



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 7, 2015 9535 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
Teresa L. Connolly, D.N.P., R.N., N.E.A.-B.C.
R. Screven Farmer, M.D.
Gary R. Figge, M.D.
Robert E. Fromm, M.D., M.P.H.
Lois E. Krahn, M.D.
Edward G. Paul, M.D.
Wanda J. Salter, R.N.

GENERAL BUSINESS

A. CALL TO ORDER

Dr. Perry called the meeting to order at 8:00 a.m.

B. ROLL CALL

Roll call was taken and the following Board members were in attendance: Dr. Perry, Dr. Gillard, Ms. Brister, Dr. Connolly, Dr. Farmer, Dr. Figge, Dr. Fromm, Dr. Krahn, Dr. Paul, and Ms. Salter. The following Board members were absent: Ms. Bain and Dr. Berg.

ALSO PRESENT

Patricia E. McSorley, Executive Director; Carrie Smith, Assistant Attorney General (AAG); William Wolf, Chief Medical Consultant; Anita Shepherd, Investigations Manager; Mary Bober, Board Operations Manager; Twana Fairbourn, Licensing Manager; Andrea Cisneros, Staff Investigational Review Committee (SIRC) 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.

AA addressed the Board regarding a previously adjudicated matter concerning allegations against Dr. William Leighton. BB and SB addressed the Board regarding a previously adjudicated matter concerning allegations against Dr. Abdul Tajik.

D. EXECUTIVE DIRECTOR'S REPORT

- Introduction of Kristina Fredericksen, Deputy Director
Ms. McSorley reported to the Board that Ms. Fredericksen has started in her role as the new Deputy Director.

- Discussion Regarding Consolidation of Regulatory Boards
Ms. McSorley reported that the Governor's Office had recently sent out a questionnaire to Board members and Executive Directors of all the State's Boards and Commissions. Ms. McSorley noted that the discussion of consolidating Regulatory Boards was also a major topic at a recent 90/10 meeting she had attended, and that she will keep the Board informed of any new information she may receive.
- Update on Board Member Training
Ms. McSorley noted that the Board members were provided a short summary of Board staff's intake and investigation process at the request of Dr. Perry.
- Discussion of Possible November Teleconference Meeting
Ms. McSorley noted that staff was planning a teleconference meeting to be held in November for the Board to consider additional cases and non-case related items.
- Discussion of Possible Changes to Physician Health Program (PHP)
Dr. Stephen Rayle addressed the Board during the call to the public. Ms. McSorley reported that she had met with Drs. Greenberg and Sucher to discuss continual complaints regarding the PHP. She reported that suggestions were provided to Drs. Greenberg and Sucher for their consideration to try to reduce the cost of the monitoring program.

Dr. Farmer directed staff to place the topic of licensees who inadvertently let their licenses lapse and how staff can expedite their licensure on the November agenda. Dr. Gillard directed staff to research other state's statutes and rules regarding a retirement status and asked that the topic be added to a future agenda.

E. CHAIR'S REPORT

- Update on the Board's Offsite Planning Meeting
Dr. Gillard summarized for the Board the multiple topics that were discussed at the Board's September 18, 2015, Offsite Planning Meeting. Ms. Salter thanked Board staff for their hard work regarding the preparation of the entire meeting.

F. LEGAL ADVISOR'S REPORT

- Update on CR2014-005809-001DT *State of Arizona v. Edward Jack Sayegh*
AAG Smith reported to the Board that on August 3, 2015, Dr. Sayegh pled guilty to 6 felonies- 4 class 2 felonies and 2 class 4 felonies. She noted that the plea agreement included a stipulation that Dr. Sayegh surrender his Arizona medical license. However, the sentencing order did not include language accepting the surrender of Dr. Sayegh's license. She reported that the prosecutor filed a motion to amend the order to include the surrender language.
- Request for Board Direction Regarding Previously Disclosed Medical Conditions Reported on Confidential Questionnaire for Renewal Application
MOTION: Dr. Krahn moved to direct staff to process renewal applications routinely under the following conditions:
 - The applicant has previously disclosed the medical condition on a previous application or renewal application and that condition has been reviewed by the Board on at least one occasion;
 - The applicant provides certification from his or her current treating provider that the condition remains substantially the same as previously disclosed, and provides a statement or other evidence showing that they are self-regulating any limiting effects of the condition; and
 - There are no other disciplinary issues disclosed on the renewal application.

SECOND: Dr. Farmer

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

MOTION PASSED.

- Discussion Regarding Review of Prior Malpractice Cases for Initial Applicants
- Update on CV2014-054509

MOTION: Dr. Perry moved to enter into executive session pursuant to A.R.S. § 38-431.03(A)(3) regarding the above two bullet points.

SECOND: Dr. Paul

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

MOTION PASSED.

The Board entered into Executive Session at 3:53 p.m.

The Board returned to Open Session at 4:19 p.m.

The Board took no action during Executive Session.

G. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL OF PROPOSED RULES FOR TITLE 4, CHAPTER 16, ARTICLE 2

Ms. McSorley reported that some minor recommendations were received from stakeholders on the proposed rules. She noted language was changed to consider waiver requests at the Board's next regularly scheduled meeting and that the photo requirement section had a misspelling that was corrected.

Ms. McSorley requested that the Board consider adding a section regarding allowing renewal applicants to request an extension to the 60 days following a deficiency notice.

MOTION: Dr. Krahn moved to approve the proposed rules for Title 4, Chapter 16, Article 2.

SECOND: Ms. Brister

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

MOTION PASSED.

MOTION: Dr. Fromm moved to provisionally approve the draft revision to R4-16-207.D as requested by the Executive Director.

SECOND: Dr. Perry

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

MOTION PASSED.

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

- Request for Direction on Cases and Permission to Allow GACCP to Complete Cases Using New Rule R4-16-201(C)(1)

Ms. McSorley reported that GACCP has 995 applications left to approve. She noted the deadline for completion is November 9, 2015; however, GACCP has the option to request up to four extensions. Ms. McSorley requested the Board consider allowing GACCP to utilize the new rule R4-16-201(C)(1) in regards to the requirement for licensees to produce a notarized statement regarding their birth certificate or passport.

MOTION: Dr. Fromm moved to direct the Executive Director to allow GACCP to complete cases using new rule R4-16-201(C)(1).

SECOND: Ms. Brister

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

MOTION PASSED

Ms. McSorley reported that there are a number of licensees with whom staff has utilized every effort to try to facilitate cooperation who remain uncooperative. Dr. Perry directed staff to agendize this matter for a future teleconference prior to the November 9th deadline.

I. PRESENTATION OF THE LICENSING DEPARTMENT DASHBOARD

Ms. Fairbourn reported to the Board that the Licensing Department's main goal remains to reduce the number of days to issue a license by 50%. She reported that the department's July statistics showed more licenses issued than in any other month.

J. APPROVAL OF MINUTES

MOTION: Dr. Farmer moved to approve the minutes for the April 1, 2015 Regular Session Meeting and the July 9, 2015 Special Teleconference Meeting.

SECOND: Dr. Gillard

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

MOTION PASSED.

LEGAL MATTERS

K. MOTION FOR REHEARING/REVIEW

1. MD-14-0019A, MARK G. WEBB, M.D., LIC. #19868

Ms. Salter was recused from this case. Dr. Webb was present with legal counsel, Mr. Stephen Myers.

MOTION: Dr. Perry moved to enter into executive session pursuant to A.R.S. § 38-431.03(A)(3).

SECOND: Dr. Gillard

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

MOTION PASSED.

The Board entered into Executive Session at 10:17 a.m.

The Board returned to Open Session at 10:27 a.m.

The Board took no action during Executive Session.

Mr. Myers stated that the request before the Board was to rescind the Letter of Reprimand, but not the Probation. He stated the Letter of Reprimand appears to be an excessive sanction and that based on the rehabilitation efforts undertaken and implemented by Dr. Webb together with the Board's own regulations on mitigating and aggravating circumstances, the Board's discipline should be reduced from a Letter of Reprimand and Probation to an Order for Probation only.

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

SECOND: Dr. Paul

VOTE: 9-yay, 0-nay, 0-abstain, 1-recuse, 2-absent

MOTION PASSED.

L. FORMAL INTERVIEWS

1. MD-14-0528B, SURENDRER LOKAREDDY, M.D., LIC. #22345

Dr. Paul was recused from this case. Dr. Lokareddy was present with legal counsel, Mr. Stephen Myers. Board staff summarized that Dr. Lokareddy was found to have deviated from the standard of care by failing to further evaluate for the chorionicity of the pregnancy after a monochorionic/diamniotic twin pregnancy was highly suspected at 15 weeks gestation.

Dr. Lokareddy stated that the patient was referred to a perinatologist who recommended routine care. Dr. Lokareddy opined that had the perinatologist recommended specialized care for the patient, he would have followed that recommendation. When asked whether the patient had been referred for a higher level ultrasound to evaluate the chorionicity of the pregnancy, Dr. Lokareddy stated that the perinatologist was asked to look at that information. Dr. Figge noted that the patient was not transferred to a specialist. Dr. Lokareddy explained that the perinatologist did not indicate that the pregnancy was monochorionic.

In closing, Mr. Myers pointed out that Dr. Lokareddy had relied on the perinatologist's recommendations for the care and treatment of the patient. He also noted that at the time of the incident, consultations were difficult to find due to Yuma's limited availability of perinatologists. Mr. Myers added that Yuma now has two full-time perinatologists and does not believe this matter warrants disciplinary action.

Dr. Figge recognized that this was a difficult and tragic case, and stated that it was Dr. Lokareddy's responsibility to transfer the patient to a higher level of care. Therefore, Dr. Figge found that Dr. Lokareddy engaged in unprofessional conduct in his treatment of this patient.

MOTION: Dr. Figge moved for a finding of unprofessional conduct in violation of A.R.S. § 32-1401(27)(q) – Any conduct or practice that is or might be harmful or dangerous to the health of the patient or the public.

SECOND: Ms. Salter

Dr. Fromm spoke against the motion, noting that Dr. Lokareddy utilized the available experts and followed the recommendations for care. Dr. Figge opined that this matter did not rise to the level of discipline; however, he noted that Dr. Lokareddy was still responsible for the patient's care. Dr. Gillard noted that there were variations on the radiographs and ultrasounds, and spoke for the motion to find unprofessional conduct in this case. Dr. Perry concurred with Dr. Fromm and noted that Dr. Lokareddy did seek out advice from the subspecialist. Dr. Figge noted that the ultrasound was not repeated earlier and spoke for his motion.

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

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

MOTION FAILED.

MOTION: Dr. Gillard moved to dismiss.

SECOND: Dr. Krahn

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

VOTE: 9-yay, 0-nay, 1-recuse, 0-abstain, 2-absent.

MOTION PASSED.

2. MD-13-0930A, ROBERT A. WILLIAMS, M.D., LIC. #12287

Dr. Williams was present with legal counsel, Mr. Cal Raup. Board staff pointed out that this was a continuation of a previous Formal Interview from June 2014, and summarized that Dr. Williams was found to have deviated from the standard of care with regard to his controlled substance prescribing practices. Board staff noted that Dr. Williams completed an assessment at the Center for Personalized Education for Physicians ("CPEP") on September 29-30, 2014. CPEP found Dr. Williams to have generally adequate medical knowledge with significant gaps in psychopharmacology, sleep and substance abuse disorders. Dr. Williams was also found to have inadequate clinical judgment and reasoning, and inadequate documentation in charts submitted for review.

Dr. Williams noted his training experience, and that he has no history of harm to patients in 30 years. Dr. Williams noted he has no history of cognitive problems and that he plans to retire at the age of 75. Dr. Williams reported that he has completed several CME

courses in medical records and that he has converted all his records to the system recommended by the Physician Assessment and Clinical Education (PACE) program.

Dr. Farmer noted that concerns were found regarding Dr. Williams' excessive prescribing, inadequate patient follow up, and inadequate monitoring of the Controlled Substances Prescription Monitoring Program (CSPMP) database for his patients. When asked what changes he has incorporated into his practice since CPEP, Dr. Williams indicated he queries the CSPMP database to check if patients are physician shopping or using benzodiazepines. He noted he no longer prescribes more than one benzodiazepine at a time and that behavioral therapy is now included in the treatment plan. Dr. Farmer noted that despite the changes being incorporated, Dr. Williams' records were still difficult to follow in terms of the rationale of the treatment rendered.

Dr. Paul questioned whether Dr. Williams had incorporated the CPEP recommendation to have an educational preceptor or someone to review his records regarding prescribing. Dr. Williams stated he had the opportunity to ask another psychiatrist to play a part in reviewing his charts. Dr. Krahn expressed concern regarding Dr. Williams' limited documented treatment rationale. She questioned how Dr. Williams knows when a patient is on too much medication. Dr. Williams stated that there is a subjective aspect where the patient feels sedated, he conducts an objective examination to check for indications of the patient being over medicated, and he reviews their side effects. Dr. Krahn suggested that Dr. Williams comply with CPEP's recommendation to obtain a preceptor for educational and documentation purposes.

In closing, Mr. Raup pointed out that Dr. Williams has obtained a large amount of CME in the areas of concern, that he has made changes to his practice, and noted that Dr. Williams continues to modify his approach in treating his patients.

Dr. Farmer recognized that violations of A.R.S. § 32-1401(27)(e) and (q) were sustained by the Board at its June 2014 Formal Interview with Dr. Williams. He stated that he found this case to be very difficult. Dr. Farmer noted several aggravating factors, including serious patient harm in that there was a clear lack of follow up. Dr. Farmer recognized that CPEP found significant gaps in Dr. Williams' pharmacological knowledge and expressed concern regarding whether Dr. Williams is able to practice safely. Dr. Krahn requested that the Board consider restricting Dr. Williams' ability to prescribe both controlled and non-controlled medications. Dr. Farmer found that the recommended Decree of Censure was appropriate and stated that a prescribing restriction is sufficient to protect the public. Board members discussed voting for the action to take immediate effectiveness in order to protect the public safety, health, and welfare.

MOTION: Dr. Farmer moved for a draft Findings of Fact, Conclusions of Law and Order for a Decree of Censure and Three Year Probation. The Probation shall include quarterly chart reviews, at the physician's expense. Dr. Williams shall comply with the CPEP recommendations, including obtaining a Board approved practice monitor. The practice monitor shall report back to the Board immediately regarding any concerns in the physician's prescribing. The Probation shall include concurrent review of all prescribing of controlled substances on a daily basis, and weekly review of all other prescribing. The physician shall be prohibited from prescribing any medication until such time that his practice monitor is approved by Board staff. The Board finds that the Order shall become immediately effective in order to protect the public safety, health, and welfare.

SECOND: Dr. Krahn

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

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

MOTION PASSED.

3. MD-14-1240A, NADIM B. KHATIB, M.D., LIC. #26804

Dr. Khatib was present with legal counsel, Mr. Michael Bradford. Board staff summarized that Dr. Khatib deviated from the standard of care by failing to explore elevated Alkaline phosphatase and inappropriately prescribing Lomotil in a manner not recommended by the FDA; and by failing to adequately address the patient's skin condition, weight loss, and blurry vision concerns, though those were the primary reasons for the visit.

Dr. Khatib expressed his condolences for the family's loss and stated that he did all he could do to try and figure out what was wrong with the patient. Dr. Khatib noted that the patient had been seen by a dermatologist for treatment of his rash that was caused by an allergic reaction. He also noted that the patient had been referred to a number of specialists.

Dr. Gillard questioned why previous medical records were not obtained when the patient presented with a 30lb weight loss. Dr. Khatib stated that the patient did not mention a weight loss when he first presented and noted that the patient's weight was recorded the same at the first visit as it was when the patient presented to the Emergency Department (ED). Dr. Khatib explained to the Board that the rash was not recorded on the review of symptoms in the chart due to the patient having been seen by the dermatologist a week prior to his initial visit, and Dr. Khatib did not identify a rash upon initial exam. Dr. Gillard noted concerns with Dr. Khatib's records and that a transfer to the ED was never made. Dr. Khatib indicated that a transfer agreement with that particular ED had been difficult to obtain in the past. Dr. Khatib commented that the diagnosis of Hodgkin's Lymphoma was not a top consideration since the patient's complaints regarding diarrhea seemed to be the major problem at the time. Dr. Khatib stated that he did refer the patient to multiple gastroenterology specialists.

Dr. Farmer expressed concern regarding Dr. Khatib's report of no rash in the medical record while another physician did note a rash. Dr. Paul stated that he found Dr. Khatib's notes were thorough and opined that there was nothing in the record that would have pointed to lymphoma. Dr. Gillard noted that Dr. Khatib did not request the previous treating physician's records until after the patient had expired. Dr. Gillard opined that this was not a straight forward diagnosis and noted there were problems with Dr. Khatib's records in regards to the patient's rash.

MOTION: Dr. Gillard moved to return the case for further investigation to review a potential medical recordkeeping violation.

SECOND: Dr. Perry

Dr. Paul spoke against the motion, stating that Dr. Khatib's records appeared to be thoughtful and thorough.

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

MOTION PASSED.

M. FORMAL INTERVIEWS

1. MD-14-0553A, MIRNA DEMIRDJIAN, M.D., LIC. #42234

Dr. Demirdjian was present with legal counsel, Ms. Susan McLellan. Board staff summarized that on her renewal, Dr. Demirdjian reported a requirement by Banner to have a supervisor present during any obstetrics and gynecological procedures. Dr. Demirdjian recognized that she had documentation issues and stated that she has amended her recordkeeping. Ms. McLellan noted that the incidences in question occurred in 2011-2012 and reported that there have been no further issues or concerns regarding Dr. Demirdjian's care. Ms. McLellan noted that Dr. Demirdjian was placed with a supervisor who was mentoring and counseling her regarding documentation and communication.

Board members discussed with Dr. Demirdjian the quality of care concerns identified by Banner in the underlying patient cases. The Board recognized that Dr. Demirdjian has reported completion of a medical recordkeeping course. When asked whether she has implemented changes since completing the coursework, Dr. Demirdjian stated that she has made significant changes in her practice to ensure that all patient interactions are documented in the chart.

Dr. Demirdjian stated that she remained in contact with her supervisor, even after this requirement was removed. Dr. Paul noted that the hospital's intervention seemed to have helped Dr. Demirdjian's practice; however, he found that Dr. Demirdjian engaged in unprofessional conduct.

MOTION: Dr. Paul 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 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. Farmer

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

MOTION PASSED.

Dr. Paul noted Dr. Demirdjian's history and stated that since there was potential harm, this matter did rise to the level of discipline.

MOTION: Dr. Paul moved for a Draft Findings of Fact, Conclusions of Law and Order for a Letter of Reprimand.

SECOND: Dr. Krahn

Dr. Fromm noted that there was substantial remediation by Dr. Demirdjian. He found that this matter does not rise to the level of discipline and recommended an Advisory Letter be issued. Several Board members spoke in favor of issuing an Advisory Letter for tracking purposes, noting that the recommendations made by SIRC have been undertaken by the physician having had completed recordkeeping CME and having a supervisor involved in her practice. Dr. Paul withdrew his motion.

MOTION: Dr. Fromm moved to issue an Advisory Letter for violations of A.R.S. § 32-1401(27)(e) and (q). While the licensee has demonstrated substantial compliance through remediation that has mitigated the need for disciplinary action, the Board believes that repetition of the activities that led to the investigation may result in further Board action against the licensee.

SECOND: Ms. Brister second

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

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

MOTION PASSED.

MOTION: Dr. Paul moved to grant the license renewal.

SECOND: Dr. Gillard

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

MOTION PASSED.

2. MD-14-0586A, PETER L. POWERS, M.D., LIC. #20371

Dr. Powers appeared with legal counsel, Mr. Rick Delo. Board staff summarized that Dr. Powers was found to have falsely attested that he reviewed the CSPMP database on medical marijuana certification (MMC) forms. Dr. Powers stated that his practice was sold to a nurse practitioner who became his employer. Dr. Powers indicated that the nurse practitioner assured him she was performing CSPMP database queries on all patients

receiving MMC. Dr. Powers reported that he no longer issues MMC and that he no longer has a medical practice.

Dr. Figge questioned whether Dr. Powers understood that by marking the checkbox on the MMC form regarding the CSPMP database query, he was attesting to having queried the database prior to issuing the certification. Dr. Powers explained that he was not aware that he was required to personally query the database, and that it was his understanding that the nurse was performing those queries. Dr. Powers stated that the form could be clearer, and reiterated that he no longer issues MMCs.

In closing, Mr. Delo stated that Dr. Powers did not knowingly falsify the documentation, that he personally examined all of the patients who received MMCs, and that he relied on the nurse practitioner to perform the CSPMP queries. Dr. Figge noted that a substantial number of certification forms were signed without obtaining information from the CSPMP database. Dr. Figge found that the MMC form clearly states that the physician issuing the certification, not staff, queried the CSPMP database. Dr. Figge, therefore, spoke in favor of a finding of unprofessional conduct.

MOTION: Dr. Figge moved for a finding of unprofessional conduct in violation of A.R.S. § 32-1401(27)(t) - Knowingly making any false or fraudulent statement, written or oral, in connection with the practice of medicine or if applying for privileges or renewing an application for privileges at a health care institution.

SECOND: Dr. Krahn

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

MOTION PASSED.

MOTION: Dr. Figge moved for a draft Findings of Fact, Conclusions of Law and Order for a Letter of Reprimand.

SECOND: Ms. Salter

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

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

MOTION PASSED.

3. MD-14-0652A, MARK D. LOCKETT, M.D., LIC. #30405

Dr. Lockett was present without legal counsel. Board staff summarized that Dr. Lockett failed to timely report a DUI to the Board and failed to disclose the DUI on his license renewal application. Board staff added that after undergoing a PHP assessment, it was recommended that Dr. Lockett participate in PHP for a period of two years.

Dr. Lockett indicated that he understood that he answered a question incorrectly on his renewal application, and that it was not his intention to mislead the Board. Dr. Lockett stated that once he became aware of the error, he attempted to correct his license renewal application. He reported that he has been sober for three years and that he has adopted better coping mechanisms in his life.

MOTION: Dr. Fromm moved for a Finding of unprofessional conduct in violation of A.R.S. § 32-1401(27)(a) - Violating any federal or state laws or rules and regulations applicable to the practice of medicine; A.R.S. § 32-1401(27)(f) - Habitual intemperance in the use of alcohol or for habitual substance abuse; and A.R.S. § 32-1401(27)(jj) - Knowingly making a false or misleading statement to the board or on a form required by the board or in a written correspondence, including attachments, with the board.

SECOND: Dr. Paul

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

MOTION PASSED.

Dr. Gillard questioned whether PHP monitoring was warranted, noting that the physician testified that he has had 3 years of sobriety. Board members spoke in favor of SIRC's recommendation to issue an Advisory Letter.

MOTION: Dr. Fromm moved to Issue an Advisory Letter for violating A.R.S. § 32-1401(27)(a) by failing to timely report the DUI to the Board, A.R.S. § 32-1401(27)(f) by having been charged with a DUI, and A.R.S. § 32-1401(27)(jj) by failing to report the DUI arrest on his license renewal application. While the licensee has demonstrated substantial compliance through rehabilitation that has mitigated the need for disciplinary action, the Board believes that repetition of the activities that led to the investigation may result in further Board action against the licensee.

SECOND: Dr. Figge

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

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

MOTION PASSED.

MOTION: Dr. Fromm moved to terminate the Interim Order for PHP participation.

SECOND: Ms. Salter

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

MOTION PASSED.

CONSENT AGENDA

N. CASES RECOMMENDED FOR DISMISSAL

MOTION: Dr. Gillard moved to dismiss item numbers 2-5, and 7-9.

SECOND: Dr. Farmer

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

MOTION PASSED.

1. MD-14-0970A, MIRELA E. PONDUCHI, M.D., LIC. #42568

Board staff summarized that Dr. Ponduchi indicated that she inadvertently charted two examinations in the medical record. In her response to the Board, Dr. Ponduchi stated that she failed to correct the error even after it was recognized. Board staff reported that Dr. Ponduchi submitted proof that she completed CME in an effort to prevent a future occurrence. Dr. Gillard stated that he found it distressing that Dr. Ponduchi dictated a history and physical in the medical records without personally seeing the patient, and stated that the issuance of an Advisory Letter was warranted.

MOTION: Dr. Gillard moved to issue an Advisory Letter for inadequate medical records in violation of A.R.S. § 32-1401(27)(e). There is insufficient evidence to support disciplinary action.

SECOND: Dr. Farmer

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

MOTION PASSED.

2. MD-14-1223A, ERNEST J. CAMPONOVO, M.D., LIC. #33738

RESOLUTION: Dismiss.

3. MD-14-0639A, LYUBA BELITSKY, M.D., LIC. #35776

RESOLUTION: Dismiss.

4. MD-14-1159A, JOILO C. BARBOSA, M.D., LIC. #41938

RESOLUTION: Dismiss.

5. MD-14-0767A, MITZI J. BARMATZ, M.D., LIC. #24224

RESOLUTION: Dismiss.

6. MD-14-1500A, AMANDEEP S. SODHI, M.D., LIC. #24427

Board staff summarized that Dr. Sodhi was initially found to have deviated from the standard of care in that he failed to consider the possible diagnosis of and delayed the treatment for a pulmonary embolism. Board staff noted that based on the explanation provided by Dr. Sodhi in his supplemental response, the Medical Consultant (MC) changed his opinion and found that Dr. Sodhi did consider a pulmonary embolism and therefore found that Dr. Sodhi met the standard of care.

Dr. Gillard agreed with the MC's initial report in that Dr. Sodhi did deviate from the standard of care and opined that this matter should not be dismissed. Dr. Gillard expressed concern with Dr. Sodhi's records in that he added information after the patient was discharged from his care. Dr. Perry opined that pulmonary embolisms require emergency attention and agreed with not dismissing this matter. Dr. Gillard expressed concern with Dr. Sodhi's lack of understanding of the risk of a pulmonary embolism in this type of patient. Dr. Gillard stated that this was a life threatening matter and spoke in favor of issuing an Advisory Letter.

MOTION: Dr. Gillard moved to issue an Advisory Letter for failure to recognize initially pulmonary embolism in a high risk patient in violation of A.R.S. § 32-1401(27)(q). There is insufficient evidence to support disciplinary action.

SECOND: Dr. Figge

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

MOTION PASSED.

7. MD-14-0552A, CHRIS T. GEOHAS, M.D., LIC. #31187

RESOLUTION: Dismiss.

8. MD-14-1644A, JONATHAN L. STREETER, M.D., LIC. #42007

RESOLUTION: Dismiss.

9. MD-14-1584B, KAN YU, M.D., LIC. #36498

RESOLUTION: Dismiss.

O. CASES RECOMMENDED FOR ADVISORY LETTERS

MOTION: Dr. Perry moved to issue Advisory Letters in item numbers 2, and 4-8.

SECOND: Dr. Paul

VOTE: 10-yay, 0-nay, 0-abstain, (1-recuse in item #4), 2-absent

MOTION PASSED.

1. MD-14-0798A, KEN-RYU HAN, M.D., LIC. #32281

Dr. Gillard noted that the MC found that the patient's testosterone levels were in the lower part of normal range, and that there were several other risk factors that would have contributed to the patient's cardiovascular disease. Dr. Gillard opined that it was difficult to believe that the testosterone replacement therapy was the cause of the patient's cardiovascular disease and spoke in favor of dismissing the case. Dr. Paul noted that new studies are published every few months regarding testosterone replacement therapy and that the evidence does not support that the therapy was the cause of the patient's stroke. Dr. Farmer opined that the therapy was not adequately supported by the medical records and was in favor of issuing an Advisory Letter. Dr. Fromm spoke for the motion and noted that erectile dysfunction is difficult to treat even with a short form of therapy.

MOTION: Dr. Gillard moved to dismiss

SECOND: Dr. Fromm

VOTE: 9-yay, 0-nay, 0-recuse, 1-abstain, 2-absent.

MOTION PASSED.

2. MD-14-1054A, KRISTINE A. ROMINE, M.D., LIC. #31198
RESOLUTION: Issue an Advisory Letter for inadequate communication regarding an abnormal chest x-ray, for inadequate supervision, and for inadequate documentation. While the licensee has demonstrated substantial compliance through remediation that has mitigated the need for disciplinary action, the Board believes that repetition of the activities that led to the investigation may result in further Board action against the licensee.

3. MD-14-1338A and MD-15-0163A, ARUN D. SHERMA, M.D., LIC. #33509
Dr. Krahn expressed concern that the letter to patients regarding the transition of care was not sufficient for the patients affected by the closing of the physician's practice. Dr. Gillard agreed with Dr. Krahn's comment, but stated that he found that this matter did not rise to the level of discipline. Dr. Gillard added that a requirement to complete CME is unwarranted since Dr. Sherma is no longer in practice.

MOTION: Dr. Fromm moved to Issue an Advisory Letter for inadequate medical records, and for failing to make patient medical records in the physician's possession promptly available. There is insufficient evidence to support disciplinary action.

SECOND: Dr. Figge

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

MOTION PASSED.

4. MD-14-1381A and MD-14-1407A, WILLIAM D. LEIGHTON, M.D., LIC. #12814
Dr. Perry was recused from this case. SB addressed the Board during the call to the public regarding case MD-14-1407A.

RESOLUTION: Issue an Advisory Letter for inadequate medical records. 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.

5. MD-13-1457A, DAVID C. ZEMAN, M.D., LIC. #16972
RESOLUTION: Issue an Advisory Letter for inadequate medical records. There is insufficient evidence to support disciplinary action.

6. MD-14-1368A, SEAN P. MAYO, M.D., LIC. #33438
RESOLUTION: Issue an Advisory Letter for failure to attempt placement of a central line and for failure to consider chemical restraint in a critical, combative trauma patient. There is insufficient evidence to support disciplinary action.

7. MD-14-1459A, YANG AHN, M.D., LIC. #40083
RESOLUTION: Issue an Advisory Letter for issuing acupuncture needles without a prescription. There is insufficient evidence to support disciplinary action.

8. MD-13-1417A, DAVID C. JOHNSON, M.D., LIC. #14158
Dr. Perry stated that he knows Dr. Johnson professionally, but that it would not affect his ability to adjudicate the case. Dr. Johnson and Attorney Andrew Rosenzweig addressed the Board during the call to the public.

MOTION: Dr. Perry moved to reopen this item.

SECOND: Dr. Farmer

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

MOTION PASSED.

Dr. Perry opined that Dr. Johnson did not practice below the standard of care and in considering the mitigating issues, recommended that this matter be dismissed.

MOTION: Dr. Perry moved to reconsider the Advisory Letter and dismiss.

SECOND: Dr. Farmer

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

MOTION PASSED.

9. MD-14-1622A, RAUL CURIEL, M.D., LIC. #47373

Dr. Farmer noted this matter involved an x-ray being lost during an office transition and recognized that Dr. Curiel made an effort to repeat the x-ray. Dr. Gillard noted that the patient had left without having the x-ray repeated.

MOTION: Dr. Farmer moved to dismiss.

SECOND: Dr. Gillard

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

MOTION PASSED.

10. MD-14-0534A, DANIEL J. ENGLE, M.D., LIC. #40488

Board staff summarized that this matter was reviewed by two MCs who both found that Dr. Engle deviated from the standard of care. Dr. Farmer expressed concern regarding the finding of both MCs that the patient was not properly evaluated. He agreed with the second MC's recommendation for chart reviews. Dr. Paul noted that the complainant had attempted to withdraw her complainant and questioned whether this matter should be dismissed. Dr. Krahn agreed with Dr. Farmer and expressed concern regarding the mismatch between the problems presented and the type of treatment proposed. Dr. Farmer recognized the complainant's attempt to withdraw the complaint, but remained concerned regarding the treatment provided.

MOTION: Dr. Farmer moved to return the case for further investigation for the performance of a chart review.

SECOND: Dr. Krahn

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

MOTION PASSED.

11. MD-14-0902A, MADONNA C. MALLARI, M.D., LIC. #33207

Dr. Gillard noted the recommendation to issue an Advisory Letter for termination of a patient without proper notice. Dr. Gillard recognized that the patient had presented to Dr. Mallari with multiple conditions that were being treated by other physicians, and spoke in favor of dismissal.

MOTION: Dr. Gillard moved to dismiss.

SECOND: Dr. Perry

Dr. Paul noted that the termination of care seemed relatively abrupt. Board staff pointed out that Dr. Mallari had recommended that the patient see a chronic pain specialist prior to the termination of care. Dr. Figge commented that the process of the termination could have been handled differently and stated that an Advisory Letter would be sufficient. Dr. Fromm noted that there were multiple mitigating factors involved in this case, including the fact that there were other treating physicians involved in this patient's care.

VOTE: 9-yay, 1-nay, 0-recuse, 0-abstain, 2-absent.

MOTION PASSED.

P. CASES RECOMMENDED FOR ADVISORY LETTERS WITH NON-DISCIPLINARY CONTINUING MEDICAL EDUCATION (CME) ORDERS

MOTION: Dr. Perry moved to issue an Advisory Letter with Non-Disciplinary CME Order in item number 1.

SECOND: Dr. Gillard

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

MOTION PASSED.

1. MD-14-1486A, ROBERT W. KOEPKE, M.D., LIC. #7706

RESOLUTION: Issue an Advisory Letter for failure to properly interpret pediatric x-rays; and Order for Non-Disciplinary CME for failure to properly interpret pediatric x-rays. Within six months, complete a minimum of 10 hours of Board staff pre-approved Category I CME in interpretation of pediatric imaging. The CME hours shall be in addition to the hours required for license renewal. While there is insufficient evidence to support disciplinary action, the Board believes that the activities that led to the investigation may result in further Board action against the licensee.

2. MD-14-0417A, PHAT D.P. HOANG, M.D., LIC. #23025

Dr. Hoang addressed the Board during the call to the public. Dr. Gillard expressed concern regarding Dr. Hoang's failure to document his physician assistant's name in patient records. Dr. Gillard noted that the case had been referred to the Office of the Inspector General (OIG) and Arizona Health Care Cost Containment System (AHCCCS) for review of the billing practices. Dr. Gillard expressed concern with making a decision prior to hearing from the two agencies in regards to whether there is a finding of a criminal violation.

Dr. Fromm stated that any comments from the OIG and AHCCCS would not change his perspective, and that he agreed with the recommended Advisory Letter and Non-Disciplinary CME Order. Dr. Figge was concerned with Dr. Hoang's justification for his billing practices and stated this should be further investigated by the Board. Dr. Gillard agreed and stated that additional investigation is warranted.

MOTION: Dr. Gillard moved to return the case for further investigation for further consideration of the potential for fraudulent billing practices and have the matter return to the Board once the additional investigation is complete.

SECOND: Ms. Brister

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

MOTION PASSED.

Q. REVIEW OF EXECUTIVE DIRECTOR DISMISSALS

MOTION: Dr. Perry moved to uphold the dismissals in item numbers 1-4, 6 and 7.

SECOND: Dr. Gillard

VOTE: 10-yay, 0-nay, 0-abstain, (1-recuse in item #'s 1 and 2), 2-absent

MOTION PASSED.

1. MD-14-1343A, WILLIAM D. LEIGHTON, M.D., LIC. #12814

Dr. Perry was recused from this case. HS and JRS addressed the Board during the call to the public.

RESOLUTION: Uphold the dismissal.

2. MD-14-1312A, KIRK B. ANDERSON, M.D., LIC. #14560

Dr. Perry was recused from this case.

RESOLUTION: Uphold the dismissal.

3. MD-14-1057A, RAVI GUPTA, M.D., LIC. #33007

RESOLUTION: Uphold the dismissal.

4. MD-15-0259A, GEORGE F. GWINN, M.D., LIC. #25811

RESOLUTION: Uphold the dismissal.

5. MD-14-1376A, ROOZBEH RASSADI, M.D., LIC. #37861

Dr. Perry expressed concern regarding the patient being sent home without any monitoring and noted that the patient was not adequately evaluated. Dr. Gillard

recommended that the case be reviewed by a physician who specializes in laparoscopic hernia repair. Dr. Perry recommended the issuance of an Advisory Letter for the physician's failure to recognize a serious postoperative complication. Dr. Paul noted Dr. Rassadi was previously issued an Advisory Letter. Board members discussed returning the matter for review by a MC who is skilled in laparoscopic hernia repair.

MOTION: Dr. Krahn moved to return the case for further investigation of the physician's failure to recognize a serious postoperative complication. The matter shall be reviewed by a Medical Consultant who is skilled in laparoscopic hernia repair.

SECOND: Dr. Farmer

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

MOTION PASSED.

6. MD-15-0634A, RICK SLOAN, M.D., LIC. #33520
RESOLUTION: Uphold the dismissal.
7. MD-14-1206A, BYRON H. WILLIS, M.D., LIC. #30100
RESOLUTION: Uphold the dismissal.

R. PROPOSED CONSENT AGREEMENTS (Disciplinary)

MOTION: Dr. Gillard moved to accept the proposed Consent Agreements for item numbers 1-4.

SECOND: Dr. Krahn

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

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

MOTION PASSED.

1. MD-14-1606A, ANTOINE M. ADEM, M.D., LIC. #28703
RESOLUTION: Accept the proposed Consent Agreement for Letter of Reprimand.
2. MD-14-0318A, DENNIS L. LITTLE, M.D., LIC. #13890
RESOLUTION: Accept the proposed Consent Agreement for Decree of Censure and Probation.
3. MD-14-0957B, ARTHUR T. WOLFF, M.D., LIC. #43894
RESOLUTION: Accept the proposed Consent Agreement for Letter of Reprimand.
4. MD-14-0549A, REDENTOR T. ESPIRITU, M.D., LIC. #31859
RESOLUTION: Accept the proposed Consent Agreement for Letter of Reprimand and Probation.

S. LICENSE APPLICATIONS

i. APPROVE OR DENY LICENSE APPLICATION

MOTION: Dr. Farmer moved to grant the license in item numbers 1, 3-11, 13-16, 18-24, and 26-32.

SECOND: Dr. Krahn

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

MOTION PASSED.

1. MD-15-0836A, TODD E. IGNARSKI, M.D., LIC. #N/A
RESOLUTION: Grant the license.
2. MD-15-1036A, SAMUEL F. BARKER, M.D., LIC. #N/A

Dr. Barker addressed the Board during the call to the public. Board staff summarized that Dr. Barker reported he was placed on review during his post-graduate training. Dr. Krahn noted that there were multiple issues identified during Dr. Barker's residency. She also noted Dr. Barker is not licensed in any other jurisdiction. Dr. Gillard noted that Dr. Barker was in good standing when he left his residency in Obstetrics and Gynecology and that he did complete the one year of post graduate training required for Arizona licensure.

MOTION: Dr. Fromm moved to grant the license.

SECOND: Dr. Gillard

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

MOTION PASSED.

3. MD-15-0843A, MARVIN J. ATCHISON, M.D., LIC. #N/A
RESOLUTION: Grant the license.
4. MD-15-0587A, STEPHEN L. ROSE, M.D., LIC. #N/A
RESOLUTION: Grant the license.
5. MD-15-0592A, MARIAN E. BONNER, M.D., LIC. #N/A
RESOLUTION: Grant the license.
6. MD-15-0986A, SHAWN H. NGUYEN, M.D., LIC. #N/A
RESOLUTION: Grant the license.
7. MD-15-0955A, FRANK R. GRAYBEAL, M.D., LIC. #N/A
RESOLUTION: Grant the license.
8. MD-15-0954A, DAVID A. FARCY, M.D., LIC. #N/A
RESOLUTION: Grant the license.
9. MD-15-0942A, PATRICK M. LASSEN, M.D., LIC. #N/A
RESOLUTION: Grant the license.
10. MD-15-1086A, ANDREW B.G. KAIRALLA, M.D., LIC. #N/A
RESOLUTION: Grant the license.
11. MD-15-1088A, MICHAEL E. HOGUE, M.D., LIC. #N/A
RESOLUTION: Grant the license.
12. MD-15-0842A, SHRADDHA S. PATEL, M.D., LIC. #N/A
Dr. Gillard expressed concern with the reported malpractice case and questioned whether there were any open investigations regarding Dr. Patel's Michigan medical license. Board staff informed the Board that there have been no reports of pending investigations.
MOTION: Dr. Gillard moved to grant the license.
SECOND: Dr. Fromm
VOTE: 10-yay, 0-nay, 0-recuse, 0-abstain, 2-absent.
MOTION PASSED.
13. MD-15-1136A, MURALIKRISHNA K. BHAT, M.D., LIC. #N/A
RESOLUTION: Grant the license.
14. MD-15-1087A, IAN A. KELLMAN, M.D., LIC. #N/A
RESOLUTION: Grant the license.
15. MD-15-1092A, ZUBEIR N. JAFFER, M.D., LIC. #N/A

RESOLUTION: Grant the license.

16. MD-15-1093A, RAMAN DANRAD, M.D., LIC. #N/A

RESOLUTION: Grant the license.

17. MD-15-0938A, MOHAN J. NARAYANAN, M.D., LIC. #N/A

Dr. Fromm was recused from this case. Board members noted that Dr. Narayanan disclosed action taken by the Maricopa Medical Center on his license application. Dr. Krahn expressed concern that Dr. Narayanan did not view the incident at the Maricopa Medical Center as having been disciplinary in nature. Dr. Gillard noted that the issue had been remediated and spoke in favor of granting Dr. Narayanan a license.

MOTION: Dr. Gillard moved to grant the license.

SECOND: Dr. Farmer

VOTE: 9-yay, 0-nay, 1-recuse, 0-abstain, 2-absent.

MOTION PASSED.

18. MD-15-1023A, JOHN R. THOMPSON, M.D., LIC. #N/A

RESOLUTION: Grant the license.

19. MD-15-1032A, MATTHEW J. NUNNELLEY, M.D., LIC. #N/A

RESOLUTION: Grant the license.

20. MD-15-1159A, REGINALD D. WESTMACOTT, M.D., LIC. #N/A

RESOLUTION: Grant the license.

21. MD-15-0975A, NAISHAD DOCTOR, M.D., LIC. #N/A

RESOLUTION: Grant the license.

22. MD-15-0830A, RICHARD T. BLASZAK, M.D., LIC. #N/A

Dr. Mark Joseph addressed the Board during the call to the public.

RESOLUTION: Grant the license.

23. MD-15-0904A, TODD A. LARSON, M.D., LIC. #N/A

RESOLUTION: Grant the license.

24. MD-15-1160A, CLARISSE E. NOEL, M.D., LIC. #N/A

RESOLUTION: Grant the license.

25. MD-15-1161A, KOFI B. TURKSON, M.D., LIC. #N/A

Dr. Gillard noted Dr. Turkson disclosed on his license application a previous hospital suspension. Dr. Gillard expressed concern regarding Dr. Turkson's medical knowledge and proposed requesting that Dr. Turkson complete the Special Purpose Examination (SPEX). Dr. Perry suggested inviting the applicant for a Formal Interview before the Board.

MOTION: Dr. Gillard moved to invite the applicant before the Board for a Formal Interview.

SECOND: Dr. Perry

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

MOTION PASSED.

26. MD-15-0794A, MARK J. GIOVANNETTI, M.D., LIC. #N/A

RESOLUTION: Grant the license.

27. MD-15-1007A, MARY-JANE T. BARTH, M.D., LIC. #N/A

RESOLUTION: Grant the license.

28. MD-15-1180A, BARBARA S. ECHO, M.D., LIC. #N/A

RESOLUTION: Grant the license.

29. MD-15-0555A, LLOYD D. WAGNER, M.D., LIC. #N/A

RESOLUTION: Grant the license.

30. MD-15-1182A, MATTHEW J. BRITTON, M.D., LIC. #N/A

RESOLUTION: Grant the license.

31. MD-15-1193A, JONATHAN S. BECKER, M.D., LIC. #N/A

RESOLUTION: Grant the license.

32. MD-15-0792A, MARIA STOCKMAN, M.D., LIC. #N/A

Dr. Stephen Finberg addressed the Board during the call to the public on behalf of Dr. Stockman.

RESOLUTION: Grant the license.

33. MD-15-0973A, ROBERT B. BARLOW, M.D., LIC. #N/A

MOTION: Dr. Gillard moved to invite the applicant to appear before the Board for a Formal Interview.

SECOND: Dr. Perry

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

MOTION PASSED.

ii. RENEWAL APPLICATIONS

1. MD-15-0145A, ROBERT F. GRAVES, M.D., LIC. #14303

Dr. Gillard spoke against the Consent Agreement for Decree of Censure and stated that he believes this matter warrants the issuance of a Letter of Reprimand. AAG Smith pointed out that the Board accepted the Consent Agreement at a previous meeting and requested the Board table this matter to allow her time to research the Board's options when considering modification of a Consent Agreement.

MOTION: Dr. Perry moved to table this item.

SECOND: Dr. Gillard

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

MOTION PASSED.

The Board returned to this matter and AAG Smith reported that the Board may modify a Consent Agreement if all parties are in agreement.

MOTION: Dr. Gillard moved to offer the physician a modification of the Consent Agreement from a Decree of Censure to a Letter of Reprimand and if he accepts, re-agendize the matter for the Board to approve the modified Consent Agreement.

SECOND: Dr. Perry

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

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

MOTION: Dr. Farmer moved to grant the renewal.

SECOND: Dr. Perry

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

MOTION PASSED.

iii. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING RENEWAL APPLICATION AND CONSIDERATION OF RECOMMENDED DISMISSAL OF PENDING INVESTIGATION

MOTION: Dr. Gillard moved to dismiss the pending investigation and grant the license renewal in item numbers 1-3.

SECOND: Dr. Krahn

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

MOTION PASSED.

1. MD-15-0688A, EUGENE F. BARASCH, M.D., LIC. #37514
RESOLUTION: Dismiss the pending investigation and grant the renewal.
2. MD-15-0681A, ABDI TINWALLA, M.D., LIC. #46972
RESOLUTION: Dismiss the pending investigation and grant the renewal.
3. MD-15-0463A, HOWARD M. HACK, M.D., LIC. #41179
RESOLUTION: Dismiss the pending investigation and grant the renewal.

iv. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING RENEWAL APPLICATION AND REQUEST FOR BOARD DIRECTION

MOTION: Dr. Perry moved to enter into executive session pursuant to A.R.S. § 38-431.03(A)(2) and (3).

SECOND: Dr. Gillard

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

MOTION PASSED.

The Board entered into Executive Session at 3:22 p.m.

The Board returned to Open Session at 3:28 p.m.

The Board took no action during Executive Session.

MOTION: Dr. Farmer moved to grant the license renewal in items 1 and 2.

SECOND: Dr. Paul

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

MOTION PASSED.

1. MD-15-0791A, KELLY A. TYLER, M.D., LIC. #40880
RESOLUTION: Grant the license renewal.
2. MD-15-0987A, JEROME D. VENER, M.D., LIC. #22870
RESOLUTION: Grant the license renewal.

v. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING APPLICANT'S REQUEST FOR WAIVER OF PRIMARY SOURCE REQUIREMENT

1. HENRY RICHTER, M.D.

Board staff summarized that Dr. Richter requested waiver of the primary source requirement for his Post-Graduate Training certificate from Naval Regional Medical Center (NRMC). Board staff explained that correspondence from NRMC noted their retention schedule for credential records, suggesting that the record was destroyed.

MOTION: Dr. Gillard moved to grant the applicant's request for waiver of primary source requirement.

SECOND: Dr. Fromm

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

MOTION PASSED.

2. HOMAYOUN FARAHANI, M.D.

Board staff summarized that Dr. Farahani requested waiver of the primary source requirement for his hospital affiliation with Quincy Medical Center. Dr. Farahani provided Board staff with a news article documenting the closure of the facility.

MOTION: Dr. Gillard moved to grant the applicant's request for waiver of primary source requirement.

SECOND: Dr. Farmer

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

MOTION PASSED.

ACTION ON CASE(S)

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

1. MD-13-0787A, TONG LI, M.D., LIC. #27967

MOTION: Dr. Gillard moved to approve the draft Findings of Fact, Conclusions of Law and Order for Letter of Reprimand and Probation.

SECOND: Dr. Farmer

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

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

MOTION PASSED.

OTHER BUSINESS

U. REQUEST FOR TERMINATION OF BOARD ORDER

1. MD-03-1016A, HARA P. MISRA, M.D., LIC. #14933

Board staff summarized that Dr. Misra requested termination of his 2008 Board Order. Board staff reported that Dr. Misra has been compliant with the terms of Probation. Board members noted that numerous chart reviews were performed during the probationary period, and that no disciplinary action has resulted from the chart reviews.

MOTION: Dr. Gillard moved to grant the request for Board Order termination.

SECOND: Dr. Farmer

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

MOTION PASSED.

2. MD-15-0277A, ROBERT J. MONDSCHHEIN, M.D., LIC. #32344

Dr. Mondschein addressed the Board during the call to the public. Board staff summarized that Dr. Mondschein requested termination of his Interim Practice Restriction. Dr. Sucher reported that Dr. Mondschein admitted to submitting meeting logs that were falsified and that Dr. Mondschein is currently financially non-compliant with the PHP. Dr. Sucher noted major concerns with Dr. Mondschein's professional judgement and lack thereof, and stated that he cannot recommend lifting the Interim Practice Restriction at this time.

MOTION: Dr. Farmer moved to deny the request for termination of the Interim Practice Restriction.

SECOND: Ms. Salter

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

MOTION PASSED.

3. MD-14-0230A, MARK R. AUSTEIN, M.D., LIC. #14196

Board staff summarized that Dr. Austein requested termination of his Interim Practice Limitation. Dr. Sucher opined that Dr. Austein is safe to return to practice once he presents with a negative buprenorphine urine drug test. Dr. Sucher also noted his

recommendation to Dr. Austein to have a licensed practitioner as a worksite monitor upon his return to practice. Board members spoke in favor of terminating the Interim Practice Limitation, contingent upon a negative buprenorphine urine drug test.

MOTION: Dr. Fromm moved to grant the request to terminate the Interim Practice Limitation, subject to a negative buprenorphine urine drug test.

SECOND: Dr. Krahn

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

MOTION PASSED.

MOTION: Dr. Fromm moved to adjourn the meeting.

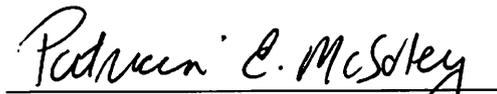
SECOND: Dr. Farmer

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

MOTION PASSED.

The meeting adjourned at 4:58 p.m.




Patricia E. McSorley, Executive Director