



Arizona Medical Board

1740 W. Adams St., Suite 4000 • Phoenix, Arizona 85007

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FINAL MINUTES FOR SPECIAL TELECONFERENCE MEETING

Held on Wednesday, January 31, 2018 at 6:00 p.m.

1740 W. Adams St., Board Room A • Phoenix, 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 6:01 p.m.

B. ROLL CALL

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

The following Board members were absent: Dr. Connolly, Dr. Krahn and Dr. Paul.

ALSO PRESENT

Present among Board staff include: Carrie Smith, AAG; Patricia E. McSorley, Executive Director; Kristina Fredericksen, Deputy Director; William Wolf, M.D., Chief Medical Consultant; Kathleen Coffey, Medical Consultant; 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. THIS ITEM HAS BEEN PULLED FROM THE AGENDA.

CONSENT AGENDA

E. CASES RECOMMENDED FOR ADVISORY LETTERS

MOTION: Dr. Figge moved to issue an Advisory Letter in item numbers 3 and 5-9.

SECOND: Ms. Salter.

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

1. MD-17-0797A, ARUN S. PATIL, M.D., LIC. #46136

Dr. Figge opined that the cardiologist was put in a position to sign the death certificate when the primary care physician or medical examiner was a better option. Board members agreed that the cardiologist was acting in good faith.

MOTION: Dr. Farmer moved to dismiss.

SECOND: Dr. Figge.

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

2. MD-17-0257A, PAUL B. HUDSON, M.D., LIC. #15600

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

Dr. Gillard summarized that the complaint stated that the patient did not feel like her healthcare questions were answered. The MC opined that the physician did not meet standards of communication but met the standards of care. Dr. Gillard opined that if the standard of care was met and an Advisory Letter is not appropriate in this case. Dr. Bethancourt agreed that the care was appropriate and found that the patient's understanding of the diagnosis is subjective. Dr. Figge agreed that this was a communication issue, not a records problem.

MOTION: Dr. Bethancourt moved to dismiss.

SECOND: Dr Figge.

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

3. MD-16-1202A, IVOR BENJAMIN, M.D., LIC. #40592

RESOLUTION: Issue an Advisory Letter for exceeding the scope of the consented procedure for a hysterectomy and salpingectomy by removing ovaries, for which the patient had not consented and had expressly desired to retain. 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.

4. MD-17-0566A, CARL BRONITSKY, M.D., LIC. #30960

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

Dr. Gillard and Dr. Bethancourt commented that a physician should be aware of whether or not an organ was removed during a procedure.

MOTION: Dr. Gillard moved to issue an Advisory Letter for failure to remove the uterus during an intended supra-cervical hysterectomy, failure to verify pathological findings, and for utilizing unopposed estrogen hormonal therapy for a patient with an intact uterus. There is insufficient evidence to support disciplinary action.

SECOND: Dr. Bethancourt.

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

5. MD-16-1530A, KAMAKSHI R. REDDY, M.D., LIC. #37459

RESOLUTION: Issue an Advisory Letter for failing to 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.

6. MD-17-0611A, SAMUEL R. CHOLET, M.D., LIC. #53898

RESOLUTION: Issue an Advisory Letter for failure to report a DUI to the Board within ten days as required by statute. There is insufficient evidence to support disciplinary action.

7. MD-17-0202A, JAMES R. MCEOWN, M.D., LIC. #12215
RESOLUTION: Issue an Advisory Letter for failing to mention the positive findings noted on the head CT scan report leading to a lack of follow up imaging and no provision of head injury instructions. While the licensee has demonstrated substantial compliance through rehabilitation or 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-17-0945A, CINDY N. SIROIS, M.D., LIC. #36064
RESOLUTION: Issue an Advisory Letter for action taken by the State of North Carolina. There is insufficient evidence to support disciplinary action.
9. MD-17-0205B, MARY E. MERKEL, M.D., LIC. #26413
RESOLUTION: Issue an Advisory Letter for failure to order a STAT MRI of the lumbar spine for a patient presenting with urinary and bowel incontinence along with lower extremity weakness following a spinal anesthetic while on blood thinners. There is insufficient evidence to support disciplinary action.

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

1. MD-17-0114A, LARRY W. NICHOLS, M.D., LIC. #14326

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

Dr. Gillard summarized that the patient was prescribed a high dosage of clonazepam but noted that the physician has already completed continuing medical education ("CME").

Board staff confirmed that CME was completed but stated that it is not equivalent to the CME recommended by Board Staff.

Dr. Figge noted that the CME was completed prior to receiving the complaint and therefore it is not applicable.

MOTION: Dr. Figge moved to issue an Advisory Letter and Order for Non-Disciplinary CME for inadequate documentation and for failure to closely monitor a patient on high dose Clonazepam. 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 prescribing controlled substances. The CME hours shall be in addition to the hours required for license renewal.

SECOND: Dr. Farmer.

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

G. REVIEW OF EXECUTIVE DIRECTOR DISMISSALS

MOTION: Ms. Jones moved to uphold the dismissal in item numbers 1-6.

SECOND: Dr. Bethancourt.

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

1. MD-17-0138A, RICHARD J. WHITMAN, M.D., LIC. #14188

M.W. addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Dismissal Upheld.

2. MD-17-0121A, JOHN E. WANEBO, M.D., LIC. #35308

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

RESOLUTION: Dismissal Upheld.

3. MD-17-0517A, ROBERT D. RILEY, M.D., LIC. #32789
M.R.A. addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Dismissal Upheld.

4. MD-17-0517B, HOWARD R. LEE, M.D., LIC. #33834
M.R.A. addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Dismissal Upheld.

5. MD-16-1554A, SIDNEY A. SPECTOR, M.D., LIC. #21747
RESOLUTION: Dismissal Upheld.

6. MD-17-0325A, MARK E. ROSE, M.D., LIC. #34013
N.P. addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Dismissal Upheld.

7. MD-17-0643A, HOWARD EISENBERG, M.D., LIC. #22366
T.Z. addressed the Board during the Public Statements portion of the meeting. Dr. Figge stated that he knows Dr. Eisenberg but it would not affect his ability to adjudicate the case.

Dr. Gillard summarized that the complaint alleges a late physician response to decelerating fetal heart patterns during labor. Ms. Salter noted that the MC stated that the patient was categorized as low risk and opined that the physician was not required to remain at the facility under those conditions. The MC further opined that the physician responded promptly once notified. Dr. Figge commented there is a discrepancy in the complaint and documentation in the hospital record regarding the timeliness of the physician's response.

MOTION: Ms. Salter moved to uphold the dismissal.

SECOND: Dr. Figge.

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

8. MD-17-0467B, CHRISTA C. CORN, M.D., LIC. #18489
J.B. addressed the Board during the Public Statements portion of the meeting.

Dr. Gillard summarized that the patient underwent metastatic breast cancer surgery and that the MC found the medical care was poor and that the informed consent process was not ideal.

Board staff noted that after review of the physician's supplement response, the MC withdrew the standard of care concerns, but did sustain concerns about the informed consent process.

Dr. Bethancourt found concern with the documentation and outcome of the procedure.

MOTION: Dr. Bethancourt moved to return the case for further investigation to obtain a second medical consultant review and second review by SIRC.

SECOND: Dr. Figge.

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

9. MD-17-0367A, JULIA A. BARNETT, M.D., LIC. #45569

Dr. Farmer noted that the complainant vocalized his right to be able to address the Board and make a public statement.

Board staff noted that the Department of Correction's Warden was contacted informing him that the call-in information was provided on the complainant's notice letter.

MOTION: Dr. Farmer moved to table the matter and return on a future agenda to facilitate the complainant's access to the meeting.

SECOND: Ms. Jones.

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

H. PROPOSED CONSENT AGREEMENTS (Disciplinary)

MOTION: Dr. Figge moved to accept the Proposed Consent Agreements in item numbers 1-6.

SECOND: Dr. Betancourt.

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

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

1. MD-16-1547A, RICHARD A. MELDE, M.D., LIC. #7685

Attorney Melissa Ho addressed the Board during the Public Statements portion of the meeting on the physician's behalf.

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

2. MD-16-0639A, MARTHA M. GROUT, M.D., LIC. #24896

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

RESOLUTION: Accept the proposed Consent Agreement for a Decree of Censure and Civil Penalty. Dr. Grout shall pay a Civil Penalty within ninety days via certified funds in the amount of \$5,000.

3. MD-16-1101A, MICHAEL R. TRIMBLE M.D., LIC. #33104

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

4. MD-17-0118A, RONALD E. PARFITT, M.D., LIC. #20680

D.L. 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 with Practice Restriction. Dr. Parfitt shall be prohibited from prescribing controlled substances until receiving permission from the Board to do so. Within six months, Dr. Parfitt shall obtain no less than 15 hours of Board staff pre-approved Category I CME in an intensive, in-person course regarding medical recordkeeping; and, no less than 15 hours of Board staff pre-approved Category I CME in an intensive, in-person course regarding controlled substances prescribing. The CME hours shall be in addition to the hours required for license renewal. Following successful completion of the CME coursework, Dr. Parfitt shall enter into a contract with a Board approved monitoring company to perform periodic chart reviews, at the physician's expense. After two consecutive favorable chart reviews, Dr. Parfitt may petition the Board to terminate the Probation. Dr.

Parfitt shall not request early termination of Probation without having completed the chart review process.

5. MD-16-1529A, RONALD E. AREBALO, M.D., LIC. #20144
RESOLUTION: Accept the proposed Consent Agreement for a Letter of Reprimand and Probation. Within six months, complete no less than 5 hours of Board staff pre-approved Category I CME in the evaluation and treatment of bowel emergencies. 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.
6. MD-17-0915A, PETER J. DELENICK, M.D., LIC. #43968
RESOLUTION: Accept the proposed Consent Agreement for Surrender of License.

I. PROPOSED CONSENT AGREEMENTS (Non-Disciplinary)

1. MD-17-0936A, SCOTT C. PRICE, M.D., LIC. #34174

MOTION: Dr. Figge moved to accept the proposed Consent Agreement for Practice Limitation.

SECOND: Ms. Jones.

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

J. LICENSE APPLICATIONS

i. APPROVE OR DENY LICENSE APPLICATION

MOTION: Dr. Figge moved to grant the license in item numbers 2-6 and 8-10.

SECOND: Dr. Bethancourt.

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED/FAILED.

1. MD-17-0012A, GEORGE K. TASHJIAN, M.D., LIC. #N/A

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

Dr. Figge opined that there is sufficient evidence that justifies Board staff's recommendation to deny the application, and that the physician's comments during the public statements reiterated that the physician did not accept responsibility.

Dr. Gillard summarized that there were 8 malpractice settlements and the MC found deviations in seven of the cases.

MOTION: Dr. Figge moved to allow the physician to withdraw his license application, and if not withdrawn within 30 days deny the license pursuant to A.R.S. § 32-1422(A)(4).

SECOND: Dr. Bethancourt.

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

2. MD-17-0738A, JEFFREY J. CRUDO, M.D., LIC. #N/A

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

RESOLUTION: Grant the license.

3. MD-17-0714A, JOSE A. ALFANO, M.D., LIC. #N/A

RESOLUTION: Grant the license.

4. MD-17-1093A, STEVEN F. MAHER, M.D., LIC. #N/A

RESOLUTION: Grant the license.

5. MD-18-0020A, ERLAN S. TOULEGENOV, M.D., LIC. #N/A

RESOLUTION: Grant the license.

6. MD-17-1119A, CHRISTOPHER P. DEMAS, M.D., LIC. #N/A
RESOLUTION: Grant the license.

7. MD-17-0978A, KENNETH S. BRADLEY, M.D., LIC. #N/A
Dr. Gillard summarized that the physician reported a prior malpractice settlement for puncturing a spinal cord during an injection however; the MC opined that this was an isolated case. Dr. Gillard noted that the physician answered no to question number 8 on his application and opined that an advisory letter may be appropriate for not answering the question correctly on his license application.

Board staff noted that the Board does not typically issue an advisory letter when the physician makes an inaccuracy on an initial application.

Dr. Farmer opined that there is no pattern of the physician trying to deceive the Board and that this appears to have been a clerical error.

MOTION: Dr. Farmer moved to grant the license.
SECOND: Dr. Bethancourt
VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.
MOTION PASSED.

8. MD-17-1155A, RICARDO RAMOS, M.D., LIC. #N/A
RESOLUTION: Grant the license.

9. MD-17-0950A, MARK F. HOFFMANN, M.D., LIC. #N/A
RESOLUTION: Grant the license.

10. MD-17-0991A, CLAYTON A. BASS, M.D., LIC. #N/A
RESOLUTION: Grant the license.

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 1-3.
SECOND: Dr. Figge.
VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.
MOTION PASSED.

1. NADEEM AKHTER, M.D., LIC. #N/A
RESOLUTION: Grant the license.

2. LAURA CAIN, M.D., LIC. #N/A
RESOLUTION: Grant the license.

3. LAWSON C. RICHTER, M.D., LIC. #N/A
RESOLUTION: Grant the license.

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

1. VIKRAM MEHRA, M.D., LIC. #N/A
Dr. Gillard summarized that the physician is unable to obtain primary source documentation from a hospital that has closed.

MOTION: Dr. Farmer moved to grant the request for waiver of documentation requirement.
SECOND: Dr. Bethancourt.

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 3-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) AND REQUEST FOR WAIVER OF DOCUMENTATION REQUIREMENT**

MOTION: Dr. Farmer moved to grant the license and request for waiver of documentation requirement in item numbers 1 and 2.

SECOND: Dr. Bethancourt.

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

1. MICHAEL DIMITRION, M.D., LIC. #N/A

Dr. Gillard summarized that the physician is unable to get documentation from a Hawaiian hospital that went bankrupt.

RESOLUTION: Grant the license and request for waiver of documentation requirement.

2. JORGE A. RAMIREZ GONZALEZ, M.D., LIC. #N/A

Dr. Gillard summarized that the physician is unable to obtain primary source documentation from a hospital in Puerto Rico whose records were destroyed due to hurricane damage.

RESOLUTION: Grant the license and request for waiver of documentation requirement.

v. **REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING LICENSE APPLICATION AND CONSIDERATION OF RECOMMENDED ADVISORY LETTER**

1. MD-18-0005A, J. DAVID BURGESS, M.D., LIC. #N/A

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

Dr. Gillard summarized that the physician allowed his license to expire and continued to treat patients for two days on an expired license.

MOTION: Dr. Figge moved to grant the license and issue a non-disciplinary Advisory Letter for inadvertently practicing on an expired medical license due to his failure to renew the license. There is insufficient evidence to support disciplinary action.

SECOND: Ms. Jones.

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

END OF CONSENT AGENDA

OTHER BUSINESS

K. REQUEST FOR TERMINATION OF BOARD ORDER

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

Dr. Gillard summarized that the physician self-reported in October 2016 and was found safe to practice with one year of PHP monitoring. The consent agreement was signed in May of 2017 and was retroactive to December 2016. The physician has been complaint with monitoring and the terms of probation have been met.

MOTION: Dr. Farmer moved to grant the request for termination of Dr. Jayaraman's May 5, 2017 Board Order.
SECOND: Dr. Bethancourt.
VOTE: 6-yay, 0-nay, 1-abstain, 0-recuse, 3-absent.
MOTION PASSED.

L. GENERAL CALL TO THE PUBLIC

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

Dr. Figge commented on adjustments that need to be made in the new Board room before the next teleconference meeting. Dr. Figge requested that the topic of open Board member positions be placed on a future agenda for discussion.

M. ADJOURNMENT

MOTION: Ms. Jones moved to adjourn the meeting.
SECOND: Dr. Bethancourt.
VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.
MOTION PASSED.

The meeting adjourned at 7:39 p.m.




Patricia E. McSorley, Executive Director