



Arizona Medical Board

9545 East Doubletree Ranch Road • Scottsdale, Arizona 85258

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FINAL MINUTES FOR SPECIAL TELECONFERENCE MEETING Held on September 15, 2016 9545 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.
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.
Pamela E. Jones
Lois E. Krahn, M.D.
Edward G. Paul, M.D.
Wanda J. Salter, R.N.

GENERAL BUSINESS

A. CALL TO ORDER

Dr. Gillard called the meeting to order at 6:04 p.m.

B. ROLL CALL

The following Board members participated telephonically: Dr. Gillard, Dr. Farmer, Dr. Fromm, Dr. Berg, Ms. Jones, Dr. Connolly, Dr. Figge, Dr. Paul, and Ms. Salter.

The following Board members were absent: Ms. Bain and Dr. Krahn.

ALSO PRESENT

Present among Board staff include: Carrie Smith, Assistant Attorney General ("AAG"); Patricia E. McSorley, Executive Director; William Wolf, M.D., Chief Medical Consultant; Andrea Cisneros, Staff Investigational Review Committee ("SIRC") Coordinator, Raquel Rivera, Interim Acting 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 Scheduling for 2017 Board Meeting Calendar

Ms. McSorley reported the 2017 Board Meeting Calendar reflects regular Board meetings scheduled for one day each. Ms. McSorley noted that the upcoming November 8th teleconference is Election Day and requested Board member input regarding whether the schedule should be adjusted.

Dr. Gillard noted that the 2017 Offsite meeting will need to be scheduled and directed Ms. McSorley to survey Board members regarding an acceptable date.

CONSENT AGENDA

E. LICENSE APPLICATIONS

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

SECOND: Dr. Figge.

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

MOTION PASSED.

i. APPROVE OR DENY LICENSE APPLICATION

1. MD-16-0665A, ALI N. WAZNI, M.D., LIC. #N/A

Resolution: Approve the license application and grant the license.

2. MD-16-0505A, JEFFRY L. KASHUK, M.D., LIC. #N/A

Resolution: Approve the license application and grant the license.

3. MD-15-0953A, STEPHANIE VAN ZANDT, M.D., LIC. #N/A

Dr. Gillard summarized that the Board voted during the August 4, 2016 Board meeting to offer her a probationary license and complete 10 hours of in person CME for the treatment of pre-eclampsia. The physician recently completed similar CME that was accepted by the North Carolina Medical Board. Dr. Gillard recommended the Board accept the seven hours of pre-eclampsia CME that Dr. Van Zandt already completed and grant the license.

MOTION: Dr. Fromm moved for the Board to rescind its previous offer of a Consent Agreement for a probationary license, and grant the application for licensure.

SECOND: Dr. Paul.

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

MOTION PASSED.

4. MD-16-0120A, CURTISS D. FARRELL, M.D., LIC. #N/A

Resolution: Approve the license application and grant the license.

5. MD-15-0951A, IRA P. MICHAELSON, M.D., LIC. #N/A

Resolution: Approve the license application and grant the license.

ii. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING RENEWAL APPLICATION AND RECOMMENDED ADVISORY LETTER

1. MD-15-1488A, MICHAEL P. LOWE, M.D., LIC. #29130

Board staff summarized that the physician disclosed he had his hospital privileges restricted in 2012 on his current pending 2015 renewal application but did not disclose this information on his 2013 renewal.

Dr. Gillard recommended granting the license without an Advisory Letter due to the physician disclosing the restriction on his 2015 renewal.

MOTION: Ms. Salter moved to grant the license renewal and dismiss the investigation.

SECOND: Dr. Berg.

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

MOTION PASSED.

iii. **REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING APPLICANT'S REQUEST FOR WAIVER OF DOCUMENTATION REQUIREMENT**

1. BERNARD LEVI, M.D.

The Board recognized that the applicant was unable to obtain original records due to the remoteness of the underlying legal matter. Board staff reported that otherwise, the physician has provided as much documentation as possible. Board members noted that the legal matter was ultimately dismissed with prejudice.

MOTION: Dr. Fromm moved to grant the applicant's request for waiver of documentation requirement.

SECOND: Dr. Paul.

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

MOTION PASSED.

2. DONALD L. TSCHIRHART, M.D.

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

Dr. Gillard summarized that the physician is unable to obtain records from a malpractice case that occurred in the 1990's and has had no other malpractice case in thirty years of practice.

MOTION: Ms. Salter moved to grant the applicant's request for waiver of documentation requirement.

SECOND: Dr. Farmer.

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

MOTION PASSED.

F. **REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING LICENSE REACTIVATION**

1. MD-16-0954A, GABRIELLE J. GOODRICK, M.D., LIC. #22811

Dr. Gillard summarized that the physician was granted licensure inactivation with cause after she relapsed on Fentanyl. Dr. Goodrick subsequently successfully completed residential treatment and was found safe to practice with continued participation in PHP. Dr. Goodrick provided a letter stating she felt ready to practice.

MOTION: Dr. Paul moved to accept the proposed Consent Agreement for a License Reactivation and Five Year Probation to participate in PHP. After two years, Dr. Goodrick may petition the Board for early release from PHP and termination of the Probation.

SECOND: Dr. Fromm.

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

MOTION PASSED.

G. **CASES RECOMMENDED FOR ADVISORY LETTERS**

MOTION: Dr. Farmer moved to issue an Advisory Letter in item numbers 4, 6, 9, 11, 14, 16-18, 20-24, 26 and 27.

SECOND: Dr. Paul

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

MOTION PASSED.

1. MD-14-0691A, CASH R. BEECHLER, M.D., LIC. #11021

Dr. Gillard summarized that the physician reported a malpractice settlement arising out of an allegation of a misdiagnosis of cancer. Dr. Gillard noted that the physician documented a complete history, physical and x-ray of the patient. The physician did not

see the previous CT scan which was not initially available and reported nonspecific nodules. Dr. Gillard recommended dismissal.

MOTION: Dr. Fromm moved to dismiss.

SECOND: Dr. Farmer.

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

MOTION PASSED.

2. MD-14-1544A, ZELALEM YILMA, M.D., LIC. #25431

Dr. Yilma and Counsel Jill Hulsizer addressed the Board during the Public Statements portion of the meeting.

Board members stated that the physician made a series of attempts to correct an element of the medical record and that the initial record was correct. Board staff reported that no deviation from the standard of care had been identified by the MC. Board members found it mitigating that the physician made an effort to correct the mistake and there was no issue with his quality of care. Board members felt this matter did not rise to the level of an Advisory Letter and recommended dismissal.

MOTION: Dr. Fromm moved to dismiss.

SECOND: Dr. Farmer.

Dr. Figge spoke in favor of the motion, but noted the physician needed to look at the original record before making a correction.

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

MOTION PASSED.

3. MD-15-1361A, MICHAEL J. LABANOWSKI, M.D., LIC. #48250

Dr. Gillard summarized that action had been taken by the Tennessee Medical Board based on the physician's failure to attend a formal interview. Dr. Gillard noted the physician stated that he assumed did not need to appear for his interview because he had withdrawn his application. Dr. Gillard recommended dismissal.

MOTION: Dr. Berg moved to dismiss.

SECOND: Dr. Farmer.

Dr. Paul spoke in favor of the motion because no patient harm was identified.

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

MOTION PASSED.

4. MD-15-0307A, FELIX F. JABCZENSKI, M.D., LIC. #23092

Dr. Gilliard stated that he knows Dr. Jabczenski but it would not affect his ability to adjudicate the case.

RESOLUTION: Issue an Advisory Letter for a technical error during the performance of knee surgery. The violation was a technical violation that is not of sufficient merit to warrant disciplinary action.

5. MD-15-0608A, NICHOLAS A. RANSOM, M.D., LIC. #18436

Dr. Gilliard stated that he knows Dr. Ransom but it would not affect his ability to adjudicate the case.

Dr. Gillard noted that there was no patient harm identified in this case and that after the surgery the post-operative radiographs were satisfactory and on the postoperative visits the patient was better. Dr. Gillard noted the MC found a delay in recognition of the disassociation but found no deviation of the standard of care. The MC did note that the physician should not rely solely on the radiologist's report and should have personally reviewed the images. Board members agreed there was no deviation of the standard of care and recommended dismissal.

MOTION: Dr. Farmer moved to issue Dismiss.

SECOND: Dr. Fromm.
VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.
MOTION PASSED.

6. MD-15-0819A, MARK J. HELMS, M.D., LIC. #31813
RESOLUTION: Issue an Advisory Letter for prescribing controlled substances to an immediate family member, for failure to examine a patient prior to prescribing controlled substances, and for inadequate medical records. There is insufficient evidence to support disciplinary action.

7. MD-15-1515A, FRANCIS A. LUX, M.D., LIC. #31123
Dr. Gillard summarized that the case arose based on the complaint of a patient who was instructed to remove his shorts for an examination and the physician left the door ajar to the examination room, when he exited. Subsequently, a nurse entered the room without knocking. Dr. Gillard opined he did not find a patient care issue and noted that the physician has made policy changes to make patients more comfortable.

Board staff noted the MC found a violation of the standard of care based on Dr. Lux's termination of a patient without an appropriate grace period. Board staff noted the letter the physician provided the patient does not indicate that the doctor will be available for emergencies. Board staff clarified there is no statute governing the time period for patient termination.

Board members agreed the physician has made policy changes to ensure patient privacy however, an advisory letter for terminating a patient without a grace period is appropriate.

MOTION: Dr. Farmer moved to issue an Advisory Letter for terminating a patient without an appropriate grace period. While the licensee has demonstrated substantial compliance through remediation that mitigates the need for discipline, the Board believes that repetition of the activities that led to the investigation may result in future Board action against the license.
SECOND: Ms. Jones.
VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.
MOTION PASSED.

8. MD-15-0094A, JASON M. LEVINE, M.D., LIC. #28954
Dr. Levine and Counsel Scott King addressed the Board during the Public Statements portion of the meeting. Dr. Farmer was recused from this matter.

Dr. Gillard summarized that the matter arose out of a malpractice settlement paid on behalf of the physician arising out of an allegation that he failed to diagnose a ruptured globe with retained intraocular foreign body. Board members agreed with the physician that he was provided an incorrect report of the injury and thus acted on the incorrect information provided. Board members decided that the physician is knowledgeable on the correct treatment for the injury and recommended dismissal.

MOTION: Dr. Figge moved to dismiss.
SECOND: Dr. Paul.
VOTE: 8-yay, 0-nay, 0-abstain, 1-recuse, 2-absent.
MOTION PASSED.

9. MD-15-0311A, IRIS B. S. BERNSTEIN, M.D., LIC. #27368
RESOLUTION: Issue an Advisory Letter for performing a ureteroscopy and stent placement on the right side in a patient who had a left ureteral stone. While the licensee has demonstrated substantial compliance through remediation that mitigates the need for discipline, the Board believes that repetition of the activities that led to the investigation may result in future Board action against the license.

10. MD-15-0367A, DUY P. TRAN, M.D., LIC. #45286
Dr. Gillard noted that the MC determined there was no deviation of the standard of care, Ciprofloxacin was appropriate treatment for a UTI and the medical records were inadequate. Board members agreed that the medication choice was appropriate for treatment but there were inadequate medical records.
MOTION: Dr. Figge moved to issue an Advisory Letter for inadequate medical records. There is insufficient evidence to support disciplinary action.
SECOND: Dr. Paul.
VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.
MOTION PASSED.
11. MD-15-0543A, SUSAN P. BRIONES, M.D., LIC. #22101
RESOLUTION: Issue an Advisory Letter for inadequate medical records. There is insufficient evidence to support disciplinary action.
12. MD-15-1134A, LINO A. OSSANNA, M.D., LIC. #33661
Dr. Ossanna addressed the Board during the Public Statements portion of the meeting.
Dr. Gillard summarized that the physician charged for a service separately that was already bundled in the CPT codes. Dr. Gillard noted that in the physician's public statement he stated that the billing is completed by a separate company and that the MC did not find a quality of care issue.
MOTION: Dr. Figge moved to dismiss.
SECOND: Dr. Paul.
Board members discussed that the physician is responsible for their billing but most billing is done through a third party.
VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.
MOTION PASSED.
13. MD-15-0887A, PAUL M. BLOCK, M.D., LIC. #13694.
Dr. Block addressed the Board during the Public Statements portion of the meeting.
Dr. Gillard informed the Board that the complaint alleged Dr. Block was billing for exams not completed. Dr. Gillard noted that the MC found no issues with patient care and the physician stated the mistake was due to issues with electronic medical records (EMR) and they have since been updated.
Dr. Fromm commented that a common problem with some EMRs is the difficulty of adding new information into the note concurrent with the current visit.
MOTION: Dr. Fromm moved to dismiss
SECOND: Dr. Farmer.
VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.
MOTION PASSED.
14. MD-14-0677A, JOHN I. ISKANDAR, M.D., LIC. #35047
RESOLUTION: Issue an Advisory Letter for inadequate medical records and for allowing a non-medical employee to give medical advice. 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 license.
15. MD-15-1357A, GUNEET K. MUMICK, M.D., LIC. #35913
Dr. Mumick and Counsel Robin Burgess addressed the Board during the Public Statements portion of the meeting.

Dr. Gillard summarized that the patient received an injection from the medical assistant that was not ordered by the physician. Dr. Gillard reported that SIRC found that Dr. Mumick failed to adequately supervise the patient's care with the medical assistant and failed to document her discussions with the patient and oncologist. SIRC noted that the physician has made changes to her office's protocol to avoid errors in the future. Board members agreed that if the physician was not present at the time of the injection she would not be able to supervise the medical assistant.

MOTION: Dr. Fromm moved to dismiss.

SECOND: Dr. Paul.

Dr. Gillard noted electronic medical records make it difficult to keep clear and concise notes.

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

MOTION PASSED.

16. MD-15-1362A, MARCELLO PIETRANTONI, M.D., LIC. #31017

RESOLUTION: Issue an Advisory Letter for action taken by the State of Kentucky. While the licensee has demonstrated substantial compliance through remediation that mitigates the need for discipline, the Board believes that repetition of the activities that led to the investigation may result in future Board action against the licensee.

17. MD-16-0056A, STANLEY C. GRAVES, M.D., LIC. #22387

RESOLUTION: Issue an Advisory Letter for inadequate medical records and for purging a patient's medical records prior to the six year retention timeframe per statute. 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.

18. MD-16-0069A, ISLAM M. ABUJUBARA, M.D., LIC. #44391

RESOLUTION: Issue an Advisory Letter for inadequate medical records and for purging a patient's medical records prior to the six year retention timeframe per statute. 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.

19. MD-15-0884A, JOHN M. KASSENBRICK, M.D., LIC. #17245

E.O. and V.R. addressed the Board during the Public Statements portion of the meeting.

Dr. Figge noted that the CT scan report stated the mass was most likely a hematoma resulting from a previous injury. Dr. Figge noted that the MC found Dr. Kassenbrock deviated from the standard of care by being insufficiently suspicious of aspects of E.O.'s presentation which were discordant with his working diagnosis. Dr. Gillard noted the physician has a previous board history.

Board staff explained that had Dr. Kassenbrock been more skeptical and performed a biopsy, a more appropriate operation would have been planned. Board staff noted there were different options this physician could have taken and the incision that Dr. Kassenbrock performed was done incorrectly. Board staff opined this was a serious error and the patient has suffered due to the incorrect incision.

Dr. Farmer agreed with Board staff and spoke against the dismissal due to prior the physician's Board history.

MOTION: Dr. Figge moved to dismiss.

There was no seconder therefore this motion was withdrawn.

MOTION: Dr. Figge moved to issue an Advisory Letter for failing to consider diagnoses other than hematoma prior to performing an excisional biopsy on a large thigh mass when a needle aspiration was negative for fluid. There is insufficient evidence to support disciplinary action.

SECOND: Dr. Fromm.

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

MOTION PASSED.

20. MD-15-1065A, RASHDA KAIF, M.D., LIC. #25040
RESOLUTION: Issue an Advisory Letter for inadequate medical records. There is insufficient evidence to support disciplinary action.

21. MD-15-0502B, MARCIE D. CAIN, M.D., LIC. #46325
RESOLUTION: Issue an Advisory Letter for failure to perform or refer for genetic testing, for failure to discuss or offer a pelvic exam, and for inadequate documentation. There is insufficient evidence to support disciplinary action.

22. MD-15-0782A, GERLINDE S. TYNAN, M.D., LIC. #35511
RESOLUTION: Issue an Advisory Letter for excision of the incorrect breast lesion. While the licensee has demonstrated substantial compliance through remediation that has mitigated the need for disciplinary action, the Board believes that repetition of the activities that led to the investigation may result in further Board action against the licensee.

23. MD-15-1010A, ARVIND K. GUPTA, M.D., LIC. #47011
RESOLUTION: Issue an Advisory Letter for inadequate medical records. The violation was a minor or technical violation that is not of sufficient merit to warrant disciplinary action.

24. MD-15-1113A, PETER C. CHANIN, M.D., LIC. #31719
RESOLUTION: Issue an Advisory Letter for discharging a patient with a possible cardiac condition without adequate cardiology follow-up. There is insufficient evidence to support disciplinary action.

25. MD-15-1155A, NISHA TUNG-TAKHER, M.D., LIC. #30696
Dr. Tung-Takher addressed the Board during the Public Statements portion of the meeting.

Dr. Gillard summarized that the physician had moved offices and failed to inform his patients of the move.

Dr. Gillard stated statutes do not state that a physician is required to inform a patient they are moving offices and the physician only has to keep the Board apprised of an address change. Dr. Gillard noted that it is at the office's discretion to advise or notify the patient of their move and does not see this as abandonment. Dr. Fromm noted the physician's telephone number was forwarded and she was not unreachable to the patient.

MOTION: Dr. Fromm moved to dismiss.
SECOND: Dr. Paul.
VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.
MOTION PASSED.

26. MD-15-1132A, NEAL A. NIRENBERG, M.D., LIC. #25484
RESOLUTION: Issue an Advisory Letter for performing a limited eye examination on a patient who had refused the examination. There is insufficient evidence to support disciplinary action.

27. MD-16-0463A, JEFFREY P. GUAY, M.D., LIC. #32008

RESOLUTION: Issue an Advisory Letter for action taken by the State of Colorado. There is insufficient evidence to support disciplinary action.

H. REVIEW OF EXECUTIVE DIRECTOR DISMISSALS

MOTION: Dr. Fromm moved to uphold the dismissal in item numbers 1-3.

SECOND: Dr. Connolly.

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

MOTION PASSED.

1. MD-15-1166B, SUNGCHUN LEE, M.D., LIC. #32799

D.R. addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Uphold the dismissal.

2. MD-15-0943A, MICHAEL E. PRATER, M.D., LIC. #28430

B.P. addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Uphold the dismissal.

3. MD-15-1038A, YUKARI KAWAMOTO, M.D., LIC. #42788

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

RESOLUTION: Uphold the dismissal.

I. PROPOSED CONSENT AGREEMENTS (Disciplinary)

MOTION: Dr. Fromm moved to accept the proposed Consent Agreement in item numbers 1-3.

SECOND: Dr. Paul.

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, Dr. Connolly, Dr. Figge, Dr. Fromm, Ms. Jones, Dr. Paul and Ms. Salter. The following Board members were absent: Ms. Bain and Dr. Krahn.

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

MOTION PASSED.

1. MD-14-1195A, IRFAN MIRZA, M.D., LIC. #28306

RESOLUTION: Accept the proposed Consent Agreement for Letter of Reprimand and Probation. Within six months, Dr. Mirza shall complete no less than six hours of Board staff pre-approved Category I CME regarding EKG interpretation. The Probation shall terminate upon proof of successful completion of the CME.

2. MD-15-0748A, MD-14-1000A, ROBERT K. TRUESDALE, M.D., LIC. #34085

RESOLUTION: Accept the proposed Consent Agreement for Decree of Censure and Probation. Dr. Truesdale shall be restricted from prescribing controlled substances for a period of five years. Within six months, Dr. Truesdale shall complete no less than 15 hours Board staff pre-approved Category I CME in an intensive, in-person course regarding prescribing of controlled substances. The CME hours shall be in addition to the hours required for license renewal. Once the licensee has complied with the Probation, he must affirmatively request in writing that the Board terminate the Probation.

3. MD-15-1152A, DANIEL GOLDSMITH, M.D., LIC. #21920

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

OTHER BUSINESS

J. GENERAL CALL TO THE PUBLIC

No individuals addressed the Board during the General Call to the Public.

MOTION: Dr. Figge moved to adjourn the meeting at 8:03 p.m.

SECOND: Dr. Paul.

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

MOTION PASSED.



Patricia E. McSorley
Patricia E. McSorley, Executive Director