Arizona Medical Board

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DRAFT MINUTES FOR SPECIAL TELECONFERENCE MEETING
Held on Thursday, November 5, 2020
1740 W. Adams St., Board Room A • Phoenix, Arizona

Board Members
R. Screven Farmer, M.D., Chair
James M. Gillard, M.D., M.S., F.A.C.E.P., F.A.A.E.M., Vice-Chair
Edward G. Paul, M.D., Secretary
Jodi A. Bain, M.A., J.D., LL.M.
Bruce A. Bethancourt, M.D., F.A.C.P.
David C. Beyer, M.D., F.A.C.R., F.A.S.T.R.O.
Laura Dorrell, M.S.N., R.N.
Gary R. Figge, M.D.
Pamela E. Jones
Lois E. Krahn, M.D.

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GENERAL BUSINESS

A. CALL TO ORDER

Vice-Chairman Gillard called the Board's meeting to order at 5:08 p.m.

B. ROLL CALL

The following Board members participated telephonically: Chairman Farmer, Vice-Chairman 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 teleconferences: Patricia McSorley, Executive Director; Alicia Cauthon, Executive Assistant; Kristina Fredericksen, Deputy Director; Raquel Rivera, Manager of Investigations; James Silva, Assistant Manager of Investigations; William Wolf, M.D., Chief Medical Consultant; Kathleen Coffer, M.D., Internal Medical Consultant; Michelle Robles, Board Operations Manager; and, Andrea Cisneros, Minutes Administrator. Also present, Assistant Attorney General Carrie Smith ("AAG Smith")

C. PUBLIC STATEMENTS REGARDING MATTERS LISTED ON THE AGENDA

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

D. EXECUTIVE DIRECTOR'S REPORT

- Update on Draft Five Year Review Report for Article 2 Rules (Licensing)

  Executive Director McSorley referred the Board members to the draft Five Year Review Report in the meeting materials and was available for any questions.

E. CHAIR'S REPORT

- Appointment of Acting Chair to Committee B for December 3, 2020 Meeting

  Chairman Farmer stated his appreciation for the Board's staff for their hard work and efforts in facilitating the Board's meetings. Chairman Farmer appointed Dr. Figge to Chair Committee B's December 2020 meeting in Dr. Paul's absence, to which Dr. Figge agreed.

F. LEGAL ADVISOR'S REPORT

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

  AAG Smith informed the Board that a stipulation to dismiss this case has been negotiated by the parties and that there are no outstanding issues in this matter. AAG Smith stated the case has concluded and in response to Dr. Bethancourt's question as to whether this matter was reportable, she encouraged him to reach out to his affiliations regarding his inquiry. She clarified that the members were named in the lawsuit in their official capacity and have been dismissed as named parties in the case.

G. DISCUSSION REGARDING DEBRIEFING ON BOARD PROCESSES

Chairman Farmer stated that staff has been doing a fabulous job streamlining the Board's proceedings and reported that the Board's December 2020 meetings will be conducted via Zoom, similar to the format of the Board's October 2020 meetings. The Board requested the Executive Director to report the number of upcoming Formal Interview cases at its next meeting. The Chair informed the Board that the Executive Team planned to re-evaluate the need for the new meeting format after the Board's December 2020 meeting. Ms. Robles requested the Board members inform staff of any changes in their availability for the upcoming meetings as soon as possible to allow staff the ability to ensure a quorum of members.

H. APPROVAL OF MINUTES

- September 17, 2020 Special Teleconference

MOTION: Ms. Bain moved for the Board to approve the September 17, 2020 Special Teleconference.
SECOND: Dr. Bethancourt
VOTE: The following Board members voted in favor of the motion: Chairman Farmer, Vice-Chairman Gillard, Dr. Paul, Ms. Bain, Dr. Bethancourt, Dr. Beyer, Ms. Dorrell, and Dr. Figge. The following Board members were absent: Ms. Jones and Dr. Krahn.
VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.
MOTION PASSED.

CONSENT AGENDA

I. CASES RECOMMENDED FOR DISMISSAL

MOTION: Dr. Paul moved for the Board to dismiss item numbers 1-3.
SECOND: Dr. Bethancourt
VOTE: The following Board members voted in favor of the motion: Chairman Farmer, Vice-Chairman 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: 8-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.
MOTION PASSED.

1. MD-19-1110A, SHAWN W. LEE, M.D., LIC. #40208

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Complainant JW addressed the Board during the Public Statements portion of the teleconference.

RESOLUTION: Dismiss.

2. MD-19-0989A, RALPH E. BENNETT, M.D., LIC. #13996

   Attorney Bruce Crawford addressed the Board during the Public Statements of the teleconference on behalf of Dr. Bennett.

   RESOLUTION: Dismiss.

3. MD-19-0989B, NEHAD SOLOMAN, M.D., LIC. #31518

   Dr. Soloman addressed the Board during the Public Statements portion of the teleconference.

   RESOLUTION: Dismiss.

J. CASES RECOMMENDED FOR ADVISORY LETTERS

MOTION: Dr. Beyer moved for the Board to issue an Advisory Letter in item numbers 2, 4, 5, and 10.
SECOND: Dr. Figge
VOTE: The following Board members voted in favor of the motion: Chairman Farmer, Vice-Chairman 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-abstain, 0-recuse, 0-abstain, 1-absent.
MOTION PASSED.

1. THIS CASE WAS PULLED FROM THE AGENDA.

2. MD-20-0411A, NEHAD SOLOMAN, M.D., LIC. #31518

   Dr. Soloman and Attorney Bruce Crawford addressed the Board during the Public Statements portion of the teleconference.

   RESOLUTION: Issue an Advisory Letter for failing to maintain a delegation agreement with a physician assistant. 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-20-0002A, LILI A. JORDAN, M.D., LIC. #35143

   Attorney Michelle Thompson addressed the Board during the Public Statements portion of the teleconference on behalf of Dr. Jordan.

   Dr. Beyer questioned whether an Advisory Letter was warranted in this matter, noting that the physician made a valid effort on more than one occasion to sign the death certificate for the family. Dr. Beyer stated he found that there was to intention to abandon the patient or the physician's duty and spoke in support of dismissal.

   MOTION: Dr. Beyer moved for dismissal.
   SECOND: Dr. Bethancourt
   VOTE: The following Board members voted in favor of the motion: Chairman Farmer, Vice-Chairman 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: 8-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.
   MOTION PASSED.

4. MD-20-0043A, VINCENT A. LOMBARDI, M.D., LIC. #26464

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RESOLUTION: Issue an Advisory Letter for having action taken against his medical license in multiple jurisdictions. 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.

5. MD-19-0791A, ERIC D. SONDERER, M.D., LIC. #16721

   RESOLUTION: Issue an Advisory Letter for failing to timely follow up on the findings of an abdominal CT scan. 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. THIS CASE WAS PULLED FROM THE AGENDA.

7. MD-20-0286A, ROLAND SEGAL, M.D., LIC. #34021

   Dr. Beyer questioned whether an Advisory Letter was warranted in this matter. Dr. Beyer observed that the licensee admitted to having prescribed an incorrect medication, which the patient discovered and was immediately resolved.

   MOTION: Dr. Beyer moved for dismissal.
   SECOND: Dr. Bethancourt

   Dr. Bethancourt noted that there were minor differences in the medications and that had the patient taken the medication that was incorrectly prescribed by the licensee, it would not have resulted in a nefarious outcome. Chairman Farmer spoke in support of the motion.

   VOTE: The following Board members voted in favor of the motion: Chairman Farmer, Vice-Chairman 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: 8-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.
   MOTION PASSED.

8. MD-20-0418A, RICHARD H. ROSENTHAL, M.D., LIC. #26470

   Vice-Chairman Gillard stated that he had met the licensee in the distant past with no contact for several years, and that it would not affect his ability to adjudicate the case. Vice-Chairman Gillard observed that this case stemmed from a complaint with the Arizona Regulatory Board of Physician Assistants wherein the physician was alleged to have failed to maintain an annually updated and signed Delegation Agreement ("DA") with a PA. He also noted that the PA was not hired by the licensee and spoke in support of dismissal.

   MOTION: Vice-Chairman Gillard moved for dismissal.
   SECOND: Dr. Figge

   Dr. Figge noted that this issue is common among emergency medicine medical groups who often rely on the employer for administrative tasks such as this. The Board members discussed concerns regarding the employer and PA being aware of the requirements for maintaining a DA pursuant to statute, as well as the importance of maintaining an up to date DA.

   Dr. Beyer spoke against the motion and stated that while he recognized that the PA was not directly hired by the licensee, Dr. Rosenthal served in the capacity of Medical Director at the time in question and should be held accountable for the lack of oversight. Dr. Beyer stated that an Advisory Letter was warranted in this matter. Vice-Chairman Gillard spoke in favor of the motion to dismiss, and stated that the PA is responsible for ensuring that their DA is up to date and signed by their supervisors. Dr. Figge commented, based on

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his experience of working in the Emergency Department, medical directors are pushed to signing forms whether they agree with it or not as a contingency for their employment. Dr. Figge stated that the intent of the law pertains to the individual supervising the PA, which he stated was not the case here. Dr. Figge stated that the licensee has been made aware of the Board's concerns by having gone through the investigation process, and that an Advisory Letter was not warranted.

Ms. Rivera reported that the licensee's notice for today's proceedings was accompanied by the SIRC report, outlining any concerns that may have been raised in this case. She stated that the physician was relaying information to the Hospital based on what he had learned from this case, and that the PA was recently issued a non-disciplinary sanction by his respective regulatory agency and has been made aware of the need for a signed up to date DA. Dr. Bethancourt spoke in favor of the motion to dismiss. Ms. Jones pointed out that the Board considered at least three cases during these proceedings that involved the same issues of failure to maintain a DA. Ms. Jones stated that it would be beneficial to establish a mechanism for further educating physicians, PAs and employers regarding this issue. Chairman Farmer observed that the landscape of how healthcare providers are employed has evolved greatly over the years, and spoke in support of further educating the community regarding the statutory requirements for maintaining appropriate DAs.

VOTE: The following Board members voted in favor of the motion: Chairman Farmer, Vice-Chairman 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: 8-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.
MOTION PASSED.

Chairman Farmer instructed the Executive Director to explore the suggestion for an educational component per the Board's discussion.

9. MD-19-0916A, MURALI MACHERLA, M.D., LIC. #36880

Complainant MM addressed the Board during the Public Statements portion of the teleconference. Dr. Macherla and Attorney Steve Myers also addressed the Board during the Public Statements.

Dr. Wolf was recused from this matter.

Vice-Chairman Gillard recognized that this was a complicated case involving a patient with several comorbidities. He noted a discrepancy in the file in that the autopsy report noted a considerable hematoma and the pathologist felt the cause of death could have been a hemorrhage, while the SIRC report indicated that the cause of death was renal and respiratory failure.

Mr. Silva summarized that the licensee responded to the allegations that a brief operative note was adequate to which the MC disagreed, noting that the delay in dictation increased the risk of inaccurate information being presented in the operative report. Dr. Vandenheede pointed out that the post implant angiograms revealed and confirmed good positioning and flow with no evidence of leaks. Vice-Chairman Gillard noted that the case was reviewed by two MCs and underwent thorough evaluation by SIRC. He spoke in support of issuing an Advisory Letter to resolve this case.

MOTION: Dr. Bethancourt moved for the Board to issue an Advisory Letter for failure to dictate an operative report in a timely manner. 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, Vice-Chairman 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: 8-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.
MOTION PASSED.

10. MD-19-1012B, BRAD M. ASKAM, M.D., LIC. #58589

Attorney Melissa San Angelo addressed the Board during the Public Statements portion of the teleconference on behalf of Dr. Askam.

RESOLUTION: Issue an Advisory Letter for failing to verify radiologically and document that a wrist fracture was appropriately reduced; and failing to document a lower limb brace placement. There is insufficient evidence to support disciplinary action.

11. MD-20-0091A, BRIAN P. TENELSHOF, M.D., LIC. #45677

Vice-Chairman Gillard observed that this matter stemmed from a malpractice settlement that involved a number of individuals and that the licensee's counsel took responsibility for the delayed response to the Board. He noted the proposed findings that the physician failed to have an updated Delegation Agreement. Vice-Chairman Gillard stated that this was an Emergency Room physician who most likely did not directly hire the PA, and he spoke in support of dismissal.

MOTION: Vice-Chairman Gillard moved for dismissal.
SECOND: Dr. Figge
VOTE: The following Board members voted in favor of the motion: Chairman Farmer, Vice-Chairman 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-abstain, 0-recuse, 0-abstain, 1-absent.
MOTION PASSED.

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

1. MD-20-0507A, DAVID LEE, M.D., LIC. #48113

Vice-Chairman Gillard observed that this matter stemmed from a self-report of a malpractice settlement involving the licensee. He noted that the underlying patient care was complicated and that the physician recognized that he misread imaging. Vice-Chairman Gillard stated that while he agreed with the issuance of an Advisory Letter in this matter, he questioned whether CME was warranted. He stated that having gone through the litigation and investigation processes, the physician has been made aware of the issues identified in this matter.

MOTION: Vice-Chairman Gillard moved for the Board to issue an Advisory Letter for misinterpreting CT scan images of the abdomen. While there is insufficient evidence to support disciplinary action, the Board believes that continuation of the activities that led to the investigation may result in further Board action against the licensee.
SECOND: Dr. Paul

Dr. Beyer stated that based on his review of the physician's response, the CME may be warranted to further educate the licensee on the issues identified.

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

L. REVIEW OF EXECUTIVE DIRECTOR DISMISSALS

MOTION: Dr. Paul moved for the Board to uphold the dismissal in item numbers 1, 2, 3, 4, 5, and 6.
SECOND: Ms. Bain
VOTE: The following Board members voted in favor of the motion: Chairman Farmer, Vice-Chairman 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-abstain, 0-recuse, 0-abstain, 1-absent.
MOTION PASSED.

1. MD-20-0075A, MIGUEL A. ARENAS, M.D., LIC. #33383

   Complainant AB addressed the Board during the Public Statements portion of the teleconference.

   RESOUTION: Uphold the dismissal.

2. MD-20-0075C, MONICA R. GUSTAFSON, M.D., LIC. #49061

   Complainant AB addressed the Board during the Public Statements portion of the teleconference.

   RESOUTION: Uphold the dismissal.

3. MD-20-0360A, ROBERT M. BRADY, M.D., LIC. #27312

   Complainant KR addressed the Board during the Public Statements portion of the teleconference. Attorney Robin Burgess addressed the Board during the Public Statements on behalf of Dr. Brady.

   RESOUTION: Uphold the dismissal.

4. MD-20-0022A, MING ZHANG, M.D., LIC. #51066

   Complainant JA addressed the Board during the Public Statements portion of the teleconference.

   RESOUTION: Uphold the dismissal.

5. MD-20-0364A, STEVEN L. PALLEY, M.D., LIC. #16673

   Complainant PT addressed the Board during the Public Statements portion of the teleconference.

   RESOUTION: Uphold the dismissal.

6. MD-19-1144A, JAY S. FRIEDMAN, M.D., LIC. #15319

   Complainant BL and Dr. Friedman addressed the Board during the Public Statements portion of the teleconference.

   RESOUTION: Uphold the dismissal.

M. LICENSE APPLICATIONS

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

MOTION: Ms. Jones moved for the Board to approve the license application and grant licensure in item numbers 1, 2, 3, 4, and 6.
SECOND: Dr. Beyer
VOTE: The following Board members voted in favor of the motion: Chairman Farmer, Vice-Chairman 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-abstain, 0-recuse *(one recusal noted in item number 6 as stated herein)*, 0-abstain, 1-absent.
MOTION PASSED.

1. MD-20-0557A, ERIC L. LO, M.D., LIC. #N/A
   RESOUTION: Approve the license application and grant licensure.

2. MD-20-0655A, PAUL M. LOPEZ, M.D., LIC. #N/A
   RESOUTION: Approve the license application and grant licensure.

3. MD-20-0696A, KENNETH A. MURACHANIAN, M.D., LIC. #N/A
   RESOUTION: Approve the license application and grant licensure.

4. MD-20-0535A, ROGER A. MASON, M.D., LIC. #N/A
   RESOUTION: Approve the license application and grant licensure.

5. MD-20-0665A, DEVIN N. PATEL, M.D., LIC. #N/A
   Dr. Patel addressed the Board during the Public Statements portion of the teleconference.

   Ms. Jones observed that the applicant has completed the terms of his California Board Order as well as the Court's sentencing order. Ms. Jones stated her concerns regarding the applicant's misrepresentations on his application relating to board certification, and Dr. Beyer noted that the physician misrepresented the confidential information included in the application.

   MOTION: Ms. Jones moved to approve the application and grant licensure.
   SECOND: Vice-Chairman Gillard

   Ms. Dorrell echoed Ms. Jones' and Dr. Beyer's comments and stated that she too was concerned regarding this applicant. Vice-Chairman Gillard pointed out that the applicant's prior issues were not associated with patient care, and that the physician has complied with the terms and conditions of the Court as well as the California Board. Vice-Chairman spoke in favor of the motion to grant licensure. Chairman Farmer questioned whether a Licensing Interview was warranted to gain more insight into the misrepresentations noted on the license application. Ms. Jones spoke in favor of the motion and stated that while concerns have been raised, the applicant did speak during the Public Statements and appeared sincere.

   The Board instructed staff to provide the applicant with a copy of the minutes from today's session to inform him of the Board's concerns regarding the misrepresentations noted on the application, with an emphasis on the importance in understanding the seriousness of misrepresenting past events. Dr. Figge suggested also informing the applicant of the potential requirement to obtain CME in ethics if past events are repeated.

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VOTE: The following Board members voted in favor of the motion: Vice-Chairman Gillard, Dr. Paul, Dr. Bethancourt, Ms. Dorrell, Dr. Figge, and Ms. Jones. The following Board member voted against the motion: Dr. Beyer. The following Board members abstained: Chairman Farmer and Ms. Bain. The following Board member was absent: Dr. Krahn.
VOTE: 5-yay, 1-nay, 2-abstain, 0-recuse, 1-absent.
MOTION PASSED.

6. MD-20-0588A, ANDREW F. RUBENSTEIN, M.D., LIC. #N/A

   Dr. Rubenstein addressed the Board during the Public Statements portion of the teleconference.

   Dr. Bethancourt was recused from this matter.

   RESOUTION: Approve the license application and grant licensure.

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

1. MD-20-0623A, KRISTINE A. ROMINE, M.D., LIC. #31198

   Dr. Bethancourt was recused from this matter.

   MOTION: Vice-Chairman Gillard moved for the Board to grant the license renewal and dismiss the pending investigation.
   SECOND: Dr. Paul
   VOTE: The following Board members voted in favor of the motion: Chairman Farmer, Vice-Chairman Gillard, Dr. Paul, Ms. Bain, Dr. Beyer, Ms. Dorrell, Dr. Figge, and Ms. Jones. The following Board member was recused: Dr. Bethancourt. The following Board member was absent: Dr. Krahn.
   VOTE: 8-yay, 0-nay, 0-abstain, 1-recuse, 0-abstain, 1-absent.
   MOTION PASSED.

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

1. MD-20-0571A, AARON C. MCKINNEY, M.D., LIC. #34287

   Vice-Chairman Gillard observed that the applicant was sanctioned in Utah and the matter was reported to the NPDB. He spoke in favor of granting the license renewal and issuing an Advisory Letter.

   MOTION: Vice-Chairman Gillard moved for the Board to grant the license renewal and issue an Advisory Letter for action by the State of Utah. There is insufficient evidence to support disciplinary action.
   SECOND: Dr. Bethancourt
   VOTE: The following Board members voted in favor of the motion: Chairman Farmer, Vice-Chairman 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: 8-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.
   MOTION PASSED.

2. MD-20-0586A, MIA M. GALIOTO, M.D., LIC. #23214

   Vice-Chairman Gillard observed that the issue involving the DEA occurred in 2005 and has been resolved, and that the physician was previously the subject of a Board

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investigation. Vice-Chairman Gillard spoke in favor of granting the license renewal and issuing an Advisory Letter.

MOTION: Vice-Chairman Gillard moved for the Board to grant the license renewal and issue an Advisory Letter for making a false statement on a DEA application. There is insufficient evidence to support disciplinary action.
SECOND: Dr. Paul
VOTE: The following Board members voted in favor of the motion: Chairman Farmer, Vice-Chairman 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: 8-yay, 0-nay, 0-abstain, 0-recuse, 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. DAVID K TUTOR, M.D., LIC. #N/A

Vice-Chairman Gillard observed that the applicant's certification in internal medicine expired in the distant past, and is currently practicing occupational medicine with multiple state licenses without a history of discipline. He spoke in favor of granting licensure by endorsement.

MOTION: Vice-Chairman Gillard moved for the Board to grant licensure by endorsement.
SECOND: Dr. Beyer
VOTE: The following Board members voted in favor of the motion: Chairman Farmer, Vice-Chairman 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: 8-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.
MOTION PASSED.

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

OTHER BUSINESS

N. REQUEST FOR MODIFICATION OF BOARD ORDER

1. MD-14-0549A, REDENTOR T. ESPIRITU, M.D., LIC. #31859

Vice-Chairman Gillard observed that Dr. Espiritu entered into a Consent Agreement with the Board in 2013 and has requested modification to terminate the requirement to continue in cognitive therapy. He also noted that the licensee's psychotherapist is supportive of terminating this requirement. The Board noted that all other terms and conditions of the Board's Order will remain in effect.

MOTION: Vice-Chairman Gillard moved for the Board to grant the request to modify the Board Order to terminate the requirement to continue in cognitive therapy.
SECOND: Dr. Beyer
VOTE: The following Board members voted in favor of the motion: Chairman Farmer, Vice-Chairman 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: 7-yay, 0-nay, 1-abstain, 0-recuse, 1-absent.
MOTION PASSED.

O. REQUEST FOR TERMINATION OF BOARD ORDER

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1. MD-14-0607A, JACK L. POTTS, M.D., LIC. #12185

Vice-Chairman Gillard observed that the physician was ordered to participate in PHP, retroactive to November 19, 2015. The Board noted that Dr. Potts has been compliant with his monitoring agreement and that the PHP Contractor is supportive of termination.

MOTION: Vice-Chairman Gillard moved for the Board to grant the request to terminate the October 11, 2016 Board Order.
SECOND: Dr. Bethancourt
VOTE: The following Board members voted in favor of the motion: Chairman Farmer, Vice-Chairman 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: 8-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.
MOTION PASSED.

2. MD-16-0949A, JEFFREY M. TAFFET, M.D., LIC. #16326

Dr. Taffet addressed the Board during the Public Statements portion of the teleconference.

MOTION: Dr. Figge moved for the Board to grant the request to terminate the August 3, 2017 Board Order.
SECOND: Vice-Chairman Gillard

Vice-Chairman Gillard observed that Dr. Taffet has received the support from two monitors who are in favor of termination.

VOTE: The following Board members voted in favor of the motion: Chairman Farmer, Vice-Chairman 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: 8-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.
MOTION PASSED.

3. MD-15-0894A, REZA A ROD, M.D., LIC. #38069

Attorney Dee Dee Holden addressed the Board during the Public Statements portion of the meeting on behalf of Dr. Rod.

The Board observed that at its October 2020 meeting, Committee B conducted a Formal Interview involving Dr. Rod relative to the results of chart reviews conducted pursuant to the Board's Order in case number MD-15-0894A. At the conclusion of the Formal Interview, Committee B voted to place the license on Probation with additional chart monitoring. The Board noted that the issues that gave rise to the initial chart monitoring requirement differed from the issue raised in the more recent case, and warranted further chart review monitoring.

MOTION: Vice-Chairman Gillard moved for the Board to grant the request to terminate the February 2, 2017 Board Order.
SECOND: Dr. Bethancourt

In response to a Board member question, AAG Smith informed the Board that the disciplinary Board Order that resulted from the Committee's Formal Interview of the licensee will be considered at the Committee's December 2020 meeting for approval, and that that if approved, the physician will have 35 days to request a rehearing or review. If no such request is filed within the prescribed timeframe, the Board's Order will become effective the date in which it was approved by Committee B.

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VOTE: The following Board members voted in favor of the motion: Chairman Farmer, Vice-Chairman 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: 7-yay, 0-nay, 1-abstain, 0-recuse, 1-absent.
MOTION PASSED.

4. MD-18-0498A, JOSEPH A. D. BROOKS, M.D., LIC. #33066

Dr. Brooks and Attorney Steve Myers addressed the Board during the Public Statements portion of the teleconference.

Vice-Chairman Gillard observed that the physician has received an unconditional passing grade from ProBE and spoke in support of granting the request to terminate the Board's Order in this matter.

MOTION: Vice-Chairman Gillard moved for the Board to grant the request to terminate the October 9, 2019 Board Order.
SECOND: Dr. Paul
VOTE: The following Board members voted in favor of the motion: Chairman Farmer, Vice-Chairman 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: 8-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.
MOTION PASSED.

P. GENERAL CALL TO THE PUBLIC

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

Q. ADJOURNMENT

MOTION: Ms. Bain for adjournment.
SECOND: Dr. Bethancourt
VOTE: The following Board members voted in favor of the motion: Chairman Farmer, Vice-Chairman 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-abstain, 0-recuse, 0-abstain, 1-absent.
MOTION PASSED.

The Board's meeting adjourned at 7:39 p.m.

Patricia E. McSorley, Executive Director

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