



Arizona Medical Board

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

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FINAL MINUTES FOR SPECIAL TELECONFERENCE MEETING

Held on Thursday, November 7, 2019

At: 1740 W. Adams St., Board Room A • 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

Chairman Farmer called the meeting to order at 6:03 p.m.

B. ROLL CALL

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

Present among Board staff include: Patricia McSorley, Executive Director; Kristina Fredericksen, Deputy Director; Raquel Rivera, Investigations Manager; William Wolf, M.D., Chief Medical Consultant; Michelle Robles, Board Operations Manager; and, Andrea Cisneros, Minutes Administrator. Also present among Board staff include: Carrie Smith, Assistant Attorney General (AAG); Anne Froedge, AAG; and, Seth Hargraves, AAG, participated telephonically to provide independent legal advice to the Board on matters as identified herein.

C. PUBLIC STATEMENTS REGARDING MATTERS LISTED ON THE AGENDA

Individuals that addressed the Board during the Call to the Public appear beneath the matter(s) referenced.

D. EXECUTIVE DIRECTOR'S REPORT

- December 9, 2019 FSMB Presentation

Executive Director McSorley informed the Board that representatives from the FSMB will be presenting to the Board at its December 2019 Regular Meeting. Chairman Farmer encouraged Board members to submit potential discussion topics to the Executive Director to forward to the FSMB for their upcoming presentation.

E. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING APPLICATION FOR DATA WAIVER ELIGIBILITY

Chairman Farmer explained that a curriculum was drafted for the Board's consideration in relation to DATA waiver eligibility, in an effort to have more practitioners in Arizona certified for treating addiction disorders. Executive Director McSorley requested that the Board review and vote on the proposed curriculum, which she reported was crafted by multiple practitioners including Dr. Villarroel from the Department of Health Services. Board members found the curriculum to be of high quality and recognized that the curriculum applied to medical students for undergraduate medical education. The Board also discussed future plans of including a similar curriculum to residency education in addition to undergraduate training.

MOTION: Dr. Paul moved for the Board to approve the curriculum related to DATA Waiver Eligibility.

SECOND: Dr. Krahn

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

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

MOTION PASSED.

Chairman Farmer thanked staff, Dr. Villarroel, and the Department of Health Services for their work on the material presented for the Board's review.

LEGAL MATTERS

F. RESCIND REFERRAL TO FORMAL HEARING AND ACCEPT PROPOSED CONSENT AGREEMENT

1. MD-17-1217A, MD-18-0845A, REGINALD M. SUTTON, M.D., LIC. #29166

AAG Smith was present on behalf of the State. AAG Hargraves participated telephonically to provide independent legal advice to the Board. Dr. Sutton was not present during the Board's consideration of this matter. AAG Smith informed the Board that the cases were referred to Formal Hearing after the Board voted to summarily suspend the license in September. Thereafter, Dr. Sutton signed the draft Consent Agreement for voluntary surrender of licensure for the Board's review and consideration. AAG Smith requested the Board consider rescinding the referral to Formal Hearing and accepting the proposed Consent Agreement for Surrender of Licensure.

MOTION: Dr. Paul moved for the Board to rescind the referral to Formal Hearing and accept the proposed Consent Agreement for Surrender of Licensure.

SECOND: Dr. Bethancourt

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

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

MOTION PASSED.

2. MD-15-0878A, GORDON J. CUZNER, M.D., LIC. #17172

AAG Froedge was present on behalf of the State. AAG Hargraves participated telephonically to provide independent legal advice to the Board. Dr. Cuzner was not present during the Board's consideration of this case. AAG Froedge informed the Board that the case is scheduled for Formal Hearing on November 14, 2019 and that the physician thereafter expressed his desire to retire from the practice of medicine and has elected to voluntarily surrender his Arizona medical license in lieu of proceeding to Formal Hearing. She requested that the Board vacate the hearing in this case and accept the proposed Consent Agreement for Surrender of Licensure.

MOTION: Dr. Gillard moved for the Board to vacate the Formal Hearing in this case and accept the proposed Consent Agreement for Surrender of Licensure.

SECOND: Dr. Krahn

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

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

MOTION PASSED.

3. MD-18-1030A, MD-19-0082B, PHILLIP E. D. GEAR, M.D., LIC. #15896

AAG Froedge was present on behalf of the state. Attorney Rachel Maron participated telephonically on behalf of Dr. Gear. AAG Hargraves participated telephonically to provide independent legal advice to the Board. AAG Froedge informed the Board that the cases were referred to Formal Hearing after the Board voted to summarily suspend the license in September 2019. The Formal Hearing was scheduled for November 4-8, 2019; however, the matter was continued in order for the Board to consider the physician's request to voluntarily surrender his Arizona medical license. AAG Froedge reported that Dr. Gear has elected to retire from the practice of medicine and she requested that the Board consider vacating the hearing and accepting the proposed Consent Agreement for Surrender of Licensure. Ms. Maron addressed the Board, stating that the physician has signed the proposed Consent Agreement for the Board's review and consideration.

MOTION: Dr. Krahn moved for the Board to vacate the Formal Hearing in this matter and accept the proposed Consent Agreement for Surrender of Licensure.

SECOND: Dr. Bethancourt

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

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

MOTION PASSED.

G. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING SUMMARY ACTION

1. MD-19-0558A, KENNETH M. FISHER, M.D., LIC. #12762

Dr. Fisher and Attorney Cal Raup participated telephonically during the Board's consideration of this matter.

Board staff summarized that Dr. Fisher is currently subject to a Board Order for two years' Probation with terms and conditions including a requirement that the physician undergo periodic chart reviews to monitor his prescribing of controlled substances. Dr. Fisher failed to follow instructions and became non-responsive to CPEP's requests for charts to review pursuant to the Board's Order. Board staff stated that despite Dr. Fisher's position that CPEP was to blame for their lack of reviews, Board staff found that the physician was in fact not responding to CPEP's repeated requests. For these reasons, CPEP has been unable to perform any chart review monitoring. SIRC reviewed the matter and noted Dr. Fisher's extensive prior Board history that included similar concerns regarding his prescribing of controlled substances and medical recordkeeping. Board staff reported that the Controlled Substance Prescription Monitoring Program (CSPMP) database demonstrated that Dr. Fisher continued to prescribe controlled substances despite CPEP's inability to monitor his prescribing practices. Board staff further reported that Dr. Fisher did not inform the Board that CPEP ceased monitoring in April of 2019 and continued to prescribe controlled substances during that time period.

Mr. Raup noted that the Board's consideration of summary action is an extraordinary remedy. He stated that the statutory standard has not been met, and that he took full responsibility for the errors that occurred in this case. Mr. Raup explained that he

encouraged the physician to be patient as he believed there were staff changes occurring at the Board level and stated that he has had difficulty communicating with CPEP in the past. He stated that once the message was received that requests for responses were unanswered, they responded within 24 hours. Mr. Raup stated that the physician is committed to serving his specific patient population and asked that the Board allow him to continue doing so.

Dr. Fisher addressed the Board, stating that he did not receive any of the CPEP communications in his email, fax, or phone. He stated that he spent the last year winding down his practice to part-time in anticipation of retirement and that he has not taken on any new pain management patients in the last two years. Dr. Fisher reported that he was concerned that if he notified the Board that he had not heard from CPEP, this would put him in a bad light with CPEP and do nothing but create a non-productive relationship. Dr. Fisher stated that summarily suspending his license would cause a harmful delay with his HIV therapy patients that cannot be transferred to other providers.

Dr. Gillard questioned Board staff in relation to the Interim Consent Agreement recommended by the Staff Investigational Review Committee (SIRC). Board staff reported that Dr. Fisher was offered an Interim Consent Agreement for Practice Restriction prohibiting him from performing any form of medicine until a chart review could be performed. Dr. Fisher declined to enter into the Interim Agreement. Dr. Krahn expressed concern regarding the amount of discipline and number of times that the Board has had to review Dr. Fisher's practice. Dr. Paul agreed with Dr. Krahn's comments, and stated that the evidence does not demonstrate compliance with the Board's Order. Dr. Bethancourt observed that since 1990, Dr. Fisher has been issued 11 Board sanctions for issues concerning inappropriate prescribing and/or inadequate medical recordkeeping. Dr. Krahn opined that the physician could not be regulated based on the information presented for the Board's review. Dr. Bethancourt spoke in favor of restricting the physician's practice, and the Board discussed its options for proceeding.

MOTION: Dr. Bethancourt moved for the Board to enter into Executive Session to receive legal advice pursuant to A.R.S. 38-431.03(A)(3).

SECOND: Dr. Krahn

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

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

MOTION PASSED.

The Board entered into Executive Session at 6:52 p.m.

The Board returned to Open Session at 7:12 p.m.

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

Dr. Figge noted that the Board has issued numerous sanctions against Dr. Fisher for records and prescribing concerns, and also pointed out that the physician was previously subject to chart reviews pursuant to a prior Board Order. Dr. Figge commented that the physician has proved that he could not be regulated and continues to prescribe combinations of medications that are potentially harmful to patients. Dr. Figge stated he was concerned regarding the potential danger to the public by allowing the physician to continue practicing in such a fashion. Dr. Figge spoke in favor of summary suspension in order to protect the public. Dr. Bethancourt moved for summary suspension of the license in light of the fact that the physician declined entering into the Interim Consent Agreement for Practice Restriction and to protect the public.

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

SECOND: Dr. Figge

VOTE: The following Board members voted in favor of the motion: Ms. Bain, Dr. Bethancourt, Dr. Connolly, Ms. Dorrell, Chairman Farmer, Dr. Figge, Dr. Gillard, Dr. Krahn, and Dr. Paul. The following Board member abstained: Dr. Beyer. The following Board member was absent: Ms. Jones.
VOTE: 9-yay, 0-nay, 1-abstain, 0-recuse, 1-absent.
MOTION PASSED.

Chairman Farmer stated that the Board's decision would be reduced to writing and provided to the parties involved. Mr. Raup called the Board's attention to an IT issue that occurred when the Board entered into Executive Session in this matter. He expressed concern that his client may have not been on the line after the Board returned to Open Session. Board staff confirmed that Dr. Fisher was on the line and the physician confirmed for the record that he heard the Board's discussion after returning to Open Session.

CONSENT AGENDA

H. CASES RECOMMENDED FOR DISMISSAL

1. MD-19-0192A, ALEXANDER M. PERRIAN, M.D., LIC. #23321

Dr. Gillard questioned whether the matter should be dismissed or returned for further review. He observed that the patient had experienced a fall and requested radiographs to be taken but were not. The patient was later diagnosed with a hip fracture. Dr. Gillard noted that the Medical Consultant (MC) commented that the patient did not exhibit signs of a hip fracture. The Board noted that additional information was submitted by the patient's wife regarding MediCare. Dr. Beyer stated that the additional information may warrant a second look. Dr. Paul proposed returning the case for review by a second MC.

MOTION: Dr. Gillard moved for the Board to return the case for further investigation to obtain a second quality of care review by a new Medical Consultant.

SECOND: Dr. Paul

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

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

MOTION PASSED.

I. CASES RECOMMENDED FOR ADVISORY LETTERS

MOTION: Dr. Gillard moved for the Board to issue an Advisory Letter in item numbers 2, 3, 5, 7, 8, 9, 10, 11, and 12.

SECOND: Dr. Krahn

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

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

MOTION PASSED.

1. MD-18-0976A, PAUL M. FRANCIS, M.D., LIC. #19974

Complainant PJ was present and addressed the Board during the Public Statements portion of the meeting.

Dr. Wolf summarized for the Board that the MC found the physician deviated from the standard of care in this case by failing to provide adequate follow-up and proceeded to surgery based on only marginal indications. The MC also found that Dr. Francis' documentation was inadequate in several ways. Dr. Wolf stated that when SIRC considered the case, SIRC struggled with regard as to whether discipline was warranted, but noted that the physician has no prior Board history which, in part, was the basis for the recommendation for an Advisory Letter. Dr. Wolf clarified that the MC's

impression was that the degree of cord compression was minimal and insufficient to proceed to surgery. Chairman Farmer stated that SIRC's recommendation for an Advisory Letter was reasonable in this case.

MOTION: Dr. Beyer moved to issue an Advisory Letter for proceeding to surgery based upon marginal indications, failure to provide appropriate, post-operative care, and inadequate hospital and office medical records. 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. Bethancourt

Dr. Beyer stated that an Advisory Letter is appropriate. Dr. Bethancourt stated that the real issue is the postoperative follow-up. He noted that the doctor saw the patient on only one occasion post-surgery. He spoke in favor of the motion.

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

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

MOTION PASSED.

2. MD-19-0240A, JEHANZEB KHAN, M.D., LIC. #46003

RESOLUTION: Issue an Advisory Letter for failing to recognize and describe a colloid cyst on an MRI. There is insufficient evidence to support disciplinary action.

3. MD-19-0048A, JASON L. MUSSMAN, M.D., LIC. #49090

Complainant JK participated telephonically and addressed the Board during the Public Statements portion of the meeting. Dr. Mussman was also on the line with Attorney Heather Macre who spoke during the Public Statements portion as well.

RESOLUTION: Issue an Advisory Letter for billing excessive charges subsequent to agreeing to accept a cash payment for all services rendered. 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.

4. MD-19-0511A, CONRAD F. DIVEN, M.D., LIC. #46967

Dr. Gillard noted that this matter stemmed from an investigation regarding a Physician Assistant wherein it was found that Dr. Diven failed to maintain a Delegation Agreement for PA supervision on an annual basis. Dr. Gillard stated it appeared that the physician was an employee of a medical group as well as the PA, and questioned whether the employer was at fault for failing to update the Delegation Agreement on an annual basis. Board staff reported that according to statute, the Supervising Physician is responsible for maintaining the Delegation Agreement with the PA.

MOTION: Dr. Gillard moved for dismissal.

SECOND: Dr. Beyer

Dr. Beyer spoke for the motion, stating the physician should not be punished for something the employer has done. He stated it was reasonable for the physician to expect that the employer was taking care of it. Dr. Bethancourt pointed out that statute explicitly states that it is the physician's responsibility to maintain the Agreement. Dr. Krahn also expressed concern with this case and stated that the teamwork approach to medicine is increasing. She questioned whether the law as written in its current form reflects the type of evolving state of teamwork within the practice of medicine. Dr. Figge

spoke in support of dismissal, and stated that the issue may need to be addressed at a statutory level in the future.

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

VOTE: 9-yay, 1-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

5. MD-18-1224A, MOHAMMAD J. AFZAL, M.D., LIC. #52885

RESOLUTION: Issue an Advisory Letter for failing to continue IV antibiotics for perforated colonic diverticulitis on admission after the initial administration in the emergency department. 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.

6. MD-18-0949A, CHRISTOPHE P. FROUGE, M.D., LIC. #29077

Dr. Gillard spoke in favor of dismissal, noting that there was a difference in opinion among the medical experts with regard to the size of the patient's aorta. Dr. Beyer agreed with the proposal for dismissal and stated that this was not a clear-cut case.

MOTION: Dr. Gillard moved for dismissal.

SECOND: Dr. Beyer

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

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

MOTION PASSED.

7. MD-18-1147A, KIRAN S. MISHRA, M.D., LIC. #35689

RESOLUTION: Issue an Advisory Letter for failure to document respiratory rates in the medical record and failure to re-evaluate vital signs subsequent to administered treatment. There is insufficient evidence to support disciplinary action.

8. MD-19-0338A, WENDELL D. HATCH, M.D., LIC. #41145

RESOLUTION: Issue an Advisory Letter for failure to identify the possibility that free intra-abdominal fluid could be blood when seen on contrast enhanced abdominal CT scan for a patient presenting with acute abdominal pain, syncope, and anemia. There is insufficient evidence to support disciplinary action.

9. MD-19-0805A, ANTHONY E. RAMSEY, M.D., LIC. #53479

Dr. Ramsey participated telephonically and addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Issue an Advisory Letter for failing to report a misdemeanor arrest within ten days as required by law. 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.

10. MD-18-0793A, DARWYN B. CHERN, M.D., LIC. #38125

RESOLUTION: Issue an Advisory Letter for providing a prescription for Risperdal to a friend without performing an examination or maintaining medical records. 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.

11. MD-19-0802A, WINFRED D. WILLIAMS, M.D., LIC. #47499

Dr. Williams participated telephonically and addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Issue an Advisory Letter for failing to timely report his DUI arrest within ten days as required by law. The violation is a minor or technical violation that is not of sufficient merit to warrant disciplinary action.

12. MD-19-0136A, SIHEM KHELIFA, M.D., LIC. #50434

Dr. Khelifa was present and addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Issue an Advisory Letter for failure to accurately identify a neoplastic breast mass. 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.

J. REVIEW OF EXECUTIVE DIRECTOR DISMISSALS

MOTION: Dr. Paul moved for the Board to uphold the dismissal in item numbers 1 and 2.

SECOND: Dr. Bethancourt

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

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

MOTION PASSED.

1. MD-19-0636A, SREEDEVI S. REDDY, M.D., LIC. #28028

RESOLUTION: Uphold the dismissal.

2. MD-19-0177A, ANN M. KHALSA, M.D., LIC. #43010

AL participated telephonically and addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Uphold the dismissal.

3. MD-19-0130A, NILESH U. BHAKTA, M.D., LIC. #31999

Dr. Gillard noted that the patient's surgeon requested a preoperative EKG that was later cancelled by the anesthesiologist. Chairman Farmer recognized that the expert review in this case was very detailed, and stated that it is very common for tests to be ordered by the surgeon and later cancelled by anesthesiology. Chairman Farmer stated that in this case, a preoperative EKG would have been of no benefit to the patient and that there would likely have been no change in the outcome had one been obtained in the preoperative setting.

MOTION: Dr. Bethancourt moved for the Board to uphold the dismissal.

SECOND: Dr. Paul

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

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

MOTION PASSED.

K. PROPOSED CONSENT AGREEMENTS (Disciplinary)

MOTION: Dr. Gillard moved for the Board to accept the proposed Consent Agreement in item numbers 1-3.

SECOND: Dr. Beyer

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

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse (One recusal noted in item 3 as referenced below), 1-absent.

MOTION PASSED.

1. MD-18-0483A, MD-18-0737A, MICHAEL S. YASINSKI, M.D., LIC. #44236

Complainant MA participated telephonically and addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Accept the proposed Consent Agreement for Letter of Reprimand and Five Year Probation to participate in the Physician's Health Program (PHP). Within 12 months, complete no less than 10 hours of Board staff pre-approved Category I CME in an intensive, in-person course regarding medical recordkeeping; no less than 10 hours of Board staff pre-approved Category I CME in an intensive, in-person course in prescribing controlled substances; and, no less than 15 hours of Board staff pre-approved Category I CME in an intensive, in-person course regarding ethics/boundaries. The CME hours shall be in addition to the hours required for license renewal. Dr. Yasinski shall enter treatment with a PHP Contractor-approved addiction psychiatrist as recommended by the Facility in its post-treatment discharge summary and shall comply with any and all treatment recommendations, including taking any and all prescribed medications. After one year, Dr. Yasinski may petition the Board to request termination of the psychiatric treatment requirement. Once the licensee has complied with the terms of Probation, he may petition the Board to request Probation termination.

2. MD-18-0728A, THOMAS J. KNUTSON, M.D., LIC. #53686

RESOLUTION: Accept the proposed Consent Agreement for Letter of Reprimand and Six Month Probation. Within six months, complete the ProBE program offered by CPEP for Ethics and Boundaries. The CME hours shall be in addition to the hours required for license renewal. The Probation shall terminate upon proof of Dr. Knutson's unconditional or conditionally passing grade from ProBE.

3. MD-18-0415A, CYNTHIA G. FUNCKES, M.D., LIC. #25845

Chairman Farmer was recused from this case.

RESOLUTION: Accept the proposed Consent Agreement for Surrender of Licensure.

L. LICENSE APPLICATIONS

i. CONSIDERATION AND POSSIBLE ACTION TO APPROVE OR DENY LICENSE APPLICATION, OR TO TAKE OTHER ACTION

MOTION: Dr. Krahn moved for the Board to grant licensure in item numbers 2, 3, 5, 6, and 7.

SECOND: Dr. Beyer

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

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

MOTION PASSED.

1. MD-19-0651A, ANDREW J. PRINDLE, M.D., LIC. #N/A

Dr. Gillard observed that the applicant was dismissed from the college of medicine, and that after undergoing therapy with a psychiatrist, went on to receive his masters in medical ethics. The applicant also completed four years of internal medicine residency training in New York. Dr. Bethancourt questioned whether the applicant should be invited to appear before the Board for a Licensing Interview. Dr. Gillard

noted that the basis for the dismissal was not medically related, and he spoke in favor of SIRC's recommendation to grant licensure.

MOTION: Dr. Gillard moved for the Board to grant licensure.

SECOND: Dr. Figge

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

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

MOTION PASSED.

2. MD-19-0659A, KEITH E. WYCHE, M.D., LIC. #N/A

RESOLUTION: Grant licensure.

3. MD-19-0391A, PERVAIZ A. MALIK, M.D., LIC. #N/A

RESOLUTION: Grant licensure.

4. MD-19-0151A, AARON T. SAUNDERS, M.D., LIC. #N/A

MOTION: Dr. Gillard moved for the Board to enter into Executive Session to discuss confidential information and to receive legal advice pursuant to A.R.S. 38-431.03(A)(2) and (3).

SECOND: Dr. Beyer

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

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

MOTION PASSED.

The Board entered into Executive Session at 7:54 p.m.

The Board returned to Open Session at 8:06 p.m.

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

MOTION: Dr. Gillard moved for the Board to table this matter.

SECOND: Dr. Figge

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

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

MOTION PASSED.

5. MD-19-0717A, MICHEL K. BARSOUM, M.D., LIC. #N/A

RESOLUTION: Grant licensure.

6. MD-19-0429A, COREY J. WEINER, M.D., LIC. #N/A

RESOLUTION: Grant licensure.

7. MD-19-0794A, SHAHID MALIK, M.D., LIC. #N/A

RESOLUTION: Grant licensure.

ii. CONSIDERATION AND POSSIBLE ACTION TO APPROVE OR DENY LICENSE APPLICATION, OR TO TAKE OTHER ACTION WITH STAFF RECOMMENDATION

1. MD-19-0574A, SCOTT G. CONKLIN, M.D., LIC. #N/A

Dr. Gillard observed that SIRC recommended offering the applicant a Consent Agreement for probationary licensure. Dr. Gillard also noted that the physician has indicated that he has no plans to practice in the field of pain management.

AAG Smith informed the Board that the probationary license is reportable to the National Practitioner's Data Bank (NPDB) and would be considered a practice restriction. Dr. Gillard noted that the physician would have the ability to withdraw the license application if he declines to enter into the Consent Agreement.

MOTION: Dr. Gillard moved for the Board to offer the applicant a Consent Agreement for a Probationary License. During the probationary period, Dr. Conklin's practice shall be restricted to emergency medicine and urgent care until he provides proof of completion of CPEP's Basics of Chronic Pain Management course. The physician may petition the Board to request Probation termination and full licensure be granted after proof of CME completion.

SECOND: Dr. Paul motion passed with one opposed, Bain. Jones was absent.

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

VOTE: 9-yay, 1-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

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

1. MD-19-0591A, KEVIN S. SHEA, M.D., LIC. #16143

MOTION: Dr. Gillard moved for the Board to grant the license renewal and issue an Advisory Letter for having action taken in another jurisdiction. 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. Beyer

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

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

MOTION PASSED.

iv. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING RENEWAL APPLICATION AND CONSIDERATION OF RECOMMENDED DISMISSAL OF PENDING INVESTIGATION

1. MD-19-0722A, STEPHEN P. BEALS, M.D., LIC. #15290

Dr. Gillard noted that Dr. Beals was sanctioned by the Michigan Board based on a deficient CME audit. Dr. Gillard pointed out that Dr. Beals was compliant with the Arizona Board's CME requirements and spoke in favor of dismissing the pending investigation and granting the license renewal.

MOTION: Dr. Gillard moved for the Board to grant the license and dismiss the pending investigation.

SECOND: Dr. Krahn

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

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

MOTION PASSED.

v. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING APPLICANT'S REQUEST FOR WAIVER OF DOCUMENTATION REQUIREMENT

MOTION: Dr. Gillard moved for the Board to grant the request for waiver of documentation requirement and grant licensure in both items 1 and 2.

SECOND: Dr. Bethancourt

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

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

MOTION PASSED.

1. JOSEPH M. KOZA, M.D., LIC. #N/A

RESOLUTION: Grant the request for waiver of documentation and grant licensure.

2. JOSEPH A. VELEEPARAMBIL, M.D., LIC. #N/A

RESOLUTION: Grant the request for waiver of documentation and grant licensure.

vi. CONSIDERATION OF LICENSE APPLICATION WITH RECOMMENDATION FROM THE EXECUTIVE DIRECTOR

1. SUSHILKUMAR SONAVANE, M.D., LIC. #N/A

Dr. Gillard stated that based on his review of the file, he found that the physician's post-graduate training was completed at programs equivalent to the ACGME-accredited post-graduate training programs, and spoke in favor of granting licensure. He noted that the applicant has passed the USMLE and holds licensure in two other states.

MOTION: Dr. Gillard moved for the Board to approve the application based on approval of the applicant's post-graduate training programs to satisfy the requirement for post-graduate medical training.

SECOND: Dr. Beyer

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

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

MOTION PASSED.

OTHER BUSINESS

M. REQUEST FOR TERMINATION OF BOARD ORDER

1. MD-14-1211A, KATHLEEN M. STROHMEYER, M.D., LIC. #44670

Dr. Gillard observed that Dr. Strohmeyer participated in five years of PHP monitoring and that the PHP Contractor was in support of the termination request.

MOTION: Dr. Gillard moved for the Board to grant the physician's request to terminate the August 5, 2016 Board Order.

SECOND: Dr. Krahn

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

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

MOTION PASSED.

2. MD-14-1132A, VERA A. MEIER-BENNETT, M.D., LIC. #44624

Dr. Gillard observed that Dr. Meier-Bennett complied with the PHP monitoring requirements and that according to the PHP Contractor, has a low chance of relapse.

MOTION: Dr. Gillard moved for the Board to grant the physician's request to terminate the February 8, 2016 Board Order.

SECOND: Dr. Krahn

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

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

MOTION PASSED.

3. MD-01-0209A, DAVID A. RAND, M.D., LIC. #8255

Dr. Gillard noted that Dr. Rand was placed on Probation for 15 years with Practice Restriction concerning the performance of medullary rodding. Dr. Gillard pointed out that the physician would be required to undergo credentialing for hospital privileges if he wished to pursue that type of practice in the future. He noted as well that the physician has indicated that he does not wish to proceed with practice in the field of orthopedics. Dr. Beyer pointed out that the physician's practice listed on his profile with the Board included his orthopedic practice information.

MOTION: Dr. Gillard moved for the Board to grant the physician's request to terminate the June 7, 2002 Board Order.

SECOND: Dr. Figge

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

VOTE: 9-yay, 1-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

4. MD-17-0838A, CARL R. SONDER, M.D., LIC. #26236

Dr. Gillard observed that Dr. Sonder has complied with the terms of his Board Order and spoke in favor of granting the request for termination.

MOTION: Dr. Gillard moved for the Board to grant the physician's request to terminate the June 13, 2018 Board Order.

SECOND: Dr. Beyer

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

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

MOTION PASSED.

OTHER BUSINESS

N. GENERAL CALL TO THE PUBLIC

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

O. ADJOURNMENT

MOTION: Dr. Krahn moved for adjournment.

SECOND: Dr. Beyer

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

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

MOTION PASSED.

The Board's meeting adjourned at 8:29 p.m.




Patricia E. McSorley, Executive Director