



# ARIZONA MEDICAL BOARD

9545 East Doubletree Ranch Road • Scottsdale, Arizona 85258

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## FINAL MINUTES FOR SPECIAL TELECONFERENCE MEETING

Held on Friday, December 19, 2014

9545 E. Doubletree Ranch Road, Scottsdale, Arizona 85258

### Board Members

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

Richard T. Perry, M.D., Vice-Chair

Ram R. Krishna, M.D., Secretary

Jodi A. Bain, Esq.

Marc D. Berg, M.D.

Donna S. Brister

R. Screven Farmer, M.D.

Robert E. Fromm, M.D.

Paul S. Gerding, Esq.

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

Edward G. Paul, M.D.

Wanda J. Salter, R.N.

## GENERAL BUSINESS

### A. CALL TO ORDER

Dr. Khera called the meeting to order at 5:02 p.m.

### B. ROLL CALL

The following Board members participated telephonically: Ms. Bain, Dr. Berg, Dr. Farmer, Dr. Fromm, Mr. Gerding, Dr. Gillard, Dr. Khera, Dr. Krishna, Dr. Paul, and Dr. Perry. The following Board members were absent: Ms. Brister and Ms. Salter.

### ALSO PRESENT

Dr. Michel Sucher of the Board's Physician Health Program (PHP) participated telephonically. Present among Board staff include: Carrie Smith, Assistant Attorney General; Patricia E. McSorley, Interim Acting Executive Director; William Wolf, M.D., Chief Medical Consultant; Anita Shepherd, Investigations Office Manager; Celina Shepherd, Licensing Office Manager; Danielle Steger, Investigator; Rachel Shepherd, Investigator; James Gentile, Chief Information Officer; Mary Bober, Board Operations Manager; and Andrea Cisneros, Staff Investigational Review Committee (SIRC) Coordinator.

### C. CALL TO THE PUBLIC

Individuals that addressed the Board during the call to the public appear beneath the matter(s) referenced.

## LEGAL MATTERS

### D. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING SUMMARY ACTION

#### 1. MD-14-1608A, GEORGE F. GWINN, M.D., LIC. #25811

Ms. Steger summarized that Dr. Gwinn was reported to the Board by the hospital regarding behavioral health concerns, indicating that he had experienced a manic episode in late November, and that Dr. Gwinn was subsequently involuntarily admitted to a psychiatric facility. Dr. Gwinn was discharged with recommendations to follow up with mental health treatment.

Ms. Steger informed the Board that staff has made several attempts to contact Dr. Gwinn, but have been unsuccessful. On December 17, 2014, Dr. Gwinn was issued an Interim Order to undergo an assessment by 3:00 p.m. on December 18, 2014. Ms. Steger reported that Dr. Gwinn failed to comply with the Interim Order. She added that because Board staff has been unsuccessful in facilitating communication or cooperation with Dr. Gwinn, concern has been raised that the public health, welfare, and safety may imperatively require emergency action by the Board.

**MOTION: Dr. Khera moved to summarily suspend Dr. Gwinn's medical license based on the finding that the public health, safety, or welfare imperatively requires emergency action by the Board.**

**SECOND: Dr. Farmer**

Dr. Khera spoke for the motion, noting that Dr. Gwinn has been uncooperative with the investigation process. Dr. Khera stated he was concerned that this physician cannot be regulated by the Board, and that Dr. Gwinn possibly poses an imminent threat to the public.

**ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Bain, Dr. Berg, Dr. Farmer, Dr. Fromm, Mr. Gerding, Dr. Gillard, Dr. Khera, Dr. Krishna, and Dr. Paul. The following Board members were absent: Ms. Brister, Dr. Perry, and Ms. Salter.**

**VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.**

**MOTION PASSED.**

## **E. LICENSE APPLICATIONS**

### **i. APPROVE OR DENY LICENSE APPLICATION**

**MOTION: Dr. Khera moved to approve the license application in item numbers 1, 2, 4, and 5.**

**SECOND: Dr. Farmer**

**VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.**

**MOTION PASSED.**

1. MD-14-1472A, JOHN R. HEINRICK, M.D., LIC. #N/A

**RESOLUTION: Approve the license application.**

2. MD-14-1657A, WARREN H. TSENG, M.D., LIC. #N/A

**RESOLUTION: Approve the license application.**

3. MD-14-1155A, JEFFREY F. SHALL, M.D., LIC. #N/A

Attorney Bruce Smith spoke during the call to the public on behalf of Dr. Shall. Dr. Shall also addressed the Board during the call to the public.

Dr. Farmer pulled this case for discussion, stating that he was concerned regarding the informed consent obtained by the physician post-surgery, and the dictated operative note that seemed to minimize the complication. Board members discussed the medical consultant's specialty, noting that concern was raised by the call to public speakers regarding the medical consultant's retirement status. The Board considered returning the case for further investigation to obtain a second opinion from a spine surgeon in active practice.

Dr. Khera recognized that the Board has adjudicated similar cases in the past involving surgical complications. He stated that the Board needs to determine, in cases such as this, whether the surgical complication was handled adequately or whether it fell completely out of the standard of practice. Dr. Khera stated that he believes the physician handled the complication adequately in this instance. Dr. Farmer commented that there should be criteria for the Board to consider when determining whether a pattern is established. Specifically, he stated that criteria to

consider include whether there was repetitive behavior, a lack of follow up care to the patient, or alteration of medical records.

**MOTION: Dr. Krishna moved to continue the investigation to obtain a new medical consultant review from a spine surgeon in active practice.**

**SECOND: Dr. Gillard**

Dr. Fromm pointed out that the surgical case occurred in 2009, and stated that although the Board's medical consultant is currently retired, he may have been actively practicing in 2009 and may be qualified to provide an opinion. Dr. Gillard recognized that Dr. Shall currently holds an unrestricted medical license in Ohio with no history of discipline.

**VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.**

**MOTION PASSED.**

4. MD-14-1346A, HILLARY P. SEEMATTER, M.D., LIC. #N/A

**RESOLUTION: Approve the license application.**

5. MD-14-1446A, ANNE R. CRAMER, M.D., LIC. #N/A

**RESOLUTION: Approve the license application.**

6. MD-14-1461A, NIRMALJI P. ODEDRA, M.D., LIC. #N/A

Dr. Gillard observed that Dr. Odedra practiced medicine on an expired license. He noted that the Board has historically issued Advisory Letters to physicians for this statutory violation. He spoke in favor of granting the license and issuing an Advisory Letter for practicing on an expired license.

**MOTION: Dr. Gillard moved to grant the license and issue an Advisory Letter for practicing medicine on an expired license.**

**SECOND: Dr. Krishna**

**VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.**

**MOTION PASSED.**

## **F. REQUEST FOR TERMINATION OF BOARD ORDER**

1. MD-14-1211A, KATHLEEN M. STROHMEYER, M.D., LIC. #44670

Ms. Steger summarized for the Board that Dr. Strohmeyer self-reported narcotic use and diversion, and that during the course of the investigation she admitted to long-term use of marijuana in addition to her use of Fentanyl. Dr. Strohmeyer was referred to the Board's PHP Contractor for assessment where additional treatment was recommended, and Dr. Strohmeyer entered into an Interim Practice Restriction on September 12, 2014.

Ms. Steger reported that Dr. Strohmeyer completed treatment and was discharged with staff approval on November 23, 2014. She subsequently met with the PHP Contractor and was deemed safe to practice medicine while enrolled in PHP for dependence monitoring for a period of five years. On December 18, 2014, Dr. Strohmeyer entered into an Interim Consent Agreement for PHP participation, and has requested that the Board terminate her Interim Practice Restriction.

Dr. Sucher supported Ms. Steger's summary, and stated that Dr. Strohmeyer presented to PHP voluntarily, completed treatment, and has been doing very well. He commented that the physician is safe to return to practice while participating in PHP and continuing her treatment with Naltrexone. Dr. Farmer stated that allowing the physician to return to practice is reasonable while undergoing close supervision by PHP.

**MOTION: Dr. Khera moved to terminate the Interim Practice Restriction.**

**SECOND: Dr. Gillard**

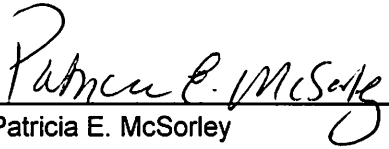
**ROLL CALL VOTE:** Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Bain, Dr. Berg, Dr. Farmer, Dr. Fromm, Mr. Gerding, Dr. Gillard, Dr. Khera, Dr. Krishna, Dr. Paul, and Dr. Perry. The following Board members were absent: Ms. Brister and Ms. Salter.

**VOTE:** 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

**MOTION PASSED.**

The meeting adjourned at 5:36 p.m.



  
Patricia E. McSorley  
Interim Acting Executive Director