



## Arizona Medical Board

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### **DRAFT MINUTES FOR REGULAR SESSION MEETING Held on Tuesday, June 12, 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.

**Tuesday, June 12, 2018**

#### **GENERAL BUSINESS**

##### **A. CALL TO ORDER**

Dr. Gillard called the meeting to order at 8:00 a.m.

##### **B. ROLL CALL**

The following Board members were present: Dr. Gillard, Dr. Farmer, Ms. Bain, Dr. Bethancourt, Dr. Figge, Ms. Jones, Dr. Krahn, Dr. Paul and Ms. Salter.

The following Board member was absent: Dr. Connolly.

##### **ALSO PRESENT**

Present among Board staff include: 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. Additionally present were Carrie Smith, AAG; Anne Froedge, AAG; Beth Campbell, AAG.

##### **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. EXECUTIVE DIRECTOR'S REPORT**

- Discussion Regarding 2019 Board Meeting Calendar

**MOTION: Dr. Krahn moved to approve the 2019 Board Meeting Calendar.**  
**SECOND: Ms. Bain.**  
**VOTE: 7-yay, 1-nay, 0-abstain, 0-recuse, 2-absent.**  
**MOTION PASSED.**

#### **E. CHAIR'S REPORT**

- Update on Federation of State Medical Boards 2018 Annual Meeting

Dr. Gillard summarized that the use of medical marijuana was discussed and that there is a concern regarding the potential harmful effects. Dr. Krahn commented that the meeting provides an opportunity to review of other states' solutions to common issues.

#### **F. LEGAL ADVISOR'S REPORT**

- Legislative update re: HB2549- controlled substances; dosage limit

Ms. Smith informed the Board of the retroactive changes that were made to the Opioid Epidemic Act. The retroactive changes expanded dispensing of opioids to include implantable devices, expanded the exemptions for obtaining a pain management consult. A non-retroactive amendment requires pain management clinics to obtain licensure within 60 days of qualifying and allows nurse practitioners to be medical directors of the clinics.

#### **G. APPROVAL OF MINUTES**

**MOTION: Ms. Bain moved to approve the April 16-17, 2018 Regular Session meeting minutes, including Executive Session and the May 10, 2018 Special Teleconference meeting minutes.**

**SECOND: Dr. Bethancourt.**

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

**MOTION PASSED.**

#### **LEGAL MATTERS**

#### **H. RESCIND REFERRAL TO FORMAL HEARING AND ACCEPT PROPOSED CONSENT AGREEMENT**

1. MD-16-1071A, LOKESH S. TANTUWAYA, M.D., LIC. #460000  
Elizabeth Campbell, AAG was present to provide Independent Legal Advice to the Board. Carrie Smith, AAG was present on behalf of the State.

Dr. Gillard summarized that the physician reported three malpractice cases that had not been reviewed by the Board and due to his expired the licensee he has signed a Letter of Reprimand and the case will be closed.

Ms. Smith confirmed the physician's license has expired while the matter was pending Formal Hearing, and that the California Board action is not yet effective. Ms. Smith further stated that the consent agreement specifies that in the event the licensee reapplies the Board will have the right to review the undisclosed information.

**MOTION: Dr. Paul moved to rescind the referral to Formal Hearing and accept the proposed Consent Agreement for a Letter of Reprimand.**

**SECOND: Dr. Krahn.**

**ROLL CALL: Roll call vote was taken and the following Board members voted in favor of the motion: Dr. Gillard, Ms. Bain, Dr. Bethancourt, Dr. Figge, Ms. Jones, Dr.**

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

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

**MOTION PASSED.**

## **I. FORMAL INTERVIEWS**

1. MD-17-0886A, MARI W. SCHENK, M.D., LIC. #25685  
Dr. Schenk was present with counsel, Paul Giancola, Esq.

Board staff summarized that the case was initiated after receiving a report of Dr. Schenk's non-compliance from the Board's Physician Health Program ("PHP") Contractor. The PHP Contractor opined that Dr. Schenk was not safe to practice. Dr. Schenk subsequently entered into an Interim Consent Agreement for Practice Restriction, effective September 26, 2017. Board staff recommended a Letter of Reprimand and Probation for continued PHP participation. Dr. Schenk disagrees with the Letter of Reprimand recommendation.

Dr. Schenk stated there were no legal, professional or colleague concerns due to her addiction. Dr. Schenk stated that while under Stipulated Rehabilitation Agreement ("SRA") she drank a glass of wine during vacation in violation of the Board Order. Dr. Schenk reported that due to treatment she now has an understanding of her addiction and has since learned coping mechanisms for handling stress. Dr. Schenk stated that she understood the loss of confidentiality due to the violation, but argued that she should not be further disciplined by the issuance of a Letter of Reprimand.

During questioning, Dr. Schenk explained that she regrets denying her alcohol use when she tested positive. Dr. Schenk explained the basis for changing treatment programs. Dr. Schenk informed the Board regarding her current aftercare program.

In closing, Mr. Giancola commented on the challenges physicians face when entering into the monitoring process, establishing the correct treatment program and that more education was needed when signing and understanding the Board order. Mr. Giancola requested that the Board not issue a Letter of Reprimand.

**MOTION: Dr. Krahn moved for a finding of unprofessional conduct in violation of A.R.S. §§ 32-1401(27)(f) and (s) for reasons as stated by SIRC.**

**SECOND: Ms. Bain.**

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

**MOTION PASSED.**

Dr. Krahn recognized the steps the licensee took in seeking treatment. Dr. Krahn noted that although the licensee has since taken responsibility for the violation, she initially denied it. The concern is to establish whether the licensee can adhere to the Board Order.

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

**SECOND: Dr. Figge.**

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

**MOTION PASSED.**

The Board entered into Executive Session at 9:05 a.m.

The Board returned to Open Session at 9:23 a.m.

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

**MOTION:** Dr. Krahn moved for draft Findings of Fact, Conclusions of Law and Order for Five Year Probation to participate in the Board's PHP. Dr. Schenk's PHP participation shall be retroactive to December 15, 2017. Once the licensee has complied with the terms of Probation, she may petition the Board to request Probation termination.

**SECOND:** Dr. Figge.

Dr. Figge commented that there was no patient harm and that the licensee understands the terms of probation. Dr. Krahn noted that although there was a false statement made by the licensee she did obtain further treatment and intends to continue aftercare.

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

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

**MOTION PASSED.**

2. MD-17-0640A, MARK S. BESSETTE, M.D., LIC. #18835  
Dr. Bessette was present with counsel, Paul Giancola, Esq.

Board staff summarized that the case was initiated after receiving a complaint from an insurance fraud investigator who reported that Dr. Bessette continued to prescribe controlled substances to patient ED who had a long standing drug abuse problem. Three patient charts were reviewed. The Board's Medical Consultant ("MC") indicated that Dr. Bessette deviated from the standard of care by continuing to fill narcotic prescriptions for two patients in spite of negative urine tests and in spite of being forewarned that the patients filled narcotics prescriptions with negative drug screens.

In opening, Dr. Bessette stated he understands the concerns expressed by Board staff and explained the steps he has taken for corrective action. He has since transitioned 400 chronic pain patients to pain management specialists; he no longer prescribes narcotics and has made improvements towards his medical records by updating his EMR system and utilizing a scribe. Dr. Bessette explained that he was not aware of ED's drug history as the pain management records were not made available.

During questioning, Dr. Bessette explained that until recently there was not a lot of education on pain management and opioids. Dr. Bessette explained that he did provide a treatment plan to the insurance company and cannot explain the discrepancy in the company's statement that no information was provided. Dr. Bessette explained that the inadequate medical records were due to two medical record program conversions during that time.

In closing, Mr. Giancola commented that no deviation was found in patient FD and that there was a deviation in failing to monitor in patients ED and OR. Dr. Bessette has since taken a prescribing course and other corrective actions to address these concerns. Mr. Giancola noted that there is no longer a concern with Dr. Bessette's treatment of pain management patients.

During deliberation, Dr. Figge opined that medical records were inadequate and that he believed that there was a patient care issue.

**MOTION: Dr. Figge moved for a finding of unprofessional conduct in violation of A.R.S. §§ 32-1401(27)(e) and (r) for reasons as stated by SIRC.**

**SECOND: Ms. Jones.**

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

**MOTION PASSED.**

Dr. Figge opined that due to mitigating factors, he believed that this case does not rise to the level of discipline.

**MOTION: Dr. Figge moved to issue an Advisory Letter for inappropriate controlled substance prescribing and 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.**

**SECOND: Dr. Paul.**

Ms. Bain directed Board staff to send a letter of concern to the facility. Dr. Bethancourt agreed that due to the licensee's corrective action, there is no longer an ongoing patient care concern.

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

**MOTION PASSED.**

## **J. LICENSING INTERVIEWS**

1. THIS ITEM HAS BEEN PULLED FROM THE AGENDA.

## **K. FORMAL INTERVIEWS**

1. MD-17-0807A, MICHAEL R. GRAY, M.D., LIC. #11623

Dr. Gray was present with counsel Sheldon Lazarow, Esq. Dr. Gillard was recused from this case.

Board staff summarized that the case was initiated after receiving a complaint regarding Dr. Gray's care and treatment of patient MA alleging inappropriate prescribing of controlled substances. Board staff selected four additional patient charts and all five patients' charts were forwarded to the MC for a quality of care review. The MC identified deviations from the standard of care in Dr. Gray's treatment of all five patients reviewed, as well as medical recordkeeping concerns. The MC found that Dr. Gray failed to properly manage/monitor these patients for pain management, made changes to the patients' pain medications without documenting the reasoning and without obtaining outside records or performing additional lab testing to monitor for patient compliance.

In opening, Mr. Lazarow explained that Dr. Gray is the only AHCCS provider in Cochise County. Mr. Lazarow noted that although there is disagreement with the MC's opined findings in this case Dr. Gray is willing to comply with the Board's suggestions for remediation.

Dr. Gray explained that he understands the current opioid epidemic however there are barriers associated with treating pain management patients in a rural area. Dr. Gray noted that he has filed pain management contracts with the various surrounding hospitals. Dr. Gray explained to the Board the circumstances regarding his prescribing practices of MA.

During questioning, Dr. Gray explained that when he is no longer comfortable prescribing pain medications he attempts to refer his patients to pain management specialists. Dr. Gray explained that the patients who migrated to his practice were already receiving high

dosages of pain medication. Dr. Gray stated that his office policy is currently in compliance with the law and the Opioid Act. Dr. Gray informed the Board that if a patient is not compliant with the pain management contract they get dismissed. Dr. Gray explained that the concern regarding the problematic medication combinations were due to previous care.

In closing, Dr. Gray informed the Board that he is open to solutions to address the concerns raised in this case.

Mr. Lazarow stated that Dr. Gray is a dedicated physician and requested that the Board not take disciplinary action in this case.

**MOTION: Dr. Krahn moved for a finding of unprofessional conduct in violation of A.R.S. §§ 32-1401(27)(e) and (r) for reasons as stated by SIRC.**

**SECOND: Dr. Figge.**

**VOTE: 8-yay, 0-nay, 0-abstain, 1-recuse, 1-absent.**

**MOTION PASSED.**

Dr. Krahn noted that Dr. Gray has made medical record changes to address the medical record concerns and acknowledged that the patients in this case were difficult cases. Dr. Krahn opined that this case does not rise to the level of discipline.

**MOTION: Dr. Krahn moved to issue an Advisory Letter and Order for Non-Disciplinary CME for inadequate medical records and improper prescribing of controlled substances to multiple patients. There is insufficient evidence to support disciplinary action. Within 6 months, complete no less than 10 hours of Board staff pre-approved Category I CME in an intensive, in-person course for prescribing controlled substances; and, no less than 5 hours of pre-approved Category I CME in an intensive, in-person course regarding prescribing adjuvant pain medications and other psychotropic agents within the scope of practice for primary care. The hours shall be in addition to those required for license renewal.**

**SECOND: Ms. Bain.**

Dr. Farmer commented that the Board understands the difficult circumstances of practicing in a rural area however; an advisory letter is used for tracking purposes.

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

**MOTION PASSED.**

## **CONSENT AGENDA**

### **L. CASES RECOMMENDED FOR DISMISSAL**

**MOTION: Dr. Krahn moved to dismiss item numbers 1 and 2.**

**SECOND: Dr. Bethancourt.**

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

**MOTION PASSED.**

1. MD-17-1038A, DUANE C. WHITAKER, M.D., LIC. #12532  
Dr. Gillard summarized no violations were identified in this case.

**RESOLUTION: Dismiss.**

2. MD-18-0093A, ROBERT E. SECAUR, M.D., LIC. #30213  
Dr. Gillard summarized that this was a case of a closed practice where medical records could not be obtained.

Ms. Smith reported that the physician entered into a stipulated judgment to preserve the records and Phoenix Children's Hospital will be taking over the electronic medical records. Ms. Smith further reported that the physician is working on the storage facility records.

**RESOLUTION: Dismiss.**

## **M. CASES RECOMMENDED FOR ADVISORY LETTERS**

**MOTION:** Dr. Krahn moved to issue an Advisory Letter in item numbers 1-3, and 5-7.

**SECOND:** Ms. Jones.

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

**MOTION PASSED.**

1. MD-17-0694A, STANLEY WEN, M.D., LIC. #32983  
**RESOLUTION: Issue an Advisory Letter for failure to inform a patient of a diagnosis of Hepatitis C. There is insufficient evidence to support disciplinary action.**
2. MD-17-1041A, LISA K. WONG, M.D., LIC. #40134  
**RESOLUTION: Issue an Advisory Letter for failure to mention the incidental finding of a bony mass in the right frontal sinus in the report of a head CT scan. There is insufficient evidence to support disciplinary action.**
3. MD-17-0787A, GLENN G. ROBERTSON, M.D., LIC. #33045  
**RESOLUTION: Issue an Advisory Letter for failure to evaluate diplopia. There is insufficient evidence to support disciplinary action.**
4. MD-17-1227A, ANDREW NAVA, M.D., LIC. #24355  
Dr. Nava addressed the Board during the Public Statements portion of the meeting.

Ms. Bain opined that the licensee's reasoning in the delay of signing the death certificate was acceptable and opined that the case should be dismissed. Dr. Gillard noted that the licensee did not feel comfortable signing the certificate and there was a continuous dialogue with the medical examiner.

**MOTION:** Ms. Bain moved to dismiss.

**SECOND:** Ms. Jones.

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

**MOTION PASSED.**

5. MD-17-0617A, PETER J. CAMPBELL, M.D., LIC. #24254  
**RESOLUTION: Issue an Advisory Letter for inadequate documentation. There is insufficient evidence to support disciplinary action.**
6. MD-17-1000A, TUTANKHAMEN A. PAPPOE, M.D., LIC. #33084  
**RESOLUTION: Issue an Advisory Letter for excessive use of steroid epidural injections. The violation was a minor or technical violation that mitigates the need for disciplinary action.**
7. MD-17-0944A, TIMOTHY KWIATKOWSKI, M.D., LIC. #51624  
**RESOLUTION: Issue an Advisory Letter for action taken by the State of North Carolina. There is insufficient evidence to support disciplinary action.**

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

**MOTION:** Dr. Figge moved to uphold the Executive Director's dismissal in item numbers 2-7.

**SECOND:** Dr. Krahn.

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

**MOTION PASSED.**

1. MD-17-1146A, MICHELE C. DE VITO, M.D., LIC. #24464  
H.H. addressed the Board during the Public Statements portion of the meeting.

Dr. Gillard summarized that a patient complained that she was charged for a procedure that was not completed. Dr. Gillard noted that the physician offered to refund a portion of the fee. Dr. Figge noted that a contract was signed that if the procedure was canceled the fee is forfeited.

Ms. Smith explained the potential statute violation in question.

Ms. Bain noted that the physician's operating room expenses should be considered when determining whether a full refund was appropriate. Dr. Figge noted that the total was a lump sum and that the patient did have three office visits and the physician is entitled to compensation for services performed. Dr. Gillard opined that this was a civil matter. Ms. Jones noted that there was a procedure completed that was billed for.

**MOTION:** Ms. Bain moved to uphold the dismissal.

**SECOND:** Dr. Krahn.

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

**MOTION PASSED.**

2. MD-17-0530A, AUDREY H. BAKER, M.D., LIC. #45095  
Attorney GinaMarie Slattery, Esq. addressed the Board during the Public Statements portion of the meeting.

**RESOLUTION:** Dismissal upheld.

3. MD-17-0677A, DAVID K. ALSTER, M.D., LIC. #22096  
Dr. Figge and Dr. Gillard both stated that they know Dr. Alster but stated that this would not affect their ability to adjudicate the case.

**RESOLUTION:** Dismissal upheld.

4. MD-17-0699A, GARY A. BETZ, M.D., LIC. #32580  
Attorney Jon Loe, Esq. addressed the Board during the Public Statements portion of the meeting.

**RESOLUTION:** Dismissal upheld.

5. MD-17-0804A, JOSE M. ANGELES, M.D., LIC. #31900  
**RESOLUTION:** Dismissal upheld.

6. MD-17-0804B, GEORGIANA GEORGESCU, M.D., LIC. #47290  
**RESOLUTION:** Dismissal upheld.



7. MD-17-0458A, MATTHEW E. KARLOVSKY, M.D., LIC. #33566  
**RESOLUTION: Dismissal upheld.**

**O. PROPOSED CONSENT AGREEMENTS (Disciplinary)**

**MOTION:** Dr. Figge moved to accept the proposed Consent Agreement in item numbers 1-6.

**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, Ms. Bain, Dr. Bethancourt, Dr. Figge, Ms. Jones, Dr. Krahn, Dr. Paul and Ms. Salter. The following Board member was absent: Dr. Connolly.

**VOTE:** 9-yay, 0-nay, 0-abstain, 0(2 in item # 2)-recuse, 1-absent.

**MOTION PASSED.**

1. MD-17-0482A, ELIZABETH A. SUTHERLAND, M.D., LIC. #28165  
**RESOLUTION: Accept the proposed Consent Agreement for Surrender of License.**
2. MD-17-0347A, SANDRA A. BEBAK, M.D., LIC. #18834  
Dr. Paul and Dr. Bethancourt recused from this case.

**RESOLUTION: Accept the proposed Consent Agreement for Two Year Probation for chart review monitoring. Within thirty days, the physician shall enter into a contract with a Board-approved monitoring company to perform periodic chart reviews at the physician's expense. Probation shall remain in effect for at least 18 months. Dr. Bebak's request for termination must be accompanied by at least two favorable consecutive chart reviews performed by the monitoring company.**

3. MD-17-0720A, EUN M. LEE, M.D., LIC. #29485  
P.C. addressed the Board during the Public Statements portion of the meeting.

**RESOLUTION: Accept the proposed Consent Agreement for Ten Year Probation with Practice Restriction. Dr. Lee shall be required to utilize an Arizona licensed female healthcare provider to chaperone all visits with female patients in all settings. Board staff shall perform periodic chart reviews to monitor compliance with the Practice Restriction. 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. Once the licensee has complied with the terms of Probation, he may petition the Board to request Probation termination.**

4. MD-17-0860A, PARESH GOEL, M.D., LIC. #44344  
**RESOLUTION: Accept the proposed Consent Agreement for a Letter of Reprimand and Five Year Probation to participate in PHP. Dr. Goel's PHP participation shall be retroactive to January 22, 2018. Once the licensee has complied with the terms of Probation, he may petition the Board for Probation termination.**
5. MD-17-0545A, MICHAEL W. CARLTON, M.D., LIC. #21360  
**RESOLUTION: Accept the proposed Consent Agreement for a Decree of Censure, Probation, and Civil Penalty. Dr. Carlton shall pay a Civil Penalty in the amount of \$2,000, via certified funds, within 90 days. Within six months, Dr. Carlton shall complete no less than 15 hours of Board staff pre-approved Category I CME in an**

intensive, in-person course regarding medical recordkeeping; and, successfully complete the ProBE course offered by CPEP. The CME hours shall be in addition to the hours required for license renewal. Once the licensee has complied with the terms of Probation, he may petition the Board for Probation termination.

6. MD-17-0084A, MICHAEL S. MCGRATH, M.D., LIC. #51004  
**RESOLUTION:** Accept the proposed Consent Agreement for Letter of Reprimand and Three Year Practice Restriction. Dr. McGrath shall not engage in the practice of orthopedic surgical procedures during the effective period of this Order. Board staff shall perform periodic chart reviews to monitor compliance with the Practice Restriction. The licensee must submit a written request to the Board for termination or modification of the terms of this Order.

## **P. LICENSE APPLICATIONS**

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

**MOTION:** Dr. Figge moved to approve the license in item numbers 3 and 5-12.

**SECOND:** Dr. Krahn.

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

**MOTION PASSED.**

1. MD-15-1189A, ABRAHAM J. SAYEGH, M.D., LIC. #N/A

Dr. Sayegh and counsel Flynn Carey, Esq. addressed the Board during the Public Statements portion of the meeting.

Ms. Bain noted that Dr. Sayegh has not practiced since 2009. Dr. Figge noted that the initial recommendation was to deny the license or have the licensee provide proof of competency to practice which the licensee has done by passing his USMLE exams. Dr. Krahn opined that the licensee only addressed one area of concern and that more information is required. Board members discussed the appropriate evaluation to determine competency and safety to practice.

**MOTION:** Dr. Figge moved to return the case for further investigation to allow the physician to complete a re-entry to practice evaluation at a facility approved by the Board or its staff prior to consideration of licensure.

**SECOND:** Ms. Bain.

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

**MOTION PASSED.**

2. THIS ITEM HAS BEEN PULLED FROM THE AGENDA.

3. MD-18-0073A, BAIYWO C. ROP, M.D., LIC. #N/A

**RESOLUTION:** Grant the license.

4. MD-18-0119A, WILLIAM J. ADAMAS-RAPPAPORT, M.D., LIC. #N/A

Dr. Adamas-Rappaport addressed the Board during the Public Statements portion of the meeting.

Ms. Salter commented that it is the physician's responsibility to ensure the renewal is timely completed and that an advisory letter should be issued. Ms. Jones noted the physician's Board history for issuing an Advisory Letter when practicing on an expired license. Dr. Gillard spoke against the motion as the physician had to go through the

entire application process. Dr. Figge noted that the physician treated patients for a week on an expired license.

**MOTION: Ms. Salter moved to grant the license and return the case for further investigation to consider the issuance of an Advisory Letter for practicing medicine on an expired license.**

**SECOND: Dr. Figge.**

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

**MOTION PASSED.**

5. MD-18-0441A, NORMAN R. WILLIS, M.D., LIC. #N/A  
**RESOLUTION: Grant the license.**
6. MD-18-0486A, AQDAS S. KURAIISHI, M.D., LIC. #N/A  
**RESOLUTION: Grant the license.**
7. MD-18-0417A, JOEL H. FUHRMAN, M.D., LIC. #N/A  
**RESOLUTION: Grant the license.**
8. MD-17-0868A, AMIR HEDAYATI, M.D., LIC. #N/A  
**RESOLUTION: Grant the license.**
9. MD-17-1121A, RICHARD H. COBDEN, M.D., LIC. #N/A  
**RESOLUTION: Grant the license.**
10. MD-17-1192A, JAMES L. WOODMAN, M.D., LIC. #N/A  
**RESOLUTION: Grant the license.**
11. MD-17-0960A, KYUNG H. CHUNG, M.D., LIC. #N/A  
**RESOLUTION: Grant the license.**
12. MD-18-0433A, THERSIA J. KNAPIK, M.D., LIC. #N/A  
**RESOLUTION: Grant the license.**

**ii. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING LICENSE REACTIVATION AND PROPOSED CONSENT AGREEMENT (Disciplinary)**

1. MD-18-0025A, STEPHEN A. BASS, M.D., LIC. #41904  
Dr. Gillard summarized the physician self-reported a relapse during a confidential SRA and requested inactivation of his license at the time. Dr. Bass has since signed a Consent Agreement and is requesting reactivation of his license.

**MOTION: Dr. Figge moved to accept the proposed Consent Agreement for License Reactivation with Letter of Reprimand and Five Year Probation to participate in the Board's Physician Health Program (PHP) with terms consistent with the PHP Contractor's recommendations. Once the licensee has complied with the terms of Probation, he may petition the Board for termination.**

**SECOND: Dr. Krahn.**

**ROLL CALL:** Roll call vote was taken and the following Board members voted in favor of the motion: Dr. Gillard, Ms. Bain, Dr. Bethancourt, Dr. Figge, Ms. Jones, Dr. Krahn, Dr. Paul and Ms. Salter. The following Board members were absent: Dr. Farmer and Dr. Connolly.  
**VOTE:** 8-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.  
**MOTION PASSED.**

**iii. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING RENEWAL APPLICATION AND RECOMMENDED ADVISORY LETTER**  
**MOTION:** Dr. Krahn moved to grant the license renewal and issue an Advisory Letter in item numbers 1 and 2.

**SECOND:** Dr. Figge.

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

**MOTION PASSED.**

1. MD-17-1071A, NIKESH D. SETH, M.D., LIC. #44017

**RESOLUTION:** Grant the license renewal and issue an Advisory Letter for action taken by the State of Utah. There is insufficient evidence to support disciplinary action.

2. MD-18-0080A, RANDALL V. OLSEN, M.D., LIC. #33436

**RESOLUTION:** Grant the license renewal and issue an Advisory Letter for failure to report a DWI arrest to the Board within ten days as required by statute. There is insufficient evidence to support disciplinary action.

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

**ACTION ON CASE(S)**

**Q. APPROVAL OF DRAFT FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

1. MD-17-0746A, SAM E. SATO, M.D., LIC. #14758

**MOTION:** Dr. Figge moved to approve the draft Findings of Fact, Conclusions of Law and Order for a Letter of Reprimand.

**SECOND:** Dr. Bethancourt.

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

**MOTION PASSED.**

2. MD-17-0627A, WILLIAM B. DABNEY, M.D., LIC. #5796

**MOTION:** Dr. Figge moved to approve the draft Findings of Fact, Conclusions of Law and Order for a Letter of Reprimand.

**SECOND:** Dr. Paul.

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

**MOTION PASSED.**

3. MD-17-0472A, RICHARD A. WALL, M.D., LIC. #10250

Attorney Cody Hall, Esq. addressed the Board during the Public Statements portion of the meeting. Dr. Krahn recused from this case.

Dr. Gillard noted Mr. Hall's Public Statement request for a change to Findings of Fact #6.

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

**SECOND: Dr Figge.**

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

**MOTION PASSED.**

The Board entered into Executive Session at 11:11 a.m.

The Board returned to Open Session at 11:28 a.m.

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

**MOTION: Dr. Figge moved to approve the draft Findings of Fact, Conclusions of Law and Order for a Five Year Probation. Dr. Wall shall have a scribe or chaperone present during all female patient encounters. Within thirty days, Dr. Wall shall enter into treatment with a Board approved psychologist for treatment as recommended by the evaluation facility for a minimum of one year. Once the licensee has complied with the terms of Probation, he may petition the Board to request termination.**

**SECOND: Ms. Jones.**

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

**MOTION PASSED.**

## **OTHER BUSINESS**

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

1. MD-14-1603A, KEVIN T. O'MARA, M.D., LIC. #45538

Board staff summarized that Dr. O'Mara requested early termination of his October 4, 2016 Board Order. On June 7, 2017 the Board reviewed Dr. O'Mara's first request for early termination and denied it. On January 22, 2018, Dr. O'Mara again requested early termination which is supported by his independent Board assessor and his Board monitor.

**MOTION: Dr. Figge moved to grant the request to terminate Dr. O'Mara's October 4, 2016 Confidential Board Order.**

**SECOND: Dr. Paul.**

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

**MOTION PASSED.**

2. MD-14-1202A, MICHAEL R. JERMAN, M.D., LIC. #17678

Dr. Jerman addressed the Board during the Public Statements portion of the meeting. Dr. Figge recused from this case.

Dr. Gillard summarized that there was disagreement between the physician and the initial PHP provider and Dr. Jerman has since switched providers. Dr. Jerman previously requested early termination with support from Dr. Volfson and the Board denied the request. Dr. Jerman has once again requested early termination and Dr. Volfson reaffirmed the recommendation for early termination.

Board staff confirmed Dr. Jerman's compliance with monitoring.

**MOTION: Chairman Gillard moved to grant the request to terminate Dr. Jerman's December 13, 2016 Board Order for Letter of Reprimand and Probation for PHP participation.**

**SECOND: Dr. Krahn.**

Dr. Krahn opined that Dr. Jerman has complied with the Board's Order and that there is no medical rationale for continued monitoring.

**VOTE: 6-yay, 0-nay, 1-abstain, 1-recuse, 2-absent.**

**MOTION PASSED.**

3. MD-16-0296A, SHEILA MOHAMMED, M.D., LIC. #45773

Dr. Gillard summarized that the physician has successfully completed the PProBE and PProBE Plus course.

**MOTION: Dr. Figge moved to grant the request to terminate Dr. Mohammed's December 4, 2016 Board Order for Decree of Censure and Three Year Probation to complete ProBE and ProBE Plus.**

**SECOND: Dr. Krahn.**

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

**MOTION PASSED.**

4. MD-14-1229A, NATHAN M. BROOKS, M.D., LIC. #34307

Attorney Jessica Miller, Esq. addressed the Board during the Public Statements portion of the meeting.

Board staff summarized on March 1, 2016 entered into an order for a Letter of Reprimand, Civil Penalty and 10 year Probation. The civil penalty has been paid, the CME has been completed and Board staff has conducted a chart review to ensure compliance. Dr. Brooks' psychologist provided a letter stating Dr. Brooks in compliance and no longer requires treatment. Through counsel Dr. Brooks requested early termination.

Dr. Krahn recalled that the licensee was extremely difficult throughout the investigation and noted that the Board set the term of probation for a reason.

**MOTION: Dr. Figge moved to deny the physician's request to terminate his January 26, 2016 Board Order for a Letter of Reprimand, Civil Penalty, and Probation.**

**SECOND: Ms. Jones.**

Ms. Bain noted that although the licensee can request early termination it is the Board and Board staff's responsibility to determine if it is appropriate.

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

**MOTION PASSED.**

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

1. MD-14-1290A, JOEL D. THOMPSON, M.D., LIC. #29611

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

Dr. Gillard summarized that the physician had an inappropriate relationship with a patient and was issued a Letter of Reprimand and 10 Year Probation.

Board staff informed the Board that Dr. Thompson is requesting modification of the Board order to discontinue cognitive behavioral therapy and the use of patient satisfaction forms. All other terms would remain in effect.

Dr. Krahn noted that the therapist finds the licensee is able to self-regulate and treatment is no longer required. Board members opined that the patient satisfaction forms can continue to be useful.

**MOTION: Ms. Bain moved to grant the request for modification of Dr. Thompson's December 3, 2015 Board Order for Letter of Reprimand and Probation and terminate the requirement for cognitive behavioral therapy and deny the request to terminate the requirement to implement BMI recommendations in its report regarding the use of forms including Principles of Practice, Staff Surveillance Forms and Patient Satisfaction Forms. The physician shall submit the forms to Board staff. All other probationary terms remain in effect.**

**SECOND: Dr. Krahn.**

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

**MOTION PASSED.**

## **T. 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: Dr. Farmer.**

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

**MOTION PASSED.**

The meeting adjourned at 2:43 a.m.



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Patricia E. McSorley, Executive Director