



Arizona Medical Board

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FINAL MINUTES FOR SPECIAL TELECONFERENCE MEETING

Held on May 10, 2018

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 6:04 p.m.

B. ROLL CALL

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

The following Board members were absent: Ms. Bain and Ms. Salter.

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. REVIEW, DISCUSSION AND POSSIBLE ACTION ON IMPLEMENTATION OF THE OPIOID EPIDEMIC ACT

- Discussion and Possible Action Regarding Interpretation of § 32-3248.01(C) Requirement to be Board-certified in Pain

Ms. Smith reported to the Board members that the Osteopathic Board recently adopted a substantive policy statement to interpret "Board Certified in Pain" as used in the statute. Ms. Smith stated that the Board will be provided information from the Osteopathic Board's consideration of the issue in order to make the determination whether similar action is needed by the Medical Board.

CONSENT AGENDA

E. CASES RECOMMENDED FOR ADVISORY LETTERS

MOTION: Ms. Jones moved to issue an Advisory Letter in item numbers 1-5.

SECOND: Dr. Figge.

VOTE: 8-yay, 0-nay, 0-abstain, 0(1 Recusal in item Number #3)-recuse, 2-absent.

MOTION PASSED.

1. MD-17-0957A, MATTHEW E. VANASCO, M.D., LIC. #34180

RESOLUTION: Issue an Advisory Letter for failing to identify a 6mm calculus near the ureteropelvic junction of the left kidney on a CT scan. There is insufficient evidence to support disciplinary action.

2. MD-17-0430A, CHARLES B. EVANS, M.D., LIC. #37616

RESOLUTION: Issue an Advisory Letter for inappropriate prescribing of controlled substances, inadequate medical records, and for inadequate supervision of a PA. 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.

3. MD-17-0776A, KENNETH B. GOSSLER, M.D., LIC. #23966

K.T. addressed the Board during the Public Statements portion of the meeting.

Dr. Farmer recused from this case. Dr. Figge stated he knows the physician but it would not affect his ability to adjudicate the case.

RESOLUTION: Issue an Advisory Letter for leaving a patient unattended and for failure to apply safety straps. 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-17-1178A, CARI L. COWLING, M.D., LIC. #50021

RESOLUTION: Issue an Advisory Letter for failing to document a discussion about genetic testing and possible oophorectomy in a patient with a strong family history of ovarian cancer who was undergoing a hysterectomy and salpingectomy. There is insufficient evidence to support disciplinary action.

5. MD-17-0955A, MARK S. WALMER, M.D., LIC. #15974

RESOLUTION: Issue an Advisory Letter for failing to follow up on labs showing progressive anemia in a timely manner. There is insufficient evidence to support disciplinary action.

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

1. MD-17-0733A, SANJAY R. PATEL, M.D., LIC. #40721

In response to a Board member's question, Ms. Smith clarified that the statute prohibits a physician from referring a patient to a pharmacy that the physician has an ownership interest in, without appropriate disclosures as required by statute.

MOTION: Ms. Jones moved to issue an Advisory Letter and Order for Non-Disciplinary CME for failure to address multiple abnormal urine drug screens, failure to follow a patient with sufficient frequency, 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 in controlled substance prescribing. The CME hours shall be in addition to the hours required for license renewal.

SECOND: Dr. Bethancourt.

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

MOTION PASSED.

2. MD-16-1429A, MATEJA D. STANONIK, M.D., LIC. #47675

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

MOTION: Dr. Krahn moved to issue an Advisory Letter and Order for Non-Disciplinary CME for incorrect interpretation of nerve conduction studies and EMGs, failure to order a lumbar MRI in a patient with a recent history of lumbar discitis, 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. Within six months, complete 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.

SECOND: Dr. Paul.

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

MOTION PASSED.

G. REVIEW OF EXECUTIVE DIRECTOR DISMISSALS

MOTION: Dr. Paul moved to uphold the Executive Director dismissals in items 1-7.

SECOND: Dr. Figge.

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

MOTION PASSED.

1. MD-17-0785A, JAMES E. PAGE, M.D., LIC. #45775

RESOLUTION: Dismissal Upheld.

2. MD-17-0895A, CURTIS P. PAGE, M.D., LIC. #29288

RESOLUTION: Dismissal Upheld.

3. MD-17-0451A, JOEL R. GOODE, M.D., LIC. #28515

H.O. and D.F. addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Dismissal Upheld.

4. MD-17-0728B, ASHISH GUPTA, M.D., LIC. #43388

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

RESOLUTION: Dismissal Upheld.

5. MD-18-0024A, DANIEL DUICK, M.D., LIC. #11393

RESOLUTION: Dismissal Upheld.

6. MD-17-0342A, THOMAS J. WALL, M.D., LIC. #24251

RESOLUTION: Dismissal Upheld.

7. MD-17-0104A, LEMONTE A. WOOD, M.D., LIC. #37777

Dr. Daniel Valez addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Dismissal Upheld.

H. PROPOSED CONSENT AGREEMENTS (Disciplinary)

1. MD-17-0879A, BAHRAM VARJAVAND, M.D., LIC. #47551

MOTION: Dr. Figge moved to accept the proposed Consent Agreement for Letter of Reprimand.

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, and Dr. Paul. The following Board members were absent: Ms. Bain and Ms. Salter.

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

MOTION PASSED.

2. MD-17-0347A, SANDRA A. BEBAK, M.D., LIC. #18834

Dr. Paul and Dr. Bethancourt recused from this case. Due to a lack of quorum this case will be tabled and placed on a future agenda.

I. LICENSE APPLICATIONS

i. APPROVE OR DENY LICENSE APPLICATION

MOTION: Dr. Krahn moved to grant the license application in item numbers 1 and 3-7.

SECOND: Dr. Figge.

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

MOTION PASSED.

1. MD-17-1057A, JAMES D. MORGAN, M.D., LIC. #N/A

RESOLUTION: Grant the license.

2. MD-18-0118A, HERAMB K. SINGH, M.D., LIC. #N/A

In response to a Board member inquiry regarding a potential discrepancy in the license application file, Board staff confirmed that Dr. Singh's American Medical Association (AMA) profile for the Board's review is correct and that while he holds a board certification, he does not hold a board certification from an American Board of Medical Specialties ("ABMS") approved body. Board staff confirmed the correct certifying body and noted that there did not appear to be deception by the physician while completing his application.

MOTION: Ms. Jones moved to grant the license.

SECOND: Dr. Bethancourt.

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

MOTION PASSED.

3. MD-17-1221A, PAULA K. MCPHAIL, M.D., LIC. #N/A

RESOLUTION: Grant the license.

4. MD-18-0402A, COLEEN A. RICKABAUGH-TEVERINI, M.D., LIC. #N/A

RESOLUTION: Grant the license.

5. MD-18-0232A, TAN N. VU, M.D., LIC. #N/A

RESOLUTION: Grant the license.

6. MD-18-0141A, MILTON K. W. WONG, M.D., LIC. #N/A

RESOLUTION: Grant the license.

7. JAVIER I. GENTILE, M.D., LIC. #N/A

RESOLUTION: Grant the teaching license based on a finding that the applicant's education was of an equivalent quality.

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

1. MD-18-0059A, MICHAEL P. KIMBALL, M.D., LIC. #20844

Dr. Gillard summarized that Dr. Kimball did not meet the 40 hour CME requirement for renewal within the appropriate time frame.

MOTION: Dr. Paul moved to grant the license renewal application and issue an Advisory Letter for failing to complete the required CME hours within the specified timeframe for license renewal. There is insufficient evidence to support disciplinary action.

SECOND: Dr. Krahn.

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

MOTION PASSED.

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

OTHER BUSINESS

J. GENERAL CALL TO THE PUBLIC

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

K. ADJOURNMENT

MOTION: Dr. Krahn moved to adjourn the meeting.


SECOND: Dr. Farmer.

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

MOTION PASSED.

The meeting adjourned at 6:46 p.m.




Patricia E. McSorley, Executive Director