



## **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, July 9, 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 5:14 p.m.

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

The following Board members participated in the teleconference: Chairman Farmer, Dr. Gillard, Dr. Paul, Ms. Bain, Dr. Bethancourt, Dr. Beyer, Ms. Dorrell, Dr. Figge, and Ms. Jones. The following Board member was absent: Dr. Krahn.

##### **ALSO PRESENT**

The following Board staff participated in the teleconference: Patricia McSorley, Executive Director; Kristina Fredericksen, Deputy Director; Michelle Robles, Board Operations Manager; Raquel Rivera, Investigations Manager; William Wolf, M.D., Chief Medical Consultant; Carrie Smith, Assistant Attorney General (AAG); Mary D. Williams, AAG; and Andrea Cisneros, Minutes Administrator. Elizabeth Campbell, AAG, was participated in the teleconference to provide the Board with independent legal advice on the hearing cases as indicated 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. DISCUSSION REGARDING DEBRIEFING ON BOARD PROCESSES**

- Update on August 5, 2020 Meeting

Chairman Farmer reported that the Board's August 2020 meeting will be held telephonically.

- Questions from Board Members In Advance of Meeting

Chairman Farmer encouraged Board members to reach out to staff or AAG Smith when reviewing cases if questions arise, and instructed Board members to not communicate directly with each other.

- Update on Use of ZOOM

Chairman Farmer reported that staff continues to work hard on facilitating the Board's ability to hold future virtual meetings via Zoom. He also noted that staff has been working on streamlining the Board's processes going forward.

Chairman Farmer recognized Ms. Robles for her work in coordinating the Board's proceedings. Ms. Robles informed the Board that the 411 site would be down effective Friday and through the weekend.

## **E. APPROVAL OF MINUTES**

- May 7, 2020 Special Teleconference Meeting

**MOTION: Dr. Bethancourt moved for the Board to approve the May 7, 2020 Special Teleconference Meeting.**

**SECOND: Ms. Jones**

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

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

**MOTION PASSED.**

## **LEGAL MATTERS**

### **F. DISCUSSION AND POSSIBLE ACTION REGARDING RESPONDENT'S SETTLEMENT PROPOSAL**

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

Dr. Youssef participated telephonically and explained his request for the Board to table the consideration of his license application pending his passing of the SPEX exam. Elizabeth Campbell, AAG was present as the Board's Independent Legal Advisor.

AAG Smith participated telephonically on behalf of the State. She summarized that Dr. Youssef disclosed on his license application that his Michigan license had been under suspension since October 30, 2015. The Executive Director determined that the applicant did not qualify for Arizona licensure based on his current license suspension and violations for which he was suspended constitute unprofessional conduct in the State of Arizona. Dr. Youssef appealed the Executive Director's action and it was presented to the Board. At that time, the Board instructed staff to return the matter to provide the physician with adequate notice in relation to the basis for the denial. Board staff issued such notice and the Board considered whether to approve or deny the application at its last regular meeting. The Board determined that the applicant did not meet the requirements for Arizona licensure due to the current license suspension and past discipline, and voted to deny the license. Dr. Youssef timely appealed the Board's decision and requested entering into a settlement. Specifically, Dr. Youssef requested that the Board table his license application to allow him the opportunity to take and pass the SPEX exam. AAG Smith stated that the State took no position on this matter and was prepared to proceed to Hearing in the event the Board determines that license denial remained appropriate.

AAG Smith confirmed for the Board that the Formal Hearing has been scheduled at the Office of Administrative Hearings for August 12, 2020. Dr. Gillard pointed out that pursuant to A.R.S. § 32-1422(A)(6), an applicant does not qualify for Arizona licensure if their license is under investigation, suspension, or restriction by another jurisdiction. Dr. Gillard stated that the applicant does not qualify for licensure until the suspension has been resolved in Michigan.

**MOTION: Ms. Bain moved for the Board to deny the physician's request for alternative action and affirm the Board's prior decision to deny the application.**  
**SECOND: Dr. Bethancourt**

AAG Campbell confirmed for the Board that the case will proceed to the scheduled Formal Hearing if the request for settlement is denied. Dr. Figge spoke in support of the motion and stated that the applicant does not qualify for Arizona licensure pursuant to statute. Dr. Gillard pointed out that Dr. Youssef has not been in active practice since 2015 and noted that the Board has required completion of a competency evaluation prior to considering the license application for similar applicants in the past.

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

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

**MOTION PASSED.**

## **G. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING SUMMARY ACTION**

### **1. MD-18-0026A, JOHN M. MCGETTIGAN, M.D., LIC. #12606**

Chairman Farmer stated that he went to school with Dr. McGettigan, and that it would not affect his ability to adjudicate the case. Dr. McGettigan and Attorney Susan Trujillo participated telephonically during the Board's consideration of this matter.

Board staff summarized that the Board received a complaint from FA, the daughter of patient CA, alleging that Dr. McGettigan was knowingly prescribing Valium and Morphine without appropriate patient monitoring. The third Medical Consultant who reviewed the index patient as well as five other patients' charts identified several deviations from the standard relating to the physician's prescribing of controlled substances. Based on the information gathered in this case, SIRC recommended disciplinary action including Probation and Practice Restriction prohibiting the physician from prescribing controlled substances until he has completed intensive, in-person CME and has entered into a contract for chart review monitoring. SIRC also recommended that Dr. McGettigan enter into an Interim Consent Agreement (ICA) for Practice Restriction prohibiting him from prescribing controlled substances while the matter was pending Board review. Dr. McGettigan rejected the ICA and requested to appear before the Board. He also has requested that he be afforded the opportunity to work with other physicians in his area to transition patients prior to any restriction being placed on his license.

Ms. Trujillo clarified that the physician has not refused to sign the ICA, but rather, has requested an opportunity to explore options for the agreement. She noted that the ICA in its current form would require the physician to cease prescribing controlled substances immediately, and that they believed by doing so would place several patients at risk for withdrawal. Ms. Trujillo reported that Dr. McGettigan is responsible for the pain management of over 400 patients, who may have difficulty transitioning to a new provider. Dr. McGettigan stated that he reached out to a number of colleagues in his area to help with transitioning the patients. He stated that he has been able to decrease some patients' opioids, and has been successful in getting patients off of opiates. Dr. McGettigan stated that because other providers only take patients on 90 MME or below, he is having difficulty finding new providers for his current patients. He stated that his greatest concern is caring for the patients so as to not go into immediate withdrawal.

Dr. Figge recognized that the third Medical Consultant specializes in pain management and is an expert in that field of medicine, and that this expert found a number of issues with the physician's practice and expressed concerns for potential patient harm due to the high dose opioids. Dr. Figge noted that no actual patient harm was identified. Chairman Farmer stated that the physician's prescribing pattern is concerning with

inherent dangers. Dr. Figge found it mitigating that the complainant ultimately requested to withdraw the complaint after discussing her issues with the licensee. Dr. Wolf pointed out that the Board in the past has allowed a timeframe for a licensee to transition patients prior to the prescribing restriction became effective. Dr. Wolf also commented that the second Medical Consultant noted that while CA was originally on very high dose opioids, the patient was off of these medications when she first presented to Dr. McGettigan who rapidly increased opioid dosages over the course of several visits to 270 MME in combination with benzodiazepines.

The Board discussed modifying the terms of the ICA to prohibit the physician from accepting new patients who require controlled substance medications and require concurrent review of the physicians prescribing by a Board-approved Practice Monitor. The Board also discussed proceeding with summary restriction of the license if the ICA was not signed by end of day Friday, July 10, 2020. Dr. Paul stated that he agreed with the sentiment expressed to create some pathway to allow the physician to continue to care for his patients while the matter is pending final action by the Board. Dr. Beyer spoke in support of modifying the terms of the ICA per the Board's discussion.

**MOTION:** Dr. Figge moved for the Board to offer the physician an Interim Consent Agreement for Practice Restriction prohibiting him from accepting new patients who require controlled substances management of chronic pain. The physician shall not increase dosages of any controlled substances prescribed to current patients. Within 30 days, the physician shall obtain a Board-approved Practice Monitor to perform concurrent review of all controlled substances prescribing with reports to the Board. If the Interim Consent Agreement is not signed by end of day, Friday July 10, 2020, the license shall be summarily restricted in that the physician shall be prohibited from prescribing any controlled substances in all settings, based on the finding that the public health, safety, or welfare imperatively requires emergency action by the Board.

**SECOND:** Dr. Bethancourt

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

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

**MOTION PASSED.**

## **CONSENT AGENDA**

### **H. CASES RECOMMENDED FOR DISMISSAL**

**MOTION:** Dr. Gillard moved for the Board to dismiss item numbers 1-3.

**SECOND:** Dr. Paul

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

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

**MOTION PASSED.**

1. MD-19-1107A, JONATHAN W. AGINS, M.D., LIC. #35346

**RESOLUTION:** Dismiss.

2. MD-19-0965A, DAVID R. GWYNN, M.D., LIC. #26570

**RESOLUTION:** Dismiss.

3. MD-19-1083A, ELIAS S. KAKISH, M.D., LIC. #48870

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

**RESOLUTION: Dismiss.**

**4. MD-20-0042A, ANIKA S. GOODWIN, M.D., LIC. #56691**

Complainant AH and Attorney Don Isaacson addressed the Board during the Public Statements.

Dr. Gillard stated that while he was in support of the recommendation to dismiss the case, he questioned whether the matter should be referred to the Optometry Board for review of the optometrist's conduct. Dr. Figge agreed with Dr. Gillard's comments. Dr. Beyer stated his concerns regarding the manner with which the case came to the Board's attention, and spoke in favor of referring the matter for further review by the optometrist's respective regulatory board.

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

**SECOND: Dr. Figge**

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

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

**MOTION PASSED.**

Board staff was instructed to refer this case to the Optometry Board.

**I. CASES RECOMMENDED FOR ADVISORY LETTERS**

**MOTION: Dr. Gillard moved to issue an Advisory Letter in item numbers 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 18, and 19.**

**SECOND: Dr. Paul**

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

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

**MOTION PASSED.**

**1. MD-19-1139A, RONI B. PRUCZ, M.D., LIC. #52965**

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

Dr. Gillard observed that this was a complicated case and recalled the comments made by the physician during Public Statements. Dr. Gillard noted that the Medical Consultant did not find a deviation from the standard of care in this case, but did identify concerns regarding the physician's medical recordkeeping. Dr. Gillard pointed out that the MC's supplemental report recognized that the licensee has taken corrective action. Dr. Gillard spoke in support of dismissal.

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

**SECOND: Dr. Bethancourt**

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

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

**MOTION PASSED.**

**2. MD-19-0762A, DHEERAJ K. BOBBA, M.D., LIC. #37192**

**RESOLUTION: Issue an Advisory Letter for 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.**

**3. MD-19-0923A, DAVID C. JOHNSON, M.D., LIC. #14158**

**RESOLUTION: Issue an Advisory Letter for inadequate documentation in an operative report. 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-20-0035A CARLOS E. C. FELICIANO, M.D., LIC. #48978

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

**RESOLUTION: Issue an Advisory Letter for failing to timely report a misdemeanor charge. 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.**

5. MD-19-0431A, TODD G. PETERSON, M.D., LIC. #18599

Attorney Gary Fadell addressed the Board during the Public Statements portion of the meeting on behalf of Dr. Peterson.

**RESOLUTION: Issue an Advisory Letter for failing to appropriately monitor patients throughout their procedures. 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.**

6. MD-19-1017A, BAHARAK BAGHERI, M.D., LIC. #45040

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

**RESOLUTION: Issue an Advisory Letter for the action taken by the Maine Board. There is insufficient evidence to support disciplinary action.**

7. MD-20-0011A, STEWART Y. GREENBERG, M.D., LIC. #33971

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

Dr. Gillard recalled the comments made during Public Statements, and stated that the physician and counsel presented an interesting argument relating to the application of A.R.S. § 32-3208(F). Dr. Gillard noted that the charges were ultimately dropped and that SIRC recommended issuing an Advisory Letter for failing to report the charges to the Board within ten days. Dr. Figge spoke in support of SIRC's recommendation to issue an Advisory Letter and stated that the physician had the responsibility to research and determine whether he was required to report his arrest to the Board.

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

**SECOND: Dr. Beyer**

Ms. Jones spoke against the motion and stated that the physician should have reported the charges to the Board within ten days pursuant to statute. Dr. Gillard and Dr. Beyer recognized that Dr. Greenberg did make an effort to research whether the misdemeanor charge was reportable. Dr. Figge stated it was unclear whether the physician researched whether or not the charge was reportable shortly after the arrest or after receiving notification of the Board's investigation. Board staff clarified that Dr. Greenberg was arrested on February 13, 2019 and has indicated that he researched shortly thereafter and determined that the charge did not occur within the practice of medicine as it did not affect patient safety. Dr. Gillard spoke in support of his motion for dismissal.

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

**VOTE:** 5-yay, 4-nay, 0-abstain, 0-recuse, 1-absent.

**MOTION PASSED.**

8. MD-19-0851A, PAMELA K. BLACK-DAVIS, M.D., LIC. #27184

**RESOLUTION:** Issue an Advisory Letter for treating a minor without obtaining consent from his parent or guardian. 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.

9. MD-19-0911A, MD-19-0405A, FERNANDO CRUZADO, M.D., LIC. #30961

**RESOLUTION:** Issue an Advisory Letter for failure to adequately address and treat a patient's hypertension and diabetes mellitus; and inadequate documentation identified during chart monitoring pursuant to a Board Order for probation. There is insufficient evidence to support disciplinary action.

10. MD-20-0146A, NEIL K. GOLDSTEIN, M.D., LIC. #33315

**RESOLUTION:** Issue an Advisory Letter for the action taken by the California Board. 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.

11. MD-19-0371A, JABER J. M. ABAWI, M.D., LIC. #32175

Dr. Abawi and Attorney Gary Fadell addressed the Board during the Public Statements portion of the meeting.

**RESOLUTION:** Issue an Advisory Letter for failure to timely evaluate a patient with a deteriorating clinical status. There is insufficient evidence to support disciplinary action.

12. MD-19-0183A, RICHARD N. GILSON, M.D., LIC. #18615

**RESOLUTION:** Issue an Advisory Letter for failure to order a psychology/psychiatry evaluation in a patient presenting with severe depression and anxiety, and inadequate medical recordkeeping. 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-19-0596A, JAMES P. LAWRENCE, M.D., LIC. #19407

**RESOLUTION:** Issue an Advisory Letter for imprecise treatment of diabetic ketoacidosis and inadequate documentation. There is insufficient evidence to support disciplinary action.

14. MD-19-0596B, GUILLERMO G. ZEGARRA, M.D., LIC. #32150

**RESOLUTION:** Issue an Advisory Letter for failure to act on tachycardia, failure to repeat vitals, and failure to screen for diabetes in a patient with a neck abscess. 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-19-1172A, MIKEL W. LO, M.D., LIC. #25801

Chairman Farmer and Dr. Figge stated that they have met Dr. Lo in the past, and that it would not affect their ability to adjudicate the case. Ms. Jones stated that she agreed with

SIRC's finding that the physician is responsible for ensuring that the information displayed on his website is accurate. Ms. Jones noted that Dr. Lo acknowledged that he is responsible to maintain the correct information on his website and assured the Board that he will carefully review any future changes to his website. Ms. Jones spoke in support of dismissal.

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

**SECOND: Ms. Dorrell**

Dr. Beyer spoke against the motion and stated that an Advisory Letter was warranted. Dr. Figge agreed and stated that the physician is responsible for the information displayed on his website. Dr. Figge spoke against the motion and noted that Dr. Lo accepted the recommendation for the Advisory Letter in his letter to the Board. The Board noted that the complaint in this case was submitted by the American Board of Cosmetic Surgery. Dr. Gillard also spoke against the motion for dismissal. Dr. Beyer spoke against dismissal as well and stated that the information displayed on the physician's website was deceptive and implied something that is more than what is true. Dr. Figge noted that Dr. Lo admitted to the error and accepted the recommendation for an Advisory Letter. Ms. Jones and Ms. Dorrell withdrew their motion.

**MOTION: Ms. Jones moved for the Board to issue an Advisory Letter for misleading advertising by misrepresentation of a board certification on a practice website. There is insufficient evidence to support disciplinary action.**

**SECOND: Dr. Figge**

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

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

**MOTION PASSED.**

16. MD-18-1080A, NAVED N. H. KHAN, M.D., LIC. #20125

Dr. Paul noted that this matter stemmed from a 2018 malpractice settlement, and that Dr. Khan was the hospitalist involved in the underlying patient care. The patient was admitted to the hospital for abdominal pain, and that the abdomen became acute five days later that required laparoscopic surgery. Dr. Paul spoke in support of dismissal as he believed the hospitalist provided reasonable care in this case. Dr. Paul pointed out that the gastroenterologist was consulted and elected conservative management.

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

**SECOND: Dr. Gillard**

Dr. Beyer spoke in support of the motion and stated he found that the case involved a surgical problem that was not the fault of the hospitalist.

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

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

**MOTION PASSED.**

17. MD-18-0550A, HAROLD TRIEF, M.D., LIC. #8324

Dr. Gillard observed that the radiologist who reviewed the patient's films was offsite and not informed that the patient's complaint of jaw pain was the result of trauma. Dr. Gillard noted that the licensee indicated in his supplemental response that he would have recommended a CT scan had he known trauma was involved. The Board noted that four x-ray views of the mandible were obtained, and that the original films were not provided for review. Dr. Gillard spoke in support of dismissal.



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

Dr. Figge agreed with Dr. Gillard's comments and spoke in support of the motion.

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

**18. MD-19-0962A, CONRAD SALINAS, M.D., LIC. #44027**

**RESOLUTION: Issue an Advisory Letter for failure to admit a patient with pneumonia with comorbid conditions and possible immunosuppression. There is insufficient evidence to support disciplinary action.**

**19. MD-19-0792A, PATRICK M. CHIASSON, M.D., LIC. #29820**

**RESOLUTION: Issue an Advisory Letter for failing to remove all components and parts of an adjustable laparoscopic gastric lap band intraoperatively. 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.**

**J. CASES RECOMMENDED FOR ADVISORY LETTERS WITH NON-DISCIPLINARY CONTINUING MEDICAL EDUCATION ("CME") ORDERS**

**MOTION: Dr. Paul moved for the Board to issue an Advisory Letter with Non-Disciplinary CME Order in item numbers 1, 3, 4, 7, 9, 10, 11, and 12.**

**SECOND: Dr. Bethancourt**

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

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

**MOTION PASSED.**

**1. MD-19-0364A, MD-19-0777A, MICHAEL C. V. MCCARTY, M.D., LIC. #51009**

**RESOLUTION: Issue an Advisory Letter and Non-Disciplinary CME Order for inadequate documentation, inadequate supervision of a physician assistant, and the failure to recognize and document signs of both diabetic ketoacidosis and acute coronary syndrome. 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; no less than 5 hours of Board staff pre-approved Category I CME in the treatment of diabetes and recognition of related conditions and complications; and no less than 3 hours of Board staff pre-approved Category I CME in the recognition and treatment of acute coronary syndrome. The CME hours shall be in addition to the hours required for license renewal.**

**2. MD-19-0809A, ELIZABETH G. H. MCKENNA, M.D., LIC. #20964**

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

AAG Smith was recused from this case and AAG Williams was present as the Board's Legal Advisor for this matter. The Board discussed the consent forms and encouraged the licensee to include more commonly understood language to avoid future mistakes. Ms. Jones stated her concern that patients may not understand some of the terms used

in the consent forms. Dr. Figge noted that the physician indicated in her response that changes have been made to address this. Dr. Beyer noted that patients may not completely understand the terminology, and stated that what the patient and mother went through was horrible. Dr. Beyer also stated that he found the recommended CME was not germane to the issue identified in this case and spoke in support of issuing the recommended Advisory Letter without CME.

**MOTION:** Dr. Beyer moved for the Board to issue an Advisory Letter for administering a vaccine without parental consent, lack of supervision of a medical assistant, 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.  
**SECOND:** Dr. Bethancourt

Dr. Figge commented that the patient received treatment that was not consent to and should not have been provided. Ms. Jones spoke in support of the motion, and instructed staff to recommend to the physician that she change the terminology used in the consent forms going forward.

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

3. MD-19-0859A, JERRY M. GREENBERG, M.D., LIC. #21528

**RESOLUTION:** Issue an Advisory Letter and Non-Disciplinary CME Order for failing to timely notify a patient of imaging results causing a delay in treatment 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.

4. MD-19-0699A, GEOFFREY P. RADOFF, M.D., LIC. #9881

**RESOLUTION:** Issue an Advisory Letter and Non-Disciplinary CME Order for failing to address proteinuria, inappropriately ordering repeat laboratory testing without a clinical rationale, inappropriately prescribing a patient medication for hyperlipidemia without a clinical basis, 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; and no less than 5 hours of Board staff pre-approved Category I CME in the appropriate utilization of labs in the management of endocrine problems. The CME hours shall be in addition to the hours required for license renewal.

5. MD-18-1085A, ROGER J. HUCEK, M.D., LIC. #19766

Dr. Hucek and Attorney Scott Hergenroether addressed the Board during the Public Statements portion of the meeting.

Dr. Gillard noted that the Medical Consultant did not find fault with the care provided by Dr. Hucek, and that SIRC sustained a violation involving the physician's medical recordkeeping. Dr. Gillard spoke in support of dismissing the case, noting that Dr. Hucek completed 10 hours of CME in medical recordkeeping in March of 2020.

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

Dr. Beyer stated that he found the physician's completion of recordkeeping remediated the concerns raised in this case. However, he spoke against the motion and stated that an Advisory Letter is warranted. Dr. Gillard agreed with Dr. Beyer's comments and stated that he struggled with whether to dismiss versus issuing an Advisory Letter. Dr. Gillard amended his motion for dismissal to issue an Advisory Letter without the recommended CME. Dr. Figge agreed as well, and stated that he too struggled with whether to dismiss versus issuing a non-disciplinary Advisory Letter as he noted that there were mitigating factors involved.

**AMENDED MOTION: Dr. Gillard moved to issue an Advisory Letter for inadequate documentation of surgical operative reports. 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. Figge**

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

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

6. MD-19-1054A, SHIMUL B. SAHAI, M.D., LIC. #36671

Dr. Sahai addressed the Board during the Public Statements portion of the meeting. Dr. Gillard noted that the Medical Consultant found that the physician met the standard of care and identified recordkeeping concerns. Dr. Gillard found it mitigating that the physician reported the implementation of a new electronic health records system. He spoke in support of issuing an Advisory Letter without the recommended CME.

**MOTION: Dr. Gillard moved to issue an Advisory Letter for inadequate medical recordkeeping. 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: Chairman Farmer, Dr. Gillard, Dr. Paul, Ms. Bain, Dr. Bethancourt, Dr. Beyer, Ms. Dorrell, Dr. Figge, and Ms. Jones. The following Board member was absent: Dr. Krahn.**

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

7. MD-19-0788A, KAVEH KARANDISH, M.D., LIC. #46491

**RESOLUTION: Issue an Advisory Letter and Non-Disciplinary CME Order 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. 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.**

8. THIS CASE WAS PULLED FROM THE AGENDA.

9. MD-19-0599A, KEVIN J. HOOKER, M.D., LIC. #37930

**RESOLUTION: Issue an Advisory Letter and Non-Disciplinary CME Order for failing to timely evaluate and manage a patient in preterm labor. 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 5 hours of Board staff pre-approved Category I CME in the treatment of high risk pregnancies. The CME hours shall be in addition to the hours required for license renewal.

10. MD-19-0811A, MD-19-1028A, MD-20-0123A, CELIA R. ELIAS, M.D., LIC. #26173

**RESOLUTION:** Issue an Advisory Letter and Non-Disciplinary CME Order for failure to properly evaluate and treat a diabetic patient and inadequate documentation. There is insufficient evidence to support disciplinary action. Within six months, complete the intensive, in-person course regarding medical recordkeeping offered by CPEP, and complete no less than 5 hours of Board staff preapproved Category I CME regarding the care and treatment of diabetic patients. Within thirty days of completing the Board ordered CME, the physician shall enroll into CPEP's personalized implementation program (PIP). The CME hours shall be in addition to the hours required for license renewal.

11. MD-19-1030A, JOSHUA M. BLESSING, M.D., LIC. #R76355

**RESOLUTION:** Issue an Advisory Letter and Non-Disciplinary CME Order for requesting a fellow resident prescribe opioids to a family member by implying approval by an attending physician. 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 15 hours of Board staff pre-approved Category I CME in an intensive, in-person course regarding ethics. The CME hours shall be in addition to the hours required for license renewal.

12. MD-19-1030B, PATRICIA I. WU, M.D., LIC. #R76361

**RESOLUTION:** Issue an Advisory Letter and Non-Disciplinary CME Order for prescribing a controlled substance to a pregnant patient without conducting an examination or contacting the patient's primary provider for approval as a resident physician. 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 15 hours of Board staff pre-approved Category I CME in an intensive, in-person course regarding ethics. The CME hours shall be in addition to the hours required for license renewal.

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

**MOTION:** Dr. Gillard moved for the Board to uphold the dismissal in item numbers 1-5.

**SECOND:** Dr. Bethancourt

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

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

**MOTION PASSED.**

1. MD-19-0973A, AMBER L. RANDALL, M.D., LIC. #34269

MM addressed the Board during the Public Statements portion of the meeting on behalf of the complainant.

**RESOLUTION:** Uphold the dismissal.

2. MD-19-0887A, JEROME J. GROVE, M.D., LIC. #37166

**RESOLUTION:** Uphold the dismissal.

3. MD-20-0224A, DOUGLAS M. LAKIN, M.D., LIC. #19362

**RESOLUTION:** Uphold the dismissal.

4. MD-19-0783A, SORABH SHARMA, M.D., LIC. #56757

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

**RESOLUTION: Uphold the dismissal.**

5. MD-19-0831A, NIMIT A. PATEL, M.D., LIC. #49199

Dr. Patel and Attorney Elizabeth Peterson addressed the Board during the Public Statements portion of the meeting.

**RESOLUTION: Uphold the dismissal.**

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

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

**SECOND:** Ms. Jones

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

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

**MOTION PASSED.**

1. MD-19-1160A, NAIYER IMAM, M.D., LIC. #31992

**RESOLUTION: Accept the proposed Consent Agreement for a Letter of Reprimand.**

2. MD-19-0299A, MD-19-0341A, MD-19-0403A, RODOLFO C. NELLAS, M.D., LIC. #12395

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

3. MD-19-0682A, CHUL H. KIM, M.D., LIC. #52818

**RESOLUTION: Accept the proposed Consent Agreement for a Letter of Reprimand and Probation. Within six months, complete no less than 5 hours of Board staff pre-approved Category I CME in the diagnosis and treatment of Rocky Mountain Spotted Fever and the treatment of abnormal vital signs in a pediatric patient. The CME hours shall be in addition to the hours required for the biennial renewal of medical licensure. The Probation shall terminate upon proof of successful completion of the CME.**

## **M. LICENSE APPLICATIONS**

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

**MOTION:** Dr. Beyer moved for the Board to grant licensure in item numbers 1-6, 8 and 9, with waivers where appropriate.

**SECOND:** Dr. Bethancourt

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

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

**MOTION PASSED.**

1. MD-20-0306A, PERRY L. HANEY, M.D., LIC. #N/A

**RESOLUTION: Grant licensure.**

2. MD-20-0474A, JOHN AFTHINOS, M.D., LIC. #N/A

**RESOLUTION: Grant licensure.**

3. MD-20-0061A, DARLENE PEREIRA DA COSTA, M.D., LIC. #N/A

**RESOLUTION: Grant licensure.**

4. MD-20-0239A, PHILIP C. SNYDER, M.D., LIC. #N/A

**RESOLUTION: Grant licensure.**

5. MD-20-0040A, STEPHANIE C. JACKSON, M.D., LIC. #N/A

**RESOLUTION: Grant licensure.**

6. MD-20-0215A, DAVID L. GREENBLATT, M.D., LIC. #N/A

**RESOLUTION: Grant licensure.**

7. THIS CASE WAS PULLED FROM THE AGENDA.

8. MD-20-0352A, DUANE W. SCHUIL, M.D., LIC. #N/A

Doc was on for public statements. Nope, no one was on the line.

**RESOLUTION: Grant licensure.**

9. MD-20-0503A, EVAN H. SCHWARTZ, M.D., LIC. #N/A

**RESOLUTION: Grant licensure.**

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

1. THIS CASE WAS PULLED FROM THE AGENDA.

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

1. DAMODAR K. REDDY, M.D., LIC. #N/A

**MOTION: Dr. Gillard moved for the Board to grant the request for waiver of documentation requirement.**

**SECOND: Dr. Bethancourt**

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

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

**MOTION PASSED.**

**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. MATTHEW D. L. KAY, M.D., LIC. #N/A

Dr. Gillard observed that the applicant graduated from a medical school in Australia and completed several years of postgraduate training, including 36 months at the University of Arizona. However, Dr. Gillard noted that only 24 of those hours were obtained from an accredited program. Dr. Gillard spoke in support of granting licensure by endorsement based on the finding that the applicant's training is equivalent to the training required for Arizona licensure. Dr. Gillard also noted that Dr. Kay has passed three parts of the USMLE.

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

**SECOND: Dr. Paul**

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

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

## **OTHER BUSINESS**

### **N. APPEAL OF EXECUTIVE DIRECTOR ACTION**

1. MD-20-0368A STANLEY E. OKOSUN, M.D., LIC. #N/A

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

Dr. Gillard noted that Dr. Okosun does not qualify for Arizona licensure based on a currently pending investigation in another jurisdiction. He proposed offering the applicant the opportunity to withdraw the license application in lieu of a formal disciplinary license denial. Executive Director McSorley pointed out that the physician applied for temporary licensure, and explained that in these instances, applicants have been deemed to not qualify for licensure and have not been marked as formal license denials. She clarified that these types of matters are not reportable to the databank. The Board thanked the Executive Director for the clarification, and Dr. Gillard spoke in support of upholding the prior action in this case.

**MOTION: Dr. Gillard moved for the Board to uphold the Executive Director's action in this matter.**

**SECOND: Dr. Figge**

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

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

**MOTION PASSED.**

2. MD-20-0552A, MANSOOR A. SHEIKH, M.D., LIC. #N/A

Chairman Farmer observed the applicant's complicated history and noted that Dr. Sheikh does not qualify for Arizona licensure at this time. Dr. Paul spoke in support of the Executive Director's decision to deny the temporary license application in this case.

**MOTION: Dr. Paul moved for the Board to uphold the Executive Director's action in this matter.**

**SECOND: Dr. Bethancourt**

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

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

**MOTION PASSED.**

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

1. MD-17-1176A, AYMAN N. AWAD, M.D., LIC. #20281

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

Dr. Gillard spoke in support of denying the request for termination, noting the egregious findings and that the physician has only served one year of the two-year probationary period.

**MOTION: Dr. Gillard moved to deny the request for termination of the Board Order in this case.**

AAG Smith clarified that the Board placed the license on Probation for two years and required the licensee to complete intensive, in-person CME as the only term under the Board's Order. She stated that PBI has submitted confirmation that the physician completed the CME and there are no other probationary terms required under the Board's Order. Dr. Gillard withdrew his motion to deny the request.

Dr. Beyer recognized that Dr. Awad has completed the terms of his Probation. Dr. Figge stated that while he found the case somewhat disturbing, the Board placed the license on Probation with the requirement to complete CME and the physician has satisfied the terms of the Board's Order.

**MOTION: Dr. Figge moved for the Board to grant the physician's request to terminate the August 6, 2019 Board Order.**

**SECOND: Dr. Beyer**

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

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

**MOTION PASSED.**

**2. MD-16-0766A, CELIA R. ELIAS, M.D., LIC. #26173**

Dr. Gillard stated that he went to the same school as the licensee, and that it would not affect his ability to adjudicate the case. Dr. Figge spoke in support of granting the request to terminate the Board Order in this case, noting that agenda item #10 involved the requirement to complete CME to address other issue that were raised in the reviews. Dr. Figge found that the physician met the requirements of the Board's Order in this case.

**MOTION: Dr. Figge moved for the Board to grant the physician's request to terminate the November 8, 2017 Board Order.**

**SECOND: Dr. Gillard**

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

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

**MOTION PASSED.**

**P. REQUEST FOR MODIFICATION OF BOARD ORDER**

**1. MD-18-0100A, ARNOLD H. MEYEROWITZ, M.D., LIC. #13263**

Attorney Steve Perlmutter, M.D., addressed the Board during the Public Statements portion of the meeting.

Chairman Farmer observed that the physician's license is subject to chart reviews in relation to his controlled substances prescribing, pursuant to the Board's Order. Chairman Farmer stated that the issue was raised regarding the physician's current practice does is being performed via telemedicine and reportedly does not involve the prescribing of controlled substances, which called to question whether chart reviews were appropriate. Dr. Bethancourt spoke in support of denying the physician's request for modification of his Board Order.

Dr. Beyer stated that the intent of the Board's Order is to assess the physician's prescribing of narcotics and questioned whether the Order should be tolled until the opportunity to review records that are relevant to the Board's concerns regarding the physician's prescribing. Dr. Bethancourt disagreed with Dr. Beyer's comments, and stated that the physician's current practice setting does not prohibit him from prescribing controlled substances through telemedicine. Dr. Gillard proposed modifying the Board's



Order to require a total of three favorable chart reviews prior to termination. Dr. Bethancourt noted Dr. Meyerowitz's extensive prior Board history involving similar concerns as the current case.

Chairman Farmer stated that Dr. Meyerowitz's prior Board history causes significant concern for patient safety. Chairman Farmer added that further review of the physician's opioid cases is required prior to the Board considering termination of Probation. Dr. Beyer stated that despite the reports that the nature of the practice does not involve prescribing of controlled substances, there is nothing prohibiting the physician from prescribing controlled substances and stated that in the event the physician is in environment where he could be practicing with controlled substances, chart reviews should be mandated. AAG Smith clarified that while the Board's Order provides the physician with the opportunity to request termination after two consecutive favorable chart reviews, the Board is not required to terminate the Probation at that time.

Board staff pointed out that the business agreement provided to the Board by counsel indicated that Dr. Meyerowitz was required to report any action taken against his DEA or controlled substances permit. Ms. Rivera questioned why this was required if the practice did not allow controlled substance prescribing. The Board discussed potentially modifying the Order by prohibiting the physician from prescribing controlled substances, and to recommence chart reviews after the Practice Restriction is lifted in the future. AAG Smith informed the Board that a Practice Restriction of this type is often seen as a more significant level of discipline than a chart review monitor. The Board discussed denying the request to modify the Board's Order and continue with the terms that are currently in effect.

**MOTION: Dr. Bethancourt moved for the Board to deny the physician's request for modification of the Board's Order.**

**SECOND: Dr. Figge**

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

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

**MOTION PASSED.**

#### **Q. GENERAL CALL TO THE PUBLIC**

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

#### **R. ADJOURNMENT**

**MOTION: Ms. Jones moved for the Board to adjourn.**

**SECOND: Dr. Bethancourt**

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

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

**MOTION PASSED.**

The Board's meeting adjourned at 8:48 p.m.



  
Patricia E. McSorley, Executive Director