



Arizona Medical Board

9545 East Doubletree Ranch Road • Scottsdale, Arizona 85258

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FINAL MINUTES FOR SPECIAL TELECONFERENCE MEETING

Held on Thursday, September 14, 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

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 6:02 p.m.

B. ROLL CALL

Board members participated telephonically: Dr. Gillard, Dr. Farmer, Ms. Bain, 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"); Beth Campbell, AAG, telephonically, Patricia E. McSorley, Executive Director; Kristina Fredericksen, Deputy Director, William Wolf, M.D., Chief Medical Consultant; Kathleen Coffey, M.D., Medical Consultant, Andrea Cisneros, Staff Investigational Review Committee ("SIRC") Coordinator; Raquel Rivera, Investigations Manager; Mary Bober, Board Operations Manager; Michelle Robles, Board Coordinator; and Heather Foster, Public Records 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. LEGAL ADVISOR'S REPORT

- Update on CV16-2882-OHX-ESW
Ms. Smith stated that a memo was provided for the Board's review.
- This Item Was Removed From The Agenda.

LEGAL MATTERS

E. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON SETTLEMENT OFFER IN LIEU OF FORMAL HEARING

1. MD-16-0706A, HUBERT CHIN, M.D., LIC. #45520

Dr. Gillard reported that the physician failed to respond to the lookback review and the matter was referred to formal hearing.

AAG. Smith, on behalf of the State, summarized that this case was referred to formal hearing due to failure to timely provide GACCP look back requested documentation. Dr. Chin has since provided the requested documentation and the State requests that the Board resolve the matter with an Advisory Letter for failure to timely respond to a Board investigation.

Dr. Chin apologized for his inaction due to his inability to locate the documents in a timely fashion.

MOTION: Dr. Krahn moved to rescind the referral to formal hearing and issue an Advisory Letter for failing to timely respond to a Board investigation. 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. Bethancourt.

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

MOTION PASSED.

CONSENT AGENDA

F. CASES RECOMMENDED FOR DISMISSAL

MOTION: Dr. Connolly moved to dismiss in item numbers 1-3.

SECOND: Dr. Figge.

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

MOTION PASSED.

1. MD-15-0773A, MICHAEL P. CASKEY, M.D., LIC. #15497

RESOLUTION: Dismiss.

2. MD-16-0476A, JOHN ADAN, M.D., LIC. #17530

Dr. Adan and counsel Scott King addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Dismiss.

3. MD-16-0089A, DAVID T. JECK, M.D., LIC. #28748

RESOLUTION: Dismiss.

G. CASES RECOMMENDED FOR ADVISORY LETTERS

MOTION: Dr. Krahn moved to issue an Advisory Letter in item numbers 1, 2, 3, 4 and 6.

SECOND: Ms. Salter.

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

MOTION PASSED.

1. MD-16-0932A, EDWARD CHAUM, M.D., LIC. #46660

RESOLUTION: Issue an Advisory Letter for action taken by the Kentucky and Michigan Boards. There is insufficient evidence to support disciplinary action.

2. MD-16-1500A, DANIEL A. CAPEN, M.D., LIC. #46914

RESOLUTION: Issue an Advisory Letter for failing to timely report a felony indictment to the Board that was later dismissed. There is insufficient evidence to support disciplinary action.

3. MD-17-0199A, MD-17-0302A, AUGUSTINE O. BOSAH, M.D., LIC. #42980

RESOLUTION: Issue an Advisory Letter for failure to notify at least two patients of an office closure in writing. There is insufficient evidence to support disciplinary action.

4. MD-16-1336B, LAURA K. SCHROEDER, M.D., LIC. #41709
S.H. addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Issue an Advisory Letter for failure to perform C. difficile testing in a patient on antibiotics with symptoms suggestive of C. difficile. There is insufficient evidence to support disciplinary action.

5. MD-17-0139A, VIDALIA M. BUTLER-POKU, M.D., LIC. #33705
Ms. Jones noted that one year ago this physician was issued an Advisory letter for inadequate medical records and that CME for medical record keeping may be required.

MOTION: Ms. Jones moved to issue an Advisory Letter and Order for Non-Disciplinary CME for improper performance of endometrial ablation leading to a second degree burn on the mons pubis and thigh, and for inadequate 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 regarding medical recordkeeping. The CME hours shall be in addition to the hours required for license renewal.

SECOND: Dr Bethancourt.

Dr. Figge found it mitigating that the care in this matter preceded the previous Advisory Letter. Dr. Farmer opined that the physician has not had adequate time to make a change.

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

VOTE: 4-yay, 6-nay, 0-abstain, 0-recuse, 0-absent.

MOTION FAILED.

MOTION: Ms. Jones moved to issue an Advisory Letter for improper performance of endometrial ablation leading to a second degree burn on the mons pubis and thigh, and for inadequate records. There is insufficient evidence to support disciplinary action.

SECOND: Dr. Figge.

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

MOTION PASSED.

6. MD-17-0256A, KINSEY R. PILLSBURY, M.D., LIC. #49824
RESOLUTION: Issue an Advisory Letter for failing to notify the Board of a DUI arrest within 10 days as required by law. There is insufficient evidence to support disciplinary action.

7. MD-17-0223A, JOHN M. HARPENAU, M.D., LIC. #23610
Dr. Farmer noted that errors do occur in medicine and requested that a topic be placed on a future agenda for advisory letters and other methods for tracking non-disciplinary cases.

Dr. Gillard noted that with regards to this matter, blood pressure of pregnant patients should be looked at in all cases.

MOTION: Dr. Farmer moved to Issue an Advisory Letter for failure to follow up on abnormal proteinuria in a pregnant patient. There is insufficient evidence to support disciplinary action.

SECOND: Dr. Bethancourt.

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

MOTION PASSED.

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

MOTION: Dr. Farmer moved to issue an Advisory Letter and Order for Non-Disciplinary CME in item numbers 1, 4 and 5.

SECOND: Ms. Bain.

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

MOTION PASSED.

1. MD-16-0480A, TIMOTHY A. LUKE, M.D., LIC. #41183

RESOLUTION: Issue an Advisory Letter and Order for Non-Disciplinary 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 regarding medical recordkeeping. The CME hours shall be in addition to the hours required for license renewal.

2. MD-16-1555A, ATUL P. LALANI, M.D., LIC. #33131

Dr. Lalani and counsel Matt Cates addressed the Board during the Public Statements portion of the meeting. T.M.S. addressed the Board during the Public Statements portion of the meeting.

Dr. Gillard summarized that a template was created the day before by the medical assistant but was not signed or reviewed by the physician and commented that CME may not be needed. Dr. Figge noted that the physician should be aware when a medical assistant or staff edits their medical records.

MOTION: Dr. Figge moved to issue an Issue an Advisory Letter and Order for Non-Disciplinary CME for failing to provide a timely notification of discharge from the practice and for documentation of a provider note and ultrasound when the patient was not seen by the physician. There is insufficient evidence to support disciplinary action. Within six months, complete no less than 10 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.

SECOND: Dr. Krahn.

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

MOTION PASSED.

3. MD-17-0404A, JOHN W. CORY, M.D., LIC. #36154

Ms. Smith clarified the statute violation in this case.

MOTION: Ms. Jones moved to Issue an Advisory Letter and Order for Non-Disciplinary CME for prescribing controlled substances without maintaining medical records, and for making a false or misleading statement to the Board. 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 regarding ethics. The CME hours shall be in addition to the hours required for license renewal.

SECOND: Dr. Figge.

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

MOTION PASSED.

4. MD-16-1371A, MEHDY ZARANDY, M.D., LIC. #37894

RESOLUTION: Issue an Advisory Letter and Order for Non-Disciplinary CME for action taken by the State of Delaware, for failing to complete the CME required for Arizona license renewal, and for attesting to having completed the Arizona license renewal CME when he did not. There is insufficient evidence to support disciplinary action. Within 6 months, complete no less than 38.25 Board staff pre-

approved Category I CME. The CME hours shall be in addition to the hours required for license renewal.

5. MD-17-0033A, ERIC N. NOVACK, M.D., LIC. #29419
RESOLUTION: Issue an Advisory Letter and Order for Non-Disciplinary CME for inadequate documentation. 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 medical recordkeeping course. The CME hours shall be in addition to the hours required for license renewal.

I. REVIEW OF EXECUTIVE DIRECTOR DISMISSALS

MOTION: Dr. Paul moved to uphold the dismissal in item numbers 2-9.

SECOND: Dr. Krahn.

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

MOTION PASSED

1. MD-16-1029B, PATRICK S. PASULKA, M.D., LIC. #12782

Dr. Gillard summarized that the patient had an ablation for dysrhythmia and suffered neurological issues. The initial Medical Consultant ("MC") report found multiple deviations from the standard of care however; the supplemental submission noted that the standard of care was met. Dr. Bethancourt noted that the patient's complaint was that he had difficult time focusing.

Dr. Coffey summarized that the patient had issues however, the patient was seen by a covering physician and stated that the patient's wife did report the patient's history of difficulty focusing after anesthesia. Dr. Coffey confirmed there is a difference in comments made between the patient and his wife to the nurse and to the physician during the assessment. However, the physician's record at the time of discharge noted that the patient's symptoms had cleared.

MOTION: Dr. Bethancourt moved to dismiss.

SECOND: Ms. Salter.

Dr. Figge noted that the physician saw the patient and felt the concerns had been resolved.

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

MOTION PASSED.

2. MD-17-0049A, MATTHEW J. WELCH, M.D., LIC. #44360

RESOLUTION: Dismissal Upheld.

3. MD-16-1390A, KEVIN J. HASELHORST, M.D., LIC. #25725

RESOLUTION: Dismissal Upheld.

4. MD-17-0141B, RAHUL S. ATHALYE, M.D., LIC. #33431

RESOLUTION: Dismissal Upheld.

5. MD-16-1360A, ETHAN M. PHILPOTT, M.D., LIC. #51541

RESOLUTION: Dismissal Upheld.

6. MD-17-0100A, JEREMY P. FELDMAN, M.D., LIC. #32825

RESOLUTION: Dismissal Upheld.

7. MD-16-0416A, RANDALL R. HARDISON, M.D., LIC. #24564

Dr. Hardison addressed the Board during the Public Statements portion of the meeting. M.A. addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Dismissal Upheld.

8. MD-17-0184A, ROSEMARY V. WILSON, M.D., LIC. #22119

RESOLUTION: Dismissal Upheld.

9. MD-17-0321A, SALVATORE J. TIRRITO, M.D., LIC. #33344
RESOLUTION: Dismissal Upheld.

J. PROPOSED CONSENT AGREEMENTS (Disciplinary)

MOTION: Dr. Figge moved to accept the Proposed Consent Agreements in item numbers 2-5.

SECOND: Dr. Krahn.

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

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

MOTION PASSED.

1. MD-16-1300A, HOSSAIN SAHLOLBEI, M.D., LIC. #35016

Ms. Jones noted that the physician committed a felony in California for fraud on two separate occasions and opined that revocation may be appropriate in this case. Dr. Gillard opined that there was no patient harm.

Board staff reported that documentation was obtained from the California website stating they have filed an amended complaint, which does contain a patient care component.

Dr. Krahn expressed concern regarding the case and whether the actions permit revocation.

Ms. Smith clarified that this agreement is a result of the felony conviction and that if the California Board takes disciplinary action a new case will come before the Board.

MOTION: Ms. Jones moved to reject the proposed consent agreement and forward the matter to the Office of Administrative Hearing for revocation.

SECOND: Dr. Krahn.

Dr. Gillard spoke against the motion as the case may come back if the California Board takes disciplinary action.

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

VOTE: 2-yay, 8-nay, 0-abstain, 0-recuse, 0-absent.

MOTION FAILED.

MOTION: Dr. Farmer moved to accept the proposed Consent Agreement for a Decree of Censure and Probation. Within six months, obtain no less than 17 hours of Board Staff pre-approved Category 1 CME in an intensive, in-person course regarding ethics. 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 course. The licensee shall obtain an unconditional or conditionally passing grade.

SECOND: Ms. Salter.

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

VOTE: 8-yay, 2-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

2. MD-15-0868A, ARNOLD C. FRIEDMAN, M.D., LIC. #35484

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

3. MD-17-0289A, JENNIFER A. CHUN-BRODIE, M.D., LIC. #46005

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

4. MD-16-1541A, ROMAN A. CHUBATY, M.D., LIC. #11316
RESOLUTION: Accept the proposed Consent Agreement for a Letter of Reprimand and Probation with Practice Restriction. Dr. Chubaty shall be prohibited from issuing medical marijuana certifications for a minimum of one year. Prior to termination of Probation, Dr. Chubaty shall provide the Board with evidence that he has reviewed and understands Arizona's requirements for issuing medical marijuana certifications and demonstrate that he is safe to issue such certifications in the State of Arizona.
5. MD-16-0243A, DAVID G. STEWART, M.D., LIC. #13560
RESOLUTION: Accept the proposed Consent Agreement for a Letter of Reprimand with Five Year Probation for PHP participation. Dr. Stewart's PHP participation shall be retroactive to December 23, 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.

K. PROPOSED CONSENT AGREEMENTS (Non-Disciplinary)

1. MD-17-0762A, EDWARD B. NASH, M.D., LIC. #15841

MOTION: Ms. Jones moved to accept the proposed Consent Agreement for Practice Limitation. Physician's practice is limited in that he shall not practice medicine in the State of Arizona and is prohibited from prescribing any form of treatment including prescription medication until the Physician applies to the Board and receives permission to do so.

SECOND: Dr. Farmer.

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

MOTION PASSED.

L. LICENSE APPLICATIONS

i. APPROVE OR DENY LICENSE APPLICATION

MOTION: Dr. Figge moved to grant the license in item numbers 1-7.

SECOND: Dr. Bethancourt.

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

MOTION PASSED.

1. MD-17-0769A, DAVID G. MCALPINE, M.D., LIC. #N/A
RESOLUTION: Grant the license.

2. MD-17-0794A, ROBERT J. FAGNANT, M.D., LIC. #N/A
RESOLUTION: Grant the license.

3. MD-17-0009A, ISAAC R. KIRK, M.D., LIC. #N/A
RESOLUTION: Grant the license.

4. MD-17-0801A, SCOTT B. HUTSON, M.D., LIC. #N/A
RESOLUTION: Grant the license.

5. MD-17-0793A, ARNOLD S. SEID, M.D., LIC. #N/A
RESOLUTION: Grant the license.

6. MD-17-0657A, JUJHAR S. BAINS, M.D., LIC. #N/A
 Dr. Bains addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Grant the license.

7. MD-17-0748A, MURRAY F. CAPLAN, M.D., LIC. #N/A
RESOLUTION: Grant the license.

8. MD-17-0881A, EMILY A. WINETT, M.D., LIC. #N/A
 Dr. Gillard noted that the physician continued to practice on an expired license..

MOTION: Dr. Figge moved to grant the license and issue an Advisory Letter for practicing on an expired license. There is insufficient evidence to support disciplinary action.

SECOND: Dr. Krahn.

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

MOTION PASSED.

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

MOTION: Ms. Salter moved to grant the license in item numbers 1 and 2.

SECOND: Dr. Farmer.

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

MOTION PASSED.

1. TEDDI L. D. SWIDINSKY, M.D.

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

RESOLUTION: Grant the license.

2. DEXTER S. LEVY, M.D.

RESOLUTION: Grant the license.

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

1. THOMAS D. KUMMET, M.D., LIC. #N/A

Dr. Gillard summarized that the physician is unable to provide the documents due to the hospital no longer having the records and another hospital will not provide documentation regarding a settled malpractice case.

MOTION: Dr. Krahn moved to grant the request for waiver of documentation.

SECOND: Dr. Paul.

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

MOTION PASSED.

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

1. MD-17-0572A, DUANE L. MILLER, M.D., LIC. #N/A

MOTION: Dr. Figge moved to Grant a probationary license, requiring the physician to participate in the Board's PHP for a period of five years. The PHP Probation shall include a psychiatric monitoring requirement. Once the physician has complied with the probationary terms, he must affirmatively petition the Board to request Probation termination.

SECOND: Dr. Krahn.

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

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

MOTION PASSED.

*****END OF CONSENT AGENDA*****

OTHER BUSINESS

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

1. MD-17-0744A, DEAN R. SILVER, M.D., LIC. #38223

Attorney Flynn Carey addressed the Board during the Public Statements portion of the meeting.

Dr. Gillard summarized that an employee alleged a complaint against the physician regarding prescribing. Dr. Gillard noted that the homeopathic board ceded jurisdiction to the AMB. The physician's attorney requested that the Board table the matter for 30 days to allow him to discuss the case with the Homeopathic Board.

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

MOTION PASSED.

The Board entered into Executive Session at 8:21 p.m.

The Board returned to Open Session at pm 8:33 p.m.

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

Ms. Bain opined that a thirty day table may not be appropriate as the investigation will occur.

MOTION: Dr. Figge moved to table the matter for thirty days.

SECOND: Ms. Jones.

Dr. Krahn clarified that it would be the Board's counsel to discuss the matter with the Homeopathic Board counsel.

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

MOTION PASSED.

N. REQUEST FOR MODIFICATION OF BOARD ORDER

1. MD-15-0939A, JONATHAN C. KOMAR, M.D., LIC. #31330

Attorney Paul Giancola addressed the Board during the Public Statements portion of the meeting.

Board staff summarized that the physician is requesting that he be able to treat female patients 60 years of age and older. Dr. Komar's practice is currently restricted to treating only male patients. Pine Grove's revised evaluation reports that Dr. Komar have a chaperone present at all times when treating female patient's 60 years of age or older. Board staff noted that one of the patients that Dr. Komar had an inappropriate relationship with was 63 years of age.

MOTION: Dr. Figge moved to deny the request for modification of the Board Order.

SECOND: Dr. Paul.

Dr. Figge noted that swathe Board review this case in July and no new evidence has been provided to support modification.

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

MOTION PASSED.

O. REQUEST FOR TERMINATION OF BOARD ORDER

1. MD-16-1012A, MD-16-1248A, MD-17-0092A, MD-17-0388A, STEVE FANTO, M.D., LIC. #21415

J.K., B.M. and B.W. addressed the Board during the Public Statements portion of the meeting on behalf of the physician.

Dr. Fanto and counsel Kraig Marton addressed the Board requesting termination of his practice restriction.

Board staff summarized the deviations of the four cases. Dr. Fanto prescribed methadone to multiple patients while failing to investigate his patients' self-reported symptoms and meet the consensus guidelines developed to reduce the incidence of sudden death due to methadone cardiac toxicity. Dr. Fanto failed to obtain EKG at the accepted frequency, if at all. M.S. a woman of child bearing age with fibromyalgia was prescribed monthly by Dr. Fanto multiple opioid pills each at the highest strength available. Dr. Fanto additionally prescribed 30 fentanyl patches at the highest dose available every month. In September 2016, M.S. was brought to the ER for prescription opioid overdose and cardiac toxicity. A malpractice settlement was paid in the case of A.S.'s, who died of polydrug toxicity and overdose to include oxycodone prescribed by Dr. Fanto one year after establishing care with Dr. Fanto. Dr. Fanto was in possession of A.S.'s medical documents from her previous pain management physician documenting an ongoing pattern of dangerous, non-compliant drug taking. Despite A.S.'s drug seeking behavior, Dr. Fanto prescribed self-administering Demerol injections upon the first visit at the patient's request, a deviation from the standard of care. In every case reviewed, with regard to the prescribing of subsys, the maximum initial does was prescribed at the first visit, a deviation of the standard of care. Board staff addressed the peer reviews provided on behalf of Dr. Fanto and stated that the reviewers failed to explain why Dr. Fanto had no alternative other than prescribing injectable Demerol for the treatment of headaches. Another reviewer failed to address the appropriateness of massive amounts of opioids prescribed for fibromyalgia or address the patient's necessity for intensive inpatient detoxification and rehabilitation.

Board staff noted that Dr. Fanto currently has six open cases submitted by multiple sources and noted the multiple deviations in the various cases regarding the prescribing of controlled substances.

Dr. Gillard noted that the Board's primary duty is to protect the public and support Arizona laws and statutes.

MOTION: Dr. Figge moved to deny the request to terminate the Board Order.

SECOND: Dr. Bethancourt.

Dr. Paul noted that these concerns to public safety are significant and that these cases are still pending investigation.

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

MOTION PASSED.

P. GENERAL CALL TO THE PUBLIC

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

MOTION: Ms. Bain moved to adjourn the meeting.

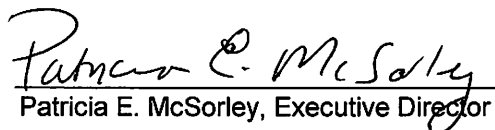
SECOND: Dr. Farmer.

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

MOTION PASSED.

The meeting adjourned at 8:46 p.m.




Patricia E. McSorley, Executive Director