



## Arizona Medical Board

9545 East Doubletree Ranch Road • Scottsdale, Arizona 85258

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### FINAL MINUTES FOR SPECIAL TELECONFERENCE MEETING

Held on Thursday, November 2, 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 6:06 p.m.

#### B. ROLL CALL

The following Board members participated telephonically: Dr. Gillard, Dr. Farmer, Ms. Bain, Dr. Bethancourt, Dr. Connolly, Dr. Figge, Ms. Jones, Dr. Paul and Ms. Salter. Present: Dr. Krahn

#### ALSO PRESENT

Present among Board staff include: Carrie Smith, AAG; Anne Froedge, AAG; Elizabeth Campbell, AAG; Patricia E. McSorley, Executive Director; Kristina Fredericksen, Deputy Director; William Wolf, M.D., Chief Medical Consultant; Kathleen Coffey, Medical Consultant, Andrea Cisneros, Staff Investigational Review Committee ("SIRC") Coordinator; Erinn Downey, Assistant 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. REVIEW, CONSIDERATION AND POSSIBLE ACTION REGARDING EXPANSION OF LICENSING OPTIONS FOR FOREIGN MEDICAL SCHOOL GRADUATES

- Consideration and possible action regarding recognition of the Medical Council of Ireland as an accrediting body pursuant to A.R.S. § 32-1401(5).  
Dr. Krahn recused from this item.

Dr. Gillard stated that the issue is whether or not to take similar cases on a case by case basis or approve the body of the Medical Council of Ireland as an accredited institution.

Dr. Bethancourt opined that the six year program is the European style of medical education and noted that the World Health Organization does list this body as an accredited body. Dr. Paul agreed that these cases should be taken on a case by case situation as Ireland has six schools and the medical programs may differ.

**E. CONSIDERATION, DISCUSSION AND POSSIBLE RECOMMENDATION REGARDING A.R.S. § 36-2606(F) AS RECENTLY AMENDED AND DRAFT EMERGENCY RULE A.A.C. R9-10-120 REGARDING OPIOID PRESCRIBING AND TREATMENT**

Ms. McSorley commented that the Rule mandates the required use of the Controlled Substances Prescription Monitoring Program ("CSPMP") when prescribing opioids as of October 16, 2017. Ms. McSorley reported that Board staff has been receiving many questions regarding this requirement and that there were emergency rules passed and adopted by Department of Health ("DHS"). Ms. McSorley opined that the administrator of the hospital will need to establish a policy on how the use of the CSPMP will be documented.

Dr. Gillard asked for Board staff to request that DHS provide a presentation regarding the rules. Board members commented that there is much confusion among physicians regarding the requirements and it is important to clarify the Board's stance to support with the new regulations.

Ms. McSorley stated that if the Board would be interested in having a DHS representative appear for a presentation on the December 6 Board meeting agenda she would arrange the presentation

**F. CONSIDERATION, DISCUSSION AND POSSIBLE ACTION REGARDING THE DRAFT REQUEST FOR PROPOSAL ("RFP") FOR THE PHYSICIAN HEALTH PROGRAM ("PHP")**

Ms. McSorley informed the Board that the draft RFP removes the assessment piece from the Scope of Work and focuses on the monitoring program. She stated that changes have been made to update the appropriate language for substance use disorder and to set specific guidelines for participants who are in the program. The program will also monitor physical and mental health of the physician. Ms. McSorley reiterated the minimum qualifications that the Board is looking for in those who respond to the RFP. Ms. McSorley also noted that with the new contract, the Board will attempt to standardize the laboratories used by the PHP.

Dr. Krahn added there is a review process of the bids that will consist on one staff member from the State Procurement Office ("SPO"), Ms. McSorley and Dr. Bethancourt.

**MOTION: Dr. Farmer moved to approve the draft RFP for the Physician Health Program.**

**SECOND: Dr. Bethancourt.**

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

**MOTION PASSED.**

**G. DISCUSSION AND UPDATE FROM THE PHP COMMITTEE**

- Board Member Participation in RFP Process  
Dr. Krahn summarized that the Committee continues to look how the Board completes assessments and offering more choices to physicians who need an assessment. Board staff has begun conducting exit interviews to obtain feedback and continues to obtain information from other states to inquire on how their programs work. Dr. Krahn noted that the RFP will be sent out by SPO on Monday, November 6, 2017.

**LEGAL MATTERS**

**H. REVIEW, CONSIDERATION AND POSSIBLE ACTION ON PROPOSED BOARD ORDER ARISING FROM ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION (Scheduled to begin at 6:00 p.m.)**

1. MD-16-1021A, ROGER W. SHORTZ, M.D., LIC. #N/A

Dr. Shortz was not present. Counsel Michael Goldberg, Esq. was present on the physician's behalf. AAG Anne Froedge, Esq. appeared on behalf of the State. AAG Elizabeth Campbell, Esq. appeared as the Board's Independent Legal Advisor.

Ms. Froedge summarized that on June 2, 2017 the Board issued an Order denying the physician's license citing statute A.R.S. § 32-1422(A)(4). Dr. Shortz appealed the decision and requested a hearing at the Office of Administrative Hearings (OAH). The ALJ recommended denying the appeal and upholding the Board's decision to deny the license. The State requests that the ALJ's decision be modified as requested in the written motion and then accepted.

Mr. Goldberg requested that the Board modify the recommendation, and grant Dr. Shortz a probationary license as Dr. Shortz testified that he would be willing to practice under a probationary license and has a position waiting for him once he receives an Arizona license. Mr. Goldberg requested that the Board issue a license in some capacity to allow Dr. Shortz practice medicine in the State of Arizona.

Ms. Froedge responded that the concerns identified by the Board were the previous malpractice settlements, which were reviewed by a Medical Consultant ("MC") who identified serious deviations from the standard of care in three of the four cases reviewed. Ms. Froedge noted that the conduct would constitute grounds for disciplinary action under the Medical Practice Act.

**MOTION: Ms. Bain moved for the Board to enter into Executive Session pursuant to A.R.S. § 38-431.03(A)(3).**

**SECOND: Dr. Paul.**

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

**MOTION PASSED.**

The Board entered into Executive Session at 6:16 p.m.

The Board returned to Open Session at 6:22 p.m.

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

In response to a Board member inquiry, Ms. Campbell noted that the Board may allow the physician to withdraw his license application if he requests to do so.

**MOTION: Dr. Figge moved to ask the physician's attorney if the physician would request withdrawal of his application.**

**SECOND: Dr. Krahn.**

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

**MOTION PASSED.**

Mr. Goldberg stated that Dr. Shortz would like to withdraw his application.

**MOTION: Dr. Figge moved to accept the physician's request for withdrawal of his application through his counsel.**

**SECOND: Dr. Krahn.**

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

**MOTION PASSED.**

## **CONSENT AGENDA**

### **I. CASES RECOMMENDED FOR DISMISSAL**

1. MD-16-1563A, LYNN J. CALCOTE, M.D., LIC. #44643

Dr. Gillard summarized that based on a malpractice payment and that this was a complicated case in a rural hospital. However, the patient refused transfer to a higher level of care. The Board's MC opined that the evaluation was below the standard of care but Board staff noted the patient declined transfer to a higher level of care.

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

**SECOND: Dr. Bethancourt.**  
**VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.**  
**MOTION PASSED.**

**J. CASES RECOMMENDED FOR ADVISORY LETTERS**

**MOTION: Dr. Krahn moved to issue an Advisory Letter in item numbers 4, 6, 7, 8, 10, 12 and 14.**

**SECOND: Ms. Salter**

**VOTE: 10-yay, 0-nay, 0-abstain, 0(1 recusal in item 6)-recuse, 0-absent.**

**MOTION PASSED.**

1. MD-16-1112A, STEPHEN D. FRAUSTO, M.D., LIC. #36752

**MOTION: Dr. Krahn 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, 0-absent.**

**MOTION PASSED.**

The Board entered into Executive Session at 8:07 p.m.

The Board returned to Open Session at 8:19 p.m.

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

**MOTION: Dr. Krahn moved to issue an Advisory Letter for being impaired while on call. While the licensee has demonstrated substantial compliance through rehabilitation that has mitigated the need for disciplinary action, the Board believes that repetition of the activities that led to the investigation may result in further Board action against the licensee.**

**SECOND: Dr. Paul.**

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

**MOTION PASSED.**

2. MD-17-0479A, DAVID C. LORENZ, M.D., LIC. #22913

Dr. Krahn commented that she has some concerns in this case but that she accepts the recommendation.

**MOTION: Dr. Krahn moved to issue an Advisory Letter for failure to report a DUI charge to the Board in a timely manner. There is insufficient evidence to support disciplinary action.**

**SECOND: Ms. Salter.**

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

**MOTION PASSED.**

3. MD-16-1102A, SHAMIL S. PATEL, M.D., LIC. #44312

Dr. Patel and Counsel Cynthia Patane, Esq. addressed the board during Public Statements portion of the meeting.

Dr. Gillard summarized that in public statements the physician noted that the MC was not in active practice and that even with modern equipment and examinations this was a difficult situation. Dr. Paul commented that the physician's testimony and references were compelling in opposition to the MC. Dr. Bethancourt opined that the physician provided appropriate care.

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

**SECOND: Dr. Bethancourt.**

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

**MOTION PASSED**

4. MD-16-0323A, GARY B. ZOELLNER, M.D., LIC. #30437

**RESOLUTION: Issue an Advisory Letter for failure to evaluate and document a progress note on the second day of coverage, and for failure to document thorough physical findings in a patient who was being monitored for the development of compartment syndrome. There is insufficient evidence to support disciplinary action.**

5. MD-16-1388A, TEODOR C. PITEA, M.D., LIC. #44103  
S.F. addressed the board during Public Statements portion of the meeting.

Dr. Gillard summarized that this is a case of a rare complication with a PICC tube placement during a complex procedure. There were many CT scans were done that showed a hematoma but did not show a liver injury.

Board Staff clarified BF died six days later from inadvertent removal of a subclavian catheter not from the procedure.

**MOTION: Dr. Connolly moved to Issue an Advisory Letter for failure to timely address an expanding hematoma formation after endoscopic PEG tube placement. There is insufficient evidence to support disciplinary action.**

**SECOND: Ms. Salter.**

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

**MOTION PASSED**

6. MD-16-0612A, DAVID M. PAUL, M.D., LIC. #23254  
Dr. Bethancourt was recused from this case.

**RESOLUTION: Issue an Advisory Letter for inadequate follow up on an abnormal chest x-ray. 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.**

7. MD-17-0055A, THUAN NGUYEN, M.D., LIC. #33912

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

8. MD-17-0018A, SUZANNE M. COOK, M.D., LIC. #22487

**RESOLUTION: Issue an Advisory Letter for failing to properly proofread a pathology report leading to unnecessary treatment. There is insufficient evidence to support disciplinary action.**

9. MD-17-0133A, STANLEY K. BROWN, M.D., LIC. #14729

Dr. Farmer summarized that this is a case where the expert reviewer found a number deviations from the standard of care and found the expert opinion to be fairly strong however; Board staff found it did not rise to the level of discipline. Dr. Farmer opined there is a clear and convincing evidence of misjudgment in the management of this case and inaccuracy in the physician's reply. Dr. Farmer opined there is a need for education and possibly disciplinary action.

**MOTION: Dr. Farmer moved to return the case for further investigation to obtain a second MC review.**

**SECOND: Dr. Krahn.**

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

**MOTION PASSED.**

10. MD-17-0069A, KAVEH KARANDISH, M.D., LIC. #46491

**RESOLUTION: Issue an Advisory Letter for injection of glucocorticoid at the wrong site. There is insufficient evidence to support disciplinary action.**

11. MD-17-0020A, THOMAS R. CARTER, M.D., LIC. #18672

F.B. and V.M. addressed the Board during the Public Statements portion of the meeting.

Board staff summarized that the patient underwent a rotator cuff repair and despite physical therapy the patient developed increased limitation of movement of the shoulder. The patient underwent a second surgery and experienced pain at the first post-operative visit with continued pain in the hand and fingers. Nearly two months after Dr. Carter's surgery the patient underwent correction surgery by another physician. The MC stated that routinely obtaining imaging studies following an otherwise uncomplicated manipulation of the shoulder is not widely considered the standard of care. Further, the MC stated that without a documented neurologic or motor exam of the shoulder, it is difficult to discern when the neurologic findings regarding the axillary nerve first appeared.

Board staff noted that the MC noted x-rays not always necessary but when patient continued to decompensate it would have been appropriate x-rays and conduct a physical examination.

**MOTION: Dr. Bethancourt moved to Issue an Advisory Letter for failure to obtain x-rays in the postoperative period and for failure to document a motor or neurologic exam. There is insufficient evidence to support disciplinary action.**

**SECOND: Dr. Krahn.**

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

**MOTION PASSED.**

12. MD-16-1299A, JUSTIN H. LEE, M.D., LIC. #52531

**RESOLUTION: Issue an Advisory Letter for placement of the incorrect port. There is insufficient evidence to support disciplinary action.**

13. MD-17-0653A, CHAD C. CHESLEY, M.D., LIC. #50906

Dr. Krahn opined that there has been considerable remediation and sanctions regarding this case. Dr. Gillard noted that the physician has completed continuing medical education ("CME") ordered by the Washington Board.

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

**SECOND: Dr. Bethancourt.**

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

**MOTION PASSED.**

14. MD-16-1437A, ZELLMAN D. SKLOVEN, M.D., LIC. #19034

**RESOLUTION: Issue an Advisory Letter for imprecise management of a patient undergoing percutaneous coronary intervention. There is insufficient evidence to support disciplinary action.**

15. MD-16-1350A, THOMAS R. CARTER, M.D., LIC. #18672

Dr. Gillard summarized that this was a case involved a malpractice settlement arising from wrong site surgery of the wrong knee requiring subsequent corrective surgery.

Ms. Jones noted that the MC's strongly opined that there was no excuse for performing the wrong surgical procedure and opined that a Letter of Reprimand may be appropriate. Dr. Gillard opined that the malpractice payment and the physician's acceptance of responsibility are mitigating. Dr. Bethancourt found it concerning that there are two cases and noted that the physician had marked the correct knee and then completed the procedure on the wrong knee. Dr. Bethancourt expressed concern that the physician has a lack of attention to detail.

Board staff commented that scars can be difficult to identify and that the MC did identify mitigating factors in this case.

**MOTION:** Ms. Jones moved to offer the physician a consent agreement for a Letter of Reprimand. If the physician declines, invite him before the Board for a Formal Interview.

**SECOND:** Ms. Bain.

Dr. Gillard spoke against the motion as the physician has made a payment and accepted responsibility.

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

**ROLL CALL VOTE:** Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Bain and Ms. Jones. The following Board members voted against the motion: Dr. Gillard, Dr. Farmer, Dr. Bethancourt, Dr. Figge, Dr. Krahn, Dr. Paul and Ms. Salter. The following Board member was not present: Dr. Connolly.

**MOTION FAILED.**

**MOTION:** Dr. Krahn moved to Issue an Advisory Letter for operating on the incorrect knee. There is insufficient evidence to support disciplinary action.

**SECOND:** Dr. Bethancourt.

**VOTE:** 7-yay, 2-nay, 0-abstain, 0-recuse, 1-absent.

**MOTION PASSED.**

#### **K. CASES RECOMMENDED FOR ADVISORY LETTERS WITH NON-DISCIPLINARY CONTINUING MEDICAL EDUCATION ORDERS**

**MOTION:** Ms. Jones moved to issue an Advisory Letter and Order for Non-Disciplinary CME in item numbers 1 and 2.

**SECOND:** Dr. Bethancourt.

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

**MOTION PASSED.**

1. MD-17-0377A, CHERYL A. MAURICE, M.D., LIC. #30594

**RESOLUTION:** Issue an Advisory Letter and Order for Non-Disciplinary CME for failure to promptly evaluate a high-risk patient for cardiac ischemia and discontinue aggravating exertional activities until the cardiac evaluation could be obtained. 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 assessment of cardiac ischemia. The CME hours shall be in addition to the hours required for license renewal.

2. MD-17-0377B, DREW V. HALL, M.D., LIC. #48592

**RESOLUTION:** Issue an Advisory Letter and Order for Non-Disciplinary CME for failure to promptly evaluate a high-risk patient for cardiac ischemia and discontinue aggravating exertional activities until the cardiac evaluation could be obtained. 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 assessment of cardiac ischemia. The CME hours shall be in addition to the hours required for license renewal.

#### **L. REVIEW OF EXECUTIVE DIRECTOR DISMISSALS**

**MOTION:** Dr. Paul moved to uphold the dismissal in item numbers 1 and 2.

**SECOND:** Dr. Bethancourt.

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

**MOTION PASSED.**

1. MD-15-0965A, DAVID A. CAMARATA, M.D., LIC. #28451

D. T., R.T. and P.Z. addressed the Board during the Public Statements portion of the meeting.

Dr. Gillard commented that this case was heard at the April Board meeting and was sent back for further review by a second MC who agreed with the initial MC's findings.

**RESOLUTION:** Dismissal Upheld.

2. MD-17-0061A, SHANTHA KUMAR, M.D., LIC. #23951  
**RESOLUTION: Dismissal Upheld.**

#### **M. PROPOSED CONSENT AGREEMENTS (Disciplinary)**

**MOTION:** Dr. Bethancourt moved to accept the Proposed Consent Agreements in item numbers 1-3.

**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.**

1. MD-17-0115A, DANIEL M. GLICK, M.D., LIC. #15897  
**RESOLUTION: Accept the proposed Consent Agreement for a Letter of Reprimand.**
2. MD-16-0549A, FERNANDO CRUZADO, M.D., LIC. #30961  
**RESOLUTION: Accept the proposed Consent Agreement for Three Year Probation. Within twelve months, complete no less than 15 hours of Board staff pre-approved Category I CME in an intensive, in-person course regarding medical recordkeeping, and complete the Basics of Chronic Pain Management course offered by CPEP. The CME hours shall be in addition to the hours required for license renewal. The physician shall enter into a contract with a Board approved monitoring company to conduct periodic chart reviews at his expense. The chart reviews shall commence upon proof of successful completion of the CME and shall involve current patients' charts. Once the licensee has complied with the terms of Probation, he must affirmatively petition the Board to request that the Probation be terminated.**
3. MD-16-0266A, JOHN L. KALLMEYER, M.D., LIC. #8383  
**RESOLUTION: Accept the proposed Consent Agreement for a Letter of Reprimand and Probation. Within six months, complete no less than 10 hours of Board staff pre-approved Category I CME regarding the prescribing of controlled substances. 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 coursework.**

#### **N. LICENSE APPLICATIONS**

##### **i. APPROVE OR DENY LICENSE APPLICATION**

**MOTION:** Ms. Bain moved for the Board to enter into Executive Session pursuant to A.R.S. § 38-431.03(A)(3).

**SECOND:** Dr. Krahn.

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

**MOTION PASSED.**

The Board entered into Executive Session at 8:55 p.m.

The Board returned to Open Session at 8:59 p.m.

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

**MOTION:** Dr. Krahn moved to grant the license in item numbers 1, 2, 3 and 5.

**SECOND:** Ms. Salter.

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

**MOTION PASSED.**

1. MD-17-0655A, GINECE J. JACKSON, M.D., LIC. #N/A  
**RESOLUTION: Grant the license.**
2. MD-17-0739A, DHARMESH MEHTA, M.D., LIC. #N/A  
**RESOLUTION: Grant the license.**



3. MD-17-0142A, KARISSA N. ARCA, M.D., LIC. #N/A  
**RESOLUTION: Grant the license.**
4. MD-16-1325A, JAMES R. MUNNS, M.D., LIC. #N/A

Board staff summarized that there were four malpractice cases that were reviewed by an MC who found deviations in three of the four cases. In one case there was a three year delay in the diagnosis of lung cancer resulting in disciplinary action in Illinois and Iowa. In the second case, the physician did not recognize that the patient's heparin induced thrombocytopenia in a timely manner, resulting in the amputation of both legs, one arm, and the fingers of the right hand. In the third case, the physician discharged the patient with chest pain resulting in the patient's death. In the fourth case, no deviations were found but the MC did question the physician's judgment.

Dr. Gillard noted that there are several malpractice cases and Board staff recommendation is to allow the physician the opportunity to withdraw his license application, and if not withdrawn, deny the license.

**MOTION: Dr. Figge moved to allow the physician to withdraw his license application, and if not withdrawn deny the license pursuant to A.R.S. § 32-1422(A)(4)- Have a professional record which indicates that the applicant has not committed any act or engaged in any conduct which would constitute grounds for disciplinary action against a licensee under this chapter.**

**SECOND: Ms. Jones.**

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

**MOTION PASSED.**

5. MD-17-0874A, JOHN W. DURST, M.D., LIC. #N/A  
**RESOLUTION: Grant the license.**

6. PATRICIA A. CRONIN, M.D., LIC. #N/A

Dr. Krahn was recused from this case.

Dr. Gillard summarized that the applicant is a graduate of a medical school in Ireland and did two fellowships in the United States but they are not ACGME accredited. Dr. Cronin did pass all three parts of the USMLE and has been granted a fellow status by the American Medical College of Surgeons. Dr. Gillard opined that the medical school is similar to Western Europe and United State graduate programs and opined that the license should be granted.

Ms. Smith clarified that the physician completed twelve months of training at the Memorial Sloan Kettering which is ACGME accredited and an additional twelve month program at the Mayo Clinic, which is not ACGME accredited.

Ms. Salter stated that this physician is exceptionally well trained and opined granting the license.

**MOTION: Dr. Farmer moved to grant the license due to the applicant meeting the requirements of licensure because she has received a medical education that the Board deems to be equivalent quality.**

**SECOND: Ms. Salter.**

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

**MOTION PASSED.**

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

1. MD-16-0201A, VICTOR S. DREICER, M.D., LIC. #22952

Dr. Dreicer and counsel Steve Myers addressed the Board during the Public Statements portion of the meeting.

Dr. Gillard summarized that on Dr. Dreicer's license renewal application he disclosed that his privileges had been restricted at Chandler Regional Medical Center ("CRMC") in March, 2010 after review of five patient charts. Dr. Gillard noted that counsel requested the license be renewed without the Advisory Letter.

Board staff recommended the Advisory Letter for a technical error in replacing an aortic valve prior to a mitral valve, and for failing to disclose conditional reappointment restrictions on his renewal application.

**MOTION: Dr. Figge moved to dismiss the investigation and grant the renewal application.**

**SECOND: Dr. Krahn.**

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

**MOTION PASSED.**

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

1. MD-17-0221A, KASSANDRA J. K. ROMERO, M.D., LIC. #N/A

Dr. Gillard stated that the physician entered into the PHP program during his residency program.

Board staff confirmed the applicant has been compliant with the PHP program.

**MOTION: Dr. Krahn moved to accept the proposed Consent Agreement Order Granting a Probationary License for continued participation in the Board's PHP. Dr. Romero's PHP participation shall be retroactive to August 25, 2014. Once the physician has complied with the terms of Probation, she must affirmatively petition the Board to request probation termination and restoration of full licensure.**

**SECOND: Dr. Bethancourt.**

**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.**

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. Paul moved to grant licensure by endorsement in item numbers 1 and 2.**

**SECOND: Dr. Bethancourt.**

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

**MOTION PASSED.**

1. MOHAMMAD LARIJANI, M.D., LIC. #N/A

**RESOLUTION: Grant licensure by endorsement.**

2. CHARLES C. B. KIM, M.D., LIC. #N/A

**RESOLUTION: Grant licensure by endorsement.**

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

1. BITA BADAKHSHAN, M.D., LIC. #N/A

Dr. Gillard summarized that the applicant has passed all three parts of USMLE but is unable to get primary source verification on employment from a hospital. The applicant holds a license in California.

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

**SECOND: Dr. Bethancourt.**

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

**MOTION PASSED.**

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

## **OTHER BUSINESS**

### **O. REQUEST FOR MODIFICATION OF BOARD ORDER**

1. MD-17-0083A, JOSE M. PISCOYA, M.D., LIC. #25569

Counsel Greg Miles, Esq. addressed the Board on behalf of the physician.

Board staff summarized that on January 24, 2017, the Board initiated this case after receiving a complaint from a patient alleging that Dr. Piscoya engaged in an inappropriate sexual relationship with her while she was a patient. Dr. Piscoya admitted to having a sexual relationship with the patient and an additional patient, as well as to sexually molesting a child several years prior to licensure in Arizona. Dr. Piscoya underwent a psychosexual evaluation where he was found not safe to practice after which Dr. Piscoya entered into an Interim Consent Agreement for Practice Restriction. Dr. Piscoya's counsel stated in his public statement that they would accept the Interim Consent Agreement drafted by Board staff but is requesting that Dr. Piscoya be allowed to use a medical assistant as a chaperone, rather than a licensed healthcare professional. Board staff requested that the chaperone be a license healthcare professional per the evaluators' recommendation.

**MOTION: Ms. Bain moved for the Board to enter into Executive Session pursuant to A.R.S. § 38-431.03(A)(3).**

**SECOND: Dr. Krahn.**

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

**MOTION PASSED.**

The Board entered into Executive Session at 7:13 p.m.

The Board returned to Open Session at 7:22 p.m.

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

Dr. Gillard noted that the Seasons Recovery Center evaluator found that Dr. Piscoya was safe to practice once he successfully completed treatment and that Santé recommended Dr. Piscoya have a licensed chaperone and Meadows supported that recommendation.

Dr. Krahn commented that the matters in this case are serious and recommended having the physician appear at a future meeting before lifting the practice restriction is reconsidered.

**MOTION: Dr. Krahn moved to table the matter to return the case for further investigation to allow the Board's Staff Investigational Review Committee to review the case and make a recommendation to the Board. Following SIRC's review of the matter, the physician shall be invited to appear before the Board for a Formal Interview.**

**SECOND: Dr Farmer.**

Ms. Smith noted that the case is complete and if the Board tables the matter the case can return for a formal interview at the Board's December meeting. Ms. Bain opined that there is discrepancy between the various reports and the allegations. Dr. Bethancourt opined

that he is against having an uncertified chaperone as they do not have a license that can be held accountable. Dr. Figge spoke against tabling the matter, noting that the physician had been evaluated by multiple entities. Ms. Jones noted that five days after returning from the Texas evaluation he tried to contact the complainant. Dr. Farmer noted that if the matter is tabled, the current restriction will remain in effect. Dr. Figge commented that meeting the physician is valuable but in this situation it would be more beneficial to review the evaluators' recommendations, given the nature of the allegations. Ms. Salter commented that the restriction was set by the Board to protect the public.

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

**MOTION PASSED.**

#### **P. REQUEST FOR TERMINATION OF BOARD ORDER**

1. MD-14-0100A, KENNETH M. FISHER, M.D., LIC. #12762

Board staff summarized that the physician has requested termination of Probation after a minimum of two favorable chart reviews. The MC conducted two chart reviews and determined that there were no deviations from the standard of care. Dr. Fisher has been compliant with his one year of probation.

**MOTION: Dr. Krahn moved to grant the request for termination of Board Order.**

**SECOND: Ms. Jones.**

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

**MOTION PASSED.**

#### **Q. GENERAL CALL TO THE PUBLIC**

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

**MOTION: Dr. Krahn moved to adjourn the meeting.**

**SECOND: Ms. Bain.**

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

**MOTION PASSED.**

The meeting adjourned at 9:20 p.m.



*Kristina Fredenken*  
Patricia E. McSorley, Executive Director *for*