



Arizona Medical Board

9545 East Doubletree Ranch Road • Scottsdale, Arizona 85258

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

FINAL MINUTES FOR EMERGENCY TELECONFERENCE MEETING

Held on Monday, December 28, 2015

9545 E. Doubletree Ranch Road, Scottsdale, Arizona 85258

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 6:02 p.m.

B. ROLL CALL

The following Board members participated telephonically: Dr. Perry, Dr. Gillard, Dr. Berg, Ms. Brister, Dr. Farmer, Dr. Figge, Dr. Fromm, Dr. Krahn, Dr. Paul, Ms. Salter, and Dr. Connolly. The following Board member was absent: Ms. Bain

ALSO PRESENT

The following Board staff participated telephonically: Anne Froedge, Assistant Attorney General ("AAG"). The following were present among Board staff: Patricia E. McSorley, Executive Director; Raquel Rivera, Investigations Assistant Manager; Kathleen Muller, Physician Health Program ("PHP") Manager; Alicia Cauthon, Executive Assistant; James Gentile, Chief Information Officer; and Amanda Schwabe, Board Coordinator.

LEGAL MATTERS

C. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING SUMMARY ACTION

1. MD-15-1470A, MICHAEL MAHL, M.D., LIC. #12868

Dr. Mahl participated telephonically with legal counsel, Mr. Charles Buri. Ms. Muller summarized that Dr. Mahl presented to Promises Treatment Center ("Promises") for a psychosexual evaluation pursuant to the Board's request at its February 4, 2015 Regular Session meeting. Promises reported that Dr. Mahl tested positive for Methamphetamine on both hair and urine testing conducted as part of the evaluation. Promises stated that results of the testing also suggested significant alcohol consumption. Ms. Muller stated that Promises opined that Dr. Mahl's alcohol and Methamphetamine consumption constitutes a relapse and recommended that he discontinue practice immediately and seek a substance use disorder treatment program as soon as possible. Promises further opined that if Dr. Mahl did resume practice, the previous Practice Restriction should remain in effect. Ms. Muller noted that the Board's PHP Contractor reviewed the evaluation report and drug test results and opined that to a reasonable degree of medical probability the drug tests are accurate, and that he did not believe that Dr. Mahl had a legitimate medical explanation for the presence of Methamphetamine in either hair or urine. The PHP Contractor noted that he reviewed the report submitted by Promises and agreed that Dr. Mahl is not safe to practice at the

present time. Ms. Muller stated that based on a review of the information in the case, Board staff requests that Dr. Mahl's Arizona medical license be summarily suspended in order to protect the health and safety of the public.

Mr. Buri addressed the Board stating that Dr. Mahl denies using Methamphetamines and that he believes that it was sexually transmitted from relations with his partner. Furthermore, Dr. Mahl believes that the Methamphetamine found in the hair test was also from exposure to his partner who was using Methamphetamines. Mr. Buri noted that no complaints or suggestions had been submitted that Dr. Mahl provided medical care under the use of drugs. Mr. Buri requested that before the Board take any further action that Dr. Mahl be subjected to further testing to verify whether he has relapsed. Mr. Buri added that should Dr. Mahl's license be summarily suspended by the Board, it would place an undue burden on his patients and would be detrimental to their well-being.

Board members questioned the PHP Contractor as to whether there was any scientific data that Methamphetamine can be transferred sexually. The PHP Contractor indicated that sexual transmission is not a probable or likely explanation. Dr. Connolly questioned whether there are any findings demonstrating that urine or hair tests could be more sensitive than the other. The PHP Contractor explained that both tests are sensitive when done properly. He further explained that a urine test provides a more immediate result, whereas a hair test is retrospective to the last three months, but not in the previous week or two prior to the test.

MOTION: Dr. Figge moved to summarily suspend Dr. Mahl's Arizona medical license based on the finding that the public health, safety and welfare imperatively requires emergency action by the Board for reasons stated in the Investigation Report.

SECOND: Dr. Connolly

ROLL CALL: 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. Connolly, Dr. Farmer, Dr. Figge, Dr. Fromm, Dr. Krahn, Dr. Paul, and Ms. Salter. The following Board member was absent: Ms. Bain.

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

MOTION PASSED.

MOTION: Dr. Figge moved to adjourn the meeting.

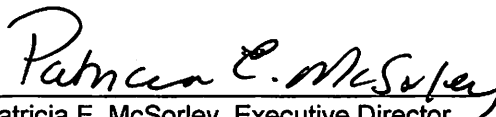
SECOND: Dr. Krahn

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

MOTION PASSED.

The meeting adjourned at 6:22 p.m.




Patricia E. McSorley, Executive Director