



Arizona Medical Board

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FINAL MINUTES FOR REGULAR SESSION MEETING

Held on Tuesday, August 21, 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, 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.

Wanda J. Salter, R.N.

Tuesday, August 21, 2018

GENERAL BUSINESS

A. CALL TO ORDER

Dr. Gillard called the meeting to order at 8:03 a.m.

B. ROLL CALL

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

The following Board member was absent: Ms. Jones and Ms. Salter.

ALSO PRESENT

Present among Board staff include: Patricia McSorley, Executive Director; 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, appearing as the Board's Independent Legal Advisor.

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

- Update on Agency Compliance with Governor Ducey's Goal Council 5 Related to IT Security

Ms. McSorley reported to the Board regarding activities taken in compliance with the Governor's initiative. Ms. McSorley reported that Board staff has met with ASET to generate solutions to reduce risk and increase IT security.

Dr. Krahn commented that this is a situation where innovation and change is inevitable.

- General Update on IT Matters

Ms. McSorley reported that staff continues to work on the GL Solutions contract and address system upgrade issues.

- Review, Discussion and Possible Action Regarding Proposed FY2020 Budget, Including Proposed Decision Packages

Ms. McSorley reported that the Administration Committee met on the August 16th to discuss the proposed budget. Ms. McSorley discussed the proposed budget and decision packages.

Dr. Farmer requested reports regarding the budget be provided at the quarterly Administration Committee meetings.

Ms. McSorley discussed the difference between fixed and discretionary budget items. Ms. Webster explained how the Legislature allocates the Agency's budget.

- Review, Discussion and Possible Direction or Action Regarding FY 2017-2018 Annual Report

Ms. McSorley reported that the CORE values remain the same. Dr. Krahn requested that the Physician Health Program portion of the report be expanded.

- Review, Discussion and Possible Direction or Action Regarding FY2019-2023 Strategic Plan
- Review, Discussion and Possible Action Regarding AMB and ARBoPA Joint Officers Proposed 2018 Meeting Dates

Dr. Farmer requested that a google survey for dates be sent out as it is a statutory requirement to meet twice a year.

E. CHAIR'S REPORT

Mr. Gillard reported that he will not be attending the September teleconference.

F. LEGAL ADVISOR'S REPORT

- 2017-2018 Legislative Advice Memorandum

Ms. Smith reported that there were a number of statutory amendments from the 2018 legislative session that apply to the Board. Ms. Smith noted the HB2065 made a change to open meeting law and HB2238 amended the Administrative Review Act. Ms. Smith reported that additional review rights that have been added to the Governor's Regulatory Review Council (GRRC) and additional Sunset Review processes. Additionally, Ms. Smith noted that SB1436 allows a potential applicant to petition the Board for preclearance of prior convictions.

- Request for Modification of Judgment in *Arizona Medical Board v. Secaur* CV2018-006348

Ms. Smith reported that the physician's has requested that the Board stipulate to a request for modification of the judgment to allow him to securely destroy records for care rendered prior to 2009 by other physicians who have worked at Arrowhead Pediatrics. Dr. Krahn suggested since the records will be reviewed regardless the destruction of records

must follow the most conservative statutory requirements. Dr. Farmer opined the Board should not authorize destruction of medical records when not in its purview.

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

SECOND: Dr. Farmer

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

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

MOTION PASSED.

The Board entered into Executive Session at 2:48 p.m.

The Board returned to Open Session at 3:08 p.m.

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

MOTION: Dr. Krahn moved to take no position with regard to the physician's request to modify the judgment.

SECOND: Dr. Paul.

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

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

MOTION PASSED.

G. PRESENTATION FROM CGI BUSINESS SOLUTIONS REGARDING IT ORGANIZATIONAL ASSESSMENT

Ms. Johnson and Mr. Stagg from CGI presented the strategies and solutions to modernize the Board's current IT processes that resulted from their assessment while ensuring security goals set by State requirements are met. Mr. Stagg explained the Disaster Recovery Plan determines recovery time.

Ms. McSorley informed the Board of the current security protocols set forth by the Governor's office. Ms. McSorley reported that the Board will continue to work with CGI and that Ms. Fredericksen will be the liaison who will provide ongoing reports. There will be an in house committee who will be reviewing our infrastructure on an ongoing basis.

CGI informed the Board of the rough cost estimate and timeline of migrating the Board to a cloud based platform.

H. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING DATA WAIVER CURRICULUM FOR ARIZONA MEDICAL STUDENTS

Ms. McSorley reported that a statutory change is required. Ms. Smith reported that the Board's powers and duties statute does not, as clearly as the federal statute, authorize it to determine whether certain training or experience qualifies the applicant to "treat and manage opiate-dependent patients." Therefore, before the Board moves forward on the DHS initiative, it should first consider pursuing statutory authority consistent with language set forth in the federal statute.

Board members agreed that steps need to be made to eliminate boundaries to implement the program.

I. APPROVAL OF MINUTES

MOTION: Dr. Krahn moved to approve the June 25, 2018 Summary Action meeting and the July 12, 2018 Special Teleconference meeting.

SECOND: Dr. Farmer.

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

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

MOTION PASSED.

LEGAL MATTERS

J. RESCIND REFERRAL TO FORMAL HEARING AND ISSUE PROPOSED ADVISORY LETTER

1. MD-16-0999A, SHABIB A. ALHADHERI, M.D., LIC. #34597

Dr. Alhadheri was present with counsel David Ryan, Esq. Ms. Campbell, AAG was present as the Board's Independent Legal Advisor.

AAG Froedge, on behalf of the State, summarized that the conduct of this case occurred over ten years ago and was brought to the Board's attention due to a malpractice settlement. Dr. Alhadheri requested a formal hearing because he strongly disputed the finding of the Board's Medical Consultant ("MC") that Dr. Alhadheri fabricated an ECG report. AAG Froedge stated that the parties' stipulation requests that the Board issue a non-disciplinary Advisory Letter.

Dr. Gillard noted there was a hand written note on an EKG that was not noted by two other physicians as well. There was also hindsight of genetic testing to confirm the diagnosis.

AAG Froedge explained that Dr. Alhadheri believes the hospital misfiled the abnormal ECG report and based on the available evidence, it is unclear where the ECG came from.

MOTION: Dr. Farmer moved to rescind the referral to Formal Hearing and issue an Advisory Letter for failure to timely notify the ordering physician of an abnormal ECG. 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.

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, Dr. Krahn and Dr. Paul. The following Board members were absent: Ms. Jones and Ms. Salter.

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

MOTION PASSED.

K. MOTION FOR REHEARING/REVIEW(Non-Contested)

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

Dr. Wall was not present. Dr. Krahn recused from this case.

Dr. Gillard summarized that as the result of a Formal Interview the Board took disciplinary action on this matter.

MOTION: Ms. Bain moved for the Board to enter into Executive Session pursuant to A.R.S. § 38-431.03(A)(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, and Dr. Paul. The following Board member recused: Dr. Krahn. The following Board members were absent: Ms. Jones and Ms. Salter.

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

The Board entered into Executive Session at 9:10 a.m.
The Board returned to Open Session at 9:22 a.m.
No legal action was taken by the Board during Executive Session.

MOTION: Dr. Paul moved to grant a limited review and modify Finding of Fact #6 based on AAC R4-16-103(d)(8) and replace Finding of Fact #6 with the following language: Records from a prior employer indicate that Respondent had been advised by his employer to limit physical contact with his patients. During a Board investigation in 2013, Respondent completed a two credit continuing medical education course in maintaining boundaries, and stated that he would no longer hug or kiss patients in the future. The Board considered this information when determining the appropriate discipline to impose in order to rehabilitate the physician and protect the public.

SECOND: Dr. Farmer.

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

SECOND: Ms. Bain.

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

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

MOTION PASSED.

The Board entered into Executive Session at 9:28 a.m.
The Board returned to Open Session at 9:33 a.m.
No legal action was taken by the Board during Executive Session.

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

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

MOTION PASSED.

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

Dr. Sato was present with counsel, Melissa San Angelo, Esq. Dr. Farmer recused from this case.

Ms. San Angelo stated that the MC found no harm to the three patients and that none of the three surgeries required corrective surgery. Ms. San Angelo argued that this was a case of potential harm and no actual harm occurred. Ms. San Angelo stated that the record does not support the Board's action for issuance of a Letter of Reprimand and that Dr. Sato has implemented changes in his practice to ensure this does not occur again. Ms. San Angelo requested that the Board modify the Board's order to clarify the finding of harm, reconsider the order for a Letter of Reprimand, and issue an Advisory Letter.

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

SECOND: Ms. Bain.

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

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

The Board entered into Executive Session at 9:39 a.m.

The Board returned to Open Session at 9:46 a.m.

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

MOTION: Ms. Bain moved to grant a limited review to revise the Order based on AAC R4-16-103(d)(8) and revise the Order to modify Finding of Fact paragraph 9 to read as follows: During the Formal Interview, the Board found that there was the potential for patient harm.

SECOND: Dr. Figge.

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

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

L. FORMAL INTERVIEWS

1. MD-17-1033A, HEIDI K. ROEBER, M.D., LIC. #48346
Dr. Roeber was present without counsel.

Board staff summarized that the case that the case was initiated based on Dr. Roeber's self-report to the Board that she had undergone treatment for a health condition. Based on the information obtained during the investigation, Board staff offered Dr. Roeber a confidential Stipulated Rehabilitation Agreement ("SRA"). Dr. Roeber disagreed with the terms of the SRA based on alleged discrepancies in an assessment obtained during the investigation. Board staff recommended a formal interview to determine the appropriate outcome.

Dr. Roeber summarized that she self-reported her treatment and has sustained ten months of abstinence. Dr. Roeber stated that she questioned the discrepancies in the psychiatrists' recommendations due to Board staff requesting a transcribe record. Dr. Roeber stated that there was no criminal or unethical behavior in this case and she requested the Board consider this case on individual merit.

During questioning, Dr. Krahn noted that the opportunity to utilize the Board's confidential process was offered and declined by the physician.

Dr. Roeber explained that she did not accept the secondary assessment at the expense of the Board since the recommended assessors also served as the Board's compliance monitors.

Dr. Krahn commented that with this diagnosis is a standard request for complete abstinence.

Board staff confirmed that they offered two of the Board's seasoned providers and opined that the assessors would provide an adequate report.

Dr. Figge opined that the Board investigator did not request a change in recommendation but clarification of the handwritten note. Dr. Figge opined that the transcription is a more

detailed and expanded report of the hand written note, which is in fact difficult to read and incomplete.

In closing, Dr. Roeber opined that this process has been difficult especially after self-reporting and seeking treatment.

Ms. McSorley reported that it is rare for the Board to take on the cost of a second assessment, but due to the inconsistencies in the evaluator's report and the physician's concerns the offer was made.

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

SECOND: Ms. Bain.

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

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

MOTION PASSED.

The Board entered into Executive Session at 10:23 a.m.

The Board returned to Open Session at 10:36 a.m.

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

Dr. Krahn commented that it is standard to have physicians with this diagnosis to participate in monitoring and proposed to table the matter to allow the physician the opportunity to talk with Board counsel.

MOTION: Dr. Krahn moved to table the case to allow the physician the opportunity to talk to Board Counsel regarding her options.

SECOND: Ms. Bain.

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

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

MOTION PASSED.

Ms. Smith reported that additional confidential material has been added to the file for the Board's review.

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

SECOND: Dr. Krahn.

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

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

MOTION PASSED.

The Board entered into Executive Session at 12:08 p.m.

The Board returned to Open Session at 12:11 p.m.

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

MOTION: Dr. Krahn moved to terminate the Formal Interview.

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, Dr. Krahn and Dr. Paul. The following Board members were absent: Ms. Jones and Ms. Salter.

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

MOTION PASSED.

2. MD-17-0498A, RANDALL L. BENNETT, M.D., LIC. #23428

Dr. Bennett was present with counsel, Kathleen Rogers, Esq. Dr. Gillard and Dr. Farmer stated that they know Dr. Bennett but it would not affect their ability to adjudicate the case. Dr. Figge recused from this case.

Board staff summarized that the case was initiated after receiving notification of a malpractice settlement regarding Dr. Bennett's care and treatment of a 61 year-old female patient ("MC") alleging failure to diagnose bilateral pulmonary emboli which caused the patient's death five days later. The MC opined that Dr. Bennett deviated from the standard of care by failing to address the low saturation level which was never repeated, and by failing to include pulmonary embolism in his differential diagnosis.

Dr. Bennett informed the Board that he has taken Continuing Medical Education ("CME") to ensure this does not occur again. Dr. Bennett addressed the MC's finding that his differential diagnosis was too narrow and that he did not diagnose asthma but Broncho spasm. Dr. Bennett noted that due to the patient history obtained of ongoing symptoms and a cardiology consultation he found this to an ongoing or sub-acute issue. Dr. Bennett agreed that his review of the pulse oximetry should have been documented. However, the nurse did document that saturation levels were normal.

Ms. Rogers noted that Dr. Bennett has completed 20.5 Hours of CME which included coursework on pulmonary embolism.

During questioning, Dr. Bennett explained that he did not find this to be an acute event and therefore, did not order a D-dimer test as he did not consider pulmonary emboli as a potential diagnosis. Dr. Bennett noted that there is a note in the medical record where the patient had improved before discharge. Dr. Bennett stated that his discharge diagnosis was reactive airways disease and that he did not diagnose asthma. Dr. Bennett explained that he did not have access to the cardiology consult's August 12th EKG as they are scanned in by hand and take time to be uploaded.

In closing, Dr. Bennett opined that a Letter of Reprimand is an excessive action in this case. In the six years since this case, he has not had any issues diagnosing pulmonary emboli or had an error in judgement. There is no pattern of poor decision making.

Ms. Rogers requested the issuance of non-disciplinary Advisory Letter.

Board staff noted the previous Advisory Letter was for a missed diagnosis.

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

SECOND: Ms. Bain.

Dr. Bethancourt agreed with the physician that patient history pointed towards chronic bronchospasm.

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

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

MOTION PASSED.

Dr. Paul found it mitigating that Dr. Bennett took the time to review the patient history and understands the logic behind his diagnosis for chronic bronchospasm.

MOTION: Dr. Paul moved to issue an Advisory Letter for failing to address the low saturation level that was never repeated and for failing to include pulmonary embolism in his differential diagnosis. There is insufficient evidence to support disciplinary action.

SECOND: Dr. Bethancourt.

Dr. Gillard agreed with the motion and that although there were changes on the EKG on the day of discharge it did not point to pulmonary emboli. Dr. Krahn noted that the ER setting is a team effort and that the available information was assessed.

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

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

MOTION PASSED.

M. FORMAL INTERVIEWS

1. MD-17-0861A, STEPHEN R. ROSENTHAL, M.D., LIC. #21858

Dr. Rosenthal was present with counsel Stephen Myers, Esq. Dr. Castillo addressed the Board on behalf of the physician during the Public Statements portion of the meeting.

Board staff summarized that the Board initiated the case after receiving notification of a malpractice settlement regarding Dr. Rosenthal's care and treatment of a 77 year-old male patient ("BD") alleging negligent laparoscopic cholecystectomy and delay in performing Pringle maneuver with subsequent patient death. The MC opined that Dr. Rosenthal deviated from the standard of care.

Dr. Rosenthal summarized the care and treatment provided to BD during the August 6, 2015 procedure. Dr. Rosenthal explained that there was no delay in his treatment and that a vascular injury was never identified. Dr. Rosenthal opined he did not fall below the standard of care.

Mr. Myers noted that two expert opinions were obtained and found that there were no deviations from the standard of care in this case. Mr. Myers requested that the case be dismissed.

During questioning, Dr. Rosenthal explained what occurred during the procedure and his reasoning behind his decision making. Dr. Rosenthal cited literature regarding damage control that supported his continuous use of packing to apply pressure and stop bleeding. Dr. Rosenthal noted that he has never had to perform a Pringle maneuver so he called in a specialist. Dr. Rosenthal stated that he forgot to complete the dictation until his computer alerted him.

Board staff agreed with many of statements made by Dr. Rosenthal however, there is a concern with the timing and cause of the bleeding

Dr. Farmer commented that the etiology of the bleeding is unclear and that the timeline is unclear. Dr. Farmer recognized that the literature referenced throughout this case regarding packing is substantial and that there is risk associated with the Pringle maneuver. Dr. Farmer expressed a concern regarding the documentation in this case however, Dr. Farmer opined that given the difficult circumstances there is not clear and convincing evidence of a deviation.

MOTION: Dr. Farmer moved to dismiss.

SECOND: Dr. Bethancourt.

Dr. Farmer noted the physician has undergone three years of litigation and today's discussion has provided understanding of the Board's concerns regarding documentation. Dr. Gillard noted that there was risk associated with the Pringle maneuver in this case.

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

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

MOTION PASSED.

2. MD-17-0599A, GARY B. LAKE, M.D., LIC. #29509
Dr. Lake was present with counsel, Gary Fidell, Esq.

Board staff summarized that the Board initiated the case after receiving notification of a malpractice settlement regarding Dr. Lake's care and treatment of a 60 year-old male, alleging failure to provide appropriate follow up on an abnormal lab value that indicated the return of the patient's cancer, and failure to refer the appropriate specialty oncological care. The MC found that Dr. Lake deviated from the standard of care by failing to discuss abnormal laboratory studies with the patient. The MC added that Dr. Lake's failure to refer the patient to a qualified specialist for further evaluation and treatment also deviates from the standard of care.

Dr. Lake explained his history of care and treatment of the patient and that the patient did not provide medical records and refused to comply with follow up testing. Dr. Lake stated that he disagreed with the MC's findings of failure to communicate with the patient as he saw and provided reports to the patient. Dr. Lake also disagreed with the MC's finding of failure to refer to oncology as there was not sufficient evidence for a referral. Dr. Lake stated that there is no indication in the VA records that the patient pursued repeat follow up or testing.

Mr. Fidell noted that this case was reviewed by the Colorado Medical Board who dismissed the case. Mr. Fidell further argued that there is no evidence that Dr. Lake's care and conduct caused any patient harm. Mr. Fidell requested that the Board dismiss the case.

During questioning, Dr. Lake explained that he did question the bleeding from the GI track and that the patient reported the bleeding was exercise induced. Dr. Lake stated that the patient did not seem interested in further testing and he opined an oncology referral at that time was not necessary.

During deliberation, Dr. Bethancourt opined that due to Dr. Lake's testimony there is evidence that the patient did not comply with follow up testing and that the increase in chromogranin A level was trivial.

MOTION: Dr. Bethancourt moved to dismiss.

SECOND: Dr. Krahn.

Board members agreed with Dr. Bethancourt's findings. Dr. Krahn noted that this case was initiated due to a NPDB notification. Ms. Bain commented that the standard of care is not modified due to a patient being non-compliant. Dr. Gillard noted that the slight elevation in chromogranin A levels was acknowledged however, there are many factors that can contribute to a slight change in levels.

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

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

CONSENT AGENDA

N. CASES RECOMMENDED FOR DISMISSAL

MOTION: Dr. Paul moved to dismiss item numbers 1-4.

SECOND: Dr. Bethancourt.

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

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

MOTION PASSED.

1. MD-17-0734A, ANDREW S. LITTLE, M.D., LIC. #43007
RESOLUTION: Dismiss.
2. MD-17-1229A, THOMAS H. HIRASA, M.D., LIC. #37662
RESOLUTION: Dismiss.
3. MD-17-0728A, ABDULLAH M. YONAN, M.D., LIC. #27691
RESOLUTION: Dismiss.
4. MD-17-1166A, KANWARDEEP S. SACHDEVA, M.D., LIC. #43044
RESOLUTION: Dismiss.

O. CASES RECOMMENDED FOR ADVISORY LETTERS

MOTION: Dr. Krahn moved to issue an Advisory Letter in item numbers 1, 3 and 4.

SECOND: Dr. Figge.

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

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

MOTION PASSED.

1. MD-17-1046A, MARK E. ROSE, M.D., LIC. #34013
RESOLUTION: Issue an Advisory Letter for administration of an ultra-high potency topical corticosteroid and recommendation to apply the medication under occlusion. There is insufficient evidence to support disciplinary action.
2. MD-17-1250A, PAUL A. MIKEL, M.D., LIC. #21229
Dr. Mikel and Scott King, Esq. addressed the Board during the Public Statements portion of the meeting.

MOTION: Dr. Figge moved to dismiss.
SECOND: Dr. Connolly.
The following Board members voted in favor of the motion: Dr. Gillard, Dr. Farmer, Ms. Bain, Dr. Bethancourt, Dr. Connolly, Dr. Figge, Dr. Krahn and Dr. Paul. The following Board members were absent: Ms. Jones and Ms. Salter.
VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.
MOTION PASSED.
3. MD-17-1045A, HEATHER H. COSTELLO, M.D., LIC. #52091
RESOLUTION: Issue an Advisory Letter for failing to obtain a chest x-ray as part of a work-up to identify the source of fever. There is insufficient evidence to support disciplinary action.

4. MD-17-0892A, LOREN A. ZECH, M.D., LIC. #48969

RESOLUTION: Issue an Advisory Letter for failure to properly diagnose squamous cell skin cancers. 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.

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

1. MD-18-0138A, MATT M. WOOSLEY, M.D., LIC. #34963

MOTION: Dr. Krahn moved to issue an Advisory Letter and Order for Non-Disciplinary CME for failure to maintain adequate medical records on multiple patients and failure to properly secure controlled substances. 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. Farmer.

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

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

MOTION PASSED.

2. MD-17-0842A, SONIA S. GIKNAVORIAN, M.D., LIC. #29795

Dr. Giknavorian and counsel, David Gaona, Esq. addressed the Board during the Public Statements portion of the meeting.

Dr. Figge opined that this is a processing error and that CME is not necessary. Dr. Krahn opined that the physician holds some responsibility to ensure there is an appropriate process or that the system is passing along key information.

MOTION: Dr. Figge moved to issue an Advisory Letter for inadequate medical records and for failure to communicate lab results to the patient. There is insufficient evidence to support discipline.

SECOND: Dr. Krahn.

Dr. Krahn commented that this physician had previously had similar issues. Dr. Farmer commented that there are systems where physicians do and do not have control over however, this is an instance where the physician did have control over the system in place.

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

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

MOTION PASSED.

Q. REVIEW OF EXECUTIVE DIRECTOR DISMISSALS

MOTION: Dr. Figge moved to uphold the Executive Director's dismissal in item numbers 1-7.

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, Dr. Krahn and Dr. Paul. The following Board members were absent: Ms. Jones and Ms. Salter.

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

MOTION PASSED.

1. MD-17-0728C, SUNDEEP S. PATEL, M.D., LIC. #31155

RESOLUTION: Dismissal upheld.

2. MD-17-1130B, SHANNAN M. MURPHY, M.D., LIC. #30911

Dr. Murphy and Ms. Patane, Edq. addressed the Board on behalf of the physician during the Public Statements portion of the meeting. N.G. addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Dismissal upheld.

3. MD-18-0272A, WALTER J. NIERI, M.D., LIC. #6055

L.K. addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Dismissal upheld.

4. MD-17-0122A, JAMES A. MCGLAMERY, M.D., LIC. #10971

RESOLUTION: Dismissal upheld.

5. MD-18-0148A, JAY D. TURNER, M.D., LIC. #47423

RESOLUTION: Dismissal upheld.

6. MD-17-0888A, ELIZABETH J. MCCONNELL, M.D., LIC. #28532

RESOLUTION: Dismissal upheld.

7. MD-17-0309A, ELENA SAVILO, M.D., LIC. #27181

RESOLUTION: Dismissal upheld.

8. MD-17-0954A, ROBERT E. SECAUR, M.D., LIC. #30213

S.R. addressed the Board during the Public Statements portion of the meeting.

Board staff confirmed that the investigator did contact the complainant and attempts were made to obtain the medical records from Luke Air Force Base which were unsuccessful. The investigator also did contact the mother to request assistance in obtaining the medical records with no response.

Dr. Gillard noted that there was no statute violation in this case. Dr. Farmer commented that there is a conflict of facts on what actually occurred.

Board staff confirmed that there is no statute regarding poor bedside manner.

MOTION: Dr. Figge move to uphold the Executive Director's dismissal.

SECOND: Dr. Connolly.

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

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

MOTION PASSED.

R. PROPOSED CONSENT AGREEMENTS (Disciplinary)

1. MD-17-0705A, JOEL A. HAYDEN, M.D., LIC. #23390

MOTION: Dr. Figge moved to accept the proposed Consent Agreement for a Letter of Reprimand and Probation. Within six months, complete no less than 4 hours of Board staff pre-approved Category I CME in treatment of burns. The CME hours shall be in addition to the hours required for license renewal. The Probation shall terminate upon proof of successful completion of the CME.

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, Dr. Bethancourt, Dr. Connolly, Dr. Figge, Dr. Krahn and Dr. Paul. The following Board member abstained: Ms. Bain. The following Board members were absent: Ms. Jones and Ms. Salter.

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

MOTION PASSED.

S. LICENSE APPLICATIONS

i. APPROVE LICENSE APPLICATION

MOTION: Dr. Figge moved to grant the license in item numbers 1-9.

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, Dr. Krahn and Dr. Paul. The following Board members were absent: Ms. Jones and Ms. Salter.

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

MOTION PASSED.

1. MD-17-0727A, JOSE D. M. GONZALEZ, M.D., LIC. #N/A

RESOLUTION: Grant the license.

2. MD-18-0052A, GEORGE W. WOODS, M.D., LIC. #N/A

RESOLUTION: Grant the license.

3. MD-18-0444A, DAVID M. SAHLSTROM, M.D., LIC. #N/A

RESOLUTION: Grant the license.

4. MD-17-1154A, LAUREN C. ANDERSON, M.D., LIC. #N/A

RESOLUTION: Grant the license.

5. MD-18-0164A, ROBERT L. MACDONALD, M.D., LIC. #N/A

RESOLUTION: Grant the license.

6. MD-18-0719A, JORGE D. TRUJILLO, M.D., LIC. #N/A

RESOLUTION: Grant the license.

7. MD-18-0485A, STEVEN J. RIZZOLO, M.D., LIC. #N/A

RESOLUTION: Grant the license.

8. MD-17-1214A, MICHAEL E. ISABELLE, M.D., LIC. #N/A

RESOLUTION: Grant the license.

9. MD-18-0566A, JACOB R. BRADSHAW, M.D., LIC. #N/A

Dr. Bradshaw and Mr. Kline addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Grant the license.

ii. REQUEST FOR REINSTATEMENT OF REVOKED OR SURRENDERED LICENSE

1. THIS CASE HAS BEEN PULLED FROM THE AGENDA.

iii. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING RENEWAL APPLICATION AND RECOMMENDED ADVISORY LETTER

1. MD-18-0066A, JOEL D. MAC DONALD, M.D., LIC. #24174

MOTION: Dr. Figge moved to Grant the license renewal and issue an Advisory Letter for disruptive workplace conduct. 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. Krahn.

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

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

MOTION PASSED.

iv. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING LICENSURE BY ENDORSEMENT PURSUANT TO A.R.S. § 32-1426(B) AND R4-16-201(F)

MOTION: Dr. Figge moved to grant the license by endorsement in item numbers 1 and 2.

SECOND: Dr. Bethancourt.

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

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

MOTION PASSED.

1. MARTTI E. KAHKONEN, M.D., LIC. #N/A

RESOLUTION: Grant the license by endorsement.

2. SAINA ATTARAN ASL, M.D., LIC. #N/A

Dr. Gillard commented that the Board does have the authority to determine training equivalence.

RESOLUTION: Grant the license by endorsement.

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

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

SECOND: Dr. Bethancourt.

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

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

MOTION PASSED.

1. MD-18-0427A, FRANC W. BRODAR, M.D., LIC. #24079

RESOLUTION: Accept the proposed Consent Agreement for License Reactivation with Decree of Censure and Five Year Probation to participate in PHP. Once the licensee has complied with the terms of Probation, he may petition the Board for termination.

MOTION PASSED.

2. MD-18-0456A, ELENA V. PLUMMER, M.D., LIC. #28734

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

RESOLUTION: Accept the proposed Consent Agreement for License Reactivation with Letter of Reprimand and Five Year Probation to participate in PHP. Once the licensee has complied with the terms of Probation, she must affirmatively petition the Board to request termination.

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

ACTION ON CASE(S)

T. APPROVAL OF DRAFT FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

1. MD-17-0886A, MARI E. SCHENK, M.D., LIC. #25685

Dr. Gillard summarized that at the June 12 meeting the Board voted to issue a Five Year Probation for PHP participation.

MOTION: Dr. Krahn moved to approve the draft Findings of Fact, Conclusions of Law and Order for Probation.

SECOND: Dr. Farmer.

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

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

MOTION PASSED.

OTHER BUSINESS

U. REQUEST FOR TERMINATION OF BOARD ORDER

1. MD-11-1443A, EDGAR F. LIVINGSTONE, M.D., LIC. #31013

Board staff summarized that Dr. Livingstone requested termination of his license restriction requiring a female chaperone. At the March 8 meeting the Board voted to continue the Order to have the physician complete a neuropsychological evaluation. The evaluator found Dr. Livingstone safe to practice without monitoring. Dr. Livingstone now takes responsibility for his actions and plans to always have a female nurse present when treating female patients.

MOTION: Dr. Figge moved to grant the physician's request to terminate his June 7, 2012 Board Order.

SECOND: Dr. Figge

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

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

MOTION PASSED.

2. MD-16-0954A, GABRIELLE J. GOODRICK, M.D., LIC. #22811

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

Dr. Gillard summarized that there was a self-report of relapse and that Dr. Goodrick has been compliant with PHP and noted that both Dr. Volsen and Dr. Sucher are in support of termination.

MOTION: Dr. Krahn moved to grant the physician's request to terminate her September 16, 2016 Board Order.

SECOND: Dr. Paul.

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

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

MOTION PASSED.

3. MD-15-0073A, ISSADA THONGTRANGAN, M.D., LIC. #45920

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

Dr. Gillard summarized that this was a case of prescribing to a family member. There was a letter from a social worker opining that it was appropriate to terminate the Board order that came in as a letter of support with the termination request. The evaluating facility's one year reevaluation has been completed and the physician has been in compliance with his Board order.

MOTION: Dr. Figge moved to grant the physician's request to terminate his May 6, 2016 Board Order.

SECOND: Dr. Bethancourt.

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

VOTE: 6-yay, 0-nay, 1-abstain, 0-recuse, 3-absent.

MOTION PASSED.

4. MD-16-0831A, NAPOLEON R. BRAVO, M.D., LIC. #42672

Dr. Gillard noted that Dr. Sucher supports early termination.

MOTION: Dr. Krahn moved to grant the physician's request to terminate his confidential Board Order.

SECOND: Dr. Bethancourt.

The following Board members voted in favor of the motion: Dr. Gillard, Dr. Farmer, Dr. Bethancourt, Dr. Connolly, Dr. Figge, Dr. Krahn and Dr. Paul. The following Board members were absent: Ms. Bain, Ms. Jones and Ms. Salter.
VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.
MOTION PASSED.

V. GENERAL CALL TO THE PUBLIC

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

W. ADJOURNMENT

MOTION: Dr. Krahn moved to adjourn the meeting.

SECOND: Dr. Bethancourt.

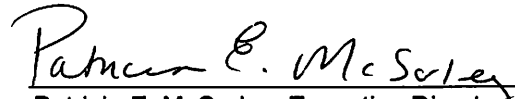
The following Board members voted in favor of the motion: Dr. Farmer, Ms. Bain, Dr. Bethancourt, Dr. Connolly, Dr. Figge, Dr. Krahn and Dr. Paul. The following Board members were absent: Dr. Gillard, Ms. Jones and Ms. Salter.

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

MOTION PASSED.

The meeting adjourned at 4:16 p.m.




Patricia E. McSorley, Executive Director