



Arizona Medical Board

9545 East Doubletree Ranch Road • Scottsdale, Arizona 85258

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FINAL MINUTES FOR SPECIAL TELECONFERENCE MEETING

Held on Thursday, May 4, 2017

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.

Bruce A. Bethancourt, M.D., F.A.C.P.

Teresa L. Connolly, D.N.P., R.N., N.E.A.-B.C.

Gary R. Figge, M.D.

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 5:45 p.m.

B. ROLL CALL

The following Board members participated telephonically: 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 was absent: Ms. Bain.

ALSO PRESENT

Present among Board staff include: Carrie Smith, Assistant Attorney General ("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; Raquel Rivera, Investigations Manager; Mary Bober, Board Operations Manager; and Michelle Robles, Board Coordinator.

C. UPDATE ON PERFORMANCE AUDIT AND SUNSET REVIEW

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

SECOND: Dr. Paul.

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

MOTION PASSED.

The Board entered into Executive Session at 5:47 p.m.

The Board returned to Open Session at 6:11p.m.

No legal action was taken by the Board during Executive Session.

D. 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.

E. UPDATE AND REPORT FROM THE PHYSICIAN HEALTH PROGRAM

RS addressed the Board during the Public Statements portion of the meeting.

- Questionnaire to Licensees Regarding the Physician Health Program
Dr. Krahn reported that Board staff will be sending questionnaires to all licensees for feedback regarding their knowledge of and experience with the PHP program.
- Questionnaire to Physician Health Program Contractor
Dr. Krahn noted that Dr. Greenberg and Dr. Sucher have completed a questionnaire created by Board staff to obtain more information about the monitoring program and specifically the relapse prevention component.
- Update on Request for Information for Assessment
Dr. Krahn reported that a Request for Information for Assessment and for Monitoring will be sent out to obtain feedback and potential providers in preparation for when the contract ends at the end of the year.
- Update on Request for Information for Monitoring

Dr. Krahn clarified that the committee is looking for public and physician comments and will acknowledge receipt of comments once received by Board staff however; she noted the Committee is not in a position to respond.

LEGAL MATTERS

F. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING SUMMARY ACTION

1. MD-16-0992A, GREGORY J. PORTER, M.D., LIC. #14879
Dr. Gillard recused from this case.

G.S., S.H. and A.C. addressed the Board as members of the public.

Board staff summarized that the Board initiated the case after receiving a complaint regarding Dr. Porter's care and treatment of a 60 year-old female patient ("VC") who presented with a chief complaint of "Chronic Pain," secondary to fibromyalgia and lumbar stenosis with "all over" pain and occasional sciatica. The Medical Consultant ("MC") indicated that Dr. Porter deviated from the standard of care by performing an insufficient initial assessment and by converting the patient's morphine/oxycodone regimen to methadone without an accurate starting dose. The MC identified the patient's death as actual harm. Board staff noted that Dr. Porter was offered an Interim Practice Restriction prohibiting him from prescribing methadone which Dr. Porter refused to sign and therefore is appearing before the Board for potential summary action.

Dr. Porter stated that he did not believe that VC's pathology did not warrant the amount of narcotics she had in her pain medication regimen so he prescribed methadone only when experiencing severe pain as to prevent withdrawal. Dr. Porter explained that he recommended alternative preventative approaches to pain management. Dr. Porter opined that methadone was not a factor in this patient's death.

During deliberation Board members agreed that there is concern regarding Dr. Porter's prescribing of controlled substances and opined that it appeared that he did not understand the ramifications of his prescribing pattern as well as medication interactions.

MOTION: Dr. Krahn moved to summarily restrict Dr. Porter's Arizona medical license, prohibiting him from prescribing controlled substances based on the

finding that the public health, safety and welfare imperatively requires emergency action by the Board and for reasons as stated by the Board during its discussion.

SECOND: Dr. Paul.

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

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

MOTION PASSED.

MOTION: Ms. Salter moved to refer the case as a whole to the Office of Administrative Hearings for a Formal Hearing.

SECOND: Ms. Jones

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

MOTION PASSED.

CONSENT AGENDA

G. CASES RECOMMENDED FOR DISMISSAL

MOTION: Dr. Farmer moved to dismiss the pending investigation in items 1-2.

SECOND: Dr. Bethancourt.

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

MOTION PASSED.

1. MD-15-0271A, DALJIT S. BAL, M.D., LIC. #27357

M.P. and R.S. addressed the Board during the Public statements portion of the meeting.

RESOLUTION: Dismiss.

2. MD-14-1392A, SUDHIR RANJAN, M.D., LIC. #13308

RESOLUTION: Dismiss.

3. MD-14-1014A, DANIEL REMEN, M.D., LIC. #7845

Attorney Gary Fadell addressed the Board during the Public Statements Portion of the meeting on behalf of Dr. Remen.

Ms. Jones noted that although the MC found no actual patient harm, however, the MC did identify four areas for potential harm regarding the escalation of the opioid regimen, and the transition from methadone to another medication without complete instructions.

Board staff summarized that Dr. Remen cared for the patient from 1997 to 2007. Board staff confirmed that during that timeframe there was a rapid dose escalation however; Dr. Remen was treating the patient in accordance with typical practice at the time. Dr. Remen has since made practice changes to rectify this concern.

MOTION: Ms. Jones moved to dismiss.

SECOND: Dr. Bethancourt.

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

MOTION PASSED.

H. CASES RECOMMENDED FOR ADVISORY LETTERS

MOTION: Dr. Krahn moved to issue an Advisory Letter in items 2, 5, 6, 7 and 8.

SECOND: Ms. Salter.

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

MOTION PASSED.

1. MD-15-0742A, KEVIN A. FUCIARELLI, M.D., LIC. #29740

Board staff summarized that the Board initiated this case after receiving a report through Dr. Fuciarelli's counsel of an arrest that occurred on May 11, 2015. However, the charge was not reported in a timely manner although the charge was later dismissed.

Dr. Krahn opined there is contradictory information on the initial nature of the event as well as commentary by the attorney stating that Board staff made a comment that this case would not be pursued.

Board staff clarified the record regarding the alleged comments.

MOTION: Dr. Krahn moved to issue an Advisory Letter for failure to report a reportable event to the Board in writing within 10 working days. There is insufficient evidence to support disciplinary action.

SECOND: Dr. Berg.

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

MOTION PASSED.

2. MD-16-0667A, JOHN J. DUGGAN, M.D., LIC. #31494

RESOLUTION: Issue an Advisory Letter for failure to excise a PEEK cage fragment and for inadequate medical records. There is insufficient evidence to support disciplinary action.

3. MD-16-1065A, RENE A. LUCAS, M.D., LIC. #19775

N.S. addressed the Board during the Public statements portion of the meeting. Attorney Scott King and Dr. Lucas addressed the Board during the Public Statements portion of the meeting.

Dr. Berg opined that this was an unfortunate accident attributed to a device malfunction however; the physician was not at fault as he used the equipment as recommended and obtained immediate treatment for the patient.

MOTION: Dr. Berg moved to dismiss

SECOND: Dr. Figge.

Dr. Figge noted that the physician transferred the patient to the emergency department and contacted a plastic surgeon.

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

MOTION PASSED.

4. MD-14-1405A, DAVID F. RIGHI, M.D., LIC. #18071

Ms. Jones noted that the physician had a complaint in Massachusetts due to a false statement on his application regarding completion of his CME however he did report the Massachusetts investigation on his Arizona renewal application.

MOTION: Ms. Jones moved to dismiss.

SECOND: Dr. Krahn.

Dr. Gillard noted that the physician completed category 2 CME when he was under the impression it was Category 1 and therefore there was confusion on the physician's behalf.

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

MOTION PASSED.

5. MD-16-1028A, HOSEA E. BROWN, M.D., LIC. #24719

Attorney Michael Goldberg addressed the Board during the Public statements portion of the meeting on behalf of Dr. Brown.

RESOLUTION: Issue an Advisory Letter for failing to attempt other potential treatment options prior to initiating allergen immunotherapy, for failing to use a standard grading form for positive reactions, and 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 investigation may result in further Board action against the licensee.

6. MD-16-0787A, DAVID M. MOON, M.D., LIC. #36032
RESOLUTION: Issue an Advisory Letter for failure to fully elucidate the findings of severe bony cervical spinal canal and foraminal stenosis on the preliminary report of the CT exam, and for inadequate medical records. There is insufficient evidence to support disciplinary action.

7. MD-16-0986A, JENNIFER I. MALONE, M.D., LIC. #36705
RESOLUTION: Issue an Advisory Letter for inappropriate prescribing of Cytomel, testosterone and levothyroxine, for inadequate follow-up, for inadequate informed consent, and 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 investigation may result in further Board action against the licensee.

8. MD-16-1094A, EMILIANO S. HIGUERA, M.D., LIC. #46557
RESOLUTION: Issue an Advisory Letter for administration of the incorrect vaccine, for inadequate medical records, and for inadequate supervision. 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.

9. MD-16-1471A, AMITAB K. PURI, M.D., LIC. #25648
 Dr. Puri addressed the Board during the Public Statements portion of the meeting. Dr. Gillard stated he knows Dr. Puri but it would not affect his ability to adjudicate the case. Dr. Figge recused from this case.

Dr. Farmer opined that there was not a cordial relationship between the physician and the patient's family that occurred due to the physician attempting to obtain patient history and opined reasonable attempts were made to contact the family and the patient. Dr. Gillard noted the MC did not feel the outcome was a result of a delay. Dr. Farmer noted that the procedure was scheduled but due to a miscommunication with the family there was a delay.

MOTION: Dr. Farmer moved to dismiss.

SECOND: Dr. Bethancourt.

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

MOTION PASSED.

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

1. MD-16-0220A, GABRIEL L. BONILLA, M.D., LIC. #32912
 Attorney Steve Myers addressed the Board during the Public Statements portion of the meeting on behalf of the physician.

 Dr. Gillard noted that the attorney requested that Dr. Bonilla be issued an advisory letter due to the physician having already completed required CME.

MOTION: Dr. Figge moved to issue an Advisory Letter for inappropriate prescribing of controlled substances and for inadequate documentation. There is insufficient evidence to support disciplinary action.
SECOND: Dr. Paul.
VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.
MOTION PASSED.

2. MD-16-1480A, FLOYD E. TRINIDAD, M.D., LIC. #33162

MOTION: Dr. Figge moved issue an Advisory Letter and Order for Non-Disciplinary CME for failure to timely report a misdemeanor charge to the Board pursuant to

statute. There is insufficient evidence to support disciplinary action. Within six months, complete the Professional/Problems-Based Ethics ("ProBE") program offered by the Center for Personalized Education for Physicians ("CPEP") for Ethics and Boundaries. The CME hours shall be in addition to the hours required for license renewal. The licensee shall obtain an unconditional or conditionally passing grade.

SECOND: Ms. Salter.

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

MOTION PASSED.

J. REVIEW OF EXECUTIVE DIRECTOR DISMISSALS

MOTION: Dr. Krahn moved to uphold the dismissals in items 1 and 2.

SECOND: Ms. Jones.

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

MOTION PASSED.

1. MD-16-0891A, SANDRA M. KUNIYOSHI, M.D., LIC. #36491

RESOLUTION: Uphold the dismissal.

2. MD-16-1041A, ELIZABETH M. N. FERGUSON, M.D., LIC. #43104

RESOLUTION: Uphold the dismissal.

K. PROPOSED CONSENT AGREEMENTS (Disciplinary)

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

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 was absent: Ms. Bain.

VOTE: 10-yay, 0-nay, 0-abstain, 0(1 Recusal in item 5)-recuse, 1-absent.

MOTION PASSED.

1. MD-15-1195A, NATHAN R. BEGET, M.D., LIC. #40782

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

2. MD-16-0054A, JYOTSNA SAHNI, M.D., LIC. #35720

Attorney Mark Lammers and Dr. Sahni addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Accept the proposed Consent Agreement for a Letter of Reprimand and Two Year Probation. Within six months, complete no less than 15 hours of Board staff pre-approved Category I CME in an intensive, in-person course regarding medical recordkeeping. The CME hours shall be in addition to the hours required for license renewal. Dr. Sahni shall be subject to periodic chart reviews, to commence after his successful completion of the CME coursework. Within twelve months, Dr. Sahni shall enroll in and successfully complete PRoBE and enroll in PRoBE Plus. The CME hours shall be in addition to the hours required for license renewal. Dr. Sahni shall be restricted from performing any cosmetic surgical procedures, including liposuction, until she petitions the Board and receives permission to do so. During the probationary period, Dr. Sahni shall be prohibited from serving as a Medical Director in any practice setting. Once the licensee has complied with the terms and conditions of Probation, she must affirmatively request that the Board terminate the Probation.

3. MD-16-0305A, DOMICIANO E. SANTOS, M.D., LIC. #10120

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

4. MD-16-0512A, DOUGLAS J. CAMPBELL, M.D., LIC. #28543

RESOLUTION: Accept the proposed Consent Agreement for Decree of Censure and Five Year Probation. Within six months, complete no less than 20 hours of board staff pre-approved Category I CME in an intensive, in-person course regarding prescribing controlled drugs; and complete the Basics of Chronic Pain Management offered by CPEP, at his expense. The CME hours shall be in addition to the hours required for license renewal. In addition, Dr. Campbell shall be subject to periodic chart reviews, to commence after his successful completion of the CME coursework, and shall be performed by CPEP's Practice Monitoring at the licensee's expense. Once the licensee has complied with the terms of Probation, he must affirmatively petition the Board to terminate the Probation.

5. MD-14-1045A, EDWARD J. HA, M.D., LIC. #46688
Ms. Jones recused from this case.

RESOLUTION: Accept the proposed Consent Agreement for Probation and Practice Restriction. Dr. Ha is prohibited from performing interventional cardiology until petitioning the Board and receiving permission to do so. Dr. Ha shall submit quarterly reports to the Board regarding his compliance with this Order.

6. MD-16-1109A, ARUN L. JAYARAMAN, M.D., LIC. #51195

RESOLUTION: Accept the proposed Consent Agreement for One Year Probation. Dr. Jayaraman's One Year Physician Health Program participation shall be retroactive to December 16, 2016. Once the licensee has complied with the terms of the Probation, he must affirmatively petition the Board to request that the Probation be terminated.

7. MD-15-0768A, ALDEMIR T. COELHO, M.D., LIC. #12445

RESOLUTION: Accept the proposed Consent Agreement for Letter of Reprimand and Probation. Within six months, complete no less than 10 hours of Board staff pre-approved Category I CME in an intensive, in-person course regarding general well-woman examinations; and no less than 10 hours of Board staff pre-approved Category I CME in medical recordkeeping. 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.

L. LICENSE APPLICATIONS

i. APPROVE OR DENY LICENSE APPLICATION

1. MD-16-1403A, RICHARD H. HUBBARD, M.D., LIC. #N/A

Dr. Gillard summarized that the investigation arose due to Dr. Hubbard failing to disclose an action taken by the Texas Medical Board on his license application. However; Board staff confirmed that he does not hold a Texas license and there was no need to report.

MOTION: Dr. Paul moved to grant the license.

SECOND: Dr. Connolly.

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

MOTION PASSED.

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

1. MD-17-0329A, JOSEPH P. WOOD, M.D., LIC. #25258

Dr. Gillard summarized that Dr. Wood is Board certified in Emergency Medicine and that the case arose from an affirmative response on his renewal application. However; Board staff found no concern and recommended dismissal.

MOTION: Dr. Figge moved to grant the license renewal and dismiss the pending investigation.
SECOND: Dr. Paul.
VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.
MOTION PASSED.

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

1. PRASAD S. RAVI, M.D.

Dr. Gillard summarized that the Dr. Ravi has passed the required examinations and is Board certified in Pediatrics and that Dr. Ravi is unable to obtain primary source verification for employment due to an ongoing contract dispute.

MOTION: Dr. Figge moved to grant the request for waiver of documentation requirement and grant the license.

SECOND: Ms. Jones.

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 1-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)

MOTION: Dr. Figge moved to grant the license in item numbers 1-3.

SECOND: Dr. Paul.

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

MOTION PASSED.

1. DEEPAK G. AZAD, M.D.

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

RESOLUTION: Grant the license.

2. WINLOVE B. SUASIN, M.D.

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

RESOLUTION: Grant the license.

3. WALID AL JAZIRI, M.D.

RESOLUTION: Grant the license.

OTHER BUSINESS

M. REQUEST FOR TERMINATION OF BOARD ORDER

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

Dr. Gillard summarized that Dr. Parson received an Order for two year participation in the Physician Health Program which was retroactive to May of 2015. Dr. Sucher has submitted a letter stating the physician is in full compliance with the program and supports termination.

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

SECOND: Dr. Krahn.

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

MOTION PASSED.

2. MD-14-1518A, FRED A. CHERON, M.D., LIC. #40800

Dr. Gillard summarized that the physician was issued a Letter of Reprimand and Probation for participation in the Physician Health Program and that the Order was retroactive to April 2015.

Board staff confirmed two years has passed and the physician has been in compliance with the program.

MOTION: Dr. Figge moved to grant the request to terminate the August 5, 2016 Board Order.

SECOND: Dr. Krahn.

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

MOTION PASSED.

N. REQUEST FOR MODIFICATION OF BOARD ORDER

1. MD-13-1001A, MARITZA I. IRIZARRY, M.D., LIC. #21934

Attorney Steve Myers addressed the Board during the Public Statements portion of the meeting.

Dr. Gillard summarized that the physician was issued a Letter of Reprimand and s Probation to complete the ProBE course. The physician has failed the required essay portion and is requesting a six month extension to retake the ProBE course.

MOTION: Dr. Krahn moved to amend the December 9, 2017 Board Order to extend Probation for six months to allow the physician to retake and successfully complete ProBE.

SECOND: Dr. Farmer.

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

MOTION PASSED.

O. GENERAL CALL TO THE PUBLIC

L.Z. and P.L.Z. addressed the Board during the General Call to the Public.

MOTION: Ms. Salter moved to adjourn the meeting.

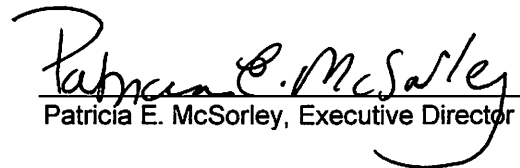
SECOND: Dr. Krahn.

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

MOTION PASSED.

The meeting adjourned at 8:05 p.m.




Patricia E. McSorley, Executive Director