



Arizona Medical Board

9545 East Doubletree Ranch Road • Scottsdale, Arizona 85258

Home Page: <http://www.azmd.gov>

Telephone (480) 551-2700 • Fax (480) 551-2705 • In-State Toll Free (877) 255-2212

FINAL MINUTES FOR SPECIAL TELECONFERENCE MEETING Held on Thursday, May 21, 2015

9545 E. Doubletree Ranch Road • Scottsdale, Arizona

Board Members

Richard T. Perry, M.D., Chair
James M. Gillard, M.S., M.D., F.A.C.E.P., F.A.A.E.M., Vice-Chair
Jodi A. Bain, Esq., Secretary
Marc D. Berg, M.D.
Donna S. Brister
R. Screven Farmer, M.D.
Gary R. Figge, M.D.
Robert Fromm, M.D.
Paul S. Gerding, Esq.
Lois E. Krahn, M.D.
Edward Paul, M.D.
Wanda J. Salter, RN

GENERAL BUSINESS

A. CALL TO ORDER

Dr. Perry called the meeting to order at 6:00 p.m.

B. ROLL CALL

The following Board members participated telephonically: Dr. Perry, Dr. Gillard, Ms. Bain, Dr. Berg, Ms. Brister, Dr. Farmer, Dr. Figge, Dr. Fromm, Mr. Gerding, Dr. Paul, Dr. Krahn, and Ms. Salter.

ALSO PRESENT

Laura Malone, Coach, Governor's LEAN Transformation of Arizona State Government, participated telephonically. Present among Board staff include: Carrie Smith, Assistant Attorney General ("AAG"); Patricia McSorley, Executive Director; William Wolf, M.D., Chief Medical Consultant; Kathleen Coffey, M.D., Internal Medical Consultant; Mary Bober, Board Operations Manager; Twana Fairbourn, Licensing Office Manager; James Gentile, Chief Information Officer; Rachel Shepherd, Licensing Investigator; Kathleen Muller, Physician Health Program ("PHP"); Erinn Downey, Investigator; Andrea Cisneros, Staff Investigational Review Committee Coordinator; and Amanda Schwabe, Board Coordinator.

C. CALL TO THE PUBLIC

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

D. UPDATE AND DISCUSSION REGARDING ARIZONA MEDICAL BOARD'S ("AMB") PARTICIPATION IN LEAN TRANSFORMATION TEAM

Ms. Malone provided a brief description and background regarding the Governor's LEAN Transformation Program and noted that the medical licensing process was specifically requested by the Governor's Office to be included in this second wave of the project. Ms. Malone reported that data currently shows a license application can take the Board staff up to 141 days to process and that the goal of the LEAN project is to reduce that number to 70 days. Ms. Malone stated that this is a six to eight week process that will end with a pilot application going through the new

process or an interim process. Ms. Malone informed the Board that every week thus far, she has sent a report to the Governor's office indicating that the Board's team is doing well with this project. Dr. Gillard commented that changing older rules and statutes will help speed up the process, such as applications that can be given to the Executive Director to expedite instead of waiting for the full Board's consideration. Dr. Gillard added that he is pleased with the Governor's concern to help with the licensing process. Dr. Perry expressed appreciation to Ms. Malone and the Governor's Office on behalf of the Board for assistance in the licensing process.

E. UPDATE, DISCUSSION AND POSSIBLE ACTION REGARDING THE PROGRESS OF THE LICENSING LOOK BACK BEING CONDUCTED BY THE GREATER ARIZONA CENTRAL CREDENTIALING PROGRAM ("GACCP")

Ms. McSorley updated the Board on the progress of the look back being conducted by GACCP. She stated that the Arizona State Procurement Office ("SPO") submitted correspondence to GACCP seeking assurance that they would be able to perform their contractual duties. In response, GACCP indicated they anticipate the look back to be completed by the July 9, 2015 deadline. Ms. McSorley informed the Board that GACCP reported a number of 694 completed files, the majority of which were noted to be cancelled or inactive licenses. Ms. McSorley stated that GACCP has indicated that they plan to submit additional completed files of active licenses.

MOTION: Dr. Perry moved for the Board to enter into Executive Session pursuant to A.R.S. § 38-431.03(A)(3).

SECOND: Ms. Bain

VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

The Board entered into Executive Session at 6:14 p.m.

The Board returned to Open Session at 6:27 p.m.

No legal action was taken by the Board during Executive Session.

F. DISCUSSION AND POSSIBLE ACTION REGARDING FUTURE LEGISLATIVE AGENDA AND CONSIDERATION OF AMENDMENTS TO LICENSING STATUTES, RULES AND REQUIREMENTS TO IMPROVE PROCESSES

The Board discussed several potential statutory and rule amendments regarding licensing, including a statutory amendment that would address the reapplication process for licensees who inadvertently allowed their license to lapse. Board members also discussed a rule amendment regarding malpractice actions by adding reportable malpractice qualifiers. The Board additionally considered forming a Licensing Committee to consider license applications in the interim period between regularly scheduled meetings. Another possible statutory amendment discussed regarded alterations to the fingerprint requirement.

Ms. Bain commented that the Board's legislative committee is attempting to address issues that cause delays in the licensing process, such as the sizing of the picture needed for the application and how to make the language less onerous. Dr. Perry mentioned possibly lengthening the licensing period beyond two years to help lessen the amount of physicians coming across for renewal every year. Dr. Perry directed staff to add this information to the next meeting agenda. Ms. McSorley clarified that staff is currently working on a policy change through the LEAN process that will allow license applications to be processed concurrently with any necessary licensing investigation. She requested that the Board address the employment issue surrounding teleradiologists that are applying for Arizona licensure when considering statute and rule amendments.

G. LEGAL ADVISOR'S REPORT

AAG Smith presented a report to the Board regarding the following item:

- Legal Advice Regarding A.R.S. § 32-1403.01(A)(1) and (A)(2)

MOTION: Dr. Gillard moved for the Board to enter into Executive Session pursuant to A.R.S. § 38-431.03(A)(3).

SECOND: Dr. Krahn

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

The Board entered into Executive Session at 7:22 p.m.
The Board returned to Open Session at 7:25 p.m.
No legal action was taken by the Board during Executive Session.

MOTION: Dr. Perry moved that the Board address staff to begin to post the information regarding A.R.S. § 32-1403.01(A)(1) and (A)(2) in addition to the information that is already posted.

SECOND: Ms. Brister

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

H. REVIEW, DISCUSSION AND CONSIDERATION OF 5 YEAR REVIEW OF ARIZONA ADMINISTRATIVE CODE TITLE 4 PROFESSIONS AND OCCUPATIONS, CHAPTER 16 ARIZONA MEDICAL BOARD ARTICLE 3 AND ARTICLE 6

Ms. McSorley presented this matter to the Board.

MOTION: Dr. Perry moved for the Board to enter into Executive Session pursuant to A.R.S. § 38-431.03(A)(3).

SECOND: Dr. Fromm

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

The Board entered into Executive Session at 7:29 p.m.
The Board returned to Open Session at 7:36 p.m.
No legal action was taken by the Board during Executive Session.

MOTION: Dr. Fromm moved to direct the Executive Director to discuss proposed changes to Article 3 with respect to small business bill of rights and electronic medical records with the rule writer.

SECOND: Dr. Farmer

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

CONSENT AGENDA

I. CASES RECOMMENDED FOR DISMISSAL

1. MD-13-1384A, MARIA LITTLE, M.D., LIC. #26818

Dr. Wolf presented this matter to the Board. He stated that the Outside Medical Consultant ("OMC") who reviewed Dr. Little's care and treatment in this case determined that Dr. Little's clinical approach did not deviate from the standard of care.

MOTION: Dr. Gillard moved for dismissal.

SECOND: Dr. Paul

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

J. LICENSE APPLICATIONS

i. APPROVE OR DENY LICENSE APPLICATION

MOTION: Dr. Krahn moved to approve the license application for item numbers 2-6, 8-17, and 19-21.

SECOND: Dr. Farmer

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

1. MD-15-0242A, LISA W. MURPHY, M.D., LIC. #N/A

Dr. Wolf summarized that Dr. Murphy reported three malpractice cases on the license application. He stated that the first malpractice suit was dismissed, and that the

second was reviewed by an OMC who found no deviations from the standard of care on the part of Dr. Murphy. Dr. Wolf explained that the third malpractice case is currently pending, and that the OMC found it difficult to review the case due to unavailability of the medical records. Dr. Wolf informed the Board that the license application was reviewed by staff, and it was determined that the application should not be delayed any further.

MOTION: Dr. Gillard moved to approve the license.
SECOND: Ms. Salter
VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.
MOTION PASSED.

2. MD-15-0407A, DANIEL L. DARBY, M.D., LIC. #N/A
RESOLUTION: Approve the license application.
3. MD-15-0496A, GARRETT H. RIGGS, M.D., LIC. #N/A
RESOLUTION: Approve the license application.
4. MD-15-0382A, JACK M. BERT, M.D., LIC. #N/A
RESOLUTION: Approve the license application.
5. MD-15-0477A, BASHAR DABBAS, M.D., LIC. #N/A
RESOLUTION: Approve the license application.
6. MD-14-1155A, JEFFREY F. SHALL, M.D., LIC. #N/A
RESOLUTION: Approve the license application.

7. MD-15-0058A, CHRISTOPHER A. MICHAELLES, M.D., LIC. #N/A
Dr. Farmer expressed concern that questions regarding the physician's supervisory role had not been adequately answered for the application to move forward. Dr. Wolf stated that the OMC's primary concern was Dr. Michaelles' involvement in the oversight of the house staff. Board members were in agreement that the complications that occurred were common and are recognized hazards of the procedure; however, Dr. Farmer noted that the issue remains that a response was requested of the applicant and was not received.

MOTION: Dr. Farmer moved for Board staff to obtain the response that was previously requested of the applicant and if the response is satisfactory to staff, grant the license. If the response is not satisfactory to staff, the matter shall proceed with further investigation.
SECOND: Dr. Paul

Dr. Gillard spoke against the motion and stated that this issue should not hold up the license application. Dr. Fromm agreed with Dr. Gillard's comment, and mentioned that the Board can reevaluate this case after the malpractice matter is settled. Dr. Farmer questioned whether the license could be granted and the case be looked at in the future. AAG Smith clarified for the Board that the malpractice case had already been completed and that the Board will not have the opportunity to review this case at another time.

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Dr. Perry, Ms. Brister, Dr. Farmer, Mr. Gerding, Dr. Krahn, Dr. Paul and Ms. Salter. The following Board members voted against the motion: Dr. Gillard, Dr. Berg, Dr. Figge, and Dr. Fromm. The following Board member was absent: Ms. Bain.
VOTE: 7-yay, 4-nay, 0-abstain, 0-recuse, 1-absent.
MOTION PASSED.

Board members requested that the applicant's response be reviewed by the OMC and that the license be granted should the response be satisfactory. AAG Smith clarified for the Board that the license application would need to return to the Board

for consideration to grant or deny the license. Dr. Perry directed staff to add Dr. Michael's application to the Board's next meeting agenda.

8. MD-15-0394A, ANDREA L. GABEL, M.D., LIC. #N/A
RESOLUTION: Approve the license application.
9. MD-15-0398A, GEORGE E. GIBBONS, M.D., LIC. #N/A
RESOLUTION: Approve the license application.
10. MD-15-0391A, LILLIAN S. JARDINE, M.D., LIC. #N/A
RESOLUTION: Approve the license application.
11. MD-15-0403A, LLOYD C. MEEKS, M.D., LIC. #N/A
RESOLUTION: Approve the license application.
12. MD-15-0395A, GERI E. POSS, M.D., LIC. #N/A
RESOLUTION: Approve the license application.
13. MD-15-0392A, STEPHEN C. SIROTA, M.D., LIC. #N/A
RESOLUTION: Approve the license application.
14. MD-15-0411A, HUGH J. WALLACE, M.D., LIC. #N/A
RESOLUTION: Approve the license application.
15. MD-15-0393A, SUSAN NOBLE, M.D., LIC. #N/A
RESOLUTION: Approve the license application.
16. MD-15-0396A, AILEEN GO, M.D., LIC. #N/A
RESOLUTION: Approve the license application.
17. MD-15-0405A, GARY A. BUFFINGTON, M.D., LIC. #N/A
RESOLUTION: Approve the license application.
18. MD-15-0401A, ARMANDO T. MORENO, M.D., LIC. #N/A
Attorney Paul Giancola addressed the Board during the call to the public on behalf of Dr. Moreno. Dr. Wolf summarized that the OMC identified a deviation from the standard of care on the part of Dr. Moreno and that the OMC was concerned with statements made in the applicant's response.

MOTION: Dr. Gillard moved to continue the investigation to allow the applicant the opportunity to complete 5 hours of continuing medical education in acute coronary syndrome and successful passing of an ACLS course. Upon the applicant's successful completion of the recommended course, the license shall be granted.

SECOND: Dr. Paul

Dr. Gillard stated that upon the applicant's successful completion of the recommended course, the Executive Director shall grant the license. AAG Smith clarified that the Board would need to reconsider the license application once the further investigation is complete.

Dr. Gillard withdrew his motion.

MOTION: Dr. Gillard moved to grant the license.

SECOND: Dr. Paul

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

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

19. MD-13-0180A, MARK E. LOGAN, M.D., LIC. #N/A
Dr. Michel Sucher spoke during the call to the public on behalf of Dr. Logan.

RESOLUTION: Approve the license application.

20. MD-15-0192A, RAYMOND L. EMERSON, M.D., LIC. #N/A
RESOLUTION: Approve the license application.

21. MD-15-0570A, MARIA LITTLE, M.D., LIC. #N/A
RESOLUTION: Approve the license application.

ii. **REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING RENEWAL APPLICATIONS**

1. MD-15-0341A, HARSHAD S. PATEL, M.D., LIC. #22757
Attorney Paul Giancola addressed the Board during the call to the public on behalf of Dr. Patel. Ms. R. Shepherd presented this matter to the Board. Dr. Gillard noted that this matter was previously adjudicated by the Board and spoke in favor of granting the license renewal.

MOTION: Dr. Gillard moved to renew the license.

SECOND: Dr. Fromm

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

MOTION: Dr. Farmer moved to adjourn the meeting.

SECOND: Dr. Fromm

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

The meeting adjourned at 7:38 p.m.




Patricia E. McSorley, Executive Director