



Arizona Medical Board

9545 East Doubletree Ranch Road • Scottsdale, Arizona 85258

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FINAL MINUTES FOR REGULAR SESSION MEETING Held on Wednesday, February 5, 2014 9535 E. Doubletree Ranch Road • Scottsdale, Arizona

Board Members

Gordi S. Khera, M.D., F.A.C.C., Chair

Jody L. Jenkins, M.D., Vice Chair

Andrea E. Ibáñez, Member At Large

Jodi A. Bain, Esq.

James M. Gillard, M.S., M.D., F.A.C.E.P., F.A.A.E.M.

Ram R. Krishna, M.D.

Douglas D. Lee, M.D.

Richard T. Perry, M.D.

Wanda J. Salter, RN

CALL TO ORDER

Dr. Khera called the meeting to order at 7:32 a.m.

ROLL CALL

The following Board members were present: Ms. Bain, Dr. Gillard, Ms. Ibáñez, Dr. Jenkins, Dr. Khera, Dr. Krishna, Dr. Lee, Dr. Perry, and Ms. Salter.

ALSO PRESENT

Marc Harris, Assistant Attorney General, Patricia E. McSorley, Interim Acting Executive Director, William Wolf, M.D., Chief Medical Consultant, Anita Shepherd, Investigations Assistant Manager, Celina Shepherd, Licensing Office Manager, Mary Bober, Board Operations Manager, and Andrea Cisneros, SIRC Coordinator.

FSMB MODEL POLICY FOR THE USE OF OPIOID ANALGESICS IN THE TREATMENT OF CHRONIC PAIN

This matter was not presented and was therefore tabled.

CALL TO THE PUBLIC

Shirley Brener spoke during the Call to the Public regarding her Board complaint against a Mayo Clinic physician. Dr. Marvin Gibbs also spoke during the Call to the Public with Attorney Dan Jantsch requesting that the Board dictate what it considers to be acceptable rehabilitation in order for the physician to reapply for an Arizona medical license.

UPDATE FROM AUDITOR GENERAL

MOTION: Dr. Krishna moved to enter into Executive Session to review confidential records.

SECOND: Dr. Jenkins

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

MOTION PASSED.

The Board entered into Executive Session at 9:22 a.m.

The Board returned to Open Session at 9:51 a.m.

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

FORMAL INTERVIEWS

1. MD-12-1361A, MARY-HELENE BROWN, M.D., LIC. #15293

Dr. Brown was present with legal counsel, Mr. Dan Jantsch.

MOTION: Dr. Lee moved for a finding of unprofessional conduct in violation of A.R.S. §32-1401(27)(q) - Any conduct that is or might be harmful or dangerous to the health of the patient or the public.

SECOND: Ms. Salter

VOTE: 5-yay, 4-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

MOTION: Dr. Lee moved to issue the physician an Advisory Letter for failing to adequately evaluate a pregnant patient with hypertension, potentially leading to eclampsia and death. There is insufficient evidence to support disciplinary action.

SECOND: Ms. Salter

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Ibáñez, Dr. Khera, Dr. Krishna, Dr. Lee, and Ms. Salter. The following Board members voted against the motion: Ms. Bain, Dr. Gillard, Dr. Jenkins, and Dr. Perry.

VOTE: 5-yay, 4-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

2. MD-12-1050A, KULBHUSHAN K. SHARMA, M.D., LIC. #22286

Dr. Khera was recused from this case. Dr. Sharma was present without legal counsel.

MOTION: Dr. Jenkins moved for a finding of unprofessional conduct in violation of A.R.S. §32-1401(27)(e) - Failing or refusing to maintain adequate records on a patient; and A.R.S. §32-1401(27)(q) - Any conduct that is or might be harmful or dangerous to the health of the patient or the public.

SECOND: Dr. Gillard

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

MOTION PASSED.

MOTION: Dr. Jenkins moved for a draft Findings of Fact, Conclusions of Law and Order for a Letter of Reprimand and Five Year Probation. The Probation shall include that Dr. Sharma limit his breast cosmetic surgery procedures to simple primary augmentations without any compounding conditions. Within thirty days, Dr. Sharma shall enter into a contract with a Board approved monitoring company to provide all monitoring services and chart reviews, at the physician's expense.

SECOND: Dr. Krishna

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Bain, Dr. Gillard, Ms. Ibáñez, Dr. Jenkins, Dr. Krishna, Dr. Lee, Dr. Perry, and Ms. Salter. The following Board member was recused from the case: Dr. Khera.

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

MOTION PASSED.

NON-TIME SPECIFIC ITEMS

EXECUTIVE DIRECTOR'S REPORT

Ms. McSorley presented her report regarding the need to request supplemental appropriation.

MOTION: Dr. Krishna moved to approve the draft letter requesting supplemental appropriation.

SECOND: Dr. Jenkins

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

MOTION PASSED.

CHAIR'S REPORT

See Special Meeting Minutes.

LEGAL ADVISOR'S REPORT

N/A

ELECTION OF BOARD OFFICERS

MOTION: Dr. Krishna moved to nominate Dr. Perry for Secretary, and for the current Executive Officers to remain in place, which includes Dr. Khera, Chairman, Dr. Jenkins, Vice Chair, and Ms. Ibáñez, Member-At-Large.

SECOND: Dr. Lee

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

MOTION PASSED.

APPROVAL OF MINUTES

MOTION: Ms. Ibáñez moved to approve the November 21, 2013 Special Teleconference Executive Session; the December 11, 2013 Regular Session Meeting, Including Executive Session; the December 11, 2013 Emergency Meeting, Including Executive Session; the December 18, 2013 Summary Action Teleconference Meeting, Including Executive Session; the December 27, 2013 Special Teleconference Meeting, Including Executive Session; the January 13, 2014 Special Teleconference Meeting; and the January 27, 2014 Special Teleconference Meeting.

SECOND: Ms. Salter

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

MOTION PASSED.

RECOMMENDATION FOR DISMISSAL

1. MD-13-0403A, HOWARD M. COMSTOCK, M.D., LIC. #34193

MOTION: Dr. Lee moved to accept the recommended dismissal.

SECOND: Dr. Jenkins

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

MOTION PASSED.

ADVISORY LETTERS (Non-Disciplinary)

MOTION: Dr. Khera moved to issue an Advisory Letter in item numbers 1, 2, 3, 5, 6, 7, 8, 11, 13, 15, and 17.

SECOND: Dr. Krishna

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

MOTION PASSED.

1. MD-12-0907A, KAMAL R. RASTOGI, M.D., LIC. #33164

RESOLUTION: Issue an Advisory Letter for a misleading consultation note. This matter does not rise to the level of discipline.

2. MD-13-0513A, RAMONITO H. PANAL, M.D., LIC. #29983

RESOLUTION: Issue an Advisory Letter for failure to follow up an abnormal chest x-ray. This matter does not rise to the level of discipline.

3. MD-13-0705A, ROOZBEH RASSADI, M.D., LIC. #37861

RESOLUTION: Issue an Advisory Letter for disregarding symptoms of chills and fever in a patient presenting with abdominal pain, and for failing to obtain the results of the lab and CT scan from the referring provider in a timely manner. This matter does not rise to the level of discipline.

4. MD-13-1332A, SHILPA N. ATODARIA, M.D., LIC. #40865

MOTION: Dr. Jenkins moved to issue an Advisory Letter admonishing the physician that practicing medicine without a license will result in further Board action. This matter does not rise to the level of discipline.

SECOND: Dr. Krishna

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

MOTION PASSED.

5. MD-13-0679A, ARMANDO GONZALEZ, M.D., LIC. #24499

RESOLUTION: Issue an Advisory Letter for failure to review a patient's ER records. This matter does not rise to the level of discipline.

6. MD-13-0514A, HARBIR D. SINGH, M.D., LIC. #32999

RESOLUTION: Issue an Advisory Letter for failure to visit a patient sufficiently frequently and for inadequate documentation. This matter does not rise to the level of discipline.

7. MD-13-0252A, SCOTT J. HILLMANN, M.D., LIC. #12852

RESOLUTION: Issue an Advisory Letter for failure to manage postoperative pain in a timely manner. The licensee has demonstrated substantial compliance through remediation that has mitigated the need for disciplinary action.

8. MD-13-1375A, PAUL N. SARMIENTO, M.D., LIC. #34927

RESOLUTION: Issue an Advisory Letter admonishing the physician that practicing medicine without a license will result in further Board action. This matter does not rise to the level of discipline.

9. MD-13-0227A, MELISSA K. LINNER, M.D., LIC. #36066

MOTION: Dr. Lee moved to issue an Advisory Letter for failing to obtain an x-ray of the shoulder immediately after the initial injury.

SECOND: Dr. Krishna

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

MOTION PASSED.

10. MD-13-0272A, JAMES Y. CHOI, M.D., LIC. #32010

MOTION: Dr. Lee moved for dismissal.

SECOND: Dr. Krishna

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

MOTION PASSED.

11. MD-13-0664A, VANCE SANDERS, M.D., LIC. #19792

RESOLUTION: Issue an Advisory Letter for failing to report an abnormal value to a patient in a timely manner. This matter does not rise to the level of discipline.

12. MD-13-0493A, ROBERT W. DAPPEN, M.D., LIC. #15332

MOTION: Dr. Khera moved to issue an Advisory Letter for failing to identify and correct a problem with a pacemaker. This matter does not rise to the level of discipline.

SECOND: Dr. Krishna

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

MOTION PASSED.

13. MD-13-0807A, DAVID I. COHEN, M.D., LIC. #36737

RESOLUTION: Issue an Advisory Letter for failure to notify a patient of an abnormal chest x-ray. This matter does not rise to the level of discipline.

14. MD-13-0575A, JAMES C. MULLOY, M.D., LIC. #18660

MOTION: Dr. Lee moved for dismissal.

SECOND: Dr. Jenkins

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

MOTION PASSED.

15. MD-13-0477A, ROGER J. HUCEK, M.D., LIC. #19766

RESOLUTION: Issue an Advisory Letter for performing a carotid endarterectomy on a high risk patient with asymptomatic disease, and for inadequate medical records. This matter does not rise to the level of discipline.

16. MD-13-0025A, YOON M. HONG, M.D., LIC. #41210

MOTION: Dr. Krishna moved to invite the physician for a Formal Interview. If Dr. Hong declines the Board's invitation, the case shall be referred to the Office of Administrative Hearings for a Formal Hearing.

SECOND: Dr. Lee

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

MOTION PASSED.

17. MD-12-1214A, PIERRE C. GILLES, M.D., LIC. #11263

RESOLUTION: Issue an Advisory Letter for inadequate documentation of informed consent. This matter does not rise to the level of discipline.

18. MD-13-0655A, DUC M. PHAM, M.D., LIC. #31116

MOTION: Dr. Gillard moved for dismissal.

SECOND: Dr. Khera

VOTE: 6-yay, 3-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

ADVISORY LETTERS WITH NON-DISCIPLINARY CONTINUING MEDICAL EDUCATION (CME) ORDER

MOTION: Dr. Khera moved to issue an Advisory Letter with a Non-Disciplinary CME Order in item numbers 2, 3, and 4.

SECOND: Ms. Salter

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

MOTION PASSED.

1. MD-13-0479A, DONALD J. WHITE, M.D., LIC. #46427

MOTION: Dr. Jenkins moved to issue an Advisory Letter for failure to maintain medical records, for prescribing medications without a physician-patient relationship, and for prescribing controlled substances to a member of his immediate family; and an Order for Non-Disciplinary CME. Within six months, complete 15-20 hours of Board staff pre-approved Category I CME in prescribing. The CME hours shall be in addition to the hours required for license renewal. This matter does not rise to the level of discipline.

SECOND: Dr. Krishna

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

MOTION PASSED.

2. MD-13-0719A, CHARLES A. CALKINS, M.D., LIC. #9848

RESOLUTION: Issue an Advisory Letter for inadequate postoperative management; and a Non-Disciplinary CME Order for inadequate medical records. Within six months, complete 15-20 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. This matter does not rise to the level of discipline.

3. MD-13-0277A, PARUL AGARWAL, M.D., LIC. #44847

RESOLUTION: Issue an Advisory Letter for failing to fully evaluate the patient's headache resulting in actual harm to the patient; and a Non-Disciplinary CME Order requiring the physician to complete 15 hours of Board staff pre-approved Category I CME within six months regarding headache evaluation. The CME hours shall be in addition to the hours required for license renewal.

4. MD-13-0938A, CURTIS P. PAGE, M.D., LIC. #29288

RESOLUTION: Issue an Advisory Letter and Non-Disciplinary CME Order for failing to refer a patient with a prostate nodule for biopsy and for inadequate medical records. Within six months, complete 15-20 hours of Board staff pre-approved Category I CME in an intensive, in-person CME course for medical recordkeeping. The CME hours shall be in addition to the hours required for license renewal. This matter does not rise to the level of discipline.

REVIEW OF EXECUTIVE DIRECTOR DISMISSALS

MOTION: Dr. Khera moved to uphold the dismissal in item numbers 2, 3, 4, 5, 6, 7, and 8.

SECOND: Dr. Lee

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

MOTION PASSED.

1. MD-13-0454A, RUSSELL W. WALKER, M.D., LIC. #21699

MOTION: Dr. Jenkins moved to re-notice the physician regarding an Advisory Letter for an identified violation of A.R.S. §32-1401(27)(q) in that the physician failed to make sure that the patient's medication was monitored appropriately.

SECOND: Ms. Ibáñez

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

MOTION PASSED.

2. MD-13-0914A, BERTRAM I. OKORIE, M.D., LIC. #18431

RESOLUTION: Uphold the dismissal.

3. MD-13-1005A, FORREST D. HOLDEN, M.D., LIC. #9950

RESOLUTION: Uphold the dismissal.

4. MD-13-0128A, CHARLES M.T. JOST, M.D., LIC. #28064

RESOLUTION: Uphold the dismissal.

5. MD-13-0795A, HETALKUMAR SHAH, M.D., LIC. #25006

RESOLUTION: Uphold the dismissal.

6. MD-13-1000A, MARK H. PICO, M.D., LIC. #42478

RESOLUTION: Uphold the dismissal.

7. MD-13-1000B, FARSHID PAYDAR, M.D., LIC. #26754

RESOLUTION: Uphold the dismissal.

8. MD-13-0750A, NORA BARSONY, M.D., LIC. #28557

RESOLUTION: Uphold the dismissal.

OTHER BUSINESS

PROPOSED CONSENT AGREEMENTS (Disciplinary)

MOTION: Dr. Lee moved to accept the proposed Consent Agreements in item numbers 1 and 2.

SECOND: Dr. Jenkins

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Bain, Dr. Gillard, Ms. Ibáñez, Dr. Jenkins, Dr. Khera, Dr. Krishna, Dr. Lee, Dr. Perry, and Ms. Salter.

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

MOTION PASSED.

1. MD-13-0739A, STEVEN A. HOLPER, M.D., LIC. #24021

RESOLUTION: Accept the proposed Consent Agreement for License Surrender.

2. MD-13-0707A, RODNEY K. SHOTTON, M.D., LIC. #11139

RESOLUTION: Accept the proposed Consent Agreement for Five Year Probation to participate in PHP. The Probation shall include psychiatric monitoring.

APPROVE OR DENY LICENSE APPLICATION

3. MD-13-0642A, JAYA K. CHADALAVADA, M.D., LIC. #N/A

MOTION: Dr. Gillard moved to allow the applicant the opportunity to withdraw the license application within thirty days upon receiving notice.

SECOND: Dr. Krishna

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

MOTION PASSED.

4. MD-13-1425A, BITA NOORANBAKHT, M.D., LIC. #N/A

MOTION: Dr. Gillard moved to approve the license application and grant the license.

The motion was not seconded and therefore failed.

MOTION: Dr. Krishna moved to offer the physician the opportunity to withdraw her license application and reapply after successfully completing her board certification exam or the PACE evaluation. If the physician refuses to withdraw her application, the license shall be denied.

SECOND: Dr. Khera

MOTION: Dr. Lee moved to enter into Executive Session to receive legal advice.

SECONDED: Dr. Jenkins

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

MOTION PASSED.

The Board entered into Executive Session at 2:37 p.m.

The Board returned to Open Session at 2:47 p.m.

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

Drs. Krishna and Khera withdrew the previous motion.

MOTION: Dr. Krishna moved to continue the investigation and instruct Board staff to discuss with the applicant her ability to meet the minimum competency requirements for licensure.

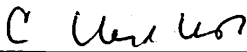
SECOND: Dr. Jenkins

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

MOTION PASSED.

The meeting adjourned at 4:10 p.m.





C. Lloyd Vest, II, Executive Director