



ARIZONA MEDICAL BOARD

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

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FINAL MINUTES FOR SUMMARY ACTION TELECONFERENCE MEETING

Held on Monday, June 17, 2019

1740 W. Adams St., Board Room 4100 • 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 5:01 p.m.

B. ROLL CALL

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

The following Board members were absent: Dr. Connolly

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; Internal Medical Consultant; Raquel Rivera, Investigations Manager; and Michelle Robles, Board Operations Manager.

C. CALL TO THE PUBLIC

Nobody addressed the Board telephonically or in person during the Public Statements portion of the meeting.

LEGAL MATTERS

D. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING SUMMARY ACTION

1. MD-17-1144A, JAMES C. BARSZ, M.D., LIC. #12365

Dr. Barsz was not present.

Board staff summarized that on November 21, 2017, the Board initiated this case after receipt of a complaint alleging that Dr. Barsz showed inappropriate material and used inappropriate language during an office visit. Board staff determined that a chart review of Dr. Barsz prescribing of controlled substances was warranted and three patient records were pulled. MC's who reviewed Dr. Barsz's care of the additional patients and opined that Dr. Barsz deviated from the standard of care by not following appropriate protocols for prescribing Suboxone and other controlled substances to EP, GM, and CB. Specifically, Dr. Barsz failed to access the CSPMP, apply the recommended team approach to addiction treatment, obtain sufficient random urine screens, and failed to address irregularities when UDSs were performed. Both MCs found that the patients were not referred to behavioral health, which should be part of the treatment plan of addiction recovery. Both MCs noted that Dr. Barsz's documentation was inadequate and lacked discussion of side effects and rationale for combining contraindicated medications. On May 10, 2019, Board staff emailed and mailed Dr. Barsz a copy of the SIRC report, cover letter, and

an Interim Consent Agreement for Practice Restriction ("ICA") prohibiting him from prescribing controlled substances. On May 13, 2019, Board staff received the signed ICA and the Practice Restriction became effective. Dr. Barsz violated the ICA by prescribing controlled substances to eight patients. Based on the multiple violations of the ICA, Board staff requested a full practice restriction that would prevent Dr. Barsz from practicing medicine. On May 31, 2019, Board staff mailed and emailed Dr. Barsz a revised ICA for practice restriction requesting a return date of June 4, 2019. Board staff also spoke to Dr. Barsz and informed him of the revised order for his review, confirmed his mailing address. On June 12, 2019 and June 13, 2019, Board staff attempted to contact Dr. Barsz via email and phone. Board staff informed Dr. Barsz that the Board would be convened for summary action if the ICA was not received or if he failed to contact Board staff. No response was received. Board staff maintains that there exists an imminent danger to the public health and safety given Dr. Barsz failure to comply with the Practice Restriction that prohibited him from prescribing controlled substances. Additionally, Dr. Barsz continues to write prescriptions for controlled substances despite being confronted by Board staff and informed of the violations of the ICA. Furthermore, Dr. Barsz is no longer cooperating with the Board's investigation and has refused to comply with Board staff's requests for contact.

Dr. Gillard noted that there are several hard copies of prescriptions that were written after the May 13, 2019 ICA. Ms. Rivera confirmed that the ICA for full practice restriction was sent via regular post mail. Dr. Beyer opined that the facts of this case are disturbing and that there is no evidence that this physician is willing to comply with a Board Order. Dr. Krahn commented that there is no excuse for the physician's lack of response to Board staff. Dr. Gillard opined that there is no evidence that this physician is able to be regulated by the Board due to his various prescriptions that were written after he signed the ICA for restriction for prescribing controlled substances

MOTION: Dr. Paul moved to summarily suspend Dr. Barsz' Arizona medical license on the finding that the public health, safety, or welfare imperatively requires emergency action by the Board.

SECOND: Dr. Krahn.

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

The following Board members were absent: Dr. Connolly.

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

MOTION PASSED.

E. ADJOURNMENT

MOTION: Dr. Gillard moved to adjourn the meeting.

SECOND: Ms. Jones.

The following Board members voted in favor of the motion:

The following Board members were absent:

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

MOTION PASSED.

The meeting adjourned at 5:16 p.m.




Patricia E. McSorley, Executive Director