Lee stated that he knows the medical consultant who reviewed this matter, but it would not affect his ability to adjudicate the case.

RESOLUTION: Uphold the dismissal.

8. MD-12-0907A, KAMAL R. RASTOGI, M.D., LIC. #33164

MOTION: Dr. Gillard moved to return the case for further investigation to obtain clarification from the physician regarding the noted discrepancy in his response to the investigation and his chart notes, and to explain his reasoning for the diagnosis of alcohol dependence. The case shall return to the Board with the recommendation for an Advisory Letter.

SECOND: Dr. Jenkins
VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.
MOTION PASSED.

9. MD-13-0434A, MICHAEL A. GIUNTA, M.D., LIC. #28097

MOTION: Dr. Jenkins moved to uphold the dismissal.
SECOND: Dr. Khera
VOTE: 6-yay, 3-nay, 2-abstain, 0-recuse, 0-absent.

MOTION PASSED.

10. MD-13-0434B, MICHAEL S. MAHER, M.D., LIC. #20806
RESOLUTION: Uphold the dismissal.

OTHER BUSINESS

PROPOSED CONSENT AGREEMENTS (Disciplinary)

MOTION: Ms. Ibáñez moved to accept the proposed Consent Agreement in item numbers 1, 2, 3, 4, 5, and 6.

SECOND: Dr. Krishna

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

VOTE: 11-yay, 0-nay, 0-abstain, 1-recusal as noted in item numbers 1 and 5, 0-absent.

MOTION PASSED.

1. MD-11-1417A, HARVEY D. ZELIGMAN, M.D., LIC. #8173

Dr. Gillard was recused from this case.

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

2. MD-13-0236A, JEFFREY T. DARDINGER, M.D., LIC. #42530

RESOLUTION: Approve the proposed Consent Agreement for Surrender of License.

3. MD-13-0237A, JOSEPH M. FERRARA, M.D., LIC. #44443

RESOLUTION: Approve the proposed Consent Agreement for Surrender of License.

4. MD-13-0161A, ROGER B. OLADE, M.D., LIC. #32339

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

5. MD-13-0438A, JOHN M. KASSEN BROCK, M.D., LIC. #17245

Dr. Perry was recused from this case.

RESOLUTION: Approve the proposed Consent Agreement for a Letter of Reprimand and Practice Restriction prohibiting the physician from injecting local anesthetic agents during the performance of inguinal or femoral hernia repair for a period of five years.

6. MD-13-0868A, HARRY B. COHEN, M.D., LIC. #44691

RESOLUTION: Approve the proposed Consent Agreement for Surrender of License.

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

7. MD-12-1343A, STEVEN P. HAUBEN, M.D., LIC. #25561

Dr. Perry and Ms. Salter were recused from this case.

MOTION: Ms. Bain moved to approve the draft Findings of Fact, Conclusions of Law and Order for a Letter of Reprimand.

SECOND: Dr. Thrift

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

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

MOTION PASSED.

REQUEST FOR MODIFICATION OF BOARD ORDER

8. MD-10-0131A, GERALD S. ASIN, M.D., LIC. #20348

MOTION: Dr. Thrift moved to deny the request for Board Order modification.

SECOND: Dr. Krishna

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

APPROVE OR DENY LICENSE APPLICATION

9. MD-13-0627A, ALAN E. CORDTS, M.D., LIC. #N/A

MOTION: Dr. Gillard moved to approve the license application and grant the license.

SECOND: Ms. Ibáñez

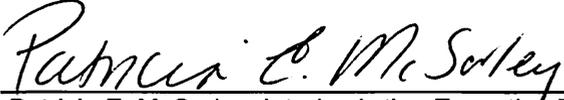
ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Bain, Dr. Gillard, Ms. Ibáñez, Dr. Jenkins, Dr. Khera, Dr. Krishna, Dr. Magalnick, Dr. Perry, Ms. Salter, and Dr. Thrift. The following Board member abstained: Dr. Lee.

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

MOTION PASSED.

The meeting adjourned at 1:30 p.m.





Patricia E. McSorley, Interim Acting Executive Director