



## Arizona Medical Board

9545 East Doubletree Ranch Road • Scottsdale, Arizona 85258

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### FINAL MINUTES FOR EMERGENCY SUMMARY ACTION MEETING

Held on Wednesday, October 5, 2011

9535 E. Doubletree Ranch Road, Scottsdale, Arizona 85258

#### **Board Members**

Douglas D. Lee, M.D., Chair

Amy J. Schneider, M.D., F.A.C.O.G., Secretary

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

Andrea E. Ibáñez

Jody L. Jenkins, M.D.

Gordi S. Khera, M.D.

Ram R. Krishna, M.D.

Harold Magalnick, M.D.

Germaine Proulx

William J. Thrift, M.D.

#### **CALL TO ORDER**

Dr. Lee called the meeting to order at 2:33 p.m.

#### **ROLL CALL**

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

#### **CALL TO THE PUBLIC**

There were no individuals who spoke during the call to the public.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
1.	MD-11-0471A	TIN T. WIN, M.D.	28212	Summary restriction prohibiting Dr. Win from prescribing controlled substances as she poses an imminent danger to the public.

Dr. Win was not present during the Board's consideration of this matter. Carol Peairs, M.D., Medical Consultant, summarized that patient DJ established care with Dr. Win for chronic pain. Review of the patient's medical records revealed multiple deviations from the standard of care as well as medical recordkeeping issues. Specifically, Dr. Win failed to work up the patient's chronic pain condition or identify an objective pain generator. Dr. Win also failed to review DJ's prior medical records. She initiated Methadone prescribing for DJ at quadruple the dose amount for a narcotic naïve patient. The Medical Consultant who reviewed the case expressed concern regarding statements made by Dr. Win in her response to the Consultant's findings. Dr. Win had stated that she does not require treatment agreements for "winter visitors" and that she does not expect the patients to provide prior medical records for her review. Dr. Peairs informed the Board that the Medical Consultant observed that Dr. Win's prior Board history included a recent Letter of Reprimand for similar issues regarding her prescribing and medical recordkeeping and; as a result, she was required to complete CME in both prescribing controlled substances and medical recordkeeping. Dr. Peairs stated that Dr. Win has not remediated the Board's concerns as the current case occurred after Dr. Win's completion of the CME. Dr. Peairs reported that the Board's Staff Investigational Review Committee reviewed the matter and determined that Dr. Win's unprofessional conduct rises to the level of discipline, and recommended that she be restricted from prescribing controlled substances for a period of five years.

Dr. Lee noted that Dr. Win had been scheduled to appear for a Formal Interview at the Board's October 5, 2011 Regular Session Meeting. He observed that Dr. Win indicated that she sustained an injury and was not able to appear. Dr. Lee stated that Dr. Win did not provide sufficient evidence to support that she was unable to appear before the Board for the scheduled Formal Interview. Dr. Lee informed the Board that consideration of summary action in this case is appropriate due to the concerns raised regarding Dr. Win's prescribing of controlled substances.

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

**SECONDED: Dr. Jenkins**

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

**MOTION PASSED.**

The Board entered into Executive Session at 2:39 p.m.

The Board returned to Open Session at 2:44 p.m.  
No deliberations or discussions were made during Executive Session.

**MOTION: Dr. Khera moved to summarily restrict Dr. Win's medical license prohibiting her from prescribing controlled substances as she poses an imminent danger to the public.**

**SECONDED: Dr. Krishna**

Ms. Boucek clarified that based on evidence heard regarding Dr. Win's prescribing the Board believes that the public health, safety, and welfare imperatively requiring emergency action by the Board. Dr. Khera agreed with Ms. Boucek's clarification and questioned whether a time period will be placed on the restriction. Ms. Boucek stated that the matter will be referred to the Office of Administrative Hearings for a Formal Hearing to be held within sixty days pursuant to statute. She explained that the restriction will remain in place, pending final adjudication of the case.

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

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

**MOTION PASSED.**

The meeting adjourned at 2:47 p.m.



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

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Lisa S. Wynn, Executive Director