



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, May 2, 2019

At 1740 W. Adams St., Board Room A • Phoenix, Arizona

Board Members

R. Screven Farmer, M.D., Chair
James M. Gillard, M.D., M.S., F.A.C.E.P., F.A.A.E.M., Vice-Chair
Edward G. Paul, M.D., Secretary
Jodi A. Bain, M.A., J.D., LL.M.
Bruce A. Bethancourt, M.D., F.A.C.P.
David C. Beyer, M.D., F.A.C.R., F.A.S.T.R.O.
Teresa L. Connolly, D.N.P., R.N., N.E.A.-B.C.
Laura Dorrell, M.S.N., R.N.
Gary R. Figge, M.D.
Pamela E. Jones
Lois E. Krahn, 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 participated telephonically: Ms. Bain, Dr. Bethancourt, Dr. Beyer, Dr. Connolly, Ms. Dorrell, Dr. Farmer, Dr. Figge, Dr. Gillard, Ms. Jones, Dr. Krahn, and Dr. Paul.

Also present among Board staff include: Patricia McSorley, Executive Director; Kristina Fredericksen, Deputy Director; Carrie Smith, Assistant Attorney General; William Wolf, M.D., Chief Medical Consultant; Kathleen Coffey, M.D., Internal Medical Consultant; Raquel Rivera, Investigations Manager; Kathleen Muller, Physician Health Program; Michelle Robles, Board Operations Manager; and, Andrea Cisneros, Projects/Meetings Specialist.

C. PUBLIC STATEMENTS REGARDING MATTERS LISTED ON THE AGENDA

Individuals who addressed the Board telephonically or in person during the Public Statements portion of the meeting appear beneath the matter(s) referenced.

CONSENT AGENDA

D. CASES RECOMMENDED FOR DISMISSAL

1. MD-18-0998A, DAVID W. DAY, M.D., LIC. #35917

MOTION: Dr. Paul moved for dismissal.

SECOND: Dr. Gillard.

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

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

E. CASES RECOMMENDED FOR ADVISORY LETTERS

MOTION: Dr. Gillard moved to issue an Advisory Letter in item numbers 2, 3, 5, 7, 9, 11, and 12.

SECOND: Ms. Jones.

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

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse (1 recusal noted on item number 5 as referenced below), 1-absent.

MOTION PASSED.

1. MD-18-0715A, JOEL R. GOLDSTONE, M.D., LIC. #25595

Dr. Figge was recused from this case. Dr. Beyer pulled this case for discussion and spoke against the recommendation to issue an Advisory Letter, noting that the malpractice case is a difficult process for a physician to experience. Dr. Beyer also noted that there were a number of providers involved in this patient's care and he proposed dismissing the case. Dr. Bethancourt recognized that this was a difficult case, and noted that the physician has completed continuing medical education on the issues identified. Dr. Bethancourt spoke in favor of issuing the recommended Advisory Letter, stating that SIRC was correct in its concerns related to failure to recognize excessively rapid correction of serum sodium levels. Dr. Paul spoke in favor of dismissal, and stated that he recognized that this primary care physician was relying on his ICU intensivist in this case.

MOTION: Dr. Beyer moved for dismissal.

SECOND: Dr. Gillard.

VOTE: The following Board members voted in favor of the motion: Dr. Bethancourt, Dr. Beyer, Dr. Connolly, Ms. Dorrell, Dr. Farmer, Dr. Figge, Dr. Gillard, Ms. Jones, Dr. Krahn, and Dr. Paul. The following Board member voted against the motion: Dr. Farmer. The following Board member recused: Dr. Figge. The following Board member was absent: Ms. Bain.

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

MOTION PASSED.

2. MD-18-0416A, SADIA B. GHANI, M.D., LIC. #R75135

RESOLUTION: Issue an Advisory Letter for failing to report a DUI in a timely manner. While there is insufficient evidence to support disciplinary action, the Board believes that continuation of activities that led to the investigation may result in further Board action against the licensee.

3. MD-19-0010A, LUKE ST. JOHN CESARETTI, M.D., LIC. #21772

RESOLUTION: Issue an Advisory Letter for action taken in another jurisdiction. While there is insufficient evidence to support disciplinary action, the Board believes that continuation of the activities that led to the investigation may result in further Board action against the licensee.

4. THIS ITEM WAS PULLED FROM THE AGENDA.

5. MD-18-0165A, DON B. HEADLEY, M.D., LIC. #22079

Dr. Bethancourt was recused from this case.

RESOLUTION: Issue an Advisory Letter for performance of endoscopic maxillary antrostomy on the wrong side (left instead of right). 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.

6. MD-18-1203A, DONOVAN A. THOMPSON, M.D., LIC. #48731

Dr. Krahn pulled this case for discussion and spoke in favor of dismissal. She recalled a similar case that involved the Maryland Board revoking a physician's license due to an issue with the fingerprinting card without an opportunity for the licensee to intervene prior to the revocation action. Dr. Krahn stated that matters involving the potential for license

revocation by the Arizona Board include considerable opportunities to work with the licensee to resolve or remediate problems prior to adverse action. She proposed that the Board make no finding of unprofessional conduct and dismiss the case, stating that it appears the Maryland Board works with standards that the Arizona Board does not employ.

MOTION: Dr. Krahn moved for dismissal.
SECOND: Dr. Bethancourt.

Dr. Bethancourt and Beyer spoke in favor of the motion to dismiss the case. Dr. Gillard also agreed, and stated the matter appeared to stem from an administrative error.

VOTE: Dr. Bethancourt, Dr. Beyer, Dr. Connolly, Ms. Dorrell, Dr. Farmer, Dr. Figge, Dr. Gillard, Ms. Jones, Dr. Krahn, and Dr. Paul. The following Board member was absent: Ms. Bain.

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

7. MD-17-1112A, WEHNUI CAI, M.D., LIC. #40751

RESOLUTION: Issue an Advisory Letter for prescribing an antipsychotic medication without adequate monitoring, for reliance on non-medical personnel to provide medical advice and for inadequate medical records. While there is insufficient evidence to support disciplinary action, the Board believes that continuation of the activities that led to the investigation may result in further Board action against the licensee.

8. MD-18-0774A, JOSE C. MARTINEZ-CELAYA, M.D., LIC. #17465

Drs. Farmer and Krahn pulled this case for discussion. Dr. Farmer noted that the Board's reviewer did not identify a standard of care deviation, but found that there was no documented rationale for adding Abilify to the patient's medication regimen. Dr. Farmer noted that the physician utilized an electronic medical record that appeared very verbose that made it difficult to identify that clear rationale. He added that the complaint in this case seemed to involve more of a disagreement between the provider and the patient's parents and not that of a quality of care issue. Dr. Krahn stated that she also pulled this case for discussion as there was incredible difficulty in reading through the patient's chart. She stated that the augmenting of Abilify in this case was acceptable practice and proposed that the Board issue an Advisory Letter for recordkeeping issues only.

MOTION: Dr. Krahn moved for the Board to make a finding of unprofessional conduct in violation of A.R.S. § 32-1401(27)(e) only, and issue an Advisory Letter for failing to document an indication for Abilify. There is insufficient evidence to support disciplinary action.

SECOND: Dr. Bethancourt.

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

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

9. MD-18-0812A, TERRENCE T. CROWDER, M.D., LIC. #41364

RESOLUTION: Issue an Advisory Letter for improper placement of a battery in a spinal cord stimulator. The violation is a minor or technical violation that is not of sufficient merit to warrant disciplinary action.

10. MD-18-0348A, KATHRYN L. REED, M.D., LIC. #12129

Drs. Figge and Paul stated that they know Dr. Reed, but it would not affect their ability to adjudicate the case. Attorney Anne Fulton-Cavett addressed the Board telephonically during the Public Statements portion of the meeting.

Dr. Beyer pulled this case for discussion, stating he noted that the issues identified in this case were addressed by the Hospital without the finding of wrong doing and did not result in a sanction against the physician. Dr. Beyer added that it did not appear to him that the people closest to the situation felt as though something needed to be done outside of implementing changes in systems and processes within the Hospital, as described by the Attorney during the Public Statements. For these reasons, Dr. Beyer spoke in favor of dismissal.

Dr. Figge recognized the tragic outcome in this case that involved an infant demise and noted that there was also an issue of inadequate supervision of residency staff. Dr. Figge spoke in favor of SIRC's recommendation to issue an Advisory Letter, noting that the case occurred at a teaching hospital, an environment where the residency staff needs adequate supervision and teaching. Dr. Wolf clarified that when SIRC considered this case, Committee members struggled with whether to recommend discipline versus the issuance of an Advisory Letter.

MOTION: Dr. Figge moved for the Board to issue an Advisory Letter for inadequate monitoring during labor and delivery, inadequate supervision of residency staff, and inadequate medical records. There is insufficient evidence to support disciplinary action.

SECOND: Dr. Krahn

Dr. Krahn stated she found this to be an egregious situation, and that she was pleased to hear that the physician has obtained additional education. Dr. Krahn spoke in favor of the motion, stating that the issuance of an Advisory Letter in this case is an appropriate response by the Board. Dr. Paul stated that he agreed with Dr. Figge's comments regarding teaching and supervision.

The following Board members voted in favor of the motion: Dr. Bethancourt, Dr. Connolly, Ms. Dorrell, Dr. Farmer, Dr. Figge, Dr. Gillard, Ms. Jones, Dr. Krahn, and Dr. Paul. The following Board member abstained from the vote: Dr. Beyer. The following Board member was absent: Ms. Bain.

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

MOTION PASSED.

11. MD-18-0659A, TIFFANY STADNICK, M.D., LIC. #49502

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

RESOLUTION: Issue an Advisory Letter for failing to perform a thorough examination of her patient's lacerations immediately following the patient's vaginal delivery. There is insufficient evidence to support disciplinary action.

12. MD-18-0655A, KATRINE M. LOFBERG, M.D., LIC. #52677

RESOLUTION: Issue an Advisory Letter for failing to respond to a consultation on a complicated patient in a timely manner. While there is insufficient evidence to support disciplinary action, the Board believes that continuation of the activities that led to the investigator may result in further Board action against the licensee.

13. MD-18-0591A, CHARLES HEIKKENEN, M.D., LIC. #32037

Dr. Beyer stated that he knows Dr. Heikkenen, but it would not affect his ability to adjudicate the case. Dr. Heikkenen addressed the Board during the Public Statements portion of the meeting. Dr. Gillard pulled this case for discussion, noting that this case involved the incidental finding of a sclerotic lesion with a recommendation from radiology to perform a bone scan. Dr. Gillard spoke in favor of dismissal, observing that the physician in this case ordered an MRI in response to the incidental findings and that the situation involved a difficult patient that was ultimately dismissed from the practice.

MOTION: Dr. Gillard moved for dismissal.

SECOND: Ms. Jones.

Ms. Jones spoke in favor of the motion, pointing out that the physician did refer the patient to urology, and attempted to later follow up with the urologist to ensure that the patient complied with the referral. Ms. Jones also noted that a chaperone was present for the patient's visit and corroborated the physician's statements. Dr. Bethancourt also spoke in favor of dismissal, stating that it appeared this patient was difficult at the start of care. He stated that the standard of care when presented with this type of incidental finding requires the ordering of either a bone scan or MRI. Dr. Bethancourt noted that Dr. Heikkinen ordered an MRI for this patient. Dr. Beyer also spoke in favor of the motion, stating that he did not find issue with this physician's care in this case, and added that he personally would have ordered an MRI for this patient in lieu of the bone scan recommended by radiology.

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

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

14. MD-18-0056A, ROBIN M. FLECK, M.D., LIC. #31062

Attorney Mandi Carvis addressed the Board telephonically during the Public Statements portion of the meeting on behalf of Dr. Fleck. Dr. Gillard pulled this case for discussion, noting that the Board's reviewer did not sustain the allegations made in the initial complaint to the Board. He recognized that SIRC identified issues with medical recordkeeping, but stated that the findings were not egregious and he spoke in favor of dismissal.

MOTION: Dr. Gillard moved for dismissal.

SECOND: Dr. Beyer.

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

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

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

1. MD-18-0700A, ARIANNA B. SHOLES-DOUGLAS, M.D., LIC. #37216

MOTION: Dr. Krahn moved to issue an Advisory Letter and Order for Non-Disciplinary CME for inadequate medical records and improper use of ThermiTight equipment resulting in a full thickness skin burn. 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. The CME hours shall be in addition to the hours required for license renewal.

SECOND: Dr. Paul.

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

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

G. REVIEW OF EXECUTIVE DIRECTOR DISMISSALS

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

SECOND: Ms. Jones.

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

**VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.
MOTION PASSED.**

1. MD-18-0453A, SEANA K. DALY M.D., LIC. #49830
Attorney Bob Stulz addressed the Board during the Public Statements portion of the meeting on behalf of Dr. Daly.

RESOLUTION: Dismissal upheld.

2. MD-18-0496A, BIREN G. PATEL, M.D., LIC. #26753
Dr. Beyer stated that he knows Dr. Patel professionally, but it would not affect his ability to adjudicate the case.

RESOLUTION: Dismissal upheld.

H. PROPOSED CONSENT AGREEMENTS (Disciplinary)

1. MD-18-0841A, STEPHANIE CHIN, M.D., LIC. #25929
MOTION: Dr. Figge moved to 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 an intensive, in-person course regarding management of post-caesarian labor and delivery. The CME hours shall be in addition to the hours required for license renewal.
SECOND: Dr. Gillard.
VOTE: The following Board members voted in favor of the motion: Ms. Bain, Dr. Bethancourt, Dr. Beyer, Dr. Connolly, Ms. Dorrell, Dr. Farmer, Dr. Figge, Dr. Gillard, Ms. Jones, Dr. Krahn, and Dr. Paul.
VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.
MOTION PASSED.

OTHER BUSINESS

I. REQUEST FOR TERMINATION OF BOARD ORDER

1. MD-17-0090A, SRINIVAS P. REDDY, M.D., LIC. #53512
Ms. Jones questioned whether the Board would receive copies of the annual reports that the physician will be required to submit to the Ohio Board for the next two years if the Board granted the request for termination. AAG Smith explained that the Board no longer gathers information pertaining to the issue once the Board's Order is terminated and the Probation is no longer in effect. AAG Smith clarified that the Arizona Board would be notified via the NPDB if there is additional discipline against Dr. Reddy.

MOTION: Ms. Jones moved to grant the request to terminate the April 6, 2017 Board Order.

SECOND: Dr. Krahn.

Board members noted that Dr. Reddy completed his five years of monitoring, and that the two year follow-up program utilized by the Ohio Board after completion of monitoring is not a mandate that the Arizona Board requires its licensees to undergo after completion of five years of Board-ordered monitoring. Dr. Beyer spoke in favor of terminating the Board's Order, noting that the physician completed five years of monitoring in Ohio and two years of Probation in Arizona.

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

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

2. MD-16-0054A, JYOTSNA SAHNI, M.D., LIC. #35720
MOTION: Dr. Figge moved to grant the request to terminate the May 5, 2017 Board Order.
SECOND: Dr. Gillard.

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

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

J. GENERAL CALL TO THE PUBLIC

No individuals addressed the Board during the General Call to the Public portion of the meeting.

K. ADJOURNMENT

MOTION: Ms. Jones moved for adjournment.

SECOND: Dr. Paul.

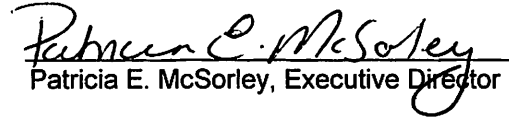
VOTE: The following Board members voted in favor of the motion: Ms. Bain, Dr. Bethancourt, Dr. Beyer, Dr. Connolly, Ms. Dorrell, Dr. Farmer, Dr. Figge, Dr. Gillard, Ms. Jones, Dr. Krahn, and Dr. Paul.

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

The meeting adjourned at 6:57 p.m.




Patricia E. McSorley, Executive Director