



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 SUMMARY ACTION TELECONFERENCE MEETING

Held on Tuesday, April 21, 2020

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.
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 2:04 p.m.

B. ROLL CALL

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

The following Board members were absent: Ms. Bain and Dr. Krahn.

ALSO PRESENT

The following Board staff were present: Kristina Fredericksen, Deputy Director; Michelle Robles, Board Operations Manager; and, Sean Charles, Information Technology. The following Board staff participated telephonically: Patricia McSorley, Executive Director; Carrie Smith, Assistant Attorney General (AAG); Anne Froedge, AAG; William Wolf, M.D., Chief Medical Consultant; Kathleen Coffey, Medical Consultant; Raquel Rivera, Investigations Manager; and Rachel Shepherd, Investigator.

C. CALL TO THE PUBLIC

No individuals addressed the Board during the Public Statements portion of the meeting.

LEGAL MATTERS

D. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING SUMMARY ACTION

1. MD-19-0184A, MD-19-1135A, MD-19-1143A, TIMOTHY C. SAPP, M.D., LIC. #30780
Dr. Sapp was not present.

Ms. Shepherd summarized that the Board initiated case number MD-19-0184A after receiving a complaint from a pharmacist regarding Dr. Sapp's care and treatment of a 31 year-old male patient ER alleging inappropriate prescribing and medication management. Board staff reviewed Dr. Sapp's controlled substance prescription monitoring program report (CSPMP) and an additional three patients were selected for review LB, TC, and ML. The MC reviewed the charts and determined that Dr. Sapp deviated from the standard of care in all four cases. The MC stated that there were a number of concerning patterns in review of the four patients, noting that Dr. Sapp did not prescribe medications for anxiety or ADHD consistent with practice guidelines or dosing, and prescribed more than one benzodiazepine concurrently. The MC noted that Dr. Sapp diagnosed conditions without clinical justification or supporting documentation. The Board initiated case number MD-19-1135A after receiving a complaint regarding Dr.

Sapp's care and treatment of a 30 year-old male patient WF alleging inappropriate prescribing and failing to obtain drug screens. The MC reviewed the case and determined that Dr. Sapp deviated from the standard of care by prescribing high dosages of benzodiazepines and stimulants without a clinical rationale. The MC stated that Dr. Sapp prescribed extremely high doses of benzodiazepines and stimulants without initiating at a low dose and titrating up if ineffective. The MC found that Dr. Sapp prescribed a stimulant and antidepressant concurrently in a patient with bipolar disorder without a mood stabilizer to decrease the risk of a manic switch. The MC noted that Dr. Sapp's documentation was inadequate to justify diagnoses and/or his prescribing. The MC also noted that unless Dr. Sapp was prescribing opioids it would not be the standard for a psychiatrist to perform drug testing. The Board initiated case number MD-19-1143A after receiving a complaint regarding Dr. Sapp's care and treatment of patients RP and LP alleging inappropriate discharge of a patient. With regards to patient RP, the MC reviewed the case and determined that Dr. Sapp deviated from the standard of care by failing to appropriately discharge the patient. The MC stated that Dr. Sapp did not provide a thirty day supply of medication and/or offer to be available in case of emergency for the next 30 days. The MC noted that withdrawal from the high dose benzodiazepines could cause significant effects. With regards to patient LP, the MC determined that Dr. Sapp met the standard of care regarding discharge of the patient as she had moved out of state. However, the MC noted that the patient was treated with very high doses of stimulants and benzodiazepine medications. Board staff reviewed the Interim Consent Agreement for Practice Restriction (ICA) and Dr. Sapp's response to the proposed agreement. On April 20, 2020 Dr. Sapp submitted a request for cancellation of his license. Board staff explained that he cannot cancel his license with three open investigations. Board staff offered Dr. Sapp a consent agreement for Surrender of License. Dr. Sapp has not responded to the Surrender of License or Board staff via phone or email.

MOTION: Dr. Gillard moved to Offer Dr. Sapp an Interim Consent Agreement for Practice Restriction as recommended by SIRC. If not signed by 12:00 p.m. tomorrow, summarily restrict Dr. Sapp from prescribing controlled substances in the State of Arizona pending the outcome of a Formal Hearing based on a finding that the public health, safety and welfare imperatively requires emergency action.

SECOND: Dr. Paul.

Dr. Gillard opined that the physician does not understand appear to understand the gravity of the situation and the Board should allow him additional time to respond. Board members inquired if Dr. Sapp was sufficiently noticed for the ICA and Summary Action meeting.

Ms. Shepherd explained that she has only been able to communicate successfully with Dr. Sapp through email. Ms. Shepherd stated that she could send the ICA via email and request a read receipt. Ms. Rivera noted that Board staff has attempted multiple times to contact the physician by phone and when staff called his office there was a standard message stating that the office was closed until further notice

Dr. Figge noted that realistically the physician is not getting the Board's notices and inquired if staff is able to send law enforcement for a safety check if he does not respond.

Ms. Shepherd confirmed that she has been able to communicate successfully via email as the physician does not have a voicemail set up. Ms. Robles confirmed that a read receipt was received for the summary action meeting notice.

Dr. Gillard opined that the physician is aware of the situation and noted that he now has additional time to respond to the ICA or his license will be summarily restricted.

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

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

MOTION PASSED.

E. ADJOURNMENT

MOTION: Gillard moved for adjournment.

SECOND: Dr. Paul.

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

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

MOTION PASSED.

The Board's meeting adjourned at 2:34 p.m.



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

Patricia E. McSorley, Executive Director