



## Arizona Medical Board

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

Home Page: <http://www.azmd.gov>

Telephone (480) 551-2700 • Fax (480) 551-2705 • In-State Toll Free (877) 255-2212

### FINAL MINUTES FOR SPECIAL TELECONFERENCE MEETING

Held on Thursday, March 5, 2020

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.  
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 5:08 p.m.

##### **B. ROLL CALL**

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

##### **ALSO PRESENT**

Michelle Robles, Board Operations Manager; Raquel Rivera, Investigations Manager; William Wolf, M.D., Chief Medical Consultant; Carrie Smith, Assistant Attorney General (AAG); and, Andrea Cisneros, Minutes Administrator.

##### **C. PUBLIC STATEMENTS REGARDING MATTERS LISTED ON THE AGENDA**

Individuals that addressed the Board during the Public Statements portion of the meeting appear beneath the matter(s) referenced.

##### **D. LEGAL ADVISOR'S REPORT**

- Update regarding *Planned Parenthood of Arizona, Inc., et. al., v. Arizona Medical Board et. al.*

**MOTION:** Dr. Figge moved for the Board to enter into Executive Session to obtain legal advice and to discuss pending or contemplated litigation pursuant to A.R.S. §§ 38-431.03(A)(3 and (4).

**SECOND:** Dr. Gillard

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

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

**MOTION PASSED.**

The Board entered into Executive Session at 5:58 p.m.

The Board returned to Open Session at 6:21 p.m.  
No legal action was taken by the Board during Executive Session.

AAG Smith noted that a portion of the Board's Executive Session may have been inadvertently broadcast over the public line and for this reason, she notified members of the public who may have heard that portion of the Board's meeting that information communicated during Executive Session is confidential and any individual who may have heard it must maintain confidentiality of the information.

## **E. APPROVAL OF MINUTES**

- January 9, 2020 Special Teleconference
- January 23, 2020 Summary Action
- February 7, 2020 Board Member Training Special Meeting
- February 6-7, 2020 Regular Session, including Executive Session

**MOTION: Dr. Beyer moved to approve the January 9, 2020 Special Teleconference; the January 23, 2020 Summary Action; the February 7, 2020 Board Member Training Special Meeting; and, the February 6-7, 2020 Regular Session, including Executive Session.**

**SECOND: Dr. Krahn**

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

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

**MOTION PASSED.**

## **CONSENT AGENDA**

### **F. CASES RECOMMENDED FOR DISMISSAL**

1. MD-19-0554A, RAYMOND W. BUNCH, M.D., LIC. #36162

**MOTION: Dr. Figge moved for dismissal.**

**SECOND: Dr. Krahn**

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

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

**MOTION PASSED.**

### **G. CASES RECOMMENDED FOR ADVISORY LETTERS**

1. MD-19-0796A, NARONG KULVATUNYOU, M.D., LIC. #41459

Complainant RM spoke telephonically during the Public Statements portion of the Board's meeting.

**MOTION: Dr. Krahn moved to issue an Advisory Letter for inaccurate documentation. 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**

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

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

**MOTION PASSED.**

2. MD-19-0138A, DANIEL H. DOWNS, M.D., LIC. #23384

Dr. Beyer stated that he knows Dr. Downs, and that it would not affect his ability to adjudicate the case. Complainant DT spoke telephonically during the Public Statements portion of the Board's meeting.

The Board noted the tragic outcome in this case. Dr. Gillard recalled that the matter was previously heard by the Board and that it was returned for a second MC review. Dr. Gillard questioned why SIRC found that this matter does not rise to the level of discipline. Dr. Wolf stated that the recommendation for a non-disciplinary sanction was due to the multiple mitigating factors involved in this case, including the fact that the outcome may not have changed had the physician done anything different. Dr. Beyer questioned whether an Advisory Letter were too severe of a sanction, noting the difference in opinion of both MCs. Dr. Figge stated that this was an unfortunate case with a tragic outcome, and that he believed an Advisory Letter was appropriate.

**MOTION: Dr. Figge moved to issue an Advisory Letter for failing to obtain cultures during an operation to identify the organism causing the infection, inadequate postoperative follow-up, and for inadequate medical records. There is insufficient evidence to support disciplinary action.**

**SECOND: Dr. Gillard**

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

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

**MOTION PASSED.**

## **H. REVIEW OF EXECUTIVE DIRECTOR DISMISSALS**

**MOTION: Dr. Gillard moved to uphold the dismissal in item numbers 1 and 2.**

**SECOND: Dr. Paul**

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

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

**MOTION PASSED.**

1. MD-19-0689A, VICTOR L. BEER, M.D., LIC. #52449

Dr. Beer addressed the Board telephonically during the Public Statements portion of the meeting.

**RESOLUTION: Uphold the dismissal.**

2. MD-19-0485A, KASHIF ALVI, M.D., LIC. #43978

Complainant SW addressed the Board telephonically during the Public Statements portion of the Board's meeting.

**RESOLUTION: Uphold the dismissal.**

## **I. PROPOSED CONSENT AGREEMENTS (Disciplinary)**

**MOTION: Dr. Figge moved to accept the proposed Consent Agreement in item numbers 1-6.**

**SECOND: Dr. Bethancourt**

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

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

**MOTION PASSED.**

1. MD-19-1013A, JOHN E. PARSONS, M.D., LIC. #46320

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

2. MD-19-0321A, MANISH J. PATEL, M.D., LIC. #29685  
**RESOLUTION:** Accept the proposed Consent Agreement for Decree of Censure and Five Year Probation, retroactive to September 5, 2019, with terms and conditions consistent with his Interim Order for PHP participation. The Probation shall not terminate except upon affirmative request of the physician and approval by the Board, and Dr. Patel's request for termination shall be accompanied by a recommendation from his PHP Contractor stating that monitoring is no longer required.
3. MD-18-0930A, JILL R. UTLEY, M.D., LIC. #42779  
**RESOLUTION:** Accept the proposed Consent Agreement for Practice Limitation.
4. MD-19-0331A, STEVEN D. VIG, M.D., LIC. #13332  
**RESOLUTION:** Accept the proposed Consent Agreement for Surrender of Licensure.
5. MD-16-0594A, ROBERT S. MINDELL, M.D., LIC. #18971  
**RESOLUTION:** Accept the proposed Consent Agreement for Surrender of Licensure.
6. MD-18-0791A, LOUIS G. TRUNZO, M.D., LIC. #19585  
**RESOLUTION:** Accept the proposed Consent Agreement for Letter of Reprimand and Probation, retroactive to November 19, 2019, with terms and conditions consistent with his Interim Order. Within six months, complete no less than 10 hours of Board staff pre-approved Category I CME in an intensive, in-person pediatric review course. The CME hours shall be in addition to the hours required for license renewal. The Probation shall not terminate except upon affirmative request of the physician and approval by the Board, and Dr. Trunzo's request for termination shall be accompanied by a recommendation from his counselor stating that monitoring is no longer required and proof of successful completion of the CME.

## **J. APPROVAL OF DRAFT FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

1. MD-18-0100A, ARNOLD H. MEYEROWITZ, M.D., LIC. #13263  
**MOTION:** Dr. Gillard moved for the Board to approve the draft Findings of Fact, Conclusions of Law and Order for Letter of Reprimand and Two Year Probation. Within thirty days, the physician shall enter into a contract with a Board-approved monitoring company to perform periodic chart reviews at his expense. The Probation shall not terminate except upon affirmative request of the physician and approval by the Board.  
**SECOND:** Dr. Figge  
**VOTE:** The following Board members voted in favor of the motion: Ms. Bain, Dr. Bethancourt, Dr. Beyer, Ms. Dorrell, Chairman Farmer, Dr. Figge, Dr. Gillard, Ms. Jones, Dr. Krahn, and Dr. Paul.  
**VOTE:** 10-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.  
**MOTION PASSED.**

## **K. LICENSE APPLICATIONS**

- i. **CONSIDERATION AND POSSIBLE ACTION TO APPROVE OR DENY LICENSE APPLICATION, OR TAKE OTHER ACTION**  
**MOTION:** Dr. Gillard moved to approve the license application in item numbers 1-11, and to grant documentation waivers and licensure by endorsement where applicable.  
**SECOND:** Dr. Figge

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

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

**MOTION PASSED.**

1. MD-17-0086A, NYREE PADILLA, M.D., LIC. #N/A

**RESOLUTION: Approve the license application.**

2. MD-19-0813A, LAWRENCE W. CHIEN, M.D., LIC. #N/A

**RESOLUTION: Approve the license application.**

3. MD-19-1022A, ROBERT E. HUNTER, M.D., LIC. #N/A

**RESOLUTION: Approve the license application.**

4. MD-19-1197A, DONALD S. GROSSMAN, M.D., LIC. #N/A

**RESOLUTION: Approve the license application.**

5. MD-19-1109A, JOSHUA B. HELMAN, M.D., LIC. #N/A

**RESOLUTION: Approve the license application.**

6. MD-19-1092A, PAUL A. NGUYEN, M.D., LIC. #N/A

**RESOLUTION: Approve the license application.**

7. MD-19-0998A, DOMINIC T. DICIRO, M.D., LIC. #N/A

**RESOLUTION: Approve the license application.**

8. MD-19-1153A, ADAM S. MEDNICK, M.D., LIC. #N/A

Dr. Mednick addressed the Board telephonically during the Public Statements portion of the meeting,

**RESOLUTION: Approve the license application.**

9. MD-19-0874A, ROBERT P. KELLER, M.D., LIC. #N/A

Dr. Keller addressed the Board telephonically during the Public Statements portion of the meeting.

**RESOLUTION: Approve the license application.**

10. MD-19-1063A, JEFFREY O. ANGLIN, M.D., LIC. #N/A

**RESOLUTION: Approve the license application.**

11. MD-19-1152A, SHANNON L. ST. CLAIR, M.D., LIC. #N/A

**RESOLUTION: Approve the license application.**

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

1. MD-19-0486A, ADRIAAN J. VAN GAALLEN, M.D., LIC. #N/A

Dr. Gillard stated that this was a complicated case, and that he agreed with SIRC's recommendation to allow the applicant to withdraw the application in lieu of formal license denial.

**MOTION: Dr. Gillard moved to allow the applicant the opportunity to withdraw the license application in lieu of formal license denial. If the**

application is not withdrawn by thirty days, the license shall be denied based on A.R.S. § 32-1422(A)(4).

**SECOND:** Dr. Figge

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

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

**MOTION PASSED.**

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

**MOTION:** Dr. Gillard moved to grant licensure by endorsement in item numbers 1 and 2.

**SECOND:** Dr. Figge

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

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

**MOTION PASSED.**

1. MARTHA C. BEARDSLEY, M.D., LIC. #N/A

**RESOLUTION:** Grant licensure by endorsement.

2. HALINA KALINOWSKA, M.D., LIC. #N/A

Dr. Kalinowska addressed the Board during the Public Statements portion of the Board's meeting.

**RESOLUTION:** Grant licensure by endorsement.

## **OTHER BUSINESS**

### **L. REQUEST FOR TERMINATION OF BOARD ORDER**

1. MD-17-1223A, FRANKLIN H. BAROI, M.D., LIC. #22605

Attorney Camila Porter addressed the Board telephonically during the Public Statements portion of the meeting on behalf of the physician.

**MOTION:** Dr. Figge moved to grant the physician's request to terminate his September 2019 Board Order.

**SECOND:** Dr. Krahn

Dr. Beyer noted that the Board Order required the physician's license to remain on probation for a period of two years with terms and conditions to complete CME. He questioned whether it was appropriate to terminate the Order that has only been in effect since September of 2019. Board staff reported that Dr. Baroi had been in the process of completing the CME requirements prior to the Order being issued by the Board, which has resulted in the physician completing the terms early. Dr. Figge commented that it appeared the physician took this matter seriously and took the Board's concerns to heart. Dr. Figge pointed out that the Board's Order stipulated that the physician could request termination once the terms have been successfully completed.

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

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

**MOTION PASSED.**

## M. GENERAL CALL TO THE PUBLIC

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

## N. ADJOURNMENT

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

**SECOND:** Dr. Figge

**VOTE:** The following Board members voted in favor of the motion:

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

**MOTION PASSED.**

The Board's meeting adjourned at 6:22 p.m.



A handwritten signature in black ink that reads "Patricia E. McSorley".

---

Patricia E. McSorley, Executive Director