



Arizona Medical Board

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

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FINAL MINUTES FOR SPECIAL TELECONFERENCE MEETING

Held on Thursday, November 8, 2018

1740 W. Adams St., Board Room B • 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, M.A., J.D., LL.M., 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.

GENERAL BUSINESS

A. CALL TO ORDER

Dr. Farmer called the meeting to order at 6:02 p.m.

B. ROLL CALL

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

ALSO PRESENT

Present among Board staff include: Patricia McSorley (Participated Telephonically), Executive Director; Kristina Fredericksen, Deputy Director; Raquel Rivera, Investigations Manager; Mary Bober, Board Operations Manager; and Michelle Robles, Board Coordinator. Additionally present: Carrie Smith (Participated Telephonically), 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.

LEGAL MATTERS

D. REVIEW, CONSIDERATION AND POSSIBLE ACTION ON PROPOSED BOARD ORDER ARISING FROM ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION

1. MD-18-0523A, GLENN G. ROBERTSON, M.D., LIC. #33045

Dr. Robertson was not present. Anne Froedge, AAG was present on behalf of the State. Elizabeth Campbell, AAG was present to provide independent legal advice to the Board.

Ms. Froedge summarized that this case involved serious allegations of substance use and professional conduct violations. Dr. Robertson was not responsive throughout the Board's investigation. The case was referred to hearing due to Dr. Robertson's failure to comply with a Board Order requiring Dr. Robertson to obtain a urine drug screen. Dr. Robertson did not appear for his hearing. The State is requested that the Board adopt the

ALJ Recommended decision for revocation with some minor modifications for clarification.

MOTION: Dr. Figge moved to accept the ALJ's proposed Findings of Fact to include the proposed modifications by the State.

SECOND: Dr. Krahn.

ROLL CALL VOTE: 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 and Dr. Paul.

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

MOTION PASSED.

MOTION: Dr. Krahn moved to accept the ALJ's proposed Conclusions of Law to include the deletion of COL #5 as recommended by the State.

SECOND: Dr. Figge.

ROLL CALL VOTE: 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 and Dr. Paul.

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

MOTION PASSED.

MOTION: Dr. Paul moved to accept the ALJ's recommended decision for Revocation of License as modified by the State.

SECOND: Ms. Jones.

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

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

MOTION PASSED.

CONSENT AGENDA

E. CASES RECOMMENDED FOR DISMISSAL

1. MD-18-0235A, CORDELL A. ESPLIN, M.D., LIC. #15333

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

Dr. Gillard summarized this case involved a rare complication; however, the physician provided good care.

MOTION: Dr. Farmer moved to dismiss.

SECOND: Dr. Paul.

The following Board members voted in favor of the motion: Dr. Gillard, Dr. Farmer, Ms. Bain, Dr. Bethancourt, Dr. Connolly, Dr. Figge, Ms. Jones and Dr. Paul. The following Board members were absent: Dr. Krahn.

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

MOTION PASSED.

F. CASES RECOMMENDED FOR ADVISORY LETTERS

MOTION: Ms. Jones moved to issue an Advisory Letter in item numbers 1-3.

SECOND: Dr. Paul.

The following Board members voted in favor of the motion: Dr. Gillard, Dr. Farmer, Ms. Bain, Dr. Bethancourt, Dr. Connolly, Dr. Figge, Ms. Jones and Dr. Paul. The following Board members were absent: Dr. Krahn.

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

MOTION PASSED.

1. MD-18-0027A, CYNTHIA J. LLOYD, M.D., LIC. #35439

RESOLUTION: Issue an Advisory Letter for failure to identify an aneurysm on an MRA. There is insufficient evidence to support disciplinary action.

2. MD-18-0194A, JEFFREY W. GAVER, M.D., LIC. #31543
RESOLUTION: Issue an Advisory Letter for failure to document an appropriate examination and plan for a patient presenting with anaphylaxis. 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.
3. MD-18-0331A, DANIEL H. DOWNS, M.D., LIC. #23384
RESOLUTION: Issue an Advisory Letter for performing an excisional biopsy of an incorrect area of the tongue of a patient with biopsy proven squamous cell carcinoma. The violation is a minor or technical violation that is not of sufficient merit to warrant disciplinary action.
4. MD-17-0467B, CHRISTA C. CORN, M.D., LIC. #18489
Board staff summarized that the first Medical Consultant (MC) found no deviation from the standard of care but opined informed consent was poorly documented. The case was considered by the Board for dismissal at January meeting and sent back to obtain a second MC review. The second MC found no deviation from the standard of care but found poor documentation as well.

Dr. Gillard opined that the case should be dismissed. Dr. Farmer agreed since there was no finding of a deviation from the standard of care.

MOTION: Dr. Farmer moved to dismiss.

SECOND: Dr. Paul.

Dr. Paul commented that the record concerns did not warrant an Advisory Letter.

The following Board members voted in favor of the motion: Dr. Gillard, Dr. Farmer, Ms. Bain, Dr. Bethancourt, Dr. Connolly, Dr. Figge, Ms. Jones and Dr. Paul. The following Board members were absent: Dr. Krahn

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

MOTION PASSED.

5. MD-18-0265A, DEBORAH L. LINDQUIST, M.D., LIC. #18133
Dr. Gillard summarized a complaint was received from the Arizona Department of Health Services (ADHS) regarding an oncologist who issued 23 marijuana certifications and only queried the CSPMP once. Dr. Figge commented that in this case there were numerous forms incorrectly completed and an Advisory Letter is appropriate.

MOTION: Dr. Figge moved to issue an Advisory Letter for failure to access the CSPMP for patients being certified for the medical marijuana program. 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.

SECOND: Dr. Farmer.

The following Board members voted in favor of the motion: Dr. Gillard, Dr. Farmer, Ms. Bain, Dr. Bethancourt, Dr. Connolly, Dr. Figge, Ms. Jones and Dr. Paul. The following Board members were absent: Dr. Krahn.

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

MOTION PASSED.

6. MD-18-0268A, JERRELLE M. COPELAND, M.D., LIC. #25933

Dr. Gillard summarized a complaint was received from ADHS regarding Dr. Copland issuing 20 medical marijuana certificates but only queried the CSPMP seven times.

MOTION: Dr. Farmer moved to issue an Advisory Letter for failure to access the CSPMP for all patients being certified for the medical marijuana program between July 1, 2017 and December 31, 2017. There is insufficient evidence to support disciplinary action.

SECOND: Dr. Paul.

The following Board members voted in favor of the motion: Dr. Gillard, Dr. Farmer, Ms. Bain, Dr. Bethancourt, Dr. Connolly, Dr. Figge, Ms. Jones and Dr. Paul. The following Board members were absent: Dr. Krahn.

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

MOTION PASSED.

7. MD-18-0004A, KAMAL NAGPAL, M.D., LIC. #52270

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

Dr. Gillard commented that the physician was scheduled on the October agenda and the physician provided proof that he made attempts to attend the Public Statements but was unable to do so. Dr. Bethancourt noted that the patient was informed that he would need to set up a payment plan before treatment. Dr. Farmer opined that the documentation was not adequate for future patient care.

MOTION: Dr. Farmer moved to issue an Advisory Letter for inadequate documentation and failure to timely remove a ureteral stent. There is insufficient evidence to support disciplinary action.

SECOND: Dr. Bethancourt.

The following Board members voted in favor of the motion: Dr. Gillard, Dr. Farmer, Dr. Bethancourt, Dr. Connolly, Dr. Figge, Ms. Jones and Dr. Paul. The following Board members were absent: Dr. Krahn and Dr. Bain.

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

MOTION PASSED.

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

1. MD-17-1083A, NITIN C. PATEL, M.D., LIC. #24382

Dr. Gillard noted the MC found that the potassium should have been monitored and a supplement provided.

MOTION: Dr. Paul moved to issue an Advisory Letter with Non-Disciplinary CME for inadequate medical records, failure to inform patient of low potassium level, failure to prescribe a potassium supplement to a patient on hypertension medication and a diuretic, and failure to perform regular laboratory monitoring. There is insufficient evidence to support disciplinary action. Within six months, complete no less than 10 hours of Board staff pre-approved Category I CME in an intensive, in-person course regarding medical recordkeeping, and no less than 3 hours Board staff pre-approved Category I CME in electrolyte disturbances associated with anti-hypertensive medication. The CME hours shall be in addition to the hours required for license renewal.

SECOND: Dr. Farmer.

The following Board members voted in favor of the motion: Dr. Gillard, Dr. Farmer, Dr. Bethancourt, Dr. Connolly, Dr. Figge, Ms. Jones and Dr. Paul. The following Board members were absent: Bain and Dr. Krahn.

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

MOTION PASSED.

H. LICENSE APPLICATIONS

i. APPROVE LICENSE APPLICATION

MOTION: Ms. Jones moved to grant the license application in item numbers 1-6.

SECOND: Dr. Bethancourt.

The following Board members voted in favor of the motion: Dr. Gillard, Dr. Farmer, Dr. Bethancourt, Dr. Connolly, Dr. Figge, Ms. Jones and Dr. Paul. The following Board members were absent: Ms. Bain and Dr. Krahn.

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

MOTION PASSED.

1. MD-18-0938A, ROBERT J. BLAIR, M.D., LIC. #N/A
RESOLUTION: Grant the license.

2. MD-18-0986A, RICHARD G. BOLES, M.D., LIC. #N/A
RESOLUTION: Grant the license.

3. MD-18-0940A, JOHNNY M. ERKINS, M.D., LIC. #N/A
RESOLUTION: Grant the license.

4. MD-18-0142A, THOMAS B. HAYWOOD, M.D., LIC. #N/A
RESOLUTION: Grant the license.

5. MD-18-0809A, DENNETT J. HANSSMANN, M.D., LIC. #N/A
RESOLUTION: Grant the license.

6. MD-18-0743A, STEVEN S. ABDELMALAK, 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: Dr. Farmer moved to grant licensure by endorsement in item numbers 1-3.

SECOND: Dr. Bethancourt.

The following Board members voted in favor of the motion: Dr. Gillard, Dr. Farmer, Dr. Bethancourt, Dr. Connolly, Dr. Figge, Ms. Jones and Dr. Paul. The following Board members were absent: Ms. Bain and Dr. Krahn.

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

MOTION PASSED.

1. CHARLES B. VAN METER, M.D., LIC. #N/A
RESOLUTION: Grant licensure by endorsement.

2. GRIFFIN R. COATES, M.D., LIC. #N/A
RESOLUTION: Grant licensure by endorsement.

3. SYLVIA A. MANALIS, M.D., LIC. #N/A
RESOLUTION: Grant licensure by endorsement.

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

1. SHAWN M. CORWIN, M.D., LIC. #N/A

Dr. Gilalrd summarized that the physician is unable to obtain primary source documentation from an emergency room group that is no longer in existence

MOTION: Ms. Jones moved to grant the request for waiver of documentation requirement and grant the license.

SECOND: Dr. Farmer

The following Board members voted in favor of the motion: Dr. Gillard, Dr. Farmer, Dr. Bethancourt, Dr. Connolly, Dr. Figge, Ms. Jones and Dr. Paul. The following Board members were absent: Ms. Bain and Dr. Krahn.

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

MOTION PASSED.

iv. CONSIDERATION OF LICENSE APPLICATION WITH RECOMMENDATION FROM THE EXECUTIVE DIRECTOR

1. ABHIJIT A. PATIL, M.D., LIC. #N/A

Dr. Gillard summarized that Dr. Patil attended school in India and that not all four years of training at Rush University are ACGME accredited. Dr. Patil has licenses in multiple states, is ABMS Board certified in Diagnostic Radiology.

In response to a Board member inquiry, Ms. Smith informed the Board that they can consider whether the Rush University training completed by Dr. Patil as part of an alternative path established by the American Board of Radiology (ABR) for physicians who have completed a diagnostic radiology residency outside the United States or Canada leading to certification by the American Board of Radiology, meets the requirements of § 32-1423(A)(3).

Dr. Farmer opined that the physician's training and background meets requirements for licensure. Dr. Gillard noted that the physician has passed the USMLE and is ECFMG certified.

Ms. Smith commented the Board may exercise its discretion and recognize that the post-graduate training received by Dr. Patil at Rush University Medical Center is an approved residency program and grant the license.

MOTION: Dr. Farmer moved to grant the license.

SECOND: Dr. Paul.

The following Board members voted in favor of the motion: Dr. Gillard, Dr. Farmer, Dr. Bethancourt, Dr. Connolly, Dr. Figge, Ms. Jones and Dr. Paul. The following Board members were absent: Ms. Bain and Dr. Krahn.

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

MOTION PASSED.

2. ARTHUR T. MAYDELL, M.D., LIC. #N/A

Dr. Gillard summarized that Dr. Maydell has a significant post-graduate training record and is ABMS Board certified in Diagnostic Radiology. Dr. Maydell completed his medical education and post graduate training in South Africa and four years of post-graduate training at Rush University Medical Center.

MOTION: Dr. Farmer moved to grant the license.

SECOND: Dr. Paul.

The following Board members voted in favor of the motion: Dr. Gillard, Dr. Farmer, Dr. Bethancourt, Dr. Connolly, Dr. Figge, Ms. Jones and Dr. Paul. The following Board members were absent: Ms. Bain and Dr. Krahn.

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

MOTION PASSED.

OTHER BUSINESS

I. REQUEST FOR TERMINATION OF BOARD ORDER

1. MD-13-0774A, PAUL K. HOLDEN, M.D., LIC. #43170

Dr. Gillard summarized that the physician was interviewed in 2015 and has completed his five years of PHP monitoring. Dr. Holden has been compliant with treatment and Dr. Sucher has provided a letter supporting termination.

MOTION: Dr. Paul moved to grant the request for termination of Dr. Holden's April 2, 2015 Board Order for Probation.

SECOND: Dr. Farmer.

The following Board members voted in favor of the motion: Dr. Gillard, Dr. Farmer, Dr. Bethancourt, Dr. Connolly, Dr. Figge, Ms. Jones and Dr. Paul. The following Board members were absent: Ms. Bain and Dr. Krahn.

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

MOTION PASSED.

2. MD-16-1197A, FRANCISCO J. BARAONA, M.D., LIC. #46952

Dr. Gillard summarized that the physician was disciplined by Washington and the Board mirrored the action by requiring Dr. Baraona to remain compliant with the Washington Order. Dr. Baraona was compliant with Washington's probation and Washington has lifted the Order.

MOTION: Ms. Jones moved to grant the request for termination of Dr. Baraona's August 3, 2017 Board Order for Probation.

SECOND: Dr. Figge.

The following Board members voted in favor of the motion: Dr. Gillard, Dr. Farmer, Dr. Bethancourt, Dr. Connolly, Dr. Figge, Ms. Jones and Dr. Paul. The following Board members were absent: Ms. Bain and Dr. Krahn.

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

MOTION PASSED.

J. REQUEST FOR CLARIFICATION OF BOARD ORDER

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

Attorney Cody Hall addressed the Board during the Public Statements portion of the meeting on behalf of the physician.

Dr. Gillard summarized that the question is whether the physician will need a chaperone for telemedicine. Dr. Gillard opined that a chaperone would not be required. Dr. Paul opined there is no harm to the public to allow telemedicine practice without a chaperone. Ms. Jones commented that FaceTime provides the opportunity for inappropriate behavior. Dr. Gillard commented that FaceTime recordings would be part of the medical record.

Board staff noted the attorney's response regarding the potential telemedicine practice setting.

MOTION: Dr. Paul moved to grant respondent's request for clarification, and issue and order clarifying that the practice of telemedicine does not fall within the scope of paragraph 1(a) of the Board's Order.

SECOND: Dr. Figge.

The following Board members voted in favor of the motion: Dr. Gillard, Dr. Bethancourt, Dr. Connolly, Dr. Figge and Dr. Paul. The following Board member

abstained: Dr. Farmer. The following Board member voted against the motion: Ms. Jones.

The following Board members were absent: Ms. Bain and Dr. Krahn.

VOTE: 5-yay, 1-nay, 1-abstain, 0-recuse, 2-absent.

MOTION PASSED.

K. GENERAL CALL TO THE PUBLIC

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

L. ADJOURNMENT

MOTION: Dr. Figge moved to adjourn the meeting.

SECOND: Ms. Jones

The following Board members voted in favor of the motion: Dr. Gillard, Dr. Farmer, Dr. Bethancourt, Dr. Connolly, Dr. Figge, Ms. Jones and Dr. Paul.

The following Board members were absent: Ms. Bain and Dr. Krahn.

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

MOTION PASSED.

The meeting adjourned at 7:03 p.m.




Patricia E. McSorley, Executive Director