Wednesday, April 5, 2017

GENERAL BUSINESS

A. CALL TO ORDER

Dr. Gillard called the meeting to order at 8:02 a.m.

B. ROLL CALL

The following Board members were present: Dr. Gillard, Dr. Farmer, Ms. Bain, Dr. Berg, Dr. Bethancourt, Dr. Connolly, Dr. Figge, Ms. Jones, Dr. Krahn, Dr. Paul and Ms. Salter.

ALSO PRESENT

Present among Board staff include: Carrie Smith, Assistant Attorney General (“AAG”); Ann Froedge, AAG; Patricia E. McSorley, Executive Director; Kristina Frederiksen, Deputy Director; William Wolf, M.D., Chief Medical Consultant; Andra Cisneros, Staff Investigative Review Committee (“SIRC”) Coordinator; Raquel Rivera, 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

- Update on Agency Relocation

Ms. McSorley reported that the move is slated to occur at the end of December or the beginning of January. The AMB will be on the fourth floor of the building. There are three separate Board meeting rooms on the first floor with separate adjoining rooms for executive
session. Ms. McSorley stated that most of the agency equipment will be moved to the new building and any security concerns are being addressed.

- Update on HB2195 (AMB Bill), SB1435 (Fingerprinting Bill) and SB1452 (Board Reform Bill)
  Ms. McSorley reported that HB2195 has passed, SB 1435 is pending at the Legislature and that SB1452 was on the consent agenda at the House but has been pulled for amendment.

- Update and Feedback on the AMB Newsletter
  Ms. McSorley reported that the Newsletter has been a success and the agency has obtained 25 new Outside Medical Consultants (“OMCs”) as a result.

- Update on the Sunset Audit and New Audit of Board Member Reimbursement
  Ms. McSorley reported that the Performance Audit and Sunset Review is being wrapped up and that the auditors will be giving a report at the Board’s May teleconference. There will be a new audit regarding Board member reimbursement.

- Discussion regarding Executive Order 2017-03: Internal Review of Training Requirement, Continuing Education, Fees and Processes
  Ms. McSorley reported that there is a new Executive Order directing licensing boards, including the Board, to review the requirements regarding licensing and compare them to other states. The FSMB sends out a report on states actions and licenses that should help with this process. Ms. Bain noted the Rules Committee will meet to review the response.

- Discussion Regarding New Information Technology Process
  Ms. McSorley reported that the draft policy addresses maintenance and monitoring of the Board’s IT systems that is already being performed.

- Discussion Regarding DUI Policy
  Ms. McSorley states the new policy will be adopted and reflects a similar approach to the Dental Board and the Osteopathic Board. Dr. Krahn reported this policy reflects past discussions with no new changes.

- Update on Request for Information (RFI) for PHP Assessment and Monitoring
  Ms. McSorley reported that an RFI is being prepared to solicit interested addiction psychiatrists or addiction specialists to perform the assessments and undertake monitoring of participants in the PHP program.

- Update on CSPMP Registration for Applicants
  Ms. McSorley reported regarding changes in the way that Board staff is handling this reporting requirement.

  Ms. Smith clarified that an upcoming statutory change will shift the burden of registration off the Board and back onto the physician.

E. CHAIR’S REPORT
  - Federation of State Medical Boards Annual Meeting
Chairman Gillard reported that Ms. Bain and he will be attending the meeting. There will be information regarding guidelines, USMLE changes and information regarding other state medical boards.

Dr. Krahn commented that the FSMB has selected her to serve on the committee setting the standards for the USMLE Part 1.

F. LEGAL ADVISOR’S REPORT
   • Update on CA-CV-15-0730 Scorzo and Grabe v. Arizona Medical Board
     Ms. Smith reported that the dismissal of the case was upheld and the complainants do not plan on appealing to the Supreme Court.
   • Report on CA-CV-15-0756 Wassef v. Arizona Dental Board
     Ms. Smith reported that the court’s decision reaffirmed that the Board has the discretion to assess the risks posed by a respondent based on the allegations and available information when making a decision. This case also rejected the argument that a formal hearing is required before an interim order can be issued.
   • Board Member Guidance for Discussion on Confidential Material During Board Meetings

G. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING THE PHYSICIAN HEALTH PROGRAM (PHP) COMMITTEE
   • Report from February 23, 2017 and March 20, 2017 PHP Committee meetings
     Dr. Krahn reported that the committee continues to make progress on the new PHP program.
   • Discussion and Possible Action Regarding Committee Recommendation for ARBoPA Member to Join the PHP Committee
     Dr. Krahn opined that since the PHP affects the AMB and ARBoPA it would be beneficial to have an ARBoPA member as a non-voting member to offer input.

     MOTION: Dr. Krahn moved to approve the PHP Committee’s recommendation for an ARBoPA member to join the Committee as a non-voting member.
     SECOND: Dr. Farmer
     VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.
     MOTION PASSED.

H. APPROVAL OF MINUTES

     MOTION: Dr. Farmer moved to approve the February 1, 2017 Regular Session, including Executive Session; the February 2, 2017 Annual Planning Meeting; and the March 2, 2017 Special Teleconference, including Executive Session.
     SECOND: Dr. Paul.
     VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.
     MOTION PASSED.

LEGAL MATTERS

I. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING MOTION TO STAY CIVIL/ADMINISTRATIVE PROCEEDINGS PENDING OUTCOME OF CRIMINAL TRIAL
   1. MD-15-0977A, SHAKEEL A. KAHN, M.D., LIC. #37896
     Counsel Brendan Murphy addressed the Board on behalf of Dr. Kahn.
Mr. Murphy presented arguments in support of Dr. Kahn's motion to stay. Mr. Murphy argued that there were no patient complaints in this case and that it was initiated after the Board received two complaints from pharmacists regarding his opioid prescribing. Dr. Kahn is currently incarcerated in Wyoming and is awaiting a criminal trial. Dr. Kahn’s Arizona and Wyoming medical licenses have been summarily suspended and he has voluntarily surrendered his DEA license. Mr. Murphy asserted that Dr. Kahn poses no immediate threat to the public and that Dr. Kahn’s bond order does not allow him to treat patients and practice medicine. Mr. Murphy noted there are overlapping charges between Dr. Kahn’s criminal trial and his administrative hearing. Mr. Murphy requested the Board grant the motion to stay the civil proceedings pending the criminal trial.

Ms. Froedge noted the seriousness of the allegations against Dr. Kahn however she agreed that the best case for staying an administrative hearing is when the physician is facing criminal indictment. Ms. Froedge agreed that the allegations in this case do overlap. Ms. Froedge opined that the public is protected due to Dr. Kahn's incarceration and confirmed his medical licenses are suspended in Arizona and Wyoming. Ms. Froedge noted that if Dr. Kahn is convicted of a felony it will add to the State’s case at hearing. Ms. Froedge stated that the State takes no position and leaves the decision whether to stay the proceedings to the Board.

Board members discussed the ramifications of staying the civil proceedings.

Ms. Campbell confirmed that due to the physician’s summary suspension the physician is prohibited from engaging in the practice of medicine in the State of Arizona and that the stay of proceedings would last until the conclusion of the criminal matter. Ms. Campbell advised the Board to include counsel’s proposed reporting requirement in the Board’s order.

MOTION: Dr. Paul moved to stay the civil administrative proceedings pending the outcome of the criminal trial. The physician, through counsel, shall update the Board regarding the criminal proceedings every 45 days.
SECOND: Dr. Krahn.
VOTE: 9-yay, 1-nay, 0-abstain, 0-recuse, 1-absent.
MOTION PASSED.

J. MOTION FOR REHEARING/REVIEW (Non-Contested)

1. MD-14-1411A, BILL D. HOLLOMAN, M.D., LIC. #33572

Dr. Holloman was not present. Dr. Figge was recused from this case.

Dr. Gillard summarized that Dr. Holloman appeared before the Board for a formal interview and was placed on a practice restriction and was ordered to undergo a competency evaluation which he has yet to complete.

Dr. Berg opined that Dr. Holloman’s rights have not been violated and no new evidence has been brought forward.

MOTION: Dr. Berg moved to deny the Motion for Rehearing or Review.
SECOND: Dr. Farmer.
VOTE: 10-yay, 0-nay, 0-abstain, 1-recuse, 0-absent.
MOTION PASSED.

K. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING SUMMARY ACTION

1. MD-17-0179A, DAVID A. RUBEN, M.D., LIC. #11382
Dr. Ruben was present with counsel Robert Wolkin, A.O., V.S., and J.M. addressed the Board during the Public Statements portion of the meeting on behalf of the physician. Dr. Gillard stated that he knows Dr. Ruben but it would not affect his ability to adjudicate the case.

Board staff summarized that on February 21, 2017, Board staff received a complaint from the Board’s Compliance Department alleging that David Ruben, MD was in violation of his February 14, 2016 Order for Decree of Censure, Practice Restriction, and Probation. The Order restricted Dr. Ruben from prescribing schedule II controlled substances. Given Dr. Ruben’s extensive Board history and evidence of violating the Board Order at least 25 times by writing schedule II controlled substances to at least 11 patients, Board staff offered Dr. Ruben an Interim Consent Agreement for Practice Restriction, due to concerns regarding his prescribing and the Board’s ability to regulate Dr. Ruben. Board staff stated that Dr. Ruben’s case is before the Board for summary suspension as he has refused to sign the Interim Consent Agreement.

Dr. Ruben explained that he was unaware that certain medications he prescribed were schedule II controlled substances. Dr. Ruben stated he did not realize that he had violated his Board Order and requested that the Board allow him to continue to treat his patients.

Mr. Wolkin acknowledged that Dr. Ruben violated his Board Order however; he asserted there has been no finding of immediate danger to public health safety and welfare and therefore no substantial evidence to support summary suspension.

MOTION: Ms. Bain moved for the Board to enter into Executive Session pursuant to A.R.S. § 38-431.03(A)(3).
SECOND: Dr. Farmer.
VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.
MOTION PASSED.

The Board entered into Executive Session at 10:36 a.m.
The Board returned to Open Session at 10:45 a.m.
No legal action was taken by the Board during Executive Session.

During deliberation, Dr. Krahn commented that the AMB’s role is to ensure that physicians are knowledgeable and demonstrate competence in practicing medicine. Dr. Krahn stated that there is a clear concern with regard to Dr. Ruben's knowledge of controlled substances which does raise a significant public safety issue. Dr. Krahn also noted there is a concern regarding Dr. Ruben’s ability to be regulated by the Board due to his violation of the Board Order.

MOTION: Dr. Krahn moved to summarily suspend Dr. Ruben's Arizona medical license based on the finding that the public health, safety and welfare imperatively requires emergency action by the Board for reasons as stated in the Investigation Report.
SECOND: Ms. Bain.
ROLL CALL: Roll call vote was taken and the following Board members voted in favor of the motion: Dr. Gillard, Dr. Farmer, Ms. Bain, Dr. Berg, Dr. Connolly, Dr. Figge, Ms. Jones, Dr. Krahn, Dr. Paul and Ms. Salter. The following Board member abstained: Dr. Bethancourt.
VOTE: 10-yay, 0-nay, 1-abstain, 0-recuse, 0-absent.
MOTION PASSED.

L. FORMAL INTERVIEWS
1. MD-15-0552A, SANJEEV KHURANA, M.D., LIC. #35045
Dr. Khurana was present with counsel Scott King. M. H. and K.M. addressed the Board during the Public Statements portion of the meeting.

Board staff summarized that K.M. presented to the ED with a one-month history of abdominal pain, bloody diarrhea and fever. Later that evening, KM was admitted to the hospital with the diagnosis of Clostridium difficile colitis, anemia, fever and leukocytosis. Dr. Khurana was contacted and indicated that he would not be seeing the patient due to lack of insurance. At the January teleconference the Board voted to offer the physician a Letter of Reprimand and Probation and to complete CME in ethics or to come in for a formal interview.

Mr. King noted that the MC stated there was no physician/patient relationship and as an independent provider he was not required to provide free services to the patient. Dr. Khurana communicated to a floor nurse that he would not meet with the patient due to no insurance. The attending physician understood Dr. Khurana’s response and communicated this with K.M.’s family as well as the treatment plan. Mr. King stated that there was no emergent issue on April 6, 2013. The MC found there was no initial harm done due to Dr. Khurana’s refusal.

During questioning, Dr. Khurana explained the process for the hospital to request a consultation from him. Dr. Khurana confirmed that he refused the consult via a phone call with the floor nurse. Dr. Khurana confirmed that there is no other pediatric GI specialist on staff at the hospital.

In closing, Mr. King requested that the Board dismiss the case.

Board staff clarified that it was the nurse who called Dr. Khurana to confirm that a consultation would take place.

**MOTION:** Dr. Berg moved for the Board to enter into Executive Session pursuant to A.R.S. § 38-431.03(A)(2) and(3).
**SECOND:** Ms. Salter.
**VOTE:** 10-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.
**MOTION PASSED.**

The Board entered into Executive Session at 11:30 a.m.
The Board returned to Open Session at 11:33 a.m.
No legal action was taken by the Board during Executive Session.

Dr. Berg clarified that although a physician is on call at a hospital they are not required to consult a patient. Dr. Berg explained that a physician does have the right to refuse a consultation due to a patient having no insurance.

**MOTION:** Dr. Berg moved to issue an Advisory Letter for poorly denying a consultation and not helping further the care of the patient. 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.
**SECOND:** Dr. Figge.
Board staff confirmed the original provider has been referred to the Osteopathic Board. Dr. Farmer commented that the patient and the family presented to a hospital that treats pediatric patients and therefore there was an expectation that the hospital would be able to meet their needs. Dr. Berg opined that an Advisory Letter is appropriate due to the false statements in the physician’s response and due to poor manner that the physician communicated his refusal to the hospital.
**VOTE:** 9-yay, 1-nay, 0-abstain, 0-recuse, 1-absent.
**MOTION PASSED.**
2. THIS ITEM HAS BEEN MOVED TO ITEM R. NUMBER 4.

3. MD-15-0484A, DONALD R. NELSON, M.D., LIC. #5491
Dr. Nelson was present without counsel.

Board staff summarized that this case was initially presented to the Board with a recommendation for an Advisory Letter and the Board voted to offer the physician a consent agreement for a Letter of Reprimand or to appear for a formal interview. L.S. was previously evaluated in Montana for gynecologic issues. A hysterectomy was recommended as she was not a good candidate for ablation. Dr. Nelson's recommendation was for a D&C and ablation. LS elected to see another physician as Dr. Nelson was not on her insurance.

Dr. Nelson explained that he reviewed the patient's medical records from Montana. Dr. Nelson examined L.S. and determined her uterus to be 10 weeks in size and irregular. He suggested a D&C and endometrial ablation. The procedure was scheduled however LS later cancelled the procedure and went to another physician for a hysterectomy. Dr. Nelson addressed the MC's various concerns.

During questioning, Dr. Nelson explained the cause for the patient's bleeding and addressed the MC's concern that an ablation was not appropriate due to the submucosal fibroid. Dr. Nelson confirmed that the patient did not pay for the initial patient visit. In closing, Dr. Nelson requested the case be dismissed.

During deliberations, Dr. Figge stated that there was no patient harm and that this is a case of a difference of opinion in treatment. Dr. Figge noted that the patient did not have a follow up appointment or a procedure completed with Dr. Nelson.

MOTION: Dr. Figge moved to dismiss.
SECOND: Ms. Salter.
Dr. Farmer commented there was no patient harm in this case however; whether a physician is retired or not is not relevant.
VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.
MOTION PASSED.

M. FORMAL INTERVIEWS
1. MD-15-1067A, MD-15-1170A, KENNETH M. FISHER, M.D., LIC. #12762
Dr. Fisher was present with counsel Calvin Raup.

Board staff summarized that the Board initiated case number MD-15-1067A after receiving a complaints regarding Dr. Fisher's care and treatment of a 32 year-old male patient ("R.R.") alleging inappropriate prescribing and case number MD-15-1170A regarding care and treatment of a 55 year-old female patient ("A.G.") alleging failure to properly prescribe medication. In the case of MD-15-1067A, the MC indicated that Board staff summarized the deviations from standards of care for prescribing controlled substances as well as documentation issues identified by the MC. In the case of MD-15-1170A, the MC indicated that Dr. Fisher prescribed multiple controlled substances without justification including Soma, Alprazolam, and Fiorinal. The patient was prescribed multiple sedative-hypnotics simultaneously with Suboxone which significantly increases the risk of overdose and death. Board staff recommended the issuance of a Decree of Censure with a Practice Restriction prohibiting him from prescribing controlled substances. Board staff also recommended Dr. Fisher successfully complete CPEP's PRoBE course.
In opening, Dr. Fisher stated he has made changes in his practice and taken sixty hours of CME to meet the current standard of care.

During questioning, Dr. Fisher explained his rationale for prescribing of controlled substances to patient A.G. Dr. Fisher stated that she continued to refill prescriptions under his name when she was no longer his patient and that she had many prescribing physicians throughout her treatment. Dr. Fisher stated that he was not at fault for A.G.’s overdose as he was no longer treating her and explained at the end of his treatment the medication plan was to slowly detox. Dr. Fisher clarified his physician/patient relationship with R.R. and that he suffered various stresses and health concerns throughout his history of treatment. He commented that R.R.’s prescriptions can be misleading and that he never took more than one benzodiazepine at a time.

In closing, Mr. Raup commented that Dr. Fisher treats an underserved population and is willing to treat difficult cases. Mr. Raup requested that the Board not restrict the Dr. Fisher’s ability to treat this population.

Board staff clarified the MC’s findings regarding AG’s treatment.

During deliberations, Dr. Krahn opined that she was concerned regarding Dr. Fisher’s prescribing practices, inadequate medical records and rationale for prescribing. Dr. Krahn agreed with the MC in that Dr. Fisher’s medical records have changed but found Dr. Fisher’s prescribing of controlled substances for a long period of time to be a public safety concern. Dr. Krahn noted Dr. Fisher’s past Board history.

MOTION: Dr. Krahn moved for a finding of unprofessional conduct in violation of A.R.S. § 32-1401(27)(e), (q), and (ll) for reasons as stated by SIRC.
SECOND: Dr. Figge.
VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.
MOTION PASSED.

MOTION: Dr. Krahn moved for draft Findings of Fact, Conclusions of Law and Order for a Decree of Censure and Five Year Probation. Dr. Fisher shall be prohibited from prescribing controlled substances for a period of five years. Once the licensee has complied with the terms of the Probation, he must affirmatively request that the Board terminate the Probation.
SECOND: Ms. Bain.
Dr. Farmer commented that he did not support one of the standards of care established by the MC that requires a physician to discontinue benzodiazepines after 4-6 weeks. Board members agreed that the standard was overstated.
ROLL CALL: Roll call vote was taken and the following Board members voted in favor of the motion: Dr. Gillard, Dr. Farmer, Ms. Bain, Dr. Berg, Dr. Bethancourt, Dr. Connolly, Dr. Figge, Ms. Jones, Dr. Krahn, Dr. Paul and Ms. Salter.
VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.
MOTION PASSED.

2. MD-15-1223A, CHRISTOPHER A. REYNOLDS, M.D., LIC. #34330
Dr. Reynolds was present with counsel Calvin Raup.

Board staff summarized that the Board initiated case number MD-15-1223A after receiving notification from the Physician Health Program (“PHP”) Contractor that Dr. Reynolds consumed alcohol in violation of his November 21, 2014 confidential Board order. Dr. Reynolds entered into an Interim Consent Agreement to participate in the PHP for five years, executed on December 29, 2015. As of March 30, 2016, Dr. Reynolds remains in compliance with the PHP.
In opening, Dr. Reynolds explained that he initially self-reported that he consumed alcohol, therefore violating his Order, and has since taken a leave of absence and underwent all requested evaluations. Dr. Reynolds stated he does not dispute the violation of Board Order but he has a new job prospect that he would not be able to obtain if he receives a disciplinary action. Dr. Reynolds stated he is willing to complete monitoring.

Dr. Sucher confirmed that Dr. Reynolds has been compliant and has undergone all recommended evaluations.

During questioning, Dr. Reynolds stated that he consumed alcohol during a social setting and that it was a lapse in judgement.

**MOTION:** Dr. Figge moved for the Board to enter into Executive Session pursuant to A.R.S. § 38-431.03(A)(3).
**SECOND:** Ms. Bain.
**VOTE:** 11-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.
**MOTION PASSED.**

The Board entered into Executive Session at 2:43 p.m.
The Board returned to Open Session at 2:51 p.m.
No legal action was taken by the Board during Executive Session.

**MOTION:** Ms. Bain moved to table this matter.
**SECOND:** Dr. Krahn.
**VOTE:** 11-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.
**MOTION PASSED.**

**MOTION:** Dr. Paul moved to issue an Advisory Letter for violating a Board Order. 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.
**SECOND:** Ms. Salter.
**VOTE:** 11-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.
**MOTION PASSED.**

### 3. MD-16-0729A, MARIA R. DILEO, M.D., LIC. #42144

Dr. Dileo was present with counsel Gordon Lewis.

Board staff summarized that the Board initiated the case after receiving a complaint regarding Dr. DiLeo's care and treatment of a 16 year-old female patient (“IVP”) alleging failure to recognize signs and symptoms of infection, failure to administer antibiotics promptly, and failure to notify the pediatrician of the mother's worsening condition. The MC found that Dr. DiLeo deviated from the standard of care by failing to recognize that an infectious process was causing the patient's condition in spite of the abnormal heart rate and blood pressure that was not responding to fluids, which persisted for over 24 hours even though lab studies pointed to an infection earlier. The MC also found that Dr. DiLeo deviated from the standard of care by failing to administer antibiotics in a timely manner.

In opening, Dr. Dileo stated that this was a tragic outcome that arose from a bacterial infection. Dr. DiLeo summarized her care and treatment of IVP and explained her struggles with obtaining appropriate treatment due to the patient's age and atypical presentation.

During questioning, Dr. DiLeo suspected sepsis the morning of the twentieth after the patient started to severely decompensate. Dr. DiLeo confirmed that the labs exhibiting infection were not available until after her shift on the nineteenth. Dr. DiLeo confirmed...
when IVP was transferred to the Adult ICU and the struggle she encountered in trying to get her transferred to the Pediatric ICU.

In closing, Mr. Lewis commented that this is a tragic case but that this circumstance should not rise to the level of discipline. Dr. DiLeo was diligent in her treatment of IVP but was hindered by the administrative restraints of the hospital. Mr. Lewis commented that Dr. DiLeo took immediate action once aware of the diagnosis.

Dr. Berg agreed with Dr. DiLeo that it is rare to have sepsis but disagrees that this was an unusual presentation.

**MOTION:** Dr. Berg moved for a finding of unprofessional conduct in violation of A.R.S. § 32-1401(27)(q) for reasons as stated by SIRC.
**SECOND:** Dr. Farmer.
Dr. Berg commented that sepsis can be hard to diagnosis but there were clinical symptoms of hypotensive septic shock before the patient decompensated.
**VOTE:** 11-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.
**MOTION PASSED.**

Dr. Berg commented there was an unfortunate outcome and noted that the physician attempted to seek additional treatment.

**MOTION:** Dr. Berg moved to issue an Advisory Letter and Order for Non-Disciplinary CME for failing to recognize that an infectious process was causing the patient’s condition and for failing to timely administer antibiotics. 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. Within six months, complete no less than 10 hours of Board staff pre-approved Category I CME in the recognition and management of sepsis. The CME hours shall be in addition to the hours required for license renewal.
**SECOND:** Dr. Krahn.
Dr. Farmer opined that due to the mitigating circumstances that the issuance of an Advisory Letter with CME would be sufficient. Board members discussed the benefit and need to educate the physician on being able to identify sepsis. Ms. Bain opined Dr. DiLeo had to go above and beyond administratively to seek treatment for this patient. Dr. Krahn noted that there was a system issue with the Sepsis Alert due to the patient’s age that has since been rectified.
**VOTE:** 10-yay, 1-nay, 0-abstain, 0-recuse, 0-absent.
**MOTION PASSED.**

Dr. Berg requested that the evening covering physician be referred for investigation.

**N. LICENSING INTERVIEWS**

1. **MD-16-0366A, SALIM O. DAHDAH, M.D., LIC. # N/A**
Dr. Dahdah was present with counsel Charlie Buri.

**MOTION:** Chairman Gillard moved for the Board to enter into Executive Session pursuant to A.R.S. § 38-431.03(A)(3).
**SECOND:** Dr. Krahn.
**VOTE:** 11-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.
**MOTION PASSED.**

The Board entered into Executive Session at 3:46 p.m.
The Board returned to Open Session at 3:54 p.m.
No legal action was taken by the Board during Executive Session.
Board staff summarized that the Board initiated the case after receiving Dr. Dahdah’s license application wherein he answered in the affirmative to multiple questions. Dr. Dahdah currently has an open Ohio Medicaid investigation, which resulted in suspended hospital privileges. Dr. Dahdah also disclosed a malpractice settlement. Dr. Dahdah reported that he has been offered a position at Green Valley Hospital as possible Chief Medical Officer and Director of Cardiology.

During questioning, Dr. Dahdah stated he is unaware of the details of the Ohio Medicaid investigation. Dr. Dahdah explained that a search warrant issued as part of the investigation cited medically unnecessary nuclear stress tests. Dr. Dahdah confirmed he has an active Ohio and Michigan license and is Board certified in internal medicine and vascular disease.

In closing, Dr. Dahdah stated he plans to continue to work and has no plans of retiring. He plans to work at Green Valley Hospital.

In closing, Mr. Buri commented that he has no information to provide regarding the pending Medicaid investigation and that Dr. Dahdah is otherwise qualified for an Arizona license. Mr. Buri requested that the Board grant the license.

**MOTION:** Dr. Connolly moved to grant the license.
**SECOND:** Dr. Paul.
**VOTE:** 9-yay, 0-nay, 2-abstain, 0-recuse, 0-absent.
**MOTION PASSED.**

2. THIS ITEM HAS BEEN PULLED FROM THE AGENDA.

**CONSENT AGENDA**

**O. CASES RECOMMENDED FOR DISMISSAL**

1. **MD-16-0934A, ANDREAS E. XAGORARIS, M.D., LIC. #45619**

Dr. Gillard summarized that there was a malpractice in 1994 that was not investigated and therefore is being investigated as part of the look back. The malpractice is old therefore no documentation is available.

**MOTION:** Dr. Krahn moved to dismiss.
**SECOND:** Dr. Farmer.
**VOTE:** 11-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.
**MOTION PASSED.**

**P. CASES RECOMMENDED FOR ADVISORY LETTERS**

**MOTION:** Ms. Jones moved to issue an Advisory Letter in item numbers 4-6, 9 and 11-14.
**SECOND:** Dr. Figge.
**VOTE:** 11-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.
**MOTION PASSED.**

1. **MD-16-0414A, MEGAN S. WIESE, M.D., LIC. #29168**

Dr. Wiese addressed the Board during the Public Statements portion of the meeting. A.B. and D.V. addressed the Board during the Public Statements portion of the meeting.

Board staff summarized that A.B. was admitted at interim labor and was administered an epidural and subsequently two epidural boluses. There was inadequate anesthesia on the left side during a caesarian section. The MC stated that the concern in this case is that not enough time was given for the epidural boluses to become effective. The MC stated that considering there was no fetal stress identified in this case, the physician should have waited to proceed until adequate pain relief was achieved.
Ms. Jones opined that considering there was no fetal stress identified in this case, the physician should have waited to proceed until adequate pain relief was achieved. Ms. Jones opined this case rises to the level of discipline.

Dr. Farmer commented that there is a lack of documentation and agreed that the surgeon and the anesthesiologist share responsibility as there was time to create an alternative plan. Dr. Farmer expressed concern with the physicians’ response to the situation. Dr. Farmer spoke in favor of the recommendation for an Advisory Letter.

Dr. Krahn opined that effort should have been made to assist the patient in recovery.

**MOTION:** Dr. Farmer moved to Issue an Advisory Letter for failing to ensure adequate anesthesia prior to initiating a cesarean section, and for inadequate medical records. There is insufficient evidence to support disciplinary action. Within six months, complete no less than 5 hours of Board staff pre-approved Category I CME in clinician-patient communication. The CME hours shall be in addition to the hours required for license renewal.

**SECOND:** Dr. Krahn.

Board members discussed the importance of physician teamwork, and communication as well as whether or not if continuing medical education is required. Dr. Connolly opined there needs to be education of communication with the family in the event of an adverse outcome or medical errors.

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

**MOTION PASSED.**

2. **MD-16-0414B, SUSAN L. CYMBOR, M.D., LIC. #27856**

A.B. and D.V. addressed the Board during the Public Statements portion of the meeting.

This case was discussed in conjunction with MD-16-0414A.

**MOTION:** Ms. Jones moved to issue an Advisory Letter for inadequate medical records. There is insufficient evidence to support disciplinary action. Within six months, complete no less than 5 hours of Board staff pre-approved Category I CME in clinician-patient communication. The CME hours shall be in addition to the hours required for license renewal.

**SECOND:** Dr. Paul.

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

**MOTION PASSED.**

3. **MD-15-0609A, MARK B. DEKUTOSKI, M.D., LIC. #47104**

Dr. Dekutoski and counsel Steve Myers addressed the Board during the Public Statements portion of the meeting. Dr. Krahn was recused from this case.

Dr. Farmer commented that there was no evidence of inadequate supervision of the physician assistant and that the matter was handled appropriately by the PA Board.

**MOTION:** Dr. Farmer moved to dismiss.

**SECOND:** Ms. Bain.

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

**MOTION PASSED.**

4. **MD-16-0599A, ADAM R. KOELSCH, M.D., LIC. #31945**

**RESOLUTION:** Issue an Advisory Letter for failure to appropriately evaluate and manage a patient with chronic pain on multiple medications and for inadequate documentation. While the licensee has demonstrated substantial compliance
through remediation that has mitigated the need for disciplinary action, the Board believes that repetition of the activities that led to the investigation may result in further Board action against the licensee.

5. MD-16-0900A, LEONARD A. YONTZ, M.D., LIC. #49717
RESOLUTION: Issue an Advisory Letter for an inadequate eye examination in a patient with facial lacerations and glass foreign bodies present, and for inadequate medical records. There is insufficient evidence to support disciplinary action.

6. MD-16-0315A, MD-16-0319A, DAVID A. CAMARATA, M.D., LIC. #28451
L.H. addressed the Board during the Public Statements portion of the meeting.

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

7. THIS ITEM HAS BEEN PULLED FROM THE AGENDA.

8. MD-16-1083A, SEAN P. T. MURPHY, M.D., LIC. #R75900
Dr. Connolly was recused from this case.

Board staff summarized that the Board initiated the case after receiving notification that on August 31, 2016, Dr. Murphy used another hospital provider’s computer to log in to write a prescription for himself under a medical record for a patient with the same first and last name. It was noted that Dr. Murphy attempted to fill the forged prescription at a pharmacy. The hospital also reported that Dr. Murphy was terminated from their residency program on September 9, 2016. Dr. Murphy underwent an assessment and was found to not have a dependency issue.

MOTION: Ms. Jones moved to issue an Advisory Letter for using another provider’s computer log-in to write a prescription for himself. There is insufficient evidence to support disciplinary action.
SECOND: Dr. Figge.
Dr. Berg spoke against the motion as the physician made a mistake over a non-narcotic medication and has paid for the action by losing a prestige position. Dr. Berg also noted that the physician did self-reported. Dr. Krahn noted that incorrect information was in the patient’s medical record.
VOTE: 9-yay, 1-nay, 0-abstain, 1-recuse, 0-absent.
MOTION PASSED.

9. MD-16-1055A, ALEXANDER S. WHELAN, M.D., LIC. #R74731
RESOLUTION: Issue an Advisory Letter for failure to timely report a misdemeanor charge to the Board as required by statute. There is insufficient evidence to support disciplinary action.

10. MD-16-0989A, DUDLEY A. HUDSPETH, M.D., LIC. #23299
Counsel Don Alexander addressed the Board during the Public Statements portion of the meeting on behalf of the physician.

Dr. Berg explained that this case involved a recommendation for a surgical repair of an aneurism. Dr. Berg opined that the physician provided literature supporting the debate on this issue and noted the rapid growth of the aneurism.

MOTION: Dr. Berg moved to dismiss.
SECOND: Dr. Paul.
Board staff commented that the literature Dr. Hudspeth submitted does not necessarily support the physician’s position and noted that the MC stated that the best approach would have been to follow the patient with imaging studies.
MOTION WITHDRAWN.

MOTION: Dr. Berg moved to issue an Advisory Letter for inappropriately offering surgical repair of a 3.9 cm abdominal aortic aneurysm. There is insufficient evidence to support disciplinary action.
SECOND: Ms. Bain.
VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.
MOTION PASSED.

11. MD-16-1100A, MICHAEL S. MALL, M.D., LIC. #18118
RESOLUTION: Issue an Advisory Letter for action taken by the State of Nevada. There is insufficient evidence to support disciplinary action.

12. MD-14-0115A, ROBERT S. POSTON, M.D., LIC. #44019
RESOLUTION: Issue an Advisory Letter for recommending surgery to a patient with inadequate or inadequately documented indications. There is insufficient evidence to support disciplinary action.

13. MD-16-0622A, ROBERT W. KOEPKE, M.D., LIC. #7706
RESOLUTION: Issue an Advisory Letter for failure to complete Board ordered CME in a timely manner as the final resolution of this matter.

14. MD-16-0203A, ZACHARY J. BERBOS, M.D., LIC. #45991
RESOLUTION: Issue an Advisory Letter for failure to report a DUI charge to the Board within ten days as required by statute. There is insufficient evidence to support disciplinary action.

Q. CASES RECOMMENDED FOR ADVISORY LETTERS WITH NON-DISCIPLINARY CONTINUING MEDICAL EDUCATION ORDERS
MOTION: Ms. Bain moved to issue an Advisory Letter and Order for Non-Disciplinary CME in item numbers 1 and 2.
SECOND: Dr. Krahn.
VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.
MOTION PASSED.

1. MD-14-0856A, ALAN C. SACKS, M.D., LIC. #9475
RESOLUTION: Issue an Advisory Letter and Order for Non-Disciplinary CME for inadequate medical records. There is insufficient evidence to support disciplinary action. Within six months, complete no less than 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.

2. MD-16-0342A, MARESSA M. ALEJANDRO-REYES, M.D., LIC. #43530
Dr. Alejandro-Reyes addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Issue an Advisory Letter and Order for Non-Disciplinary CME for inadequate evaluation of anemia and for inadequate medical records. There is insufficient evidence to support disciplinary action. Within six months, complete no less than 5 hours of Board staff pre-approved Category I CME in the evaluation of anemia. The CME hours shall be in addition to the hours required for license renewal.

3. MD-16-0791A, RICHARD L. KELLY, M.D., LIC. #20150
Dr. Kelly addressed the Board during the Public Statements portion of the meeting. A.A. addressed the Board during the Public Statements portion of the meeting.

Dr. Bethancourt summarized that Dr. Kelly treated this patient for a number of years. The patient was frequently treated for upper respiratory issues and she was a longtime smoker. The MC found that Dr. Kelly did not complete an arterial blood clasp and the patient died ten days later from a pulmonary embolism. Dr. Bethancourt opined this does not rise to the level of an Advisory Letter. Dr. Gillard agreed and that a blood clasp would not be useful to find a pulmonary embolism. Dr. Gillard opined that although there was a very unfortunate outcome this is a case of hindsight.

**MOTION:** Dr. Bethancourt moved to dismiss.
**SECOND:** Dr. Farmer.
**VOTE:** 10-yay, 1-nay, 0-abstain, 0-recuse, 0-absent.
**MOTION PASSED.**

**R. REVIEW OF EXECUTIVE DIRECTOR DISMISSALS**

**MOTION:** Dr. Connolly moved to uphold the dismissal in item numbers 3-7.
**SECOND:** Dr. Paul.
**VOTE:** 11-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.
**MOTION PASSED.**

1. **MD-15-0965A, DAVID A. CAMARATA, M.D., LIC. #28451**
   D.T., P.Z., and R.T. addressed the Board during the Public Statements portion of the meeting. Dr. Farmer knows the MC on this case but it would not affect his ability to adjudicate the case.

   Dr. Farmer noted the MC commented that although there is risk in this procedure but felt that the misplaced screw contributed to the sciatic nerve damage. Dr. Farmer opined it was clear that the screw was misplaced resulting in significant morbidity and that this case rises to the level of an Advisory Letter.

   Dr. Krahn opined that a second medical consultant review may be beneficial.

   **MOTION:** Dr. Farmer moved to return the case for further investigation to obtain a new quality of care review by a second medical consultant.
   **SECOND:** Ms. Jones
   **VOTE:** 11-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.
   **MOTION PASSED.**

2. **THIS ITEM HAS BEEN PULLED FROM THE AGENDA.**

3. **MD-16-0213A, BALJEET SINGH, M.D., LIC. #18578**
   **RESOLUTION:** Uphold the dismissal.

4. **MD-16-0310A, DWIGHT S. KELLER, M.D., LIC. #14555**
   **RESOLUTION:** Uphold the dismissal.

5. **MD-16-1108A, KURT R. REINKE, M.D., LIC. #21533**
   **RESOLUTION:** Uphold the dismissal.

6. **MD-16-0762A, ABDUL S. HASHIMI, M.D., LIC. #45068**
   J.G. and M.R. addressed the Board during the Public Statements portion of the meeting.
   **RESOLUTION:** Uphold the dismissal.

7. **MD-16-1283B, DONALD E. TUTT, M.D., LIC. #16197**
RESOLUTION: Uphold the dismissal.

S. PROPOSED CONSENT AGREEMENTS (Disciplinary)
MOTION: Ms. Salter moved to accept the proposed Consent Agreement in item numbers 4 and 5.
SECOND: Dr. Bethancourt.
ROLL CALL: Roll call vote was taken and the following Board members voted in favor of the motion: Dr. Gillard, Dr. Farmer, Ms. Bain, Dr. Berg, Dr. Bethancourt, Dr. Figge, Ms. Jones, Dr. Krahn, Dr. Paul and Ms. Salter. The following Board member voted was absent: Dr. Connolly.
VOTE: 10-yay, 0-nay, 0-abstain, 0(1 recusal in item 4)-recuse, 1-absent.
MOTION PASSED.

1. MD-16-0377A, MARVIN G. RISKE, M.D., LIC. #21421
Dr. Gillard summarized that the physician inappropriately prescribed testosterone and there was a referral to a pharmacy that he had a financial interest in.
MOTION: Dr. Farmer moved to accept the proposed Consent Agreement for Letter of Reprimand.
SECOND: Dr. Bethancourt.
ROLL CALL: Roll call vote was taken and the following Board members voted in favor of the motion: Dr. Gillard, Dr. Farmer, Ms. Bain, Dr. Berg, Dr. Bethancourt, Dr. Connolly, Dr. Figge, Ms. Jones, Dr. Krahn, Dr. Paul and Ms. Salter.
VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.
MOTION PASSED.

2. MD-15-0768A, ALDEMIR T. COELHO, M.D., LIC. #12445
Dr. Gillard summarized that the physician’s attorney has submitted new documentation showing that the patient did not have to pay the bill and is requesting to the civil penalty be removed.
Board staff summarized that the Board initiated that case after receiving a complaint regarding Dr. Coelho’s care and treatment of a 26 year-old female patient (“KM”) alleging inadequate examination and treatment of the patient. KM’s The MC observed that KM alleged in her complaint that there was no complete physical or breast examination performed. The MC noted that this was recorded in the chart as being completed by Dr. Coelho when a medical assistant completed the exam. The MC found that Dr. Coelho deviated from the standard of care by failing to perform a complete examination, failing to address abnormal exam results, and by diagnosing the patient with multiple diagnoses without appropriate supporting documentation. Board staff found that found that Dr. Coelho failed to adequately supervise his medical assistants by allowing them to perform procedures that are not within their scope of practice.
MOTION: Dr. Farmer moved to accept the proposed Consent Agreement for a Letter of Reprimand, Probation, and Civil Penalty.
SECOND: Ms. Bain.
Board members spoke against the motion and that the civil penalty be waived due to the amount no longer being owed.
ROLL CALL: Roll call vote was taken and the following Board members voted in favor of the motion: Dr. Farmer, Ms. Bain, Dr. Bethancourt and Ms. Salter. The following Board members voted against the motion: Dr. Gillard, Dr. Berg, Dr. Connolly, Dr. Figge, Ms. Jones, Dr. Krahn and Dr. Paul.
VOTE: 7-yay, 4-nay, 0-abstain, 0-recuse, 0-absent.
MOTION FAILED.
MOTION: Dr. Berg moved to reject the proposed Consent Agreement for a Letter of Reprimand and Probation with Civil Penalty and offer the licensee a Consent Agreement for a Letter of Reprimand and Probation to complete CME, removing the Civil Penalty requirement.
SECOND: Dr. Krahn.
ROLL CALL: Roll call vote was taken and the following Board members voted in favor of the motion: Dr. Gillard, Dr. Farmer, Dr. Berg, Dr. Bethancourt, Dr. Connolly, Dr. Figge, Ms. Jones, Dr. Krahn and Dr. Paul. The following Board member voted against the motion: Ms. Bain and Ms. Salter.
VOTE: 9-yay, 2-nay, 0-abstain, 0-recuse, 0-absent.
MOTION PASSED.

3. MD-15-1008A, MD-16-0240A, PAUL A. BUDNICK, M.D., LIC. #34093
Counsel Jessica Miller addressed the Board during the Public Statements portion of the meeting.

Dr. Gillard summarized that the physician had signed the consent agreement without counsel and is now asking for an interview.

MOTION: Ms. Bain moved to table the matter and place it on the Board’s next regularly scheduled meeting along with a Formal Interview on the same case.
SECOND: Dr. Paul.
Dr. Berg spoke against the motion due to the signed consent agreement language stating that he has signed the agreement free of coercion and waive right of counsel.
VOTE: 4-yay, 6-nay, 1-abstain, 0-recuse, 0-absent.
MOTION FAILED.

MOTION: Dr. Berg moved to accept the proposed Consent Agreement for a Letter of Reprimand and Probation to complete CME.
SECOND: Dr. Krahn.
ROLL CALL: Roll call vote was taken and the following Board members voted in favor of the motion: Dr. Gillard, Dr. Farmer, Dr. Berg, Dr. Bethancourt, Dr. Connolly, Dr. Figge, Ms. Jones, Dr. Krahn, Dr. Paul and Ms. Salter. The following Board member voted against the motion: Ms. Bain.
VOTE: 10-yay, 1-nay, 0-abstain, 0-recuse, 0-absent.
MOTION PASSED.

4. MD-15-1416A, JAMES J. CHIEN, M.D., LIC. #40347
Dr. Krahn was recused from this case.

RESOLUTION: Accept the proposed Consent Agreement for Five Year Probation for PHP participation. Dr. Chien’s PHP participation shall be retroactive to March 15, 2016. Dr. Chien’s PHP monitoring shall include the additional requirement that he take Naltrexone upon returning to the practice of anesthesiology. Once the licensee has complied with the terms and conditions of Probation, he must affirmatively petition the Board to request termination of the Probation.

5. MD-16-0020A, DUANE C. WHITAKER, M.D., LIC. #12532
Board staff explained the rationale behind not requiring CME.

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

T. PROPOSED CONSENT AGREEMENTS (Non-Disciplinary)
   1. MD-17-0013A, RICHARD A. BERGER, M.D., LIC. #20624
Dr. Krahn was recused from this case.
MOTION: Dr. Farmer moved to accept the proposed Consent Agreement for Surrender of License.
SECOND: Dr. Figge.
VOTE: 8-yay, 0-nay, 1-abstain, 1-recuse, 1-absent.
MOTION PASSED.

U. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING RENEWAL APPLICATION AND PROPOSED CONSENT AGREEMENTS (Disciplinary)
1. MD-15-0691A, DONOVAN J. ANDERSON, M.D., LIC. #13491
Dr. Gillard summarized that the physician has extensive board history in Arizona and California however, he has completed PACE. Board staff recommended approving the renewal application and accepting the signed Consent Agreement for a Decree of Censure and Probation to complete 15 hours of CME as recommended by PACE to mirror the California Board Order.

MOTION: Dr. Krahn moved to accept the proposed Consent Agreement for a Decree of Censure and Probation, and renew the license.
SECOND: Ms. Salter.
ROLL CALL: Roll call vote was taken and the following Board members voted in favor of the motion: Dr. Gillard, Dr. Farmer, Dr. Berg, Dr. Bethancourt, Dr. Figge, Ms. Jones, Dr. Krahn, Dr. Paul and Ms. Salter. The following Board members voted abstained: Ms. Bain and Dr. Connolly.
VOTE: 9-yay, 0-nay, 2-abstain, 0-recuse, 0-absent.
MOTION PASSED.

V. LICENSE APPLICATIONS
i. APPROVE OR DENY LICENSE APPLICATION
MOTION: Dr. Paul moved to grant licensure in item numbers 2-4.
SECOND: Dr. Farmer.
VOTE: 10-yay, 0-nay, 1 (1 abstain in item 3) -abstain, 0-recuse, 0-absent.
MOTION PASSED.
1. MD-16-1021A, ROGER W. SHORTZ, M.D., LIC. #N/A
Dr. Shortz addressed the Board during the Public Statements portion of the meeting.
Dr. Farmer summarized that there is a pattern wrong level spine surgery, an unindicated surgery and complications of a stimulator being implanted recklessly. Dr. Farmer opined the physician’s license should be denied. Dr. Gillard noted that all these issues occurred in an eight year period.

MOTION: Dr. Farmer moved to offer the physician the opportunity to withdraw the application. If the physician does not withdraw the application within thirty days, the license shall be denied on the basis of A.R.S. 32-1422(A)(4).
SECOND: Dr. Krahn.
Dr. Gillard noted that the California Board opened an investigation and took no action.
VOTE: 9-yay, 0-nay, 1-abstain, 0-recuse, 1-absent.
MOTION PASSED.
2. MD-16-1243A, TIMOTHY W. WALSH, M.D., LIC. #N/A
RESOLUTION: Grant the license.
3. MD-16-1401A, MARY L. BALLARD, M.D., LIC. #N/A
Dr. Ballard addressed the Board during the Public Statements portion of the meeting.
RESOLUTION: Grant the license.

4. **MD-16-1075A, DOUGLAS B. BOBER, M.D., LIC. #N/A**
   RESOLUTION: Grant the license.

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

1. **MD-16-1527A, RUTH E. JOHNSON, M.D., LIC. #33839**
   Dr. Krahn recused from this case.

   Dr. Gillard summarized that Dr. Johnson answered yes on his application but it was never investigated and an investigation arose due to the look back review.

   **MOTION:** Dr. Farmer moved to grant the license renewal and dismiss the pending investigation.
   **SECOND:** Dr. Bethancourt.
   **VOTE:** 8-yay, 0-nay, 1-abstain, 1-recuse, 1-absent.
   **MOTION PASSED.**

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

1. **MD-16-0183A, JEFFREY A. KHABIR, M.D., LIC. #42649**

   **MOTION:** Dr. Figge moved to grant the license renewal and issue an Advisory Letter for failing to report a DUI in a timely manner and for failure to disclose a separate DUI on his initial licensing application. While the licensee has demonstrated substantial compliance through remediation that has mitigated the need for disciplinary action, the Board believes that repetition of the activities that led to the investigation may result in further Board action against the licensee.
   **SECOND:** Dr. Paul.
   **VOTE:** 10-yay, 0-nay, 1-abstain, 0-recuse, 0-absent.
   **MOTION PASSED.**

iv. **APPROVE OR DENY LICENSE APPLICATION WITH RECOMMENDATION FROM THE EXECUTIVE DIRECTOR**

   **MOTION:** Dr. Figge moved to grant licensure in item numbers 1-6.
   **SECOND:** Dr. Paul.
   **VOTE:** 11-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.
   **MOTION PASSED.**

1. **MD-16-0496A, ARTHUR J. SCHNEIDER, M.D., LIC. #N/A**
   RESOLUTION: Grant the license.

2. **MD-16-1535A, JAMES F. MARTIN, M.D., LIC. #N/A**
   RESOLUTION: Grant the license.

3. **MD-17-0251A, CHARLES J. BERTUCH, M.D., LIC. #N/A**
   RESOLUTION: Grant the license.

4. **MD-16-1335A, MICHAEL B. A. THOMPSON, M.D., LIC. #N/A**
   RESOLUTION: Grant the license.

5. **MD-17-0280A, ADRIAN A. DORMANS, M.D., LIC. #N/A**
RESOLUTION: Grant the license.

6. MD-17-0279A, JOEL I. LANS, M.D., LIC. #N/A
RESOLUTION: Grant the license.

v. APPROVE OR DENY LICENSE APPLICATION WITH PROPOSED CONSENT AGREEMENT (Disciplinary)

1. MD-15-0202A, MD-15-0627A, MD-16-0901A, RAUL J. SORA, M.D., LIC. #N/A
Dr. Gillard summarized that Board staff recommended granting the license and accepting the proposed Consent Agreement for Letter of Reprimand and Probation.
Ms. Jones noted the physician’s Board history and that the physician did not take responsibility for his actions.

Board staff confirmed that the physician held an Arizona license but allowed it to expire. Due to an open investigation his license went into a Suspended-E status and he has since voluntarily completed PACE and passed the SPEX exam. Board staff confirmed that Dr. Sora successfully completed his PHP.

MOTION: Ms. Bain moved to reject the proposed Consent Agreement and allow the physician the opportunity to withdraw the application. If the physician does not withdraw the application within thirty days, the license shall be denied on the basis of A.R.S. § 32-1422(A)(4).
SECOND: Dr. Farmer.

Dr. Farmer opined that it was contradictory to issue a license when there are so many concerns regarding the physician.

ROLL CALL: Roll call vote was taken and the following Board members voted in favor of the motion: Dr. Farmer, Ms. Bain, Dr. Bethancourt, Dr. Connolly, Ms. Jones, Dr. Krahn, Dr. Paul and Ms. Salter. The following Board members voted against the motion: Dr. Gillard, Dr. Berg and Dr. Figge.
VOTE: 8-yay, 3-nay, 0-abstain, 0-recuse, 0-absent.
MOTION PASSED.

2. MD-17-0090A, SRINIVAS P. REDDY, M.D., LIC. #N/A
Dr. Gillard summarized there were three DUIs prior to his post graduate training program and failed part three of the USMLE but passed on second attempt. Board staff recommended granting a probationary license to keep current with the Ohio PHP monitoring.

Board staff confirmed that he has been compliant with his Ohio PHP and the probation should expire in April 2019.

MOTION: Dr. Farmer moved to grant the license and accept the proposed Consent Agreement for Probationary License. The Probation shall require respondent to remain compliant with the Ohio Order with periodic reports to the AMB. The probationary period shall run concurrently with the Ohio Board’s Order and the licensee shall notify the AMB immediately of any violation of the Ohio Board’s Order. Once the physician has complied with the terms of Probation, he must affirmatively petition the Board to request that the Probation be terminated and full licensure be granted. The licensee’s request shall demonstrate that the Ohio Board’s Order has been satisfied and terminated.
SECOND: Dr. Connolly
ROLL CALL: Roll call vote was taken and the following Board members voted in favor of the motion: Dr. Gillard, Dr. Farmer, Dr. Berg, Dr. Bethancourt, Dr.
vi. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING LICENSURE
BY ENDORSEMENT PURSUANT TO A.R.S. § 32-1426(B) AND R4-16-201(F)

1. MICHAEL D. MCKEE, M.D.
   Dr. Dehghan and Dr. Scalise addressed the Board during the Public Statements portion of the meeting on behalf of the physician.

   Dr. Gillard summarized that he is a Canadian Orthopedic Physician who has an offer to be the Chair of Orthopedics at the University of Arizona College of Medicine. He has had no actions against his license and the Executive Director recommends granting the license.

   MOTION: Dr. Krahn moved to grant the license.
   SECOND: Dr. Paul.
   VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.
   MOTION PASSED.

***END OF CONSENT AGENDA***

OTHER BUSINESS

W. REQUEST FOR TERMINATION OF BOARD ORDER

1. MD-14-1603A, KEVIN T. O’MARA, M.D., LIC. #45538
   Dr. O’Mara addressed the Board during the Public Statements portion of the meeting.

   Dr. Gillard summarized that Dr. Omara has completed two years of a five year PHP monitoring program and has been compliant. The PHP contractor does not support early termination.

   Dr. Sucher commented that the physician had a work incident, was initially resistant to treatment and has since been compliant.

   Board members discussed the parameters around the incident and whether the extenuating circumstances are still an issue and the appropriate monitoring for this physician.

   MOTION: Dr. Figge moved to grant the request to terminate the October 3, 2016 Board Order.
   SECOND: Dr. Connolly.

   MOTION: Ms. Bain moved for the Board to enter into Executive Session pursuant to A.R.S. § 38-431.03(A)(2) and (3).
   SECOND: Dr. Farmer.
   VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.
   MOTION PASSED.

   The Board entered into Executive Session at 5:33 p.m.
   The Board returned to Open Session at 5:46 p.m.
   No legal action was taken by the Board during Executive Session.

   MOTION WITHDRAWN.
MOTION: Dr. Figge moved to table the case for further investigation and return to the Board at its next regularly scheduled meeting.
SECOND: Dr. Farmer.
VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.
MOTION PASSED.

2. MD-15-0952A, DOUGLAS J. KRELL, M.D., LIC. #49982
Dr. Krell and counsel Steve Myers addressed the Board during the Public Statements portion of the meeting.

Dr. Gillard summarized that Dr. Krell appeared before the Board, was granted a probationary license and has since completed a mini residency.

Board staff summarized that the New Mexico Board restricted his practice to exclude chronic pain management and has lost his DEA license. The Board previously granted Dr. Krell a probationary license to attend a six week observational program at Drexel University and he has since passed the program. Board staff recommended mirroring the New Mexico’s Order limiting the physician’s OB/GYN practice and restricting his ability to engage in chronic pain management.

Dr. Farmer commented that Dr. Krell has an extensive New Mexico history. Dr. Krell stated that needed an Arizona license to partake in a re-entry program with Maricopa Integrated Health Systems, but then returned back to the Board with a request to participate in a program at Drexel University. The program was not as originally thought and he still has a restriction in New Mexico. Board members discussed concern with granting a license.

Board staff summarized Dr. Krell’s timeline with the Board to obtain a probationary license and the results of his Drexel University program. On March 13, 2017 Dr. Krell requested the probation on his license be terminated.

Dr. Farmer opined the residency results do not provide reassurance that Dr. Krell is qualified to practice medicine without restriction.

MOTION: Dr. Figge moved to offer the physician an amended Consent Agreement extending the probationary license for one year with an amended practice restriction to mirror the New Mexico Medical Board’s practice restriction from pain management and to restrict him from practicing OB/GYN without a practice monitor. Dr. Krell shall be subject to periodic chart reviews to monitor his compliance with the terms of the probation. Any request to modify or request to terminate the practice restriction regarding the pain management issue shall demonstrate that Dr. Krell has resolved the issues with his New Mexico medical license. Any request for modification or termination of the practice restriction regarding OB/GYN shall demonstrate either through additional CME or practice competency as confirmed by the practice monitor (or both) that he has resolved the fund of knowledge issues identified by Drexel.
SECOND: Dr. Berg.
VOTE: 6-yay, 5-nay, 0-abstain, 0-recuse, 0-absent.
MOTION PASSED.

X. GENERAL CALL TO THE PUBLIC
S.B. addressed the Board during the General Call to the Public.

MOTION: Ms. Salter moved to adjourn the meeting.
SECOND: Dr. Farmer.
VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.
MOTION PASSED.

The meeting adjourned at 6:45 p.m.

Patricia E. McSorley, Executive Director