



## **Arizona Medical Board**

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### **FINAL MINUTES FOR SPECIAL TELECONFERENCE MEETING**

**Held on Thursday, May 7, 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 Board's meeting to order at 3:05 p.m.

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

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

#### **ALSO PRESENT**

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

#### **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. EXECUTIVE DIRECTOR'S REPORT**

- Update on Rulemaking Process

Executive Director McSorley reported that the Board has until June 29, 2020 to submit the Five Year Rule Review report for Articles 3 and 6. The Board was also informed that the Administrative and Joint Legislative and Rules Committees will be convening in the coming weeks.

- Update on FSMB Annual Meeting

Executive Director McSorley reported that she attended the FSMB's annual meeting that was held virtually. Chairman Farmer was also virtually in attendance of that meeting, and stated that the FSMB's meeting was successful and continued to accomplish its mission despite the current circumstances.

- Update on 2021 Budget Request

Executive Director McSorley reported that the Budget Request was due September 1, 2020 and that the current legislative session was potentially ending on May 8, 2020. The Board was additionally informed that the funds requests for a new database was not included in the budget approved by the Governor, and that the matter will require further research and consideration before submitting a second request.

- Update on Current Staffing and Telework Status

Executive Director McSorley reported that the staff has been successfully transferred to telework status, and that there has been a limited number of staff working in the office. She stated that the Agency has been busy with processing licenses, continues to conduct its investigations, and is performing business productively.

## **E. DISCUSSION REGARDING TELECONFERENCE MEETING SCHEDULING AND TIMING**

Chairman Farmer thanked the Board staff for their outstanding work in facilitating the Board's teleconferences. Ms. Bain pointed out that some licensees may want to postpone their Formal Interviews in order to meet with the Board in person rather than participate telephonically. Dr. Krahn echoed the Chairman's comments with regard to how well the Board's meetings have been, and stated that it has been a pleasure to serve on this Board during this time of great change. Dr. Krahn stated that she has been impressed with how well the meetings have run during these very different circumstances, and she agreed that there is some value in meeting with individuals in person for Formal Interviews. Ms. Jones stated that the staff has done an excellent job and that she is hopeful the Board could meet in person for their June 2020 meeting. Dr. Beyer stated that the teleconferences have been working remarkably well.

The Board discussed the possibility of conducting future meetings via Zoom videoconferencing. Ms. Bain pointed out that Zoom offers the ability for meeting attendees to participate telephonically or by video. Ms. Jones stated that she has been involved in several meetings held via Zoom that she believed went quite well. Dr. Beyer stated that he too has experience using the Zoom meeting platform, and commented that Zoom may not be the perfect format for this Board due to the number of individuals attending the regular meetings. The Board also considered using the Zoom platform to conduct its Committee Meetings. Chairman Farmer commented that based on his experience with Zoom, that platform may be more beneficial for meetings with a smaller number of participants. Dr. Paul stated that a significant factor as to why the Board's meetings have gone so well is due to the prior work and preparation, as well as streamlining of the Board's meeting agendas.

Executive Director McSorley commended Ms. Robles and Deputy Director Fredericksen for their hard work in facilitating and coordinating the Board's meetings.

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

- Update regarding *Antony T. Murrell Jr., et. al., v. Arizona Medical Board, et. al.*

AAG Smith informed the Board that the screening process resulted in an order dismissing the case. She stated that the plaintiff has 30 days to refile, and that she will provide the Board with further updates at its next regular meeting.

## **G. APPROVAL OF MINUTES**

- March 24, 2020 Special Teleconference Meeting

**MOTION:** Dr. Bethancourt moved for the Board to approve the March 24, 2020 Special Teleconference Meeting Minutes.

**SECOND:** Dr. Beyer

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

passed with Jones abstained as she was not in attendance of the prior meeting.

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

**MOTION PASSED.**

## **LEGAL MATTERS**

### **H. REVIEW, CONSIDERATION AND POSSIBLE ACTION ON PROPOSED BOARD ORDER ARISING FROM ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION**

1. MD-14-1248A, MD-16-0912A, MD-17-0194A, NORMAN M. FERNANDO, M.D., LIC. #15894

Dr. Fernando was not present during the Board's consideration of this matter. AAG Froedge was present on behalf of the State. AAG Campbell was present to provide the Board with independent legal advice. Board members confirmed that they received and reviewed the administrative record of the Formal Hearing in this matter.

AAG Froedge summarized that this matter involved three investigations with a pattern of inappropriate prescribing of dangerous controlled substances to multiple patients. The Board's investigations included quality of care review of 13 of Dr. Fernando's patients. AAG Froedge stated that Dr. Fernando was found to have prescribed astronomical amounts of opioids, in addition to benzodiazepines and Soma on occasion. The complaints filed in these cases were submitted by different sources, including one patient's family member, and emergency room physician, and a confidential complainant who was concerned regarding a review conducted by AHCCCS. AAG Froedge reported that a hearing was held on March 6, 2020 and that Dr. Fernando was not in attendance of the proceeding. At the conclusion of the hearing and after having reviewed all evidence, the ALJ recommended revocation of licensure and assessment of hearing costs. AAG Froedge requested the Board adopt the ALJ's recommended Findings of Fact, Conclusions of Law and Order for license revocation, with modification to correct typographical errors within the Findings of Fact and Conclusions of Law.

**MOTION:** Dr. Krahn moved for the Board to adopt and modify the ALJ's recommended Findings of Fact, modifying the following Findings of Fact: #50, second line from the bottom, the words "was prescribed" were deleted; #60, second sentence, after 2014, the words "Respondent provided" were added; #91, third line from the bottom, the word "and" before "adjuvant" was deleted; #98, third line, "not" was changed to "note"; and, #112, first sentence, "201" was changed to "2011."

**SECOND:** Dr. Paul

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

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

**MOTION PASSED.**

**MOTION:** Dr. Paul moved for the Board to adopt and modify the ALJ's recommended Conclusions of Law, modifying Conclusions of Law #11 by replacing "Respondent's" with "Respondent" after the words "in that."

**SECOND:** Dr. Bethancourt

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

**MOTION:** Dr. Beyer moved for the Board to adopt the ALJ's recommended Order for License Revocation.

**SECOND:** Dr. Krahn

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

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

**MOTION PASSED.**

**MOTION:** Ms. Jones moved for the Board to approve the proposed Board Order arising from the ALJ's recommended decision for License Revocation.

**SECOND:** Ms. Dorrell

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

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

**MOTION PASSED.**

## **I. RESCIND REFERRAL TO FORMAL HEARING AND ACCEPT PROPOSED CONSENT AGREEMENT**

### **1. MD-18-0457A, MD-18-0909A, MD-19-0361A, MARC A. BAUDER, M.D., LIC. #15235**

Dr. Bauder was not present during the Board's consideration of this matter. AAG Smith was present on behalf of the State. AAG Campbell was present to provide the Board with independent legal advice.

AAG Smith summarized that this matter involved three separate Board investigations with various allegations involving inappropriate prescribing of controlled substances including buprenorphine, opioids and ketamine oxytocin. The Board considered this matter previously on January 23, 2020 and summarily suspended Dr. Bauder's medical license. Dr. Bauder subsequently signed a Consent Agreement for voluntary surrender of license, which was presented to the Board for consideration of rescinding the referral to Formal Hearing and accepting the proposed Consent Agreement for Surrender of Licensure.

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

**SECOND:** Dr. Krahn

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

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

**MOTION PASSED.**

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

Dr. Holland was not present during the Board's consideration of this matter. AAG Froedge was present on behalf of the State. AAG Campbell was present to provide the Board with independent legal advice.

AAG Froedge summarized that this case involved allegations of inappropriate prescribing of weight loss medications and after a chart review was performed, there were also issues identified relating to inappropriate prescribing of opioids. The Board noted Dr. Holland's prior history of discipline. AAG Froedge stated that there were also concerns relating to the inappropriate direction of staff in allowing the staff to see patients and

dispense medications when the physician was not present in the office. The Board considered this matter previously in December of 2019 for potential settlement conference discussions and was not resolved at that time. Dr. Holland subsequently signed a Consent Agreement for Decree of Censure and Ten Year Probation with terms that include prohibitions from prescribing controlled substances or weight loss medications for the duration of Probation. Dr. Holland is also required to obtain CME and undergo periodic chart reviews. AAG Froedge stated that the proposed Consent Agreement is appropriate for protecting the public, and requested that the Board rescind its referral to Formal Hearing and accept the proposed Consent Agreement.

Dr. Krahn stated that she found this situation particularly egregious given the physician's history of prior discipline that involved similar misconduct. Dr. Krahn stated that a very clear response is warranted in this matter and spoke in support of accepting the proposed Consent Agreement for Decree of Censure and Ten Year Probation with Practice Restriction. Dr. Krahn stated that if the Board is faced with similar misconduct by this physician in the future or if any other issues arise, the physician would be demonstrating his inability to be regulated by this Board and she would suggest that he be offered an opportunity to surrender his medical license.

**MOTION: Vice-Chairman Gillard moved for the Board to rescind the referral to Formal Hearing and accept the proposed Consent Agreement for Decree of Censure and Ten Year Probation with Practice Restriction. Dr. Holland shall be prohibited from prescribing controlled substances or weight loss medications for the duration of Probation. Within six months, complete no less than 10 hours of Board staff pre-approved Category I CME in an intensive, virtual participation course regarding medical recordkeeping. The CME hours shall be in addition to the hours required for license renewal. Board staff or its agents shall conduct periodic chart reviews to monitor Dr. Holland's compliance with the Board's Order. The Probation shall not terminate except upon affirmative request of the physician and approval by the Board.**

**SECOND: Dr. Krahn**

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

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

**MOTION PASSED.**

## **J. FORMAL INTERVIEWS**

### **1. MD-19-0233A, STEVEN COHEN, M.D., LIC. #28261**

Dr. Cohen participated telephonically during the Board's consideration of this matter. AAG Smith summarized that the physician previously appeared before the Board for a Formal Interview, and that it was continued after the physician requested that he be allowed to surrender his license. AAG Smith stated that she contacted the physician per the Board's request to negotiate a voluntary surrender of the license. AAG Smith stated that Dr. Cohen was offered the Consent Agreement and subsequently expressed his wishes to find a way to retain the license. AAG Smith stated that because this was outside the scope of the Board's delegation, the matter was returned to the Board for further consideration and to continue the Formal Interview. Board staff requested that the matter be returned for further investigation to obtain some additional information regarding some of the testimony provided by the physician at the prior Formal Interview.

Ms. Rivera summarized that during Dr. Cohen's Formal Interview, he testified to have continued his participation with the outpatient program and was attending AA meetings as well. Ms. Rivera informed the Board that effective January of 2020, Dr. Cohen was no longer participating in PHP and is currently subject to a Practice Limitation. Ms. Rivera stated that it is unclear whether the physician has continued to engage in recovery activities or has abstained from alcohol and mood altering substances as his PHP monitoring terminated on January 15, 2020. Board staff requested that the matter return

for further investigation to obtain additional information including possible re-evaluation by PHP prior to returning for further consideration.

Dr. Cohen stated that in January 2020, his health declined and made it difficult to participate in PHP aftercare monitoring activities. Dr. Cohen reported that he has undergone a variety of therapies that has made his pain more tolerable, and stated that he values the privilege of having a medical license to practice in the State of Arizona. Dr. Cohen stated that at the time of the prior Board meeting, his pain was at a point where he thought he would not be able to consider practicing going forward, but that now he has seen improvement and would like to maintain his license. He asked that the Board consider allowing him to enter into an Interim Consent Agreement for continued PHP monitoring.

Dr. Krahn stated that she appreciated hearing from Dr. Cohen and the Board's staff, and that she believed further investigation was warranted to obtain additional information as requested by Board staff.

**MOTION: Dr. Krahn moved for the Board to return the case for further investigation to obtain additional information.**

**SECOND: Dr. Bethancourt**

The Board noted that Dr. Cohen's license is currently subject to a Practice Limitation that will remain in effect until the investigation is completed and the case is resolved.

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

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

**MOTION PASSED.**

## **CONSENT AGENDA**

### **K. CASES RECOMMENDED FOR DISMISSAL**

**MOTION: Dr. Bethancourt moved for the Board to dismiss item numbers 1, 4, 5, and 6.**

**SECOND: Ms. Jones**

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

**VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse (one recusal noted in item number 4 as referenced herein), 0-absent.**

**MOTION PASSED.**

1. MD-19-0770A, PATRICK S. SCIARA, M.D., LIC. #31865

**RESOLUTION: Dismiss.**

2. MD-19-1154A, EVAN C. LEIBNER, M.D., LIC. #27866

Ms. Jones observed that the PA Delegation Agreement was dated January 1, 2020, but did not include dates for when the agreement was signed by the parties, and included addendums that did not reference the original agreement. Ms. Jones states she found the agreement to be deficient and questioned whether the case should be returned or whether the Board should issue an Advisory Letter. Vice-Chairman Gillard spoke in support of dismissal, and stated that SIRC performed a complete review of the case and determined that the concerns raised regarding the agreement were a simple oversight. Dr. Beyer agreed that the document appeared to be deficient, and stated that it did not change his assessment as to whether or not the case should be dismissed. Ms. Jones questioned whether there was a mechanism that exists for the Board to dismiss the case while advising the physician that the PA Delegation Agreement is deficient and should be dated when signed.

AAG Smith informed the Board that the notification made to the physician regarding today's proceedings advises that the matter may result in non-disciplinary sanction such as an Advisory Letter. She stated that the Board could direct staff to amend the dismissal letter to include notification that the Board found the agreements to be deficient; however, AAG Smith pointed out that such a statement is the purpose of an Advisory Letter to notify the physician that there has been a violation of Board statute. She stated that failure to annually update the agreement is a violation of statute and that this violation was undisputed by the physician.

**MOTION: Ms. Jones moved for the Board to issue an Advisory Letter for failure to maintain an annually updated Delegation Agreement with the PA. The violation was a minor or technical violation that does not rise to the level of discipline.**  
**SECOND: Dr. Paul**

Dr. Beyer spoke in support of the motion. He stated that there appeared to be several signatures within the agreement without any indication as to when the document was signed, and that it was unclear from the reading of the document as to which agreement the signatures were attached. Vice-Chairman Gillard spoke against the motion. Dr. Figge questioned whether there was any guidance provided to physicians in relation to the appropriate annual maintenance of the Delegation Agreements. AAG Smith stated that there is no statute that elaborates on the issues identified by Dr. Figge. Dr. Figge spoke against the motion and commented that because the document is dated for 2020 and is signed, it appeared to meet the minimal statutory requirements. Dr. Figge stated that the violation for not having a 2019 Delegation Agreement was not disputed in this case. Ms. Jones pointed out that statute requires the Delegation Agreement to be signed and updated on an annual basis, and stated that from the documents she reviewed in this case, it was not clear if the agreements were updated annually.

Dr. Krahn proposed that the Board consider offering some more guidance to physicians to help with compliance of supervision laws and have better documentation within the Delegation Agreement. Executive Director McSorley stated that she has taken note of the comments made by Drs. Figge and Krahn, and that staff will follow through with their recommendations for further guidance and education.

**VOTE: The following Board members voted in favor of the motion: Dr. Beyer, Ms. Dorrell, and Ms. Jones. The following Board members voted against the motion: Dr. Bethancourt, Chairman Farmer, Dr. Figge, Vice-Chairman Gillard, Dr. Krahn, and Dr. Paul.**  
**The following Board member abstained: Ms. Bain.**  
**VOTE: 3-yay, 6-nay, 1-abstain, 0-recuse, 0-absent.**  
**MOTION FAILED.**

**MOTION: Dr. Figge moved for the Board to uphold the dismissal.**

**SECOND: Vice-Chairman Gillard**

**VOTE: The following Board members voted in favor of the motion: Dr. Bethancourt, Dr. Beyer, Chairman Farmer, Dr. Figge, Vice-Chairman Gillard, Dr. Krahn, and Dr. Paul. The following Board members voted against the motion: Ms. Dorrell and Ms. Jones. The following Board member abstained: Ms. Bain.**  
**VOTE: 7-yay, 2-nay, 1-abstain, 0-recuse, 0-absent.**  
**MOTION PASSED.**

3. MD-19-0339A, BOGDAN ANGHEL, M.D., LIC. #29900

Vice-Chairman Gillard stated that having reviewed the case files, he noted that the issues in this case involved inappropriate opioid prescribing. Vice-Chairman Gillard noted that there was no patient harm identified.

Dr. Wolf informed the Board that the case was reviewed by one Medical Consultant (MC) who made some changes to his opinion after reviewing the licensee's supplemental response to the MC's initial findings. Dr. Wolf stated that the recommendation for

dismissal was based on the changes in the MC's opinion regarding the quality of care provided in this case. Chairman Farmer stated that the concerns raised in this case appeared to be a deviation from best practice rather than a true deviation from the standard of care, and noted that there was no actual or potential patient harm identified.

Dr. Beyer and Dr. Krahn spoke in support of the recommendation to dismiss the case based on the MC's report. Dr. Krahn stated that she did not find that the matter rises to the level of an Advisory Letter of disciplinary sanction.

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

**SECOND: Dr. Bethancourt**

**VOTE: The following Board members voted in favor of the motion: Dr. Bethancourt, Dr. Beyer, Ms. Dorrell, Chairman Farmer, Dr. Figge, Vice-Chairman 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.**

4. MD-19-0286A, BRYAN W. GAWLEY, M.D., LIC. #33914

KM addressed the Board during the Public Statements portion of the meeting.

Dr. Beyer was recused from this case.

**RESOLUTION: Dismiss.**

5. MD-19-0607A, CLARISA I. SMITH, M.D., LIC. #35537

**RESOLUTION: Dismiss.**

6. MD-19-0582A, JOHN R. KLEIN, M.D., LIC. #32166

**RESOLUTION: Dismiss.**

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

**MOTION: Dr. Krahn moved for the Board to issue an Advisory Letter in item numbers 1, 2, 3, 5, 11, 12, 14, and 17.**

**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, Vice-Chairman Gillard, Ms. Jones, Dr. Krahn, and Dr. Paul.**

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

**MOTION PASSED.**

1. MD-18-0824A, MUNAWAR A. PARACHA, M.D., LIC. #25814

**RESOLUTION: Issue an Advisory Letter for failure to properly discharge a patient from care. The violation is a minor or technical violation that is not of sufficient merit to warrant disciplinary action.**

2. MD-19-0969A, PAUL R. LOVE, M.D., LIC. #16638

Complainant SH and Dr. Love addressed the Board during the Public Statements portion of the meeting.

**RESOLUTION: Issue an Advisory Letter for illegible medical records and for failure to obtain a biopsy of a concerning skin lesion. 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.**

3. MD-19-0732A, VALERIE J. SCHOLTEN, M.D., LIC. #25181

Complainant RS addressed the Board during the Public Statements portion of the meeting.



**RESOLUTION: Issue an Advisory Letter for inadequate evaluation and imaging of new breast changes in a high risk patient. 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-19-0771A, CRAIG M. SZAFRANSKI, M.D., LIC. #50082

Ms. Jones stated that although there appeared to have been no actual patient harm identified in this case, she believed that the physician violated the patient's trust and was very callous to a patient that was undergoing surgery. Ms. Jones also noted that the physician was remorseful and completed a medical ethics program.

**MOTION: Ms. Jones moved for the Board to issue an Advisory Letter for unnecessarily cauterizing an initial into redundant liver tissue during a laparoscopic cholecystectomy. While the licensee has demonstrated substantial compliance through rehabilitation or remediation that has mitigated the need for disciplinary action, the Board believes that repetition of the activities that led to the investigation may result in further Board action against the licensee.**

**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, Vice-Chairman Gillard, Ms. Jones, Dr. Krahn, and Dr. Paul.**

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

**MOTION PASSED.**

5. MD-19-0642A, BILGE B. GREGORY, M.D., LIC. #30593

**RESOLUTION: Issue an Advisory Letter for failing to perform an adequate history and physical examination, for inadequate informed consent, and for inadequate 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.**

6. MD-19-0872A, JOSHUA SIMON, M.D., LIC. #50826

Dr. Simon addressed the Board during the Public Statements portion of this meeting.

Ms. Jones observed that the patient in this case was not informed that the two medical students would be involved in the visit. Ms. Jones noted that according to the information gathered in this case, the physician met with the quality assurance individuals for the group after becoming aware of the complaint and has taken corrective steps to rectify the problem. Ms. Jones spoke in support of dismissal.

**MOTION: Ms. Jones moved for dismissal.**

**SECOND: Vice-Chairman Gillard**

Dr. Beyer spoke in support of the motion. Dr. Beyer stated that he recalled Dr. Simon's statements made during the Public Statements, and that it appeared the physician continued to express his belief that someone else was responsible for the issues identified in this case. Dr. Beyer stated that while he noted the physician has taken charge of the issue and addressed the problem, Dr. Beyer commented that the physician is ultimately responsible for the work of his staff.

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

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

**MOTION PASSED.**

7. MD-19-0957A, RICHARD L. AVERITTE, M.D., LIC. #30247

Scott King addressed the Board during the Public Statements portion of the meeting on behalf of Dr. Averitte.

The Board discussed this item in conjunction with item numbers 8, 9, and 10.

Dr. Bethancourt spoke in support of dismissing the four cases. He observed that the medication was labeled, dispensed, and tracked appropriately and did not involve controlled substances. Dr. Bethancourt also noted that the physicians involved in the four cases have no prior Board history.

**MOTION: Dr. Bethancourt moved for the Board to dismiss item numbers 7-10.  
SECOND: Vice-Chairman Gillard**

Ms. Jones stated that she struggled with this case. She noted that Dr. Averitte previously held a dispensing registration that expired in 2014. Ms. Jones stated that because the physician previously held a dispensing registration, he should have been aware that one was needed in this case. The Board noted that the physicians involved in the four cases were following recommendations to proceed that were obtained from a consultant.

Vice-Chairman Gillard stated that he agreed with Ms. Jones' comments, and stated that mitigating circumstances existed in that the matter was addressed appropriately and corrected. Vice-Chairman spoke in support of the motion to dismiss all four cases. Chairman Farmer stated that he found it mitigating that the physicians self-reported the issue and have been very forthright and have taken responsibility for the concerns raised. Chairman Farmer stated he also found that all four physicians have conducted themselves in a very responsible fashion with regard to these matters.

**VOTE: The following Board members voted in favor of the motion: Ms. Bain, Dr. Bethancourt, Dr. Beyer, Ms. Dorrell, Chairman Farmer, Dr. Figge, Vice-Chairman Gillard, Ms. Jones, Dr. Krahn, and Dr. Paul.  
VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.  
MOTION PASSED.**

8. MD-19-0957B, CHRISTINE C. LIN, M.D., LIC. #34857

Attorney Scott King addressed the Board during the Public Statements portion of the meeting on behalf of Dr. Lin.

**RESOLUTION: Dismiss.**

9. MD-19-0957C, GENEVIEVE L. EGNATIOS, M.D., LIC. #42177

Attorney Scott King addressed the Board during the Public Statements portion of the meeting on behalf of Dr. Egnatios.

**RESOLUTION: Dismiss.**

10. MD-19-0957D, YEBABE M. MENGESHA, M.D., LIC. #32769

Dr. Bethancourt stated that he knows Dr. Mengesha, but that it would not affect his ability to adjudicate the case.

**RESOLUTION: Dismiss.**

11. MD-19-0604A, NEETA M. VARGO, M.D., LIC. #41790

**RESOLUTION: Issue an Advisory Letter for failing to diagnose and timely report a right lower lobe embolism on a CT scan. While the licensee has demonstrated substantial compliance through rehabilitation or remediation that has mitigated the need for disciplinary action, the Board believes that repetition of the activities that led to the investigation may result in further Board action against the licensee.**

12. MD-19-0761A, GRISELDA HIGUERA, M.D., LIC. #47544

**RESOLUTION: Issue an Advisory Letter for failing to notify the patient's mother of a negative throat culture. 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.**

13. MD-19-0979A, MARK R. AUSTEIN, M.D., LIC. #14196

Dr. Austein and Dr. Rachel Shacht addressed the Board during the Public Statements portion of the meeting.

Board staff reported that out of the four charts reviews, issues were raised in three of the reviews that were performed. Board staff summarized that the first two chart reviews were deemed unfavorable and after SIRC reviewed the cases, the matters were closed administratively with advisement to the licensee regarding the importance of documentation. The third chart review was deemed favorable and was not reviewed by SIRC. The fourth chart review was deemed unfavorable and is what prompted SIRC's recommendation for an Advisory Letter.

Ms. Jones observed that Dr. Austein completed CME in medication in 2016, and stated that his medical record documentation continued to be deficient. Dr. Beyer spoke against the recommendation for an Advisory Letter in this case, noting that the care provided to the patients was not found to be deficient. Board staff clarified that Dr. Austein was previously sanctioned for medical recordkeeping concerns and has not demonstrated proof of remediation in that regard. The Board noted that Dr. Austein is currently subject to a probationary order with terms and conditions that include periodic chart reviews, and that pursuant to the Board's Order, the licensee must obtain at least three favorable chart reviews prior to termination of the Probation.

**MOTION: Dr. Beyer 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, Vice-Chairman Gillard, Ms. Jones, Dr. Krahn, and Dr. Paul.**

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

**MOTION PASSED.**

14. MD-19-0755A, MELANIE A. B. ALARCIO, M.D., LIC. #41095

**RESOLUTION: Issue an Advisory Letter for failing to be available or provide coverage during hospitalizations and emergencies for her patients. 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.**

15. MD-19-0616A, STEPHEN S. ABLE, M.D., LIC. #20277

Ms. Jones observed that this case stemmed from a complaint that regarded conflict between two physicians. Ms. Jones noted that the MC identified concerns regarding medical recordkeeping, and that the licensee was scheduled to complete CME in medical recordkeeping pursuant to a previous Advisory Letter and Order for Non-Disciplinary CME issued by the Board. Board staff confirmed that Dr. Able completed the CME on March 13, 2020. Ms. Jones proposed dismissing the case in light of the physician's completion of the Board-ordered non-disciplinary CME in medical recordkeeping.

**MOTION: Ms. Jones moved for dismissal.**

**SECOND: Dr. Beyer**

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

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

**MOTION PASSED.**

16. MD-19-0974A, ZAFAR A. QUADIR, M.D., LIC. #44351

Dr. Quadir and Attorney Curtis Bergen addressed the Board during the Public Statements portion of the meeting.

Dr. Paul observed that this case involved the performance of a circumcision that was modified months later. Dr. Paul stated that he is very familiar with these procedures, and that the procedure itself is an inexact procedure with variable outcomes regardless of the provider's experience. Dr. Paul stated that these patients are typically referred to pediatric urologists if further treatment or intervention is required. Dr. Paul found that this matter does not rise to the level of an Advisory Letter and spoke in support of dismissal.

**MOTION: Dr. Paul 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, Vice-Chairman Gillard, Ms. Jones, Dr. Krahn, and Dr. Paul.**

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

**MOTION PASSED.**

17. MD-19-0745A, JOSE F. M. CARRAZCO, M.D., LIC. #24255

**RESOLUTION: Issue an Advisory Letter for inadequate informed consent, performance of wrong site procedure, and inadequate 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.**

18. MD-19-0189A, SRINIVASA R. MADALA, M.D., LIC. #35444

Complainant JM addressed the Board during the Public Statements portion of the meeting. Attorney Joshua Greer addressed the Board during the Public Statements on Dr. Madala's behalf.

Dr. Beyer recalled the statements made during the Public Statements. Dr. Beyer observed that the MC's concerns related to documentation and that the MC did not identify issues with the care provided by Dr. Madala in this case. Dr. Beyer stated that based on his review of the patient's chart, he was able to follow along with the physician's thought processes and he spoke in support of dismissal.

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

**SECOND: Dr. Paul**

Dr. Paul stated that he agreed with Dr. Beyer's comments and that he found the care to be reasonable in this case.

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

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

**MOTION PASSED.**

**M. CASES RECOMMENDED FOR ADVISORY LETTERS WITH NON-DISCIPLINARY CONTINUING MEDICAL EDUCATION ORDERS**

1. MD-19-0644A, MARTHA L. REYES, M.D., LIC. #36125

Dr. Reyes addressed the Board during the Public Statements portion of the meeting.

**MOTION: Vice-Chairman Gillard moved for the Board to issue an Advisory Letter with Non-Disciplinary CME Order for prescribing high dose Adderall without**

adequate justification and inadequate 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. Within six months, complete no less than 10 hours of Board staff pre-approved Category I CME in an intensive, in-person course regarding medical recordkeeping. The CME hours shall be in addition to the hours required for license renewal.

**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, Vice-Chairman Gillard, Ms. Jones, Dr. Krahn, and Dr. Paul.

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

**MOTION PASSED.**

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

**MOTION:** Ms. Bain moved for the Board to uphold the dismissal in item numbers 3, 4, and 7.

**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, Vice-Chairman Gillard, Ms. Jones, Dr. Krahn, and Dr. Paul.

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

**MOTION PASSED.**

### **1. MD-19-0573A, EDWARD J. HA M.D., LIC. #46688**

Attorney Gary Fadell addressed the Board during the Public Statements portion of the meeting on behalf of Dr. Ha. Ms. Jones stated that she knows Dr. Ha, but that it would not affect her ability to adjudicate the case.

Ms. Jones observed that the patient in this case underwent unnecessary heart catheterization after having undergone a heart catheterization procedure five months prior, and that the unnecessary heart catheterization procedure was performed based solely on one abnormal troponin level. Ms. Jones noted that the patient had a normal troponin level the night before. Ms. Jones expressed concern that the patient was not seen by a cardiologist prior to the unnecessary heart catheterization or have a STAT blood work performed. Additionally, Ms. Jones questioned the interventional cardiologist's claim that she saw and examined the patient, noting that the chart notes indicate the heart catheterization began 8 seconds after the interventional cardiologist arrived.

Vice-Chairman Gillard agreed with Ms. Jones' comments, and stated that the difference in this case involves the fact that Dr. Ha did not have interventional privileges and referred the patient to someone who did for consultation. Dr. Krahn observed that there was an erroneous troponin level that caused the cascade of events that occurred in this case. Dr. Krahn questioned why a troponin level was ordered for a patient under these circumstances. Dr. Beyer proposed returning the case for another MC to review the quality of care. Dr. Figge commented that it was unclear why the lab work was obtained for a patient without active symptoms.

**MOTION:** Ms. Jones moved for the Board to return the case for further investigation.

**SECOND:** Ms. Dorrell

Vice-Chairman Gillard spoke against the motion and stated that the physician referred the patient to another cardiologist who had invasive privileges. Dr. Krahn stated that she was concerned that there needed to be clinical context for the lab. Dr. Krahn spoke in support of returning the case for further investigation to obtain another quality of care review of the medical decision making in this case.

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

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

**MOTION PASSED.**

2. MD-19-0573B, SOUNDOS K. MOUALLA, M.D., LIC. #48512

Dr. Moualla addressed the Board during the Public Statements portion of the meeting.

Ms. Jones recalled the statements made by the physician during the Public Statements that she personally evaluated and examined the patient. Ms. Jones expressed her concern that the patient's chart documented the catheterization began a total of 8 seconds after Dr. Moualla arrived, and stated the examination did not appear to have occurred. Vice-Chairman Gillard agreed with Ms. Jones' comments, and stated that re-evaluation of the case was warranted. Vice-Chairman Gillard questioned the physician's response to the abnormal troponin level in a patient who has undergone cardiac catheterization and had no significant symptoms. Dr. Krahn recalled that Dr. Moualla stated she performed a focused examination in contrast to what was described in the patient's complaint. Dr. Krahn stated that she was troubled by that discrepancy and that she supported returning the case for further investigation. Dr. Figge observed that the patient was being seen in the hospital for clearance for potential procedures and surgeries, and was not being seen for work up of a possible acute coronary syndrome or cardiac event.

**MOTION: Ms. Jones moved for the Board to return the case for further investigation.**

**SECOND: Vice-Chairman Gillard**

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

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

**MOTION PASSED.**

3. MD-19-0667A, BRIAN P. LIPTON, M.D., LIC. #35211

Complainants JA and CA addressed the Board during the Public Statements portion of the meeting. Attorney Christina Chait spoke during the Public Statements on behalf of Dr. Lipton.

**RESOLUTION: Uphold dismissal.**

4. MD-19-0667B, DANIEL C. JAFFEE, M.D., LIC. #46758

Complainants JA and CA addressed the Board during the Public Statements portion of the meeting.

**RESOLUTION: Uphold dismissal.**

5. MD-19-0653A, DAT T. TRAN, M.D., LIC. #31760

This case was pulled from the agenda.

6. MD-19-0653B, DELALI K. HEVI, M.D., LIC. #40170

This case was pulled from the agenda.

7. MD-19-1046A, MIKEL W. LO, M.D., LIC. #25801

Attorney Scott King and Dr. Lo addressed the Board during the Public Statements portion of the meeting.

**RESOLUTION: Uphold dismissal.**

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

**MOTION:** Vice-Chairman Gillard moved for the Board to accept the proposed Consent Agreements 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, Vice-Chairman Gillard, Ms. Jones, Dr. Krahn, and Dr. Paul.

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

**MOTION PASSED.**

1. MD-19-0216A, ALAN M. LESSELROTH, M.D., LIC. #26233

**RESOLUTION:** Accept the proposed Consent Agreement for a Letter of Reprimand and Five Year Probation with Practice Restriction. Dr. Lesselroth's practice is restricted in that he shall not interpret mammograms for the duration of Probation. After five years, Dr. Lesselroth may request termination of the Practice Restriction. His request for termination must provide evidence demonstrating that he is safe to interpret mammograms. The Board may require the physician to undergo a period of monitoring of his mammogram readings prior to full termination of Probation.

2. MD-18-0218A, SCOT G. FECHTEL, M.D., LIC. #25410

The Board observed that Dr. Fechtel successfully completed the recommended CME in this case in April of 2020 and received 21 CME credit hours.

**RESOLUTION:** Accept the proposed Consent Agreement for a Letter of Reprimand and Two Year Probation. The Monitor shall perform periodic chart reviews at Dr. Fechtel's expense and shall involve current patients' charts for care rendered after Dr. Fechtel returned to practice. After two consecutive favorable chart reviews, Dr. Fechtel may petition the Board to request Probation termination.

## **P. LICENSE APPLICATIONS**

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

**MOTION:** Dr. Krahn moved for the Board to approve the license applications in item numbers 1, 3, and 4.

**SECOND:** Vice-Chairman Gillard

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

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

**MOTION PASSED.**

1. MD-20-0218A, DAVID E. MELVILLE, M.D., LIC. #N/A

**RESOLUTION:** Approve the license application.

2. MD-20-0179A, RICHARD B. WILLIAMS, M.D., LIC. #N/A

Ms. Jones noted that the physician disclosed multiple malpractice claims on his license application, and that the physician's employer submitted correspondence indicating that not all of the claims were paid on his behalf. Dr. Wolf informed the Board that Dr. Williams addressed the two relatively serious cases, and that the other cases were confusing and had no payment or resulted in minor payments. Dr. Wolf stated it was difficult to determine from the documents why the neurosurgeon was faulted for one of the minor cases. Dr. Wolf stated that he did not find that a pattern of unprofessional conduct existed and that the malpractice cases were not forwarded for further review by a MC.

**MOTION:** Ms. Jones moved for the Board to approve the license application.

**SECOND:** Dr. Beyer

**VOTE: The following Board members voted in favor of the motion: Ms. Bain, Dr. Bethancourt, Dr. Beyer, Ms. Dorrell, Chairman Farmer, Dr. Figge, Vice-Chairman Gillard, Ms. Jones, Dr. Krahn, and Dr. Paul.**  
**VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.**  
**MOTION PASSED.**

3. MD-20-0039A, HAMID SATTAR, M.D., LIC. #N/A  
**RESOLUTION: Approve the license application.**
4. MD-20-0351A, SAMUEL C. KIM, 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-19-1002A, MARCO A. SOBRINO, M.D., LIC. #N/A

Dr. Sobrino addressed the Board during the Public Statements portion of the meeting.

Chairman Farmer observed that SIRC recommended the Board invite the applicant to appear for a Formal Licensing Interview. Chairman Farmer stated that the applicant appeared to have an egregious track record, and stated that he believed the Board had enough information to render a decision on the matter during today's proceedings. Additionally, Chairman Farmer expressed his concerns regarding public safety, noting that the previously issued Decree of Censure involved the same type of care that the physician plans to provide if he is able to resume practicing medicine in the State of Arizona.

Dr. Krahn stated that she shared the Chairman's concerns and that there were multiple unsettling issues that were raised in this case. Dr. Krahn stated that the physician had difficulty with the same procedure he plans to perform if licensure is granted, and stated that she too was concerned with granting licensure in this matter. Dr. Paul agreed with the comments made, and stated that the physician did not appear to take responsibility for the complications in the case. Dr. Beyer stated that he was not comfortable with granting licensure in this matter.

**MOTION: Dr. Krahn moved for the Board to offer the applicant the opportunity to withdraw the license application. If not withdrawn within 30 days, the license shall be denied pursuant to A.R.S. § 32-1422(A)(4).**

**SECOND: Dr. Figge**

Dr. Figge observed that the applicant allowed his prior license to expire in 2016. Dr. Figge spoke in support of the motion and stated that had the physician not allowed the license to lapse previously, the Board would not have become aware of the issues that were identified in this matter.

**VOTE: The following Board members voted in favor of the motion: Ms. Bain, Dr. Bethancourt, Dr. Beyer, Ms. Dorrell, Chairman Farmer, Dr. Figge, Vice-Chairman Gillard, Ms. Jones, Dr. Krahn, and Dr. Paul.**  
**VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.**  
**MOTION PASSED.**

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

**MOTION: Vice-Chairman Gillard moved for the Board to grant the requests for waiver of documentation requirement and grant licensure 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, Ms. Dorrell, Chairman Farmer, Dr. Figge, Vice-Chairman Gillard, Ms. Jones, Dr. Krahn, and Dr. Paul.**

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

**MOTION PASSED.**

1. SUAKA KAGBO-KUE, M.D., LIC. #N/A

**RESOLUTION: Grant the waiver request and grant licensure.**

2. JEFFREY B. VIRGIN, M.D., LIC. #N/A

**RESOLUTION: Grant the waiver request and grant licensure.**

**iv. 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**

1. ROBERT G. DARLING, M.D., LIC. #N/A

Dr. Krahn stated that the applicant is clearly a highly experienced physician who has held numerous other licenses and is an authority figure in her specialty field of practice. Dr. Krahn spoke in support of granting licensure by endorsement.

**MOTION: Dr. Krahn moved for the Board to grant licensure by endorsement.**

**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, Vice-Chairman Gillard, Ms. Jones, Dr. Krahn, and Dr. Paul.**

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

**MOTION PASSED.**

**v. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING LICENSE REACTIVATION**

1. MD-20-0326A, DIANA R. DANILENKO, M.D., LIC. #48009

Dr. Krahn was recused from this case.

Vice-Chairman Gillard observed that the physician has taken corrective action from the time that his license was deactivated, and spoke in support of reactivation.

**MOTION: Vice-Chairman Gillard moved for the Board to grant license reactivation.**

**SECOND: Ms. Jones**

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

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

**MOTION PASSED.**

**vi. CONSIDERATION AND POSSIBLE ACTION TO APPROVE OR DENY TEMPORARY EMERGENCY LICENSE APPLICATION, OR TAKE OTHER ACTION**

1. THIS CASE WAS PULLED FROM THE AGENDA.

**\*\*\*END OF CONSENT AGENDA\*\*\***

## OTHER BUSINESS

### Q. APPEAL OF EXECUTIVE DIRECTOR ACTION

1. MD-19-0926A, ABDELBASET A. YOUSSEF, M.D., LIC. #N/A

Vice-Chairman Gillard observed that the applicant's license in another state is currently subject to suspension, and stated that for this reason, Dr. Youssef is currently not eligible for Arizona licensure pursuant to statute. Vice-Chairman Gillard also noted that Dr. Youssef has not practiced medicine since 2015. Board staff requested the Board modify the Executive Director's decision in this matter by reinstating the license application to allow for correction of a clerical error in the statutory citations, provide notification to the applicant, and forward to the next Board meeting for consideration of licensure.

**MOTION:** Vice-Chairman Gillard moved for the Board to modify the Executive Director's decision in this matter by reinstating the application, and to forward the case to the next Board meeting for the Board to consider whether to approve or deny the application for licensure, and to direct Board staff to modify the SIRC Report to include citations of A.R.S. §§ 32-1422(A)(4) and (6), as well as (C) and (D), and provide notification to the applicant.

**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, Vice-Chairman Gillard, Ms. Jones, Dr. Krahn, and Dr. Paul.

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

**MOTION PASSED.**

### R. REQUEST FOR MODIFICATION OF BOARD ORDER

1. MD-15-0710A, MD-15-1130A, MD-15-1190A, MD-16-1121A, KIUP A. KIM, M.D., LIC. #42708

Attorney Steve Myers addressed the Board during the Public Statements portion of the meeting.

Dr. Krahn expressed her concerns regarding early termination of Dr. Kim's Board Order in light of the recommendations made by PACE.

**MOTION:** Dr. Krahn moved for the Board to deny Dr. Kim's request to terminate his December 7, 2017 Board Order.

**SECOND:** Ms. Jones

Dr. Beyer spoke in support of the motion, and noted that the purpose of the chart reviews is to provide the Board with evidence establishing that the concerns identified have been addressed and corrected. Dr. Beyer stated that he has not been presented with such evidence as of yet. Vice-Chairman Gillard agreed with the comments made, and spoke in support of the motion.

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

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

**MOTION PASSED.**

2. MD-17-0348A, HERMAN PANG, M.D., LIC. #24944

Dr. Pang addressed the Board during the Public Statements portion of the meeting.

Dr. Figge recognized that Dr. Pang completed the CME requirements, and has had favorable chart reviews that support Probation termination.

**MOTION:** Dr. Figge moved to grant Dr. Pang's request to terminate his February 7, 2019 Board Order.

**SECOND: Vice-Chairman Gillard**

Vice-Chairman Gillard observed that Dr. Pang's license was placed on Probation for a period of two years, effective February of 2019. Vice-Chairman Gillard recognized that the two years has not expired, and stated that he supported the motion in light of the physician's completion of all the requirements of his probationary terms.

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

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

**MOTION PASSED.**

**S. GENERAL CALL TO THE PUBLIC**

Dr. Courtney Koshar addressed the Board during the General Call to the Public on behalf of the Arizona Society of Anesthesiologists, regarding the March 23, 2020 letter from the Governor's Office concerning supervision of CRNAs performing anesthesia services at the VA.

**T. ADJOURNMENT**

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

**SECOND: Ms. Jones**

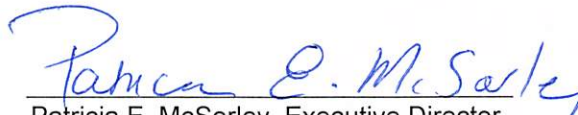
**VOTE: The following Board members voted in favor of the motion: Ms. Bain, Dr. Bethancourt, Dr. Beyer, Ms. Dorrell, Chairman Farmer, Dr. Figge, Vice-Chairman Gillard, Ms. Jones, Dr. Krahn, and Dr. Paul.**

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

**MOTION PASSED.**

The Board's meeting adjourned at 6:43 p.m.



  
Patricia E. McSorley, Executive Director