



ARIZONA MEDICAL BOARD

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FINAL MINUTES FOR SUMMARY ACTION TELECONFERENCE MEETING

Held on June 7, 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 5:05 p.m.

B. ROLL CALL

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

The following Board members were absent: Dr. Bethancourt and Ms. Jones.

Also present among Board staff include: Patricia McSorley, Executive Director; Kristina Fredericksen, Deputy Director; Anne Froedge, Assistant Attorney General; William Wolf, M.D., Chief Medical Consultant; Kathleen Coffey, M.D., Internal Medical Consultant; Raquel Rivera, Investigations Manager; and Michelle Robles, Board Operations Manager.

C. CALL TO THE PUBLIC

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

LEGAL MATTERS

D. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING SUMMARY ACTION

1. MD-18-0295A, JOSHUA D. HOLLAND, M.D., LIC. #17551

Dr. Holland participated telephonically without counsel. R.B. addressed the Board during the Public Statements on behalf of the physician.

Board staff summarized that the Board initiated this case after receipt of a complaint from K.K. alleging that she was prescribed weight loss medication, Phendimetrazine by Dr. Holland without being seen by him. K.K. reported that when she presented for the visit, the only people in the office were the manager Debra and a Medical Assistant and they provided her with the medication. K.K. had an adverse reaction and she reported that she had tachycardia and indicated that Debra should not be providing medications. On May 21, 2018, Dr. Holland, through his counsel submitted a response and reported that Dr. Holland provides hands-on supervision, and meets and evaluates all new patients, including K.K. Eight additional

patients were selected for review and Dr. Holland was noticed of additional allegations including inappropriate prescribing of narcotics and anxiolytics and long term prescribing of Phendimetrazine and Phentermine. Board staff performed a site inspection in November 2018. Although Dr. Holland was reportedly in California, a sign-in sheet showed that patients were being seen and a CSPMP survey showed that one patient received a prescription for Phentermine dispensed from Dr. Holland's office although he was not there. In January 2019, Dr. Holland reported that he had stopped prescribing weight loss medication and schedule II opioids. A recent CSPMP survey showed that Dr. Holland continued to prescribe weight loss medication and schedule II opioids. An endocrinologist Medical Consultant (MC) reviewed six patient charts and reported deviations from the standard of care in all reviewed patients. In patient KK the MC found that Dr. Holland deviated from the standard of care by prescribing unneeded medication with significant side effects, not examining the patient fully or at all prior to administering medication, potentially falsifying the medical record, and not requesting cardiology input prior to administering a medication with Cardio Vascular side effects to a patient with known cardiac disease. Regarding HW, the MC noted that Phendimetrazine was prescribed for four years on a patient with a normal BMI. Regarding BB, the MC noted Phendimetrazine and Phentermine were prescribing together over a long period of time with not improvement in the patient's weight status. Regarding AS and CC, weight loss medications were prescribed with no physical exam or EKG completed and were prescribed for a long period of time exposing the patients to potential cardiovascular side effects without additional benefit. Regarding RB, the MC reported weight loss medication was prescribed for an extended period of time with no indication or exam. A pain management Medical Consultant (MC) reviewed the care of six patients, noting that regarding RJ, Dr. Holland failed to identify that the patient was filling high doses of Hydromorphone from another provider while filling high dose Oxycodone prescriptions and Soma from Dr. Holland, with no CSPMP or urine drug screens reviewed. Regarding patient KP, Dr. Holland inappropriately titrated her Clonazepam from 4mg/day to 9mg/day. The MC did not cite deviations in the four other patients but multiple concerns were noted. Dr. Holland was offered an Interim Consent Agreement for a full practice restriction. Dr. Holland refused to sign through his counsel and requested a meeting with the Board. Board staff maintains that a Practice Restriction is warranted in light of controlled substance prescribing concerns, failure to maintain adequate records, lack of supervision of staff, prescribing and dispensing medications without examining patients and a Board history which includes a Decree of Censure for opioid prescribing and recordkeeping issues.

Dr. Holland stated that his counsel advised him not to address the Board's concerns and that there will be a supplemental response provided to the Board. Dr. Holland stated that he has been practicing for many years; he is in solo practice and has four ongoing studies in clinical research. Dr. Holland apologized for the events that have taken place in his practice that were potentially harmful to his patients. Dr. Holland explained that he has since fired his staff and closed Well Being Weight Loss. Dr. Holland explained that he no longer prescribes weight loss medication and that he has successfully transferred his pain patients to other providers. Dr. Holland informed the Board that he is willing to complete any required CME and cease prescribing of weight loss medication and controlled substances to be able to continue to practice medicine. Dr. Holland also stated that he has since updated to electronic medical records and now utilizes a scribe. Dr. Holland acknowledged that his actions brought him before the Board but does not believe he is a danger to the public and is willing to implement any Board requirements to continue to practice and serve his patients.

During deliberation, Dr. Krahn stated that she appreciated the statement from the licensee but continued to struggle with a physician who had a previous Decree of Censure ("DOC") for prescribing controlled substances putting himself in this position. Dr. Figge agreed that there are causes for concern due to the past Board Order and the ongoing investigation.

MOTION: Dr. Figge 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. Farmer, Dr. Gillard, Dr. Paul, Ms. Bain, Dr. Beyer, Dr. Connolly, Ms. Dorrell, Dr. Figge and Dr. Krahn. The following Board members were absent: Dr. Bethancourt and Ms. Jones.

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

The Board entered into Executive Session at 5:31 p.m.
The Board returned to Open Session at 5:46 p.m.
No legal action was taken by the Board during Executive Session.

MOTION: Dr. Figge moved to summarily restrict Dr. Holland's Arizona medical license to no longer prescribe controlled substances and prescription weight loss medication based on the finding that the public health, safety, or welfare imperatively requires emergency action by the Board for the reasons stated in the investigation report.

SECOND: Dr. Krahn.

Dr. Figge noted that the medications of concern in weight loss are controlled substances. Dr. Krahn commented that although the physician has stated he will no longer prescribe controlled substances, without a restriction there is no way for the Board to monitor. Dr. Gillard noted that the Board could offer an Interim Consent Agreement and allow the Board to continue its investigation. Dr. Figge disagreed with that option due to the past DOC and the concerns raised during the investigation. Dr. Coffey confirmed that the DOC resulted in two patient deaths. Dr. Krahn commented that there were significant prescribing practices in 2009 that must be figured into today's actions.

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

VOTE: 8-yay, 0-nay, 1-abstain, 0-recuse, 2-absent.

MOTION PASSED.

E. ADJOURNMENT

MOTION: Dr. Krahn moved to adjourn the meeting.

SECOND: Dr. Figge.

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

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

The meeting adjourned at 5:55 p.m.



Patricia E. McSorley, Executive Director