



Arizona Medical Board

9545 East Doubletree Ranch Road • Scottsdale, Arizona 85258

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**FINAL MINUTES FOR
REGULAR SESSION MEETING
Held on Wednesday, June 1, 2016
And on Thursday, June 2, 2016
9535 E. Doubletree Ranch Road • Scottsdale, Arizona**

Board Members

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

R. Screven Farmer, M.D., 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.

Gary R. Figge, M.D.

Robert E. Fromm, M.D., M.P.H.

Lois E. Krahn, M.D.

Edward G. Paul, M.D.

Richard T. Perry, M.D.

Wanda J. Salter, R.N.

Wednesday, June 1, 2016

GENERAL BUSINESS

A. CALL TO ORDER

Dr. Gillard called the meeting to order at 10:00 a.m.

B. ROLL CALL

The following Board members were present: Dr. Gillard, Dr. Farmer, Ms. Bain, Ms. Brister, Dr. Connolly, Dr. Figge, Dr. Perry, Dr. Fromm, Dr. Paul, Dr. Berg and Ms. Salter.

The following Board members were absent: Dr. Krahn.

ALSO PRESENT

Present among Board staff include: Carrie Smith, AAG; Mary D. Williams, AAG; Anne Froedge, AAG, Patricia E. McSorley, Executive Director; Kristina Fredericksen, Deputy Director; William Wolf, M.D., Chief Medical Consultant; Andrea Cisneros, Staff Investigational Review Committee ("SIRC") Coordinator, Anita Shepherd, Investigations Manager; Mary Bober, Board Operations Manager; and Michelle Robles, Board Coordinator.

C. PUBLIC STATEMENTS REGARDING MATTERS LISTED ON THE AGENDA

Individuals who addressed the Board during the Public Statements portion of the meeting appear beneath the matter(s) referenced.

D. EXECUTIVE DIRECTOR'S REPORT

- Discussion Regarding Pre-Board Case Schedule

Ms. McSorley addressed the volume of investigative cases on the Board's agenda and projected that the Board should be caught up by the end of the year. Ms. McSorley suggested looking at rules regarding cases at the Joint Officers Board meeting.

- **Commencement of a Review of the Physician Health Program**
Ms. McSorley reported to the Board that staff will be making preliminary steps to address PHP issues.
- **Update and Discussion on the Medical Compact and Passage of SB 2502, and the Appointment of a Commissioner to the Interstate Medical Compact Commission**
Ms. McSorley informed the Board that the bill passed and that the next step is the appointment of a Commissioner to the Interstate Medical Compact Commission and addressing how the fees for compact licenses will be administered. Ms. McSorley will represent the Board at the June 24, 2016, Commission meeting and report back to the Board.
- **Outreach Programs to Recruit Outside Medical Consultants**
Ms. Frederickson continues to reach out and distribute recruiting information packets for Outside Medical Consultants.
- **Outreach Program to Hospitals to License Employed Physicians**
Ms. McSorley reported Board staff is meeting with area hospitals and providing informational packets to hospital credentialing staff to give to applicants at the time the hospital signs an employment contract with physicians. Licensing staff is working with hospital credentialing staff as often the hospital requires the same information needed by the Board to complete an application.
- **Update on 2016 Legislative Session**
Ms. McSorley reported that the session had ended.
- **Update on the Website Changes**
Ms. McSorley informed the Board that there are changes being made to the website and a slide show on filing a complaint has been added on the website as a resource.
- **Discussing Regarding Scheduling a Meeting with the Officers of the Arizona Regulatory Board of Physician Assistants**
Ms. McSorley stated that the Board will need to schedule the joint officers teleconference meeting.

E. CHAIR'S REPORT

- **Federation of State Medical Boards Annual Meeting**
Dr. Gillard reported that he attended the FSMB meeting along with Dr. Paul and Dr. Krahn and it was informative regarding what other states are doing with their PHP programs as well as their licensure processes. Dr. Gillard stated that Dr. Perry's Board Member term will be ending at the end of June and thanked him for his service.

F. LEGAL ADVISOR'S REPORT

- **Update on Case No. LC2014-000407-001 DT**
Ms. Smith reported that the appeal process is moving forward.
- **Update on CV2014-054509 and Case No. 2:15-cv-01022-JJT**
- **Discussion Regarding Recent Supreme Court Opinion in *State v. Gear* (2016)**
- **Open Meeting Law Refresher**
- **Request to rescind referral of MD-14-0565A**
Ms. Smith reported that the physician has complied with providing records and the investigation is moving forward.

MOTION: Dr. Fromm moved to rescind referral of the case to the Attorney General's Office.

SECOND: Ms. Bain.

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

MOTION PASSED.

- Update regarding recent legislation- SB 1096, SB 1283, SB 1445, SB 1525
Ms. Smith provided the Board with a limited report of the recent legislation and will provide a full report at August Board Meeting.

G. APPROVAL OF MINUTES

MOTION: Dr. Fromm moved to approve the April 6, 2016 Regular Session, including Executive Session; and the May 5, 2016 Special Teleconference, including Executive Session.

SECOND: Ms. Salter.

Ms. Bain requested that the April 6, 2016 meeting minutes reflect that she participated telephonically.

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

MOTION PASSED.

LEGAL MATTERS

H. FORMAL INTERVIEWS

1. MD-14-0935A, ALLAN L. ROWLEY, M.D., LIC. #31278

James Corrington addressed the Board during the Public Statements portion of the Board's meeting on behalf of Dr. Rowley.

Dr. Rowley was present without legal counsel. Board staff summarized that Dr. Rowley self-reported to the Board that he had a substance abuse problem. He was referred for an assessment with the Board's Physician Health Program ("PHP Contractor") whose diagnostic impression was that Dr. Rowley was opioid dependent. Dr. Rowley subsequently entered into an Interim Consent Agreement for a Practice Restriction, effective July 30, 2014.

Dr. Rowley completed treatment and was discharged with staff approval on August 2, 2014. On August 5, 2014, he was reassessed by the PHP Contractor. Dr. Rowley was found safe to practice medicine provided that he enter into and remain compliant with monitoring for a period of five years, including a requirement that he enter into treatment with a Board-approved psychologist. Dr. Rowley entered into an Interim Consent Agreement to participate in the PHP, effective August 25, 2014. The previous Interim Consent Agreement for Practice Restriction was vacated.

The Board's PHP Contractor informed the Board that Dr. Rowley seems to have accepted his diagnosis and recommendations, and that he has been fully compliant with the terms of his monitoring agreement.

In his closing statements, Dr. Rowley stated that he does not refute his diagnosis. He apologized for his actions and requested to enter into a confidential stipulated agreement that would not be reported to the NPDB and not hinder his career. Dr. Rowley explained that if the Board places his license on a probationary status, it will negatively impact his career.

Ms. Bain asked about the Board's options as to how the physician will continue to be monitored.

MOTION: Ms. Bain moved for the Board to enter into Executive Session pursuant to A.R.S. § 38-431.03(A)(2).

SECOND: Dr. Paul.

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

MOTION PASSED.

The Board entered into Executive Session at 12:10 p.m.

The Board returned to Open Session at 12:34 p.m.
No legal action was taken by the Board during Executive Session.

The PHP Contractor commented that self-reports are uncommon and feels that Dr. Rowley qualifies for a confidential stipulation.

Dr. Fromm stated he believed that Dr. Rowley engaged in unprofessional conduct due to diversion of medications and habitual substance abuse.

MOTION: Dr. Fromm moved for a finding of unprofessional conduct in violation of A.R.S. § 32-1401(27)(f) and (g) as stated by SIRC.

SECOND: Dr. Farmer.

VOTE: 10-yay, 0-nay, 1-abstain, 0-recuse, 1-absent.

MOTION PASSED.

AAG Smith stated that the current Board policy prohibited offering confidential consent agreements for PHP participation to licensees who were found to have committed an act of unprofessional conduct.

Ms. Bain noted there was no patient care issue identified by the investigation but rather, the main conduct at issue appeared to be the diversion of medication which is open to discipline. Dr. Fromm commented that the physician has taken remedial steps and proposed an Advisory Letter based on mitigating circumstances, as well as non-disciplinary PHP monitoring.

MOTION: Dr. Fromm moved to issue an Advisory Letter for use of controlled substances not prescribed by a physician for use during a prescribed course of treatment and for habitual intemperance. While the licensee has demonstrated substantial compliance through rehabilitation or 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: Dr. Perry.

Dr. Figge spoke against the motion and stated that he believes the violation rises to a level of disciplinary action.

MOTION: Dr. Fromm moved for the Board to enter into Executive Session pursuant to A.R.S. § 38-431.03(A)(2).

SECOND: Ms. Bain.

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

MOTION PASSED.

The Board entered into Executive Session at 1:00 p.m.
The Board returned to Open Session at 1:10 p.m.
No legal action was taken by the Board during Executive Session.

Dr. Fromm and Ms. Bain withdrew the prior motion.

MOTION: Dr. Farmer moved to table the case.

SECOND: Ms. Bain.

VOTE: 10-yay, 1-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

I. FORMAL INTERVIEWS

1. MD-14-0867A, THOMAS D. SHELLENBERGER, M.D., LIC. #46704
Dr. Shellenberger was present with legal counsel, Mr. Sigurd Krolls.

MOTION: Ms. Bain moved for the Board to enter into Executive Session pursuant to A.R.S. § 38-431.03(A)(2).

SECOND: Dr. Farmer.
VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.
MOTION PASSED.

The Board entered into Executive Session at 1:47 p.m.
The Board returned to Open Session at 1:52 p.m.
No legal action was taken by the Board during Executive Session.

MOTION: Ms. Bain moved to table the case.
SECOND: Dr. Paul.
VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.
MOTION PASSED.

2. MD-14-1202A, MICHAEL R. JERMAN, M.D., LIC. #17678

Dr. Jerman was present with legal counsel, Mr. Stephen Myers. Dr. Figge was recused from this case.

The Board's PHP Contractor summarized that this case was initiated after Dr. Jerman self-reported that he was arrested for a DUI on July 23, 2014. Dr. Jerman disclosed that he drank a small bottle of champagne in his office where he had been on call for emergency cardiology and chose to drive home. He was subsequently cited for a DUI. Dr. Jerman did not report the DUI arrest to the Board within ten days as required by statute. Dr. Jerman was referred for an assessment with the Board's PHP Contractor who concluded that Dr. Jerman has an alcohol abuse problem. The PHP Contractor stated that Dr. Jerman was safe to practice medicine while enrolled in PHP for a period of two years. Dr. Jerman entered into an Interim Consent Agreement for PHP Participation, effective September 30, 2014.

On March 10, 2015, the PHP Contractor notified the Board that on February 11, 2015, Dr. Jerman tested positive for alcohol metabolites, in violation of his Interim Consent Agreement. On March 12, 2015, Dr. Jerman entered into an Interim Consent Agreement for Practice Restriction. On March 16, 2015, the Board received a complaint from the Chief Executive Officer of the Sierra Vista Regional Health Center alleging that Dr. Jerman practiced medicine in violation of his Interim Practice Restriction. Dr. Jerman reportedly accessed two patient's electronic records and instructed his PA regarding medications and patient care.

Dr. Jerman subsequently completed a chemical dependency evaluation and treatment at Promises Treatment Center ("Promises") on April 17, 2015. On April 23, 2015, the Board received a report from the PHP Contractor recommending that Dr. Jerman was safe to practice medicine while enrolled in PHP for a minimum of five years. At the April 30, 2015 teleconference meeting, the Board voted to accept a new Interim Consent Agreement for PHP Participation and to vacate the March 12, 2015 Interim Practice Restriction.

When asked, Dr. Jerman clarified that he was not on call during the night in question, which he had initially reported to the Board. Dr. Jerman informed the Board that at the time of the DUI, he had just completed twenty two hours of continuous patient care, including a difficult case involving a patient death.

With regard to the alcohol consumption that resulted in the finding that his Interim Consent Agreement had been violated, Dr. Jerman stated that he assumed the Court's dismissal of his DUI case would end his monitoring agreement with the Board. Dr. Jerman stated that he has learned a lot throughout this process and has suffered many consequences. He admitted that he should have read the Interim Consent Agreement document thoroughly and consulted with counsel prior to entering into the two year monitoring agreement.

In closing, Mr. Myers requested termination of PHP participation and that Dr. Jerman not be subjected to discipline.

The PHP Contractor noted that in the Promises' summary, Dr. Jerman's alcohol tests were more consistent with drinking a larger amount of alcohol or for a longer duration than reported. The PHP Contractor read a letter provided by an evaluator from Promises recently received, explaining the rationale behind diagnosing Dr. Jerman with alcohol dependency.

Mr. Myers requested that the matter be continued so that he and his client may review and respond to the additional correspondence.

MOTION: Dr. Fromm moved to continue the matter to a future Board meeting date.

SECOND: Dr. Farmer.

VOTE: 10-yay, 0-nay, 0-abstain, 1-recuse, 1-absent.

MOTION PASSED.

3. MD-14-1334A, GIUSEPPE F. RAMUNNO, M.D., LIC. #44840
Dr. Ramunno was present with legal counsel, Mr. Andrew Plattner.

Board staff summarized that the Board received a complaint from the Dean of the Arizona College of Osteopathic Medicine concerning Dr. Ramunno's professional conduct. It was alleged that Dr. Ramunno asked a third-year medical student to fill a prescription for Ambien and return it to him for his personal use. Board staff recognized that Dr. Ramunno was previously a PHP participant from 2011 through 2013 for alcohol dependence. Dr. Ramunno had also participated in a non-disciplinary monitoring agreement prior to moving to Arizona.

In the current case, Dr. Ramunno was referred to the Board's PHP for an assessment and subsequently underwent a comprehensive evaluation at Promises. The PHP Contractor reviewed the evaluation record and clarified that he did not believe Dr. Ramunno had relapsed because he did not receive the appropriate treatment prior to his past monitoring participation. The PHP Contractor opined that Dr. Ramunno was not safe to practice until he entered into and successfully completed residential treatment at a health professionals program.

Dr. Ramunno subsequently completed treatment and later met with the PHP Contractor for a post-treatment assessment. The PHP Contractor deemed Dr. Ramunno safe to practice while enrolled in PHP for a minimum of five years. Dr. Ramunno entered into an Interim Consent Agreement for PHP participation, effective April 7, 2015.

During questioning by Board members, Dr. Ramunno explained that when the student returned to him stating that he was uncomfortable, he immediately ripped up the prescription. When the university contacted him the next day, Dr. Ramunno admitted to the incident and acknowledged it was a mistake. He reported to PHP and his urine and hair tests were negative. Dr. Ramunno stated he has been practicing medicine since his completion of treatment and is fully engaged in the recovery process. The Dean has since reinstated him with full privileges and he now supervises medical students again.

The PHP Contractor noted that Dr. Ramunno is doing well in monitoring.

In closing, Mr. Plattner requested that the case be dismissed or that Dr. Ramunno be monitored on a non-disciplinary basis based on Dr. Ramunno's history of compliance with the PHP process.

During deliberations Dr. Connolly commented Dr. Ramunno used his leadership position to ask a student to fill a prescription and knew it was inappropriate. Dr. Figge noted Dr. Ramunno did not actually take the medication therefore; it does not fit the recommended violation. Dr. Gillard noted that there have been no positive urine or hair tests since his monitoring. Dr. Fromm opined that he believed the physician had violated a dispensing statute however; it was not listed as a proposed violation.

MOTION: Dr. Connolly moved for a finding of unprofessional conduct in violation of A.R.S. § 32-1401(27)(f) as stated by SIRC.

The motion failed for lack of a second.

MOTION: Dr. Fromm moved to return the case for further investigation to notify the licensee regarding additional potential statutory violations.

SECOND: Dr. Figge.

Dr. Figge and other Board members spoke in favor of the motion as the recommended violation did not appear to fit the facts of the case.

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

MOTION PASSED.

CONSENT AGENDA

J. CASES RECOMMENDED FOR DISMISSAL

MOTION: Dr. Figge moved to dismiss item numbers 2-6 and 9-14.

SECOND: Dr. Paul.

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

MOTION PASSED.

1. MD-14-1362A, STEVEN M. GITT, M.D., LIC. #17134

T.A., E.A., and N.A. addressed the Board during the Public Statements portion of the Board's meeting on behalf of the complainant. Dr. Perry was recused from the case.

Board staff summarized the case was initiated from a confidential complaint regarding Dr. Gitt's care and treatment of a 56 year-old female patient ("MA") alleging failure to perform an EKG or lab tests prior to performing plastic surgery and alteration of medical records. Ultimately the patient died after the procedure. The Medical Consultant ("MC") did not find a deviation from the standard of care, but did find it potentially aggravating that MA was released from the surgery center with a medical assistant. SIRC recommended the case for dismissal.

Dr. Fromm noted that that the patient suffered from multiple medical conditions and that typically when these procedures are performed in an outpatient setting, patients are sent home with family members.

MOTION: Dr. Fromm moved to dismiss.

SECOND: Ms. Brister.

Dr. Farmer commented that opioids and other medications can have synergistic interactions causing depressed respiration. Dr. Farmer noted that the patient reported her sleep apnea had been resolved. Dr. Farmer also noted the licensee's prior Board history included cases involving allegations of inadequate preoperative workup. Dr. Berg spoke for the motion commenting on the documentation of the patient's hand written preoperative note of her not reporting the use of CPAP or having sleep apnea. Dr. Berg noted the oxygen saturation levels and normal respiratory rate after the procedure.

VOTE: 10-yay, 0-nay, 1-abstain, 0-recuse, 1-absent.

MOTION PASSED.

2. MD-15-0344A, KIMBERLY A. SHIPMAN, M.D., LIC. #45097

R.Z. addressed the Board during the Public Statements portion of the Board's meeting.

RESOLUTION: Dismiss.

3. MD-14-1586A, AKASH NABH, M.D., LIC. #47032

Dr. Nabh addressed the Board during the Public Statements portion of the Board's meeting.

RESOLUTION: Dismiss.

4. MD-14-1637A, PATRICK M. KNOWLES, M.D., LIC. #31722

RESOLUTION: Dismiss.

5. MD-15-1232A, ROBERT V. NEWMAN, M.D., LIC. #13732

RESOLUTION: Dismiss.

6. MD-15-0747A, MARK B. DEKUTOSKI, M.D., LIC. #47104

RESOLUTION: Dismiss.

7. THIS ITEM HAS BEEN PULLED FROM THE AGENDA.

8. MD-15-0387A, BRENDA A. WELLS, M.D., LIC. #42325

Board staff presented to the Board that the case was initiated on April 8, 2015, after receiving a complaint regarding Dr. Wells' care and treatment of a 67 year-old female patient ("RB") alleging she had failed to complete prior authorization paperwork after her Metformin ER became non-formulary, had failed to provide the prescription refill, failed to perform monitoring of kidney function and inappropriate medication management. The Medical Consultant ("MC") opined that Dr. Wells met the standard of care with respect to the medication management, but felt that a discussion should have been had with RB prior to making a change in her prescription medication. The MC also found that although Dr. Wells suggested a lab check after adjusting RB's thyroid medication, the lab check was not performed for approximately seven months. SIRC stated the matter did not rise to level of discipline, noting that the overall care provided was excellent and recommended dismissal.

MOTION: Dr. Farmer moved to dismiss.

SECOND: Ms. Brister.

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

MOTION PASSED.

9. MD-15-0010A, HYUN-SUK CHONG, M.D., LIC. #32903

RESOLUTION: Dismiss.

10. MD-15-0179A, AYAAZ ISMAIL, M.D., LIC. #29921

RESOLUTION: Dismiss.

11. MD-15-0366A, JOSE L. ROBLEDO, M.D., LIC. #13386

RESOLUTION: Dismiss.

12. MD-14-0849A, MICHAEL L. LEWIS, M.D., LIC. #12372

RESOLUTION: Dismiss.

13. MD-13-0646A, BERKLEY H. BENNESON, M.D., LIC. #9446

Attorney Scott King addressed the Board during the Public Statements portion of the Board's meeting.

RESOLUTION: Dismiss.

14. MD-14-1628A, SUSAN S. COURTNEY, M.D., LIC. #15520

RESOLUTION: Dismiss.

K. CASES RECOMMENDED FOR ADVISORY LETTERS

MOTION: Dr. Figge moved to issue an Advisory Letter in item numbers 1-6, 11, 13, 20-25, 28, 30-32, 34-37, 39, 40, 42, 43, 45, 46, 49-51, 53-56, and 59-61.

SECOND: Dr. Paul.

VOTE: 10-yay, 0-nay, 0-abstain, 1-recuse, 1-absent.

MOTION PASSED.

1. MD-15-0012A, STEVEN J. SAWYER, M.D., LIC. #45647

RESOLUTION: Issue an Advisory Letter for removing a transperitoneal cholecystostomy tube too early. While the licensee has demonstrated substantial

compliance though 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.

2. MD-14-1655A, MARK H. WILSON, M.D., LIC. #13278
RESOLUTION: Issue an Advisory Letter for failure to sign a death certificate in timely manner. There is insufficient evidence to support disciplinary action.

3. MD-14-1508A, CAROL J. NEWMYER, M.D., LIC. #18661
Dr. Perry knows the licensee but it would not affect his ability to adjudicate the case.

RESOLUTION: Issue an Advisory Letter for failing to palpate and confirm the location of a breast mass prior to surgery, and for failure to place a drain after removal of substantial axillary tissue. The violation is a technical violation that is not of sufficient merit to warrant disciplinary action.

4. MD-14-1503A, PAUL D. MONTANARELLA, M.D., LIC. #22111
RESOLUTION: Issue an Advisory Letter for delayed recognition of a dislodged endotracheal tube and for failure to repeat a critical lab value prior to surgery. There is insufficient evidence to support disciplinary action.

5. MD-14-1320A, JULIANNA S. LEVAI, M.D., LIC. #18496
RESOLUTION: Issue an Advisory Letter for failure to have a patient wash his hands prior to a finger stick and for failure to require a medical assistant to wear gloves during a finger stick. There is insufficient evidence to support disciplinary action.

6. MD-15-0116A, SALLY T. WAREING, M.D., LIC. #32700
RESOLUTION: Issue an Advisory Letter for failure to follow up following spontaneous miscarriage. There is insufficient evidence to support disciplinary action.

7. MD-14-1680A, RIZWAN SAFDAR, M.D., LIC. #27577
Dr. Gillard stated that he knows the licensee but it would not affect his ability to adjudicate the case.

Board members discussed whether the case rose to the level of discipline.

MOTION: Dr. Fromm moved to dismiss.

SECOND: Ms. Brister.

Dr. Figge agreed with the OMC that the medical records were inadequate. Dr. Farmer observed there was no patient harm indicated by the case.

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

MOTION PASSED.

8. MD-14-1666A, DONALD L. BUCKLIN, M.D., LIC. #14628
Board staff summarized that this case was brought to the Board due to a malpractice settlement against Dr. Bucklin regarding the care of a 63 year old patient ("EL") who was a longtime smoker. EL died of a myocardial infarction the night after being seen in an emergent care clinic by Dr. Bucklin. Dr. Bucklin concluded that the patient symptoms were gastrointestinal in nature and that was having no signs of a heart attack. An MC who reviewed the case found a deviation from the standard of care as Dr. Bucklin failed to diagnose acute coronary syndrome. The MC noted that no labs or EKG were completed at the time of EL's visit with Dr. Bucklin. SIRC recommended an Advisory Letter for failing to diagnose acute coronary syndrome.

Dr. Berg agreed with the MC's conclusion that Dr. Bucklin fell below the standard of care by failing to document the rationale for not considering coronary syndrome when the patient was exhibiting symptoms such as nausea, shortness of breath, chest pain, pain,

pressure and extremity numbness. Dr. Berg disagreed with SIRC's recommendation and opined this case rises to the level of discipline.

MOTION: Dr. Berg moved to offer the physician a Consent Agreement for a Letter of Reprimand and Probation. Within six months, complete a minimum of 10 hours of Board staff pre-approved Category I CME in the diagnosis of coronary artery disease. The CME hours shall be in addition to the hours required for license renewal. The Probation shall terminate upon proof of successful completion of the CME hours. If he declines, invite him to appear before the Board for a Formal Interview.

SECOND: Dr. Figge.

Dr. Gillard agreed that in this case an EKG should have been completed and that having the physician complete CME might be necessary.

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

MOTION PASSED.

9. MD-13-1203A, MELANIE A. B. ALARCIO, M.D., LIC. #41095

Dr. Gillard summarized that the complaint came from a pharmacist after Dr. Alarcio wrote a prescription for antibiotics with a full year of refills and subsequently failed to respond to the pharmacist's attempts to obtain clarification from him. Dr. Gillard further noted that an MC found that the patients at issue in the case did not meet the criteria for a diagnosis of PANDAs but that no patient harm occurred.

Dr. Berg noted that PANDAs is a controversial diagnosis. Dr. Farmer agreed this is an area of controversy. Dr. Gillard agreed with SIRC's recommendation for an Advisory Letter for a physician making an incorrect diagnosis.

MOTION: Dr. Fromm moved to issue an Advisory Letter for incorrect diagnosis, for inappropriate prescription of antibiotics, and for inadequate medical records. There is insufficient evidence to support disciplinary action.

SECOND: Dr. Farmer.

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

MOTION PASSED.

10. MD-15-0567A, ULKER TOK, M.D., LIC. #30725

Dr. Tok addressed the Board during the Public Statements portion of the Board's meeting.

Board members commented that the case involved a billing dispute and that the patient did receive services and a prescription from the physician.

MOTION: Dr. Fromm moved to dismiss.

SECOND: Ms. Bain.

Dr. Gillard spoke for the motion by noting the physician downgraded the bill and the patient was difficult. Dr. Berg opined this was not an egregious billing issue.

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

MOTION PASSED.

11. MD-15-0326A, MATTHEW R. SAMPSON, M.D., LIC. #41760

RESOLUTION: Issue an Advisory Letter for inadequate medical records. There is insufficient evidence to support disciplinary action.

12. MD-15-0224A, FARUKH S. MIAN, M.D., LIC. #34181

Dr. Paul summarized that this was a case where a small node was missed by three radiologists. The patient had their oncologist review the scans who asked for further imaging to be completed. Dr. Paul opined that dismissal was justified because multiple radiologists missed the node.

MOTION: Dr. Paul moved to dismiss.

SECOND: Dr. Berg.
VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.
MOTION PASSED.

13. MD-14-1625A, JUAN M. ACOSTA, M.D., LIC. #35220
RESOLUTION: Issue an Advisory Letter for applying a plastic ligature clip to the left pulmonary and not successfully occluding the patent ductus arteriosus. There is insufficient evidence to support disciplinary action.

14. MD-14-0330A, MAGDA S. WILLIAMS, M.D., LIC. #26765
Dr. Williams and Attorney Patrick White addressed the Board during the Public Statements portion of the Board's meeting.

Dr. Berg explained that he took issue with the amiodarone monitoring. Dr. Berg noted that multiple experts disagreed on the treatment.

MOTION: Dr. Berg moved to dismiss.

SECOND: Dr. Fromm.

Dr. Fromm spoke for the motion stating that when there are multiple physicians monitoring a case it can lead to complications.

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

MOTION PASSED.

15. MD-15-0507A, ANDREW R. HARBISON, M.D., LIC. #34014
Attorney Andrew Rosenzweig addressed the Board during the Public Statements portion of the Board's meeting.

Dr. Berg explained that this licensee had an active unrestricted license in another state while having an inactive license in Arizona. Dr. Farmer recommended a dismissal based on mitigating factors, noting that the physician did not understand the requirement to reactivate his license and that he poses no danger to the public in Arizona.

MOTION: Dr. Berg moved to dismiss.

SECOND: Dr. Farmer.

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

MOTION PASSED.

16. MD-14-1402A, WINFRED D. WILLIAMS, M.D., LIC. #47499
Dr. Gillard summarized the complaint came from a Department of Corrections inmate who claimed the physician had changed his diet based on a RAST test. Dr. Gillard noted that another physician changed the diet. The OMC reported there was no harm to the patient and the allergy test came back negative.

MOTION: Dr. Farmer moved to dismiss.

SECOND: Dr. Paul.

Board staff noted the MC reported that the medical director advised that the special diet was not necessary; the diet was switched to a normal diet and then subsequently switched back to a special diet.

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

MOTION PASSED.

17. MD-14-1222A, JOILO C. BARBOSA, M.D., LIC. #41938
Board staff summarized that the case was initiated after the Board received a complaint regarding Dr. Barbosa's care and treatment of a 64 year-old female patient ("MH") alleging premature discharge, failure to diagnose multiple myeloma, and inadequate care and treatment. The MC found that Dr. Barbosa did not meet the standard of care because he did not order a CT scan or an ultrasound of the abdomen. SIRC recommended an Advisory Letter. Dr. Berg agreed there was a delay in diagnosis by a week.

Dr. Fromm opined that he believed the physician provided adequate care. Dr. Gillard agreed that the case does not rise to the level of discipline.

MOTION: Dr. Berg moved to issue an Advisory Letter for failure to perform an ultrasound or CT scan of the abdomen on a 64 year-old patient presenting with acute abdominal pain. There is insufficient evidence to support disciplinary action
SECOND: Dr. Figge.

Dr. Figge agreed a scan should be completed and that it can be performed as an outpatient procedure, however most patients do not follow up. Dr. Fromm opined it is not appropriate to assume there will be no follow up care. Dr. Perry opined a CT scan should not be made a standard of care. Dr. Perry stated that there was no patient harm and recommended dismissal.

MOTION WITHDRAWN.

MOTION: Dr. Berg moved to dismiss.

SECOND: Dr. Fromm.

VOTE: 10-yay, 0-nay, 1-abstain, 0-recuse, 1-absent.

MOTION PASSED

18. MD-13-1428A, LAWRENCE E. SLAMA, M.D., LIC. #13658

Board staff summarized that the case was initiated after receiving notification of a malpractice settlement regarding Dr. Slama's care and treatment of a 29 year-old female patient ("R.A.") alleging failure to diagnose a spinal epidural abscess. An MC reviewed the case and opined that Dr. Slama deviated from the standard of care by not performing a neurologic exam, and by not suggesting further neurologic workup. SIRC recommended an Advisory letter.

Dr. Berg opined that an epidural abscess is tough to diagnosis but there was a delay in diagnosis that led to patient harm. Dr. Paul commented that expecting a cardiologist to complete a detailed musculoskeletal exam in a hospital setting is unrealistic. Dr. Paul agreed that the physician should have called for a consultation. Dr. Fromm agreed that the physician should have called for a consultation or considered something else but stated the matter does rise to the level of discipline.

MOTION: Dr. Fromm moved to issue an Advisory Letter for failure to perform a neurologic exam and suggest further pursuit of a neurologic disease more aggressively. There is insufficient evidence to support disciplinary action.

SECOND: Dr. Berg.

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

MOTION PASSED.

19. MD-13-1428B, PETER M. PARKER, M.D., LIC. #36657

Dr. Berg commented that this case involves the hospitalist for the prior agenda item. Dr. Berg explained that the hospitalist saw the patient the morning after the pulmonologist and conducted a neurological examination with abnormal results.

MOTION: Dr. Berg moved to issue an Advisory Letter for failure to perform a further work up of the patient. There is insufficient evidence to support disciplinary action.

SECOND: Dr. Fromm.

Board members agreed that the findings should have led to a quicker diagnosis.

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

MOTION PASSED.

20. MD-15-0023A, JOSE L. ROBLEDO, M.D., LIC. #13386

RESOLUTION: Issue an Advisory Letter for inadequate medical records. 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 Board's investigation may result in further Board action against the licensee.

21. MD-14-0894A, DAVID J. SACCO, M.D., LIC. #46901
RESOLUTION: Issue an Advisory Letter for premature discharge from the hospital in a patient that was tachypneic, tachycardic, and had a mild temperature elevation with known sleep apnea and possible aspiration risk. 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.

22. MD-15-0204A, JOSEPH K. BIVENS, M.D., LIC. #45771
RESOLUTION: Issue an Advisory Letter for action taken by another state. There is insufficient evidence to support disciplinary action.

23. MD-15-0104A, JOSEPH P. ZITAR, M.D., LIC. #26091
RESOLUTION: Issue an Advisory Letter for delaying provision of pain medication to a patient. There is insufficient evidence to support disciplinary action.

24. MD-15-0324A, DANIEL T. TORZALA, M.D., LIC. #41387
RESOLUTION: Issue an Advisory Letter for incorrect diagnosis, for improper referral based on an incorrect diagnosis, and for inadequate medical records. There is insufficient evidence to support disciplinary action.

25. MD-15-0521A, ANDRI G. OLAFSSON, M.D., LIC. #48782
RESOLUTION: Issue an Advisory Letter for performance of laparoscopic cholecystectomy for possibly marginal indications and for possible excessive delay prior to reoperation. There is insufficient evidence to support disciplinary action.

26. MD-15-0709A, MICHELLE M. MULDER, M.D., LIC. #44992
Dr. Berg summarized the patient had an ablated uterus and that the physician appeared unaware that proper informed consent had not been obtained prior to the procedure. Dr. Berg stated that there was harm to the patient and her future fertility.

Board staff explained that an ablation cannot be reversed and could cause complications if the patient becomes pregnant in the future.

Dr. Berg noted the physician has made practice changes to prevent the situation from occurring in the future but he still felt that this case rises to the level of a reprimand.

MOTION: Dr. Berg moved to offer the physician a Consent Agreement for a Letter of Reprimand. If she declines, invite her to appear before the Board for a Formal Interview.
SECOND: Ms. Salter.
VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.
MOTION PASSED.

27. MD-15-0805A, DIANA H. HYDZIK, M.D., LIC. #29302
Board members discussed whether the physician's failure to provide a copy of the patient's medical records warranted a civil penalty.

MOTION: Dr. Paul moved to issue an Advisory Letter for failure to provide a patient's medical records in a timely manner. There is insufficient evidence to support disciplinary action.
SECOND: Dr. Farmer.
VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.
MOTION PASSED.

28. MD-15-0853A, KRISHNA M. PINNAMANENI, M.D., LIC. #14173

Complainant A.C. addressed the Board during the Public Statements portion of the Board's meeting.

RESOLUTION: Issue an Advisory Letter for inappropriate recommendation of thyroid fine needle aspiration and for performance of an unnecessary thyroid uptake and scan. There is insufficient evidence to support disciplinary action.

29. MD-15-1041A, JEFFREY R. LA VOY, M.D., LIC. #21507

Dr. Berg summarized that the physician was arrested for discharging a weapon, he paid a fine and the charges were reduced to a misdemeanor. The physician no longer owns any guns and did not mean any harm. Dr. Farmer found it mitigating that felony charge was reduced to a misdemeanor.

MOTION: Dr. Berg moved to dismiss.

SECOND: Ms. Brister.

Dr. Fromm spoke against the motion because reporting felony charges is a statutory requirement. Dr. Berg agreed with Dr. Fromm in that a physician should report a felony to the Board.

MOTION WITHDRAWN.

MOTION: Dr. Berg moved to issue an Advisory Letter for failing to notify the Board of a felony charge in a timely manner. There is insufficient evidence to support disciplinary action.

SECOND: Ms. Brister.

Board staff stated that the notification of the incident came from superior court. AAG Smith clarified the physician had two opportunities to report the incident to the Board.

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

MOTION PASSED.

30. MD-14-0494A, TONY K. NGUYEN, M.D., LIC. #43267

RESOLUTION: Issue an Advisory Letter for inadequate documentation of work restrictions and for inappropriate narcotics prescribing. While the licensee has demonstrated substantial compliance through remediation, the Board believes that repetition of the activities that led to the investigation may result in further Board action against the licensee.

31. MD-14-1564A, DANIEL DUICK, M.D., LIC. #11393

RESOLUTION: Issue an Advisory Letter for delay in informing a patient of all MRI findings. There is insufficient evidence to support disciplinary action.

32. MD-15-0068A, AARON H. R. MOYAL, M.D., LIC. #6962

RESOLUTION: Issue an Advisory Letter for failure to recognize an acute psychotic episode related to rapid benzodiazepine taper. There is insufficient evidence to support disciplinary action.

33. MD-15-0236A, SRIVIDYA ARIYAN, M.D., LIC. #48135

Dr. Ariyan addressed the Board during the Public Statements portion of the Board's meeting.

Board staff summarized that on March 2, 2015, the Board received a complaint from patient TH alleging delay in being seen after an appointment and delay in receiving a letter of necessity regarding medication required for insurance coverage. The Board's MC determined that the physician had inadequate time allotted for a new patient comprehensive examination. SIRC recommended an Advisory Letter.

Board members opined that the evaluation was relatively comprehensive and recommended a dismissal.

MOTION: Dr. Berg to dismiss.
SECOND: Dr. Fromm.
VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.
MOTION PASSED.

34. MD-13-1431A, STEVEN M. GITT, M.D., LIC. #17134
Dr. Perry was recused.

RESOLUTION: Issue an Advisory Letter for inadequate preoperative management and inadequate medical records. There is insufficient evidence to support disciplinary action.

35. MD-14-0602A, JULIO A. RODRIGUEZ-LOPEZ, M.D., LIC. #20910

RESOLUTION: Issue an Advisory Letter for failure to obtain an objective non-invasive assessment of arterial perfusion prior to subjecting a patient to unnecessary angiography, and for inadequate medical records. There is insufficient evidence to support disciplinary action.

36. MD-14-1330A, STEVEN I. SAYEGH, M.D., LIC. #32089

RESOLUTION: Issue an Advisory Letter for prescribing controlled substances to a member of his immediate family, inappropriate prescribing, and inadequate medical records. While the licensee has demonstrated substantial compliance through rehabilitation or 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 license.

37. MD-14-0698A, SHARON J. JOHNSTONE, M.D., LIC. #22156

RESOLUTION: Issue an Advisory Letter for inadequate medical records and for inappropriate billing. 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.

38. MD-14-1378A, ANN DE JONG, M.D., LIC. #44500

Dr. Berg summarized the physician wrote a prescription for Azithromycin via a telemedicine encounter. The physician is licensed in Idaho where the incident took place and sustained a penalty in Idaho. Dr. Berg noted the medication was an antibiotic and not a narcotic.

MOTION: Dr. Berg to dismiss.
SECOND: Ms. Bain.
VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.
MOTION PASSED.

39. MD-15-0165A, BARNEY M. DAVIS, M.D., LIC. #43002

RESOLUTION: Issue an Advisory Letter for photographing and sharing a photograph of a patient's genitalia with verbal consent, but no written consent. There is insufficient evidence to support disciplinary action.

40. MD-15-1511A, LARRY R. SOBEL, M.D., LIC. #12792

RESOLUTION: Issue an Advisory Letter for failing to maintain a delegation agreement with a physician assistant. There is insufficient evidence to support disciplinary action.

41. MD-14-0583A, FARID GHARAGOZLOO, M.D., LIC. #20565

Dr. Gharagozloo and Attorney Kathleen Rogers addressed the Board during the Public Statements portion of the Board's meeting.

Dr. Figge recommended dismissal. Dr. Paul agreed with the recommendation due to the patient being on recreational drugs.

MOTION: Dr. Figge moved to dismiss.
SECOND: Dr. Fromm.
VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.
MOTION PASSED.

42. MD-15-0490A, ROBERT S. BRIDGE, M.D., LIC. #18610
RESOLUTION: Issue an Advisory Letter for using a non-insulated bipolar cautery to perform a tonsillectomy. There is insufficient evidence to support disciplinary action.
43. MD-15-0760A, ALAN M. BORNSTEIN, M.D., LIC. #26093
RESOLUTION: Issue an Advisory Letter for failure to use bipolar cautery to eliminate the risk of fire during a facial surgical procedure in which oxygen was used. While the licensee has demonstrated substantial compliance through remediation that mitigates the need for disciplinary action, the Board believes that continuation of the activities that led to the investigation may result in further Board action against the physician.
44. MD-14-1447A, JAY P. KLARNET, M.D., LIC. #47595
Attorney Tony Langan addressed the Board during the Public Statements portion of the Board's meeting.

Dr. Berg summarized that a complaint was filed by the doctor at the receiving ER alleging that Dr. Klarnet had performed inappropriate transfusions of both platelets and red blood cells in cancer patients. Board members discussed whether the matter warranted an Advisory Letter.

MOTION: Dr. Berg to dismiss.
SECOND: Dr. Figge.
VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.
MOTION PASSED.

45. MD-14-1546A, SURESH V. BALENALLI, M.D., LIC. #28920
RESOLUTION: Issue an Advisory Letter for failure to evaluate the patient and sign home healthcare forms in a timely manner. There is insufficient evidence to support disciplinary action.
46. MD-15-0448A, SUDHA KALVA, M.D., LIC. #44652
RESOLUTION: Issue an Advisory Letter for failure to communicate a dose change and possible side effects for a medication prior to providing the prescription with the higher dose. There is insufficient evidence to support disciplinary action.
47. MD-15-0860A, IAN M. MATSUURA, M.D., LIC. #37573
Dr. Figge summarized a radiologist and another physician both read a CT and reached the same conclusion. Dr. Figge noted the other physician disputed the subsequently filed claim in court and it was dismissed whereas this licensee was required to settle by his insurance company. Due to the settlement the licensee was given a Letter of Concern in North Carolina. Dr. Figge opined the Board should not duplicate the North Carolina decision and moved for dismissal.
- MOTION: Dr. Figge moved to dismiss.**
SECOND: Ms. Brister.
VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.
MOTION PASSED.
48. MD-14-1456A, PAWEL DOLOTO, M.D., LIC. #46038
Dr. Doloto and Attorney Kathleen Rogers addressed the Board during the Public Statements portion of the Board's meeting.

Dr. Berg summarized the cardiologist failed to order a follow up test. The original stress test and echo cardiogram was on August 22, 2014 and the patient followed up on September 23, 2014 and was informed the stress test was mildly abnormal. A stress echocardiogram was recommended but not ordered. A month later the patient went to a different hospital with chest pain but left against medical advice. Three days later the cardiologist realized the stress echocardiogram was not completed and placed the order. The patient did not follow up. Board members agreed that there is some responsibility on the patient to follow up when told a test needs to be scheduled.

MOTION: Dr. Berg to dismiss.

SECOND: Dr. Fromm.

Dr. Wolf commented the MC was concerned with the excessive delay but agrees some responsibility does fall on the patient.

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

MOTION PASSED.

49. MD-15-0154A, MOHAMED H. EL-GASIM, M.D., LIC. #36344

RESOLUTION: Issue an Advisory Letter for inadequate communication regarding the contagious nature of molluscum contagiosum and inadequate discussion of alternative means of management. While the licensee has demonstrated substantial compliance through rehabilitation or 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.

50. MD-15-0101A, ABDULKADIR A. HOURANI, M.D., LIC. #25270

RESOLUTION: Issue an Advisory Letter for inadequate responsiveness to sildenafil refill requests and for inadequate medical records. There is insufficient evidence to support disciplinary action.

51. MD-14-0333A, ROBERT A. ROSENBERG, M.D., LIC. #22637

RESOLUTION: Issue an Advisory Letter for inadequate medical records. There is insufficient evidence to support disciplinary action.

52. MD-15-0594A, GAIL B. TURNER, M.D., LIC. #23529

Dr. Berg summarized there was an allegation of unnecessary tests by the cardiologist but opined that the decision was one of personal preference.

Board staff stated the MC reported that current guidelines do not reach a consensus regarding the level of testing required by the standard of care. The MC also noted the cardiac clearance was not provided by the physician however, the patient had already severed the relationship.

MOTION: Dr. Berg to dismiss.

SECOND: Dr. Farmer.

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

MOTION PASSED.

53. MD-15-0738A, RALPH A. D'SILVA, M.D., LIC. #36884

RESOLUTION: Issue an Advisory Letter for failure to report a DUI arrest to the Board in a timely manner, as required by statute. There is insufficient evidence to support disciplinary action.

54. MD-15-0550A, STANLEY J. GOLDBERG, M.D., LIC. #11831

Complainant D.Z. and S.P. addressed the Board during the Public Statements portion of the Board's meeting.

RESOLUTION: Issue an Advisory Letter for failing to perform a sentinel lymph node biopsy in a patient with high grade DCIS to the breast. There is insufficient evidence to support disciplinary action.

55. MD-14-1218C, STEVEN D. WASHBURN, M.D., LIC. #25791

Complainant D.A. addressed the Board during the Public Statements portion of the Board's meeting.

RESOLUTION: Issue an Advisory Letter for technical errors made during the performance of a total knee replacement surgery which led to instability of the knee replacement. The violation is a technical violation that is not of sufficient merit to warrant disciplinary action.

56. MD-15-0286A, DAVID D. BURDETTE, M.D., LIC. #35286

RESOLUTION: Issue an Advisory Letter for incorrectly interpreting a CT scan of the brain. While the licensee has demonstrated substantial compliance through remediation mitigating 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 physician.

57. MD-14-1369A, CARLOS T. TISBE, M.D., LIC. #N/A

Dr. Gillard summarized the physician surrendered his license while under investigation in Nevada; his Arizona license expired in February was not renewed. Board staff explained that the license will not technically expire until the case is adjudicated.

MOTION: Dr. Figge moved to issue an Advisory Letter for failure to timely notify a surgeon, hospitalist, or ICU intensivist about a patient with possible internal bleeding. The violation is a minor or technical violation that is not of sufficient evidence to warrant disciplinary action.

SECOND: Dr. Paul.

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

MOTION PASSED.

58. MD-15-0149A, PHILIP G. HILCOVE, M.D., LIC. #12255

Dr. Paul summarized that the care involved completing screening for Prostate-specific antigen ("PSA"). Dr. Paul opined the physician's care was appropriate and recommended dismissal.

MOTION: Dr. Paul moved to dismiss.

SECOND: Dr. Fromm.

Dr. Perry commented one of the issues with PSA levels is the rate of rise and in this case there was a substantial rise in the patient's PSA. Dr. Perry opined that it was inappropriate not to follow up.

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

VOTE: 4-yay, 7-nay, 0-abstain, 0-recuse, 1-absent.

MOTION FAILED.

MOTION: Dr. Perry moved to issue an Advisory Letter for failure to properly respond to an increase in a patient's PSA level. There is insufficient evidence to support disciplinary action.

SECOND: Dr. Connolly.

Dr. Farmer noted that the physician discussed PSA level with the patient and the patient declined further testing. Dr. Perry opined that when patients decline a test the physician should explain why the test is needed.

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

VOTE: 7-yay, 4-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

59. MD-15-0971A, RAJEN D. DESAI, M.D., LIC. #31618
RESOLUTION: Issue an Advisory Letter for failure to timely report a DUI. There is insufficient evidence to support disciplinary action.

60. MD-14-1660A, JAMAL T. AL-KHATIB, M.D., LIC. #27397
RESOLUTION: Issue an Advisory Letter for failure to monitor a patient for three days as an inpatient after initiating Sotalol. There is insufficient evidence to support disciplinary action.

61. MD-15-0157A, NITIN C. PATEL, M.D., LIC. #24382
RESOLUTION: Issue an Advisory Letter for using diagnostic codes to perform tests based on symptoms and for failing to inform patient of test results in a timely manner. There is insufficient evidence to support disciplinary action.

L. CASES RECOMMENDED FOR ADVISORY LETTERS WITH NON-DISCIPLINARY CONTINUING MEDICAL EDUCATION ORDERS

MOTION: Ms. Bain moved to issue an Advisory Letter with Non-Disciplinary CME Order in item numbers 1-8.

SECOND: Dr. Fromm.

VOTE: 10-yay, 0-nay, 0-abstain, 1-recuse, 1-absent.

MOTION PASSED.

1. MD-15-0687A, CARLOS A. SUESCUN, M.D., LIC. #35723
RESOLUTION: Issue an Advisory Letter and Order for Non-Disciplinary CME for improper access of a patient's medical records. There is insufficient evidence to support disciplinary action. Within six months, complete a minimum of ten hours of Board staff pre-approved Category I CME in an intensive, in-person course regarding ethics. The CME hours shall be in addition to the hours required for license renewal.

2. MD-15-0026A, JEFFREY J. PTAK, M.D., LIC. #12948
Dr. Perry was recused.

RESOLUTION: Issue an Advisory Letter for failure to provide adequate postoperative care. There is insufficient evidence to support disciplinary action. Issue an Order for Non-Disciplinary CME for inadequate medical records. Within six months, complete a minimum of 15 hours of Board staff pre-approved Category I CME in an intensive, in-person course for medical recordkeeping. The CME hours shall be in addition to the hours required for license renewal.

3. MD-15-0653A, LUZ A. LOPEZ, M.D., LIC. #33381
RESOLUTION: Issue an Advisory Letter and Order for Non-Disciplinary CME for inadequate evaluation of back pain and for inadequate supervision of a medical assistant. There is insufficient evidence to support disciplinary action. Within six months, complete a minimum of 6 hours of Board staff pre-approved Category I CME in evaluation and medical management of back pain. The CME hours shall be in addition to the hours required for license renewal.

4. MD-14-1656A, LIONEL R. DUARTE, M.D., LIC. #21383
RESOLUTION: Issue an Advisory Letter and Order for Non-Disciplinary CME for failing to document a discussion regarding potential adverse effects of an

antidepressant medication prescribed to a patient despite a contraindication. There is insufficient evidence to support disciplinary action. Within six months, complete a minimum of 8 hours of Board staff pre-approved Category I CME in psychopharmacology. The CME hours shall be in addition to the hours required for license renewal.

5. MD-14-1413A, COREY S. YILMAZ, M.D., LIC. #37036

Attorney Katherine Corcoran addressed the Board during the Public Statements portion of the Board's meeting.

RESOLUTION: Issue an Advisory Letter for inappropriate prescribing, billing for services not rendered, and performing telemedicine encounters that were not technically satisfactory. There is insufficient evidence to support disciplinary action. Issue an Order for non-disciplinary CME. Dr. Yilmaz shall complete no less than 15 hours of Board staff pre-approved non-disciplinary Category I CME in an intensive, in-person course regarding prescribing controlled substances. The CME hours shall be in addition to the hours required for license renewal.

6. MD-14-1315B, JENNIFER E. IACOVELLI, M.D., LIC. #36705

RESOLUTION: Issue an Advisory Letter for failing to appropriately manage blood loss following a suction dilation and curettage procedure. There is insufficient evidence to support disciplinary action. Order for Non-Disciplinary CME. Within six months, complete a minimum of six hours of Board staff pre-approved Category I CME in the management of bleeding following an obstetrical procedure. The CME hours shall be in addition to the hours required for license renewal.

7. MD-14-1363A, MOHAMMAD R. KARAMI-SICHANI, M.D., LIC. #31022

RESOLUTION: Issue an Advisory Letter for inappropriate medication prescribing and for inadequate medical records. There is insufficient evidence to support disciplinary action. Issue an Order for Non-Disciplinary CME for inadequate medical records. Within six months, complete a minimum of 15 hours of Board staff pre-approved Category I non-disciplinary CME in an intensive, in-person course regarding medical recordkeeping.

8. MD-15-0178A, SUSAN J. MORRIS, M.D., LIC. #32244

RESOLUTION: Issue an Advisory Letter and Order for Non-Disciplinary CME for failure to timely and appropriately treat a patient with ongoing gout symptoms. There is insufficient evidence to support disciplinary action. Within six months, complete a minimum of 5 hours of Board staff pre-approved Category I CME in gout and inflammatory arthritis treatment. The CME hours shall be in addition to the hours required for license renewal.

9. MD-15-1051A, KATHRYN J. T. BALLARD, M.D., LIC. #18608

Attorney Steven Perlmutter addressed the Board during the Public Statements portion of the Board's meeting.

Dr. Fromm explained that the question at issue was whether the physician charged a fee for services not rendered. Dr. Fromm further opined that in his mind the case involved disagreement over the correct CPT coding for the care rendered by the physician. Dr. Fromm stated he does not find sufficient evidence to establish that a violation occurred. Dr. Figge noted as a mitigating factor the fact that the physician completed 14 hours of CME on coding.

MOTION: Dr. Fromm moved to dismiss.

SECOND: Dr. Figge.

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

MOTION PASSED.

M. REVIEW OF EXECUTIVE DIRECTOR DISMISSALS

MOTION: Dr. Farmer moved to uphold the dismissal in item numbers 1-11.

SECOND: Dr. Paul.

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

MOTION PASSED.

1. MD-15-0900A, JOHN M. HARPENAU, M.D., LIC. #23610

RESOLUTION: Uphold the dismissal.

2. MD-15-1133A, ELIZABETH J. MCCONNELL, M.D., LIC. #28532

Dr. McConnell addressed the Board during the Public Statements portion of the Board meeting.

RESOLUTION: Uphold the dismissal.

3. MD-15-1009A, RAMON A. ROBLES, M.D., LIC. #24120

RESOLUTION: Uphold the dismissal.

4. MD-15-0576A, ERIC D. PITTMAN, M.D., LIC. #30757

Complainant B.D. addressed the Board during the Public Statements portion of the Board's meeting.

RESOLUTION: Uphold the dismissal.

5. MD-15-0576B, KRANTHI ANDHAVARAPU, M.D., LIC. #46559

Complainant B.D. addressed the Board during the Public Statements portion of the Board's meeting.

RESOLUTION: Uphold the dismissal.

6. MD-15-1264B, ANAIS M. SONDER, M.D., LIC. #30678

RESOLUTION: Uphold the dismissal.

7. MD-15-1461A, WILL INNOCENT, M.D., LIC. #32113

Complainant R.Z. addressed the Board during the Public Statements portion of the Board's meeting.

RESOLUTION: Uphold the dismissal.

8. MD-15-0649A, GEORGE R. REISS, M.D., LIC. #16811

Dr. Reiss and Attorney Scott King addressed the Board during the Public Statements portion of the Board's meeting.

RESOLUTION: Uphold the dismissal.

9. MD-15-0845B, ALBENA D. BAHARIEVA, M.D., LIC. #36413

RESOLUTION: Uphold the dismissal.

10. MD-15-1276A, BERNADETTE M. FRANCOIS, M.D., LIC. #21733

RESOLUTION: Uphold the dismissal.

11. MD-15-1261A, JEFFREY T. OSBURN, M.D., LIC. #30149

RESOLUTION: Uphold the dismissal.

12. MD-15-0519A, GONZALO M. CELIS, M.D., LIC. #14913

Attorney Michael Linton on behalf of Dr. Celis and complainant W.R. addressed the Board during the Public Statements portion of the Board's meeting.

Ms. Bain asked about the process for providing information to physicians during an appeal of ED dismissal. AAG Smith explained the standard appeal and notification process.

MOTION: Ms. Bain moved to uphold the dismissal.
SECOND: Dr. Fromm.
VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.
MOTION PASSED.

N. PROPOSED CONSENT AGREEMENTS (Disciplinary)

MOTION: Dr. Farmer moved to accept the proposed Consent Agreement in item numbers 1-7.

SECOND: Ms. Salter.

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

VOTE: 10-yay, 0-nay, 0-abstain, 1-recuse, 1-absent.

MOTION PASSED.

1. MD-15-0338A, JOEL J. PAULINO, M.D., LIC. #28843

RESOLUTION: Accept the proposed Consent Agreement for a Letter of Reprimand.

2. MD-14-0858A, RONALD M. SALIK, M.D., LIC. #25392

RESOLUTION: Accept the proposed Consent Agreement for a Letter of Reprimand.

3. MD-14-1271A, MOHAMED I. ELYAN, M.D., LIC. #44396

RESOLUTION: Accept the proposed Consent Agreement for a Letter of Reprimand and Six Month Probation. Within six months, complete a minimum of 4 hours of Board staff pre-approved Category I CME in recognizing emergency prescribing situations. The CME hours shall be in addition to the hours required for license renewal. The Probation shall terminate upon proof of successful completion of the CME.

4. MD-13-0818A, TIMOTHY E. WALKER, M.D., LIC. #11843

RESOLUTION: Accept the proposed Consent Agreement for Surrender of License.

5. MD-15-0330A, SHAUN D. PARSON, M.D., LIC. #27008

Dr. Perry recused.

RESOLUTION: Accept the proposed Consent Agreement for Two Year Probation to participate in PHP. Dr. Parson's PHP participation shall be retroactive to May 7, 2015. Once the licensee has complied with the terms and conditions of Probation, he must affirmatively request that the Board terminate the Probation.

6. MD-15-1110A, MICHAEL S. BISCOE, M.D., LIC. #20915

RESOLUTION: Accept the proposed Consent Agreement for Surrender of License.

7. MD-16-0378A, WENDY J. MARSHALL, M.D., LIC. #35482

RESOLUTION: Accept the proposed Consent Agreement for Surrender of License.

8. MD-14-0663A, MD-15-0435A, MICHAEL C. BRYAN, M.D., LIC. #37126

AAG Smith explained these matters were originally placed on the agenda for a Formal Interview. The physician was previously offered a Letter of Reprimand and Probation. The physician offered to accept the consent agreement as written for MD-15-0435A as long as the Board dismissed MD-14-0663A.

Board staff summarized MD-14-0663A, which involved an allegation that Dr. Bryan allowed a midwife who did not hold hospital privileges to assist in the delivery of twins. Board staff noted there was no patient harm. The first twin was delivered vaginally by nurse midwife and the second by cesarean by physician.

Board members discussed that the midwife held an advance practice certification as a certified nurse midwife with the Arizona Board of Nursing and thus was practicing within her scope of practice even if she was not properly credentialed by the hospital. Board members agreed that they would be willing to accept the offer as no patient harm occurred in the midwife case whereas in the second case there was a surgical error resulting in patient harm.

MOTION: Dr. Figge moved to accept the proposed Consent Agreement for a Letter of Reprimand and Probation for a minimum of six months. Dr. Bryan shall complete a competency evaluation at a facility approved by the Board or its staff within 90 days of the Order and follow any recommendations made by the evaluator. If the evaluating facility finds that Dr. Bryan is safe to practice without any additional recommended training, monitoring or education, he may immediately apply for the Board to terminate the Probation. Case MD-14-0663A shall be dismissed.

SECOND: Ms. Brister.

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

VOTE: 8-yay, 3-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

ACTION ON CASE(S)

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

1. MD-14-0980A, MD-14-1233A, TIMOTHY W. JORDAN, M.D., LIC. #26988

Attorney Scott King addressed the Board during the Public Statements portion of the Board's meeting.

MOTION: Dr. Farmer moved to approve the draft Findings of Fact, Conclusions of Law and Order for a Letter of Reprimand and One Year Probation. The Probation shall include periodic chart reviews of 5-10 patient charts to confirm appropriate work up of patients diagnosed with Autism Spectrum Disorder, at the physician's expense. Once the licensee has complied with the Probation, he must affirmatively request that the Board terminate the Probation.

SECOND: Dr. Figge.

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

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

MOTION PASSED.

2. MD-14-1665A, ALLEN D. SLOAN, M.D., LIC. #17481

Complainant R.M. addressed the Board during the Public Statements portion of the Board's meeting. Dr. Farmer was recused.

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

SECOND: Ms. Brister.

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

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

MOTION PASSED.

OTHER BUSINESS

P. REQUEST FOR TERMINATION OF BOARD ORDER

1. MD-12-1380A, ROBERT D. BARKER, M.D., LIC. #9210

Dr. Barker addressed the Board during the Public Statements portion of the Board's meeting.

Board staff summarized to the Board that on March 5, 2016, the Board received the physician's request for early termination of his Board order. The PHP Contractor did not support termination of all terms of probation and made recommendations for an amended order of probation. The physician rejected the alternative recommendations. Board staff stated the physician has been compliant with the current order.

The PHP Contractor explained that that PHP would agree to modifications that would allow the physician to continue to participate in the PHP program from the Hopi Nation position that he was interested in, but that PHP did not support complete termination of PHP monitoring at this time due to the risk of relapse.

Dr. Fromm commented that he is sensitive to the physician's concerns but is not in favor of releasing from program. Dr. Fromm recommended the Board staff make negotiations for modification to the Order.

MOTION: Dr. Fromm moved to deny the physician's request to terminate his January 23, 2013 Board Order and direct the Executive Director to initiate discussions with the physician regarding modifying his current Board Order.

SECOND: Dr. Farmer.

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

MOTION PASSED.

Q. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING CASE RECOMMENDED FOR DISCIPLINARY ACTION

1. MD-14-0326A, JENNIFER L. MEYER, M.D., LIC. #41999

Dr. Jennifer Meyer addressed the Board during the Public Statements portion of the Board's meeting.

Dr. Gillard opined he did not agree with the OMC that a CT scan should have been done first and did not feel the case rose to a level of discipline. Dr. Gillard summarized this case was initiated after notification of a settlement alleging failure to perform a CT scan prior to a lumbar puncture. A previously undetected brain tumor herniated resulting in the patient's death. Dr. Gillard commented that this is a rare case and in hindsight if a CT had been completed they would have seen the tumor however, the standard of care does not require a CT scan prior to a lumbar puncture.

Dr. Berg opined there is strong support in dismissing this case based on the expert report provided by the physician. Dr. Berg and Dr. Gillard agreed that completing a CT before the lumbar puncture is not required by the standard of care.

MOTION: Dr. Berg moved to dismiss.

SECOND: Ms. Brister.

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

MOTION PASSED.

R. GENERAL CALL TO THE PUBLIC

There were no individuals that addressed the Board during the General Call to the Public.

MOTION: Ms. Bain moved to adjourn the meeting.

SECOND: Dr. Paul

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

MOTION PASSED

The meeting adjourned at 6:14 p.m.

Thursday, June 2, 2016

GENERAL BUSINESS

A. CALL TO ORDER

Dr. Gillard called the meeting to order at 8:05 a.m.

B. ROLL CALL

The following Board members were present: Dr. Gillard, Dr. Farmer, Ms. Bain, Ms. Brister, Dr. Connolly, Dr. Figge, Dr. Perry, Dr. Fromm, Dr. Paul, Dr. Berg and Ms. Salter.

The following Board members were absent: Dr. Krahn.

ALSO PRESENT

Present among Board staff include: Seth Hargraves, AAG; Carrie Smith, AAG; Mary D. Williams, AAG; Anne Froedge, AAG, Patricia E. McSorley, Executive Director; Kristina Fredrickson, Deputy Director; William Wolf, M.D., Chief Medical Consultant; Andrea Cisneros, Staff Investigational Review Committee Coordinator, Anita Shepherd, Investigations Manager; Mary Bober, Board Operations Manager; and Michelle Robles, Board Coordinator.

C. PUBLIC STATEMENTS REGARDING MATTERS LISTED ON THE AGENDA

Individuals who addressed the Board during the Public Statements portion of the meeting appear beneath the matter(s) referenced.

D. FORMAL INTERVIEWS

1. MD-15-0354A, JOHN W. GOLBERG, M.D., LIC. #34323
Dr. Golberg was present and represented by Attorney Susan McLellan.

Board staff summarized that the Board initiated the case after receiving notification of a disciplinary alert report generated by the Federation of State Medical Boards stating that Dr. Golberg was sanctioned by the Rhode Island Medical Board for failing to conform to the minimal standards of acceptable medical practice. On March 11, 2015, Dr. Golberg entered into a Consent Agreement with the RI Board for failure to perform to the minimal standards of acceptable and prevailing practice. SIRC recommended a Letter of Reprimand and Probation with the condition that Dr. Golberg should comply with the terms of the RI probation. Board staff has received proof that Dr. Golberg completed the terms of his probation and now has an unrestricted license

Ms. McLellan stated that probation was no longer warranted and Dr. Golberg now has an unrestricted license. Ms. McLellan noted there have been no issues since 2012 and Dr. Golberg identified the issues and has since worked with patients to correct them. Dr. Golberg has taken remedial steps by undergoing an independent evaluation, competency assessments and completed CME hours before the action was taken by the RI Board. Ms. McLellan requested the Board consider a dismissal or an Advisory Letter for tracking.

Dr. Golberg stated he takes pride in his Arizona license and it is important to have a license in good standing. Dr. Golberg further noted that since the issues that gave rise to his RI discipline, he has not had any additional practice issues.

During Board deliberation, Ms. Salter noted Dr. Golberg did disclose the RI Order and hospital termination on his Arizona license renewal and recommended an Advisory Letter. Dr. Fromm found unprofessional conduct due to action taken by another board.

MOTION: Dr. Fromm moved for a finding of unprofessional conduct in violation of A.R.S. § 32-1401(27)(o).

SECOND: Dr. Paul.

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

MOTION PASSED.

MOTION: Ms. Salter moved to issue an Advisory Letter for action taken by the State of Rhode Island. While the licensee has demonstrated substantial compliance through remediation or 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: Ms. Bain.

Dr. Fromm and Dr. Gillard spoke for the motion due to the mitigating factors of Dr. Golberg showing substantial remediation and compliance with the RI Order.

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

MOTION PASSED.

2. MD-14-0622A, MICHAEL C. MAXWELL, M.D., LIC. #31814

Dr. Maxwell was present and represented by Attorney Gordon Lewis.

Board staff presented to the Board that the case was initiated after receiving notification of a malpractice settlement regarding Dr. Maxwell's care and treatment of a 54 year-old male patient ("LM") alleging failure to appropriately manage anticoagulation therapy resulting in a subsequent stroke and death. The MC in the case found that Dr. Maxwell fell below the standard of care to allow the patient to go a full seven days with no anticoagulation therapy in the face of a mechanical aortic valve without any bridging heparin. This case was brought to the Board at the April 2016 meeting with the SIRC recommendation for an Advisory Letter but the Board felt this may warrant disciplinary action and invited the physician for a formal interview.

Dr. Maxwell stated that he was aware the patient was taking Coumadin and that he intended to give appropriate instructions to the patient regarding discontinuing Coumadin and establishing a bridging therapy. Dr. Maxwell stated that a miscommunication by the scheduler from his office caused this not to occur. Dr. Maxwell stated the scheduler no longer gives preoperative instructions and his office has now established a protocol where the patient is represented to the surgeon after the procedure is scheduled and authorized so that each patient will have clear instructions.

During questioning, Dr. Maxwell stated he agreed with the MC that it is the standard of care to begin bridging therapy after discontinuing Coumadin in this case. Dr. Maxwell explained that he discovered the patient had discontinued Coumadin through a discussion with the patient's cardiologist. Dr. Maxwell discussed with the cardiologist if it was safe to restart the medication. Dr. Maxwell then clarified that the scheduler created a letter for routine preoperative instructions based on an instruction document the office had created.

In closing, Mr. Lewis acknowledged this was an unfortunate circumstance but it is one Dr. Maxwell has recognized and remediated and it will not happen in the future. Dr. Lewis requested a non-disciplinary action be taken by the Board.

Dr. Berg opined that he believed unprofessional conduct occurred due to the breach in the standard of care, but based on the remediation from the physician, he does not feel this case rises to a level of discipline.

MOTION: Dr. Berg moved for a finding of unprofessional conduct in violation of A.R.S. § 32-1401(27)(q).

SECOND: Dr. Fromm.

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

MOTION PASSED.

MOTION: Dr. Berg moved to Issue an Advisory Letter for inadequate supervision of office staff providing anticoagulation instructions prior to surgery. While the licensee has demonstrated substantial compliance through remediation or 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. Paul.

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

MOTION PASSED.

3. MD-14-1007A, ROBERT J. RAUSCHER, M.D., LIC. #13109

Dr. Rauscher was present and represented by Attorney Stephen Myers.

Board staff presented to the Board that the case was initiated after receiving a complaint from Dr. Rauscher's former employee alleging that he had an active substance abuse problem and had been recently arrested for an extreme DUI. Board staff confirmed that the DUI and arrest had occurred in May 2014 and Dr. Rauscher had failed to notify the Board within ten working days as required by statute. Ms. Steger noted the extreme DUI was reclassified as a simple DUI. The Board received subsequent complaints regarding Dr. Rauscher; one from a physician assistant and one from a physician familiar with Dr. Rauscher alleging the same concerns regarding substance abuse. Dr. Rauscher initially denied any impairment issues and stated that he had injured his head in an accident at home and it had caused him to appear impaired. However, Board staff obtained hospital records that confirmed Dr. Rauscher had been evaluated on multiple occasions for alcohol abuse and alcohol-related issues. Dr. Rauscher executed an Interim Consent Agreement ("ICA") for a Practice Restriction on July 23, 2014. On August 12, 2014, Board staff was contacted by a pharmacist who reported that Dr. Rauscher wrote a prescription for a patient despite the restriction on his practice. The prescription was for 20 tablets of Seroquel (100mg). Dr. Rauscher completed inpatient treatment and was discharged with staff approval on October 4, 2014. Dr. Rauscher subsequently met with the PHP Contractor and was found safe to practice while enrolled in PHP for a period of five years, with an additional requirement of psychiatric monitoring. Dr. Rauscher signed the ICA for program participation on December 3, 2014 and his ICA for Practice Restriction was terminated. SIRC recommended a Letter of Reprimand and Probation for participation in PHP monitoring retroactive to December 3, 2014.

Dr. Rauscher stated that he would agree to continue monitoring with PHP but asked that disciplinary action not be taken. Dr. Rauscher requested also requested that corrections be made to the Board's reports to the NPDB. Dr. Rauscher clarified that he did not see patients while under the influence and that he had stopped working before the DUI. Dr. Rauscher stated that he had developed a serious neurological condition and private circumstances had led to his drinking in May. Dr. Rauscher admitted he did develop a dependency on alcohol but is committed to recovery.

Dr. Farmer noted concerns that part of being in recovery is admitting responsibility and being responsible. Dr. Rauscher did demonstrate initial resistance in treatment and investigation involvement. Dr. Farmer also commented that although the DUI was reduced the photos of the open bottles in Dr. Rauscher's car are concerning. Dr. Farmer commented that Dr. Rauscher demonstrated bad judgement for writing the prescription that violated his Board order.

In closing, Mr. Myers requested the Board not take disciplinary action and that the existing NPDB report be corrected. Mr. Myers requested that Dr. Rauscher be allowed to complete his monitoring under a confidential agreement. Mr. Myers stated Dr. Rauscher's bad judgement in writing the prescription to himself was due to a combination of his alcohol disorder, suffering from a debilitating illness and personal issues. Mr. Myers requested that the Board take into account that Dr. Rauscher has no prior Board history.

Board staff voiced support for upholding the SIRC recommendation in this case. Dr. Farmer agreed with SIRC's findings of unprofessional conduct.

MOTION: Dr. Farmer moved for a finding of unprofessional conduct in violation of A.R.S. § 32-1401(27)(f), (q), (r) and (s) as stated by SIRC

SECOND: Ms. Bain.

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

MOTION PASSED.

Dr. Farmer commented that he believed the physician's lack of prior history, other health issues and personal issues served as mitigating factors. Dr. Farmer also noted that Dr. Rauscher's initial refusal to engage in treatment was an aggravating factor and spoke in support of a Letter of Reprimand and Probation as well as correction of the NPDB report.

MOTION: Dr. Farmer moved for a Draft Findings of Fact, Conclusions of Law and Order for a Letter of Reprimand and Five Year Probation to participate in the Board's Physician Health Program ("PHP"). Dr. Rauscher's PHP participation shall be retroactive to December 3, 2014. The Probation shall include psychiatric monitoring. Once the licensee has complied with the Probation, he must affirmatively request that the Board terminate the Probation.

SECOND: Ms. Salter.

Board members discussed the importance of appropriately reporting to the NPDB.

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

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

MOTION PASSED.

MOTION: Dr. Farmer moved for the Board to enter into a brief recess.

SECOND: Ms. Bain.

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

MOTION PASSED.

The meeting adjourned at 10:15 a.m.

The meeting reconvened at 11:19 a.m.

CONSENT AGENDA

E. LICENSE APPLICATIONS

i. APPROVE OR DENY LICENSE APPLICATION

MOTION: Dr. Farmer moved to approve the license application and grant the license for item numbers 1, 3, 4-7, 9, 12-15.

SECOND: Ms. Salter.

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

MOTION PASSED.

1. MD-15-1494A, JOHN M. NAVARRO, M.D., LIC. #N/A

RESOLUTION: Approve the license application and grant the license.

2. MD-15-0829A, MARK A. KELLEY, M.D., LIC. #N/A

Board staff summarized this case was initiated based on affirmative answers on Dr. Kelley's license application of May 26, 2015. Dr. Kelley disclosed prior Board actions, resignation of privileges, malpractice settlements and a confidential medical condition. Dr. Kelley had four malpractice settlements and an MC reviewed three of the cases. In one case, The MC found deviations from the standard of care in two of the cases.

MOTION: Dr. Farmer moved for the Board to enter into Executive Session pursuant to A.R.S. § 38-431.03(A)(2).

SECOND: Ms. Bain.

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

MOTION PASSED.

The Board entered into Executive Session at 11:26 a.m.

The Board returned to Open Session at 11:31 a.m.
No legal action was taken by the Board during Executive Session.

MOTION: Dr. Figge moved to grant the license.
SECOND: Dr. Fromm.

VOTE: 10-yay, 0-nay, 1-abstain, 0-recuse, 1-absent.
MOTION PASSED.

3. MD-16-0365A, SANDEEP RAO, M.D., LIC. #N/A
RESOLUTION: Approve the license application and grant the license.
4. MD-15-1482A, RACHEL M. SCHACHT, M.D., LIC. #N/A
Dr. Schacht addressed the Board during the Public Statements portion of the Board's meeting.

Dr. Gillard summarized the physician has passed the USMLE and completed CME in preparation for returning to the practice of dermatology. Dr. Schacht has signed a Consent Agreement for a probationary license.

MOTION: Dr. Gillard moved to accept the proposed Consent Agreement for a probationary license.

SECOND: Dr. Fromm.

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

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

5. MD-16-0411A, BALAMURALI K. AMBATI, M.D., LIC. #N/A
RESOLUTION: Approve the license application and grant the license.
6. MD-16-0098A, CHARLES A. EVERLY, M.D., LIC. #N/A
RESOLUTION: Approve the license application and grant the license.
7. MD-15-1407A, JEFFREY T. TRIPLETT, M.D., LIC. #N/A
RESOLUTION: Approve the license application and grant the license.
8. MD-15-0952A, DOUGLAS J. KRELL, M.D., LIC. #N/A
Dr. Krell and Attorney Stephen Myers addressed the Board during the Public Statements portion of the Board's meeting.

Dr. Figge noted that the physician has a restriction on his New Mexico license. AAG Smith clarified that SIRC found that Dr. Krell did not meet the minimum requirements for licensure. Ms. Bain confirmed with Board staff that the physician was given the option to withdraw his application. Dr. Fromm suggested Board staff work with the physician for a Consent Agreement for a probationary license with the stipulation that he practice under the supervision of a licensed physician during completion of the residency program that Dr. Krell has expressed an interest in completing.

MOTION: Dr. Fromm moved to table this matter and instruct staff to initiate discussions with the applicant regarding entering into a Consent Agreement for a probationary license requiring the physician to practice solely within the parameters of the proposed training program. Once the physician has completed the program, he must affirmatively request that the Board terminate the Probation and grant him a full unrestricted Arizona medical license. The Board has the sole discretion to determine whether all of the terms and conditions of this Order have been met or whether to take any other action that

is consistent with its statutory and regulatory authority, including requiring Respondent to complete any additional testing or evaluations in order to demonstrate that he is safe to practice medicine.

SECOND: Dr. Berg.

Board staff clarified that Dr. Krell informed staff that obtaining an Arizona license may help him get a DEA license. Dr. Gillard commented the New Mexico restriction will need to be terminated before the applicant will be granted an unrestricted license.

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

MOTION PASSED.

9. MD-16-0272A, SEAN F. WOLFORTH, M.D., LIC. #N/A

RESOLUTION: Approve the license application and grant the license.

10. THIS ITEM HAS BEEN PULLED FROM THE AGENDA.

11. MD-15-1483A, DALE R. CRAWFORD, M.D., LIC. #N/A

Dr. Gillard summarized the physician let his Arizona license expire because he stopped working due to health issues.

MOTION: Dr. Fromm moved to grant the license.

SECOND: Dr. Paul.

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

MOTION PASSED.

12. MD-16-0104A, MICHAEL J. HAKE, M.D., LIC. #N/A

RESOLUTION: Approve the license application and grant the license.

13. MD-15-1475A, MARCO T. GONZALEZ, M.D., LIC. #N/A

RESOLUTION: Approve the license application and grant the license.

14. MD-16-0501A, PATRICIA J. MERGO, M.D., LIC. #N/A

RESOLUTION: Approve the license application and grant the license.

15. MD-15-1097A, PAUL E. HUEPENBECKER, M.D., LIC. #N/A

RESOLUTION: Approve the license application and grant the license.

ii. APPROVE OR DENY LICENSE APPLICATIONS WITH RECOMMENDATION FROM CHIEF MEDICAL CONSULTANT

MOTION: Dr. Figge moved to approve the license application and grant the license for item numbers 1-11.

SECOND: Ms. Bain.

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

MOTION PASSED.

1. MD-16-0498A, STEPHEN L. FERRARA, M.D., LIC. #N/A

RESOLUTION: Approve the license application and grant the license.

2. MD-16-0453A, SURENDAR BHANDARI, M.D., LIC. #N/A

RESOLUTION: Approve the license application and grant the license.

3. MD-16-0497A, CHARLES V. MALETZ, M.D., LIC. #N/A

RESOLUTION: Approve the license application and grant the license.

4. MD-16-0535A, HELENA T. YIP, M.D., LIC. #N/A

RESOLUTION: Approve the license application and grant the license.

5. MD-16-0546A, SRI P. GUNNALA, M.D., LIC. #N/A

RESOLUTION: Approve the license application and grant the license.

6. MD-16-0494A, DAVID HOHJUAN, M.D., LIC. #N/A

RESOLUTION: Approve the license application and grant the license.

7. MD-16-0421A, RONALD S. CHAMBERLAIN, M.D., LIC. #N/A
RESOLUTION: Approve the license application and grant the license.
8. MD-16-0585A, ALGIMANTAS L. JECIUS, M.D., LIC. #N/A
RESOLUTION: Approve the license application and grant the license.
9. MD-16-0404A, LOAY A. MUFTAH, M.D., LIC. #N/A
RESOLUTION: Approve the license application and grant the license.
10. MD-16-0445A, VICTOR JORDEN, M.D., LIC. #N/A
RESOLUTION: Approve the license application and grant the license.
11. MD-16-0592A, FRANCIS T. OZIM, M.D., LIC. #N/A
RESOLUTION: Approve the license application and grant the license.

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

1. MD-16-0407A, MITCHELL N. TERRILL, M.D., LIC. #42696
MOTION: Dr. Fromm moved to grant the license renewal and dismiss the pending investigation.
SECOND: Dr. Berg.
VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.
MOTION PASSED.
2. MD-16-0422A, AMIT KASHYAP, M.D., LIC. #49643
MOTION: Dr. Fromm moved to grant the license renewal and dismiss the pending investigation.
SECOND: Dr. Gillard.
VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.
MOTION PASSED.

iv. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING LICENSURE BY ENDORSEMENT PURSUANT TO A.R.S. § 32-1426(B) AND R4-16-201(F)

1. ADMINISTRATIVELY COMPLETE

MOTION: Dr. Figge moved to grant the physician licensure by endorsement in item numbers 1 and 2.
SECOND: Ms. Brister.
VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.
MOTION PASSED.

1. CHARLES T. ELLIS, M.D.
RESOLUTION: Grant the physician licensure by endorsement.
2. ROBERT W. WASS, M.D.
RESOLUTION: Grant the physician licensure by endorsement.

OTHER BUSINESS

F. CONSIDERATION OF DUAL JURISDICTION OF THE AMB AND THE ARIZONA HOMEOPATHIC BOARD

1. MD-16-0639A, MARTHA MARGARET GROUT, M.D., LIC. #24896
AAG Smith summarized that a complaint came to the Board regarding this physician who has a dual license in homeopathic medicine. AAG Smith explained that pursuant to statute only one Board can proceed with an investigation and once the investigation is complete the other Board will be provided with the material and findings.

Dr. Gillard noted this case appears to involve allopathic medicine and therefore should be under the jurisdiction of this Board.

MOTION: Dr. Berg moved to assert the Board's jurisdiction and, if necessary, initiate arbitration proceedings under A.R.S. § 32-2907 to assert the Board's primary jurisdiction in this matter with Dr. Berg and AAG Smith as representation of the Board.

SECOND: Ms. Bain.

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

MOTION PASSED.

G. GENERAL CALL TO THE PUBLIC

Shirley Brener addressed the Board during the General Call to the Public.

MOTION: Ms. Bain moved for adjournment.

SECOND: Dr. Fromm.

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

MOTION PASSED.

The meeting adjourned at 12:05 p.m.



Patricia E. McSorley

Patricia E. McSorley, Executive Director