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Dr. Cunningham stated that most people would agree that 80 cm is the average scope length used during colonoscopy. Dr. Cunningham stated that he believed the physician missed the looping of the scope, and that the withdrawal time was not properly documented. Dr. Cunningham questioned a PACE evaluation was warranted to determine the physician's proficiency in performing colonoscopies. Dr. Walker agreed with Dr. Cunningham's comments, and stated that she was concerned regarding this physician's proficiency and that assessment was warranted. Mr. Landau also agreed with the comments made by other members, and stated that an assessment should be performed prior to the Board making a determination in this case.

**MOTION: Dr. Cunningham moved for the Board to issue an Interim Order requiring the licensee to schedule a PACE evaluation within 60 days, and to complete the PACE evaluation within six months. The matter shall return to the Board following receipt of the evaluation results.**

**SECOND: Dr. Erbstoesser**

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

**MOTION PASSED.**

	VOTE	Mr. Landau	Dr. Erbstoesser	Dr. Cunningham	Dr. Maitem	Mr. Burg	Dr. Walker	Dr. Ota
Yay:	6	X	X	X		X	X	X
Nay:	0							
Abstain/Recuse:	0							
Absent:	1				X			

H. DO-20-0067A, Jeffery Ray Gamber DO, LIC. #4326

Dr. Gamber participated in the virtual meeting during the Board's consideration of this matter. He reported that he graduated in 2000, completed six years of residency in 2006, and has a private practice.

**MOTION: Dr. Cunningham moved for the Board to enter into Executive Session to discuss confidential health information and to obtain legal advice pursuant to A.R.S. § 38-431-03(A)(2) and (3).**

**SECOND: Mr. Burg**

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

**MOTION PASSED.**

	VOTE	Mr. Landau	Dr. Erbstoesser	Dr. Cunningham	Dr. Maitem	Mr. Burg	Dr. Walker	Dr. Ota
Yay:	6	X	X	X		X	X	X

Nay:	0							
Abstain/Recuse:	0							
Absent:	1				X			

The Board entered into Executive Session at 2:33 p.m.  
The Board returned to Open Session at 3:38 p.m.  
No legal action was taken by the Board during Executive Session.

**MOTION: Mr. Landau moved for the Board to place the license on Five Years’ Probation for monitoring with terms to include undergoing evaluation with a Board-approved psychiatrist, undergoing a complete physical by a Board-approved primary care provider, completion of an intensive outpatient substance abuse program, work hours restriction of 40 hours per week, substance abuse monitoring, and to return to the Board for a progress update at its August 15, 2020 meeting.**

**SECOND: Dr. Cunningham**

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

**MOTION PASSED.**

	VOTE	Mr. Landau	Dr. Erbstoesser	Dr. Cunningham	Dr. Maitem	Mr. Burg	Dr. Walker	Dr. Ota
Yay:	6	X	X	X		X	X	X
Nay:	0							
Abstain/Recuse:	0							
Absent:	1				X			

**6. REVIEW, CONSIDERATION, AND ACTION ON APPLICATIONS FOR LICENSURE PURSUANT TO A.R.S. § 32-1822; PERMITS PURSUANT TO A.R.S. § 32-1829; AND RENEWALS OF LICENSES PURSUANT TO A.R.S. § 32-1825 (C-D) AND A.A.C. R4-22-207.**

**A. DO-20-0052A, Mark Yee-Jen Liu, LIC. #N/A**

Dr. Liu participated in the virtual meeting during the Board’s consideration of this matter. Dr. Prah summarized that Dr. Liu applied for an Arizona license in January of 2020 and disclosed on his application a malpractice settlement paid on his behalf in 2008. She stated that Dr. Liu was trained and credentialed to perform obstetrics and that he was licensed in Washington and Hawaii. The malpractice settlement involved an incident wherein Dr. Liu was delivering a baby, noted concerning fetal hart tones, and contacted the obstetrician on-call for assistance. The on-call obstetrician responded approximately 23 minutes later and assured Dr. Liu that he could initiated Pitocin and expect a vaginal delivery. Dr. Liu proceeded with labor and attempted a vacuum delivery; however, the hospital had recently purchased new vacuum equipment to which Dr. Liu was not familiar. The unfortunate results of labor included the baby having seizures and abnormal neuromotor development.

Dr. Liu stated that he attended college on a navy scholarship and graduated in 1998. Thereafter, he went on to an internship at a naval hospital. He then served for two years on a navy ship and did a tour to the Gulf at that time. Dr. Liu stated that he returned to and completed residency in 2003, and then went on to do a utilization tour overseas at a naval hospital in Japan, which is where the patient care took place that was involved in the malpractice settlement. Dr. Liu stated that following his honorable discharge, he went into private practice for some years, and then went on to Hawaii for ten years at the Army Medical Center. In 2017, Dr. Liu returned to the main land and went back into private practice. Dr. Liu stated that he joined the VA in Washington and was the Chief of Primary Care. He was eventually promoted to Chief of Staff, and has relocated to Tucson in April of 2020. He stated that he has accepted a position with the VA and that he is proud to be able to continue to

serve in the VA as a veteran himself.

Dr. Liu stated that the case was a very unfortunate event, and that he was very saddened by the adverse outcome at the time. He stated that a risk managing investigation at the hospital did not find fault in what he did, and that it was felt the on-call obstetrician had an ethical obligation to have assisted and did not do so. Dr. Liu stated that the Surgeon General proceeded to include four providers in his report, including Dr. Liu and the on-call obstetrician. He stated that he disagreed and filed an appeal to the Surgeon General's Office, but did not receive a response. Dr. Liu stated that he has no prior disciplinary history and that he has not had issue obtaining credentials in other states.

Dr. Cunningham spoke in support of granting an unrestricted license, and thanked Dr. Liu for his service.

**MOTION: Dr. Cunningham moved for the Board to grant an unrestricted license.**

**SECOND: Dr. Ota**

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

**MOTION PASSED.**

	VOTE	Mr. Landau	Dr. Erbstoesser	Dr. Cunningham	Dr. Maitem	Mr. Burg	Dr. Walker	Dr. Ota
Yay:	6	X	X	X		X	X	X
Nay:	0							
Abstain/Recuse:	0							
Absent:	1				X			

B. DO-20-0065A, Dominick Anthony Grosso, LIC. #N/A

Dr. Grosso participated in the virtual meeting during the Board's consideration of this matter. Dr. Prah summarized that Dr. Grosso applied for Arizona licensure in December of 2019 and disclosed a pending malpractice case on his license application and that staff was not able to obtain all of the patient records. Dr. Grosso stated that he graduated in 1983 and completed internship and residency training from 1983-1986. He stated that he has practiced continuously since 1984 and that because he wanted more of a relationship with his patients, he transitioned from the emergency room to private practice. Dr. Grosso reported that he has held licensure in New Jersey, became a diplomate of the American Board of Internal Medicine in 1986, was a first class FAA medical examiner and has also provided other similar services including CDL examinations. Dr. Grosso added that his volunteer work included working at the HIV and medical clinic of the hospital, as well as some work in Haiti after the earthquake in January 2010.

Dr. Grosso explained that on September 18, 2017, the patient presented to his private practice for back pain among other issues, and stated that due to the patient's advanced age, he performed additional testing in the office. Three days later, the patient's wife called the doctor's office with complaints of further back pain. Dr. Grosso stated that he was arranging for an outpatient MRI after receiving the lab work, and that the patient's wife was anxious and wanted him admitted. Dr. Grosso stated that the order for the MRI was changed to inpatient, and that the MRI showed an unusual type of osteomyelitis organism. He stated that the patient's condition was improving, but his family wanted to admit him into hospice care. The patient was subsequently entered into hospice where he expired two days later. Dr. Grosso stated that he felt the hospice admission was premature as the patient was improving.

Mr. Landau questioned the physician regarding his plans for practicing in Arizona. Dr. Grosso stated that he plans to retire at some point, but wanted to do Locum Tenens work. He stated that he enjoys working in the clinic and plans to do more volunteer work. He reported that he plans to stay in New Jersey for at least another year before relocating to Arizona. In response to Dr. Erbstoesser's questioning, Dr. Grosso stated that the patient was being seen by multiple specialists, including urology. AAG Galvin confirmed that the Board would have the ability to review the medical

malpractice claim if it results in an adverse outcome, even if licensure were to be approved at this time.

**MOTION: Dr. Cunningham moved for the Board to grant an unrestricted license and instructed Dr. Grosso to keep the Board updated regarding the pending malpractice claim.**

**SECOND: Dr. Walker**

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

**MOTION PASSED.**

	VOTE	Mr. Landau	Dr. Erbstoesser	Dr. Cunningham	Dr. Maitem	Mr. Burg	Dr. Walker	Dr. Ota
Yay:	6	X	X	X		X	X	X
Nay:	0							
Abstain/Recuse:	0							
Absent:	1				X			

**7. CONSIDERATION AND ACTION ON COMPLIANCE WITH TERMS OF BOARD ORDERS AND REQUESTS TO MODIFY OR TERMINATE ORDERS, PURSUANT TO A.R.S. § 32-1855(E) AND (I).**

**A. DO-19-0213A, Thomas Zachary Emel DO, LIC. #007877**

Dr. Emel participated in the virtual meeting during the Board’s consideration of this matter. He reported that things are going well with his residency program, which should be completed around July 3, 2020. He stated that he has one appointment left to complete his intensive outpatient treatment program. The Board questioned the licensee regarding his plans after completing his residency program in July. Dr. Emel stated that he has struggled with obtaining gainful employment due to the restriction on his license. Executive Director Bohall informed the Board that staff received communication from a potential employer who indicated their needs with regard to the work hour restriction, and assured that 12 hour shifts would be followed by a recovery time. Mr. Landau proposed limiting the work week hours to 36 hours and allow the licensee the ability to work with some flexibility within those hours.

Dr. Emel requested the Board consider allowing him to work a total of forty hours as he is seeking full-time employment in order to receive benefits to help with his current health issues. Dr. Cunningham spoke in support of allowing the physician to work full-time to allow him to qualify for benefits to allow for continued care.

**MOTION: Dr. Cunningham moved for the Board to amend its Order to allow the physician to work 40 hours per week at his discretion. This matter shall return to the Board for a progress update at its August 15, 2020 meeting.**

**SECOND: Dr. Walker**

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

**MOTION PASSED.**

	VOTE	Mr. Landau	Dr. Erbstoesser	Dr. Cunningham	Dr. Maitem	Mr. Burg	Dr. Walker	Dr. Ota
Yay:	6	X	X	X		X	X	X
Nay:	0							
Abstain/Recuse:	0							

Absent:	1				X			
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**8. REVIEW, DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION RELATING TO A PROPOSED CONSENT AGREEMENT AND VACATING INVESTIGATIVE HEARING.**

**A. DO-19-0164A, Russell Todd Imboden DO, LIC. #4433**

Attorney Kraig Marton participated in the virtual meeting during the Board’s consideration of this matter on behalf of Dr. Imboden. Executive Director Bohall informed the Board that staff worked with Dr. Imboden’s counsel and have agreed upon a Consent Agreement for the Board’s consideration. Mr. Landau proposed changes to the Consent Agreement, including replacing “coincide” with “run concurrently” on page 5, line 18 so as to clarify that the Arizona probation does not terminate at the time that the Missouri probation is terminated. Mr. Landau proposed moving line 19 to line 8 on page 6 for better placement. He also requested that “and when” be inserted in the next sentence between “determine whether” and “to lift the...”.

Mr. Marton stated that he had a high degree of confidence that his client will accept the Board’s changes to the Consent Agreement as suggested. AAG Galvin confirmed that the Board’s suggested changes were acceptable.

**MOTION: Dr. Cunningham moved for the Board to accept the proposed Consent Agreement with the suggested changes, and to vacate the Investigative Hearing in this case.**

**SECOND: Dr. Erbstoesser**

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

**MOTION PASSED.**

	VOTE	Mr. Landau	Dr. Erbstoesser	Dr. Cunningham	Dr. Maitem	Mr. Burg	Dr. Walker	Dr. Ota
Yay:	6	X	X	X		X	X	X
Nay:	0							
Abstain/Recuse:	0							
Absent:	1				X			

**B. DO-19-0012A, Leslie Diane Edison DO, LIC. #2491**

Dr. Edison did not participate in the virtual meeting during the Board’s consideration of this matter. Executive Director Bohall stated that the proposed Consent Agreement in this case included two years’ probation with assessment of a \$1,000 Civil Penalty, requirement to complete the PACE prescribing course, and periodic chart reviews in addition to the standard probationary terms. Dr. Cunningham questioned the schedule of the chart reviews. Executive Director Bohall clarified that the first review is scheduled to be performed within thirty days after completion of the CME and quarterly or every six months thereafter. The Board discussed the Executive Director’s ability to use his discretion for the timing of the chart reviews in consultation with Dr. Prah. Dr. Walker proposed including a requirement to complete a CME course in boundaries. Executive Director Bohall informed the Board that a portion of the PACE prescribing course covers the subject of patient boundaries. He also clarified that a chart review was not conducted during the course of the investigation.

**MOTION: Dr. Cunningham moved for the Board to accept the proposed Consent Agreement in this case.**

**SECOND: Dr. Erbstoesser**

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

**MOTION PASSED.**



	VOTE	Mr. Landau	Dr. Erbstoesser	Dr. Cunningham	Dr. Maitem	Mr. Burg	Dr. Walker	Dr. Ota
Yay:	6	X	X	X		X	X	X
Nay:	0							
Abstain/Recuse:	0							
Absent:	1				X			

**9. REVIEW, CONSIDERATION AND ACTION ON REPORTS FROM EXECUTIVE DIRECTOR.**

**A. Report on Director Dismissed Complaints**

Executive Director Bohall reported that 10 complaints were dismissed since his last report, and confirmed that the complainant's are notified of the dismissal and their ability to request a review of the decision to the Board.

**B. Executive Director Report**

**1. Financial Report**

Executive Director Bohall reported that the Fiscal Year ends June 30, 2020, and that the Board is on track to meet the budget. He stated that the expected revenue was exceeded prior to the Board waiving certain licensing fees during the current COVID crisis. He stated that this will be revisited at a later time for the Board to consider resuming collecting those fees again.

**2. Current Events that Affect the Board**

Executive Director Bohall stated that the Agency is taking the necessary precautions in order to implement appropriate measures to ensure the safety of Board members, staff, and the public during this time.

**3. Licensing and Investigations Update**

Executive Director Bohall reported that license applications are taking one month on average to process, and that staff continues to work productively under the current circumstances. He stated that investigations are on track, with only a few awaiting the initial investigation phase.

**4. Legislative Update**

Mr. Landau reported that the Senate came in last week with intention of running around 30 bills through and subsequently ended the legislative session. He stated that it was unclear whether special sessions will be held. Mr. Landau stated that he will be forwarding to the Executive Director a list of bills that he has been tracking.

**5. Update of COVID-19 Temporary Licensing Process under A.R.S. § 32-3124**

Executive Director Bohall reported that 56 temporary licenses have been issued. He stated that a couple of physicians have requested and received the 2nd thirty day license and have requested for an additional thirty days. He stated that the physicians were instructed to apply for full licensure and request a 250 day temporary license.

**10. ADJOURNMENT**

**MOTION: Dr. Cunningham moved for adjournment.**

**SECOND: Dr. Erbstoesser**

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

**MOTION PASSED.**

	VOTE	Mr. Landau	Dr. Erbstoesser	Dr. Cunningham	Dr. Maitem	Mr. Burg	Dr. Walker	Dr. Ota
Yay:	6	X	X	X		X	X	X
Nay:	0							
Abstain/Recuse:	0							
Absent:	1				X			

The Board's meeting adjourned at 4:21 p.m.

Justin Bohall, Executive Director

DRAFT