



Arizona Medical Board

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FINAL MINUTES FOR TELECONFERENCE MEETING

Held on Friday, December 4, 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 teleconference to order at 8:07 a.m.

B. ROLL CALL

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

ALSO PRESENT

The following Board staff participated in the teleconference: Patricia McSorley, Executive Director; Kristina Fredericksen, Deputy Director; Alicia Cauthon, Executive Assistant; Raquel Rivera, Investigations Manager; William Wolf, M.D., Chief Medical Consultant; Michelle Robles, Board Operations Manager; and, Andrea Cisneros, Minutes Administrator. Also present: Carrie Smith, Assistant Attorney General ("AAG"); and Roberto Pulver, AAG. Elizabeth Campbell, AAG, participated in the teleconference 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 appear beneath the matter(s) referenced.

D. EXECUTIVE DIRECTOR'S REPORT

- Update on Successful Transition to Version 6, GL Solutions
Executive Director McSorley informed the Board that after much planning and a brief blackout period, the Agency has successfully transitioned to GLSuites Version 6 with minimal downtime. She thanked the IT team lead by the Deputy Director for their hard work and efforts in making this happen.

- **Update on Board Processes and Staffing**
Executive Director McSorley informed the Board that the Agency will be transitioning from VDI through Citrix to a Windows Virtual Desktop in early 2021.
- **Update on 2021 Legislative Session**
Executive Director McSorley reported that she will continue to monitor the upcoming 2021 Legislative Session, and stated that while the Board does not have anything in the works, the Board's request for an appropriation increase has not yet passed.
- **Update on Number of Potential Formal Interviews for February**
Executive Director McSorley informed the Board that there are currently 8 cases pending scheduling for a Formal Interview, and that additional cases may be added to that list from the upcoming Staff Investigational Review Committee ("SIRC") meetings that are scheduled to be held prior to the Board's next meeting. Ms. Jones reported that she would not be available to participate in the February 2021 Committee and Board meetings.
- **Discussion on the Submission of the Five Year Review Report for Article 2 (Licensing) to the Governor's Regulatory Review Council ("GRRC")**
Executive Director McSorley referred the Board members to her memorandum, and highlighted that the two rules that require revision include removing "hospital affiliation" so as to not cause any confusion with the statute, which includes hospital affiliations under the definition of medical employment. She stated that the second revision related to the Board accepting certified copies of documents from another government agency as legitimate primary source verification. Executive Director McSorley encouraged the Board members to inform her of any proposed amendments, and stated that if her report is acceptable, she would proceed with filling the report with GRRC.

Vice-Chairman Gillard noted that the Board currently has two vacancies and that some members' terms have expired, and questioned when the Board should expect to have those positions filled. Executive Director McSorley reported that she recently was informed that there are some appointments coming to her in the mail, and that she would continue to monitor the situation and remind the Governor's Office that the Board is in need of the additional appointments.

E. CHAIR'S REPORT

Chairman Farmer stated his appreciation for Board staff, and that he continues to be impressed with the Board's interactions with Board staff in relation to the coordination of the Board's meetings.

F. LEGAL ADVISOR'S REPORT

- **Update Regarding JRA Decision in *Batty v. Arizona Medical Board***
AAG Smith updated the Board regarding this matter, reporting that the Superior Court reviewed the case and upheld the Board's decision.

G. DISCUSSION REGARDING DEBRIEFING ON BOARD PROCESSES

The Board recognized that the Committees' meeting agendas changed at the last minute due to the licensees electing to enter into Consent Agreements rather than proceeding with the Formal Interviews that were scheduled for the Committees' review. Chairman Farmer commented that he found the use of Zoom for holding Formal Interviews has been helpful for the Board's review. Chairman Farmer stated his concerns regarding the intricacies involved in how the Board conducts its proceedings, and stated that the sign in processes and password updates have become fairly cumbersome.

Chairman Farmer stated his appreciation for the Board staff's efforts, particularly Ms. Robles for her hard work and efforts in facilitating the Board's meetings. Dr. Krahn stated her appreciation for the Board's Chair for managing these complex processes with grace and style.

H. APPROVAL OF MINUTES

- October 9, 2020 Teleconference

MOTION: Dr. Krahn moved for the Board to approve the October 9, 2020 Teleconference.

SECOND: Ms. Jones

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, Ms. Jones, and Dr. Krahn. The following Board member was absent: Ms. Bain.

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

MOTION PASSED.

LEGAL MATTERS

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

1. MD-19-0493A, ADNAN B. ZAWAWI, M.D., LIC. #47446

Attorney Sara Stark participated in the teleconference during the Board's consideration of this matter on behalf of Dr. Zawawi. AAG Pulver participated on behalf of the State. AAG Campbell participated in the teleconference to provide the Board with independent legal advice.

AAG Pulver summarized that the administrative hearing has been scheduled for December 15-16, 2020, and that Dr. Zawawi has signed the proposed Consent Agreement to voluntarily surrender his license in lieu of Formal Hearing. AAG Pulver summarized that this matter stemmed from the licensee's self-report that he was arrested and charged with DUI in Pennsylvania in December of 2017. Dr. Zawawi's self-report was made 15 months after the arrest and charge occurred, and Board staff concluded that his recount of the facts were misleading and inconsistent when compared to the police report. AAG Pulver stated that Dr. Zawawi failed to report the DUI charge to the Board within ten days of the occurrence as required by statute. During the course of the Board's investigation, Dr. Zawawi was issued Interim Orders requiring him to undergo a Physician Health Program ("PHP") assessment and a healthcare evaluation. Dr. Zawawi failed to comply with these requirements. AAG Pulver urged the Board to accept the proposed Consent Agreement to resolve this matter, and thanked AAG Smith for her assistance in negotiating the proposed settlement.

Ms. Stark requested the Board to accept the proposed Consent Agreement for voluntary surrender and rescind its referral to Formal Hearing.

MOTION: Vice-Chairman Gillard moved for the Board to rescind the referral to Formal Hearing and accept the proposed Consent Agreement for surrender of licensure.

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, Ms. Jones, and Dr. Krahn.

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

MOTION PASSED.

J. REVIEW, CONSIDERATION AND POSSIBLE ACTION ON APPLICANT'S REQUEST FOR REVIEW OR REHEARING OF BOARD ORDER DENYING APPLICATION AFTER FORMAL HEARING

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

Dr. Youssef participated in the teleconference during the Board's consideration of this matter. AAG Smith participated on behalf of the State, and AAG Campbell participated in the teleconference to provide the Board with independent legal advice.

Dr. Youssef requested the Board grant his request to rehear or review this matter, that the Board apply A.R.S. § 32-1422(C) and (D) when considering his license application and grant him an Arizona license.

AAG Smith summarized that this matter stemmed from the Board's denial of Dr. Youssef's license application. A Formal Hearing was held before an Administrative Law Judge ("ALJ") who after hearing from the parties recommended upholding the Board's decision to deny the license. Thereafter, the Board adopted the ALJ's recommendation. Dr. Youssef requested the Board refer the case to a physician for review; however, AAG Smith explained that this option is not available under the Board's statutes, and that Dr. Youssef's petition has not met the burden to demonstrate that rehearing or review is warranted in this matter. AAG Smith also clarified that the statutory provisions referenced in the physician's statement do not apply to this matter at this time and that there was no error by the ALJ in that regard. AAG Smith requested on behalf of the State that the Board deny the physician's request for rehearing or review.

AAG Campbell informed the Board that in the event the Board determines today to deny the motion, the physician would have an opportunity to seek further review of the Board's decision in the Superior Court by means of judicial review. Vice-Chairman Gillard stated that the Board is bound by statute and recognized that the physician will have further opportunity to have the matter reviewed by the Superior Court.

MOTION: Vice-Chairman Gillard moved for the Board to deny the applicant's request for review or rehearing of Board Order denying application after Formal Hearing.

SECOND: Dr. Krahn

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, Ms. Jones, and Dr. Krahn. The following Board member abstained: Dr. Beyer.

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

MOTION PASSED.

K. FORMAL/LICENSING INTERVIEW

1. MD-14-1331A, MD-19-0213A MIN Y. LIM, M.D., LIC. #40179

Dr. Lim's husband, Dr. Fred Sharon, addressed the Board during the Public Statements portion of the teleconference.

Board staff summarized that case number MD-14-1331A was initiated after Dr. Lim self-reported in July of 2014 that the hospital for which she worked had investigated complaints by staff regarding concerns for impairment. Dr. Lim underwent a PHP assessment and drug screen, which was positive for controlled substances that were not prescribed to the physician and a comprehensive evaluation was ordered. Dr. Lim admitted to self-prescribing as well as prescribing to others, and admitted that she received controlled substance prescriptions for her personal use for pain from a long-term injury. In 2014, Dr. Lim entered into a consent agreement for practice restriction, underwent multiple evaluations and assessments, and enrolled in PHP with concerns regarding her return to practice.

Board staff summarized that case number MD-19-0213A was initiated to address Dr. Lim's reapplication for Arizona licensure as she had allowed her previous license to expire due to non-renewal during the course of the MD-14-1131A investigation. Dr. Lim underwent an updated PHP assessment and competency evaluation, both of which determined that the physician was not safe to return to practice at this time.

Dr. Lim and Attorney Steve Myers participated in the teleconference during the Board's consideration of this matter, made statements and answered Board members' questions. Dr. Lim stated that she recognized she behaved in an unprofessional manner and abused her prescription writing privileges. Dr. Lim summarized for the Board her history of neuropathic pain due to a long-term injury, and assured the Board that she never used the prescription medications recreationally. Dr. Lim reported that she continues to wean off her pain pump with future plans for a neurostimulator implant for acceptable pain control. Dr. Lim stated that she believed her medical knowledge deficits could be corrected with remedial coursework.

Mr. Myers stated that Dr. Lim has had no prior Board history with the exception of these matters, and that she has received awards from her colleagues regarding her care of patients. He summarized that Dr. Lim underwent four spinal surgeries and years of physical therapy, and returned to practice on pain medications prescribed by her New York podiatrist. He stated that after relocating to Arizona, Dr. Lim made the mistake of continuing the pain medications through inappropriate prescribing. Mr. Myers stated that the physician has since undergone a number of treatments, therapies and courses, and that she was successfully monitored in PHP for over four years. He asked the Board to consider granting licensure and imposing the same restrictions that were placed on Dr. Lim's previous license to protect the public, and allow her to continue her efforts to be a contributing physician again.

Board staff clarified for the Board that even though Dr. Lim passed a number of the components involved in the PACE evaluation, she received an overall failing grade. Board staff also explained that as an applicant, the onus was on the physician to prove that she is safe to practice medicine. Board staff pointed out that during her testimony, the physician admitted that she is currently not safe to practice medicine. Board staff recommended that the Board to consider allowing the physician an opportunity to withdraw the license application and reapply for licensure after transition to the neurostimulator implantation.

The Board discussed considering the cases separately, as one involved a number of allegations of unprofessional conduct, while the more recent case related to license application review. Dr. Krahn observed that case number MD-14-1331A involved allegations of the physician using controlled substances not prescribed to her by another provider, prescribing to an immediate family member, and knowingly making a false statement.

MOTION: Dr. Krahn moved for findings of unprofessional conduct in case number MD-14-1331A in violation of A.R.S. § 32-1401(27)(f), (g), (h), (j) and (kk).

SECOND: Vice-Chairman Gillard

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, Ms. Jones, and Dr. Krahn. The following Board member was absent: Ms. Bain.

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

MOTION PASSED.

Dr. Krahn recognized that the physician's testimony related to why she felt that she needed medical care that she was unable to obtain, and prescribed to herself. Dr. Krahn stated that from the Board's perspective, this was a very serious matter that involved controlled substances as part of a complicated treatment program designed by the physician's previous provider. Dr. Krahn stated that she found this matter rises to the

level of discipline and spoke in support of adopting the recommendation to issue a Decree of Censure to resolve case number MD-14-1331A.

MOTION: Dr. Krahn moved for draft Findings of Fact, Conclusions of Law and Order for a Decree of Censure in case number MD-14-1331A.

SECOND: Vice-Chairman Gillard

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, Ms. Jones, and Dr. Krahn. The following Board member was absent: Ms. Bain.

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

MOTION PASSED.

Dr. Krahn observed that case number MD-19-0213A was initiated after the Board received Dr. Lim's license application. Dr. Krahn stated she found that the physician currently does not meet the qualifications for an Arizona license, and spoke in favor of allowing the withdrawal of the application in lieu of formal license denial. Dr. Krahn stated she believed the filing of the application was premature and stated that the Board currently does not have the necessary information to ensure that the physician can safely practice medicine at this time.

MOTION: Dr. Krahn moved for the Board to allow the applicant to withdraw the license application in lieu of formal license denial. If the application is not withdrawn within 30 days, the license shall be denied based on A.R.S. § 32-1422(A)(3) and (4).

SECOND: Dr. Paul

Dr. Beyer spoke in favor of the motion and stated that a license could not be granted at this time based on the information presented to the Board. Vice-Chairman Gillard spoke against the motion, stating that the public would be protected if the Board were to issue a restricted license and would allow the physician the ability to take the necessary steps to demonstrate that she is fit to practice. Dr. Figge noted that the practice restriction would still be in effect had the physician not allowed her previous license to expire due to non-renewal. He stated that the applicant does not meet the criteria for licensure at this time pursuant to statute.

Chairman Farmer stated that the Board is obligated to ensure that individuals gaining licensure to practice in Arizona can do so safely and meets the legal requirements. Chairman Farmer recognized that the physician testified that she currently does not meet such requirements, and he stated that the Vice-Chairman's concerns relating to potential impediments to the physician's progress. Vice-Chairman Gillard stated that this matter was complicated and pointed out that there has not been any patient harm established. Board staff observed that withdrawal of the application is not a reportable action, and that the physician may reapply at any time in the future.

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

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

MOTION PASSED.

CONSENT AGENDA

L. CASES RECOMMENDED FOR DISMISSAL

MOTION: Vice-Chairman Gillard moved for the Board to dismiss item numbers 1, 2, 3 and 4.

SECOND: Ms. Jones

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, Ms. Jones, and Dr. Krahn. The following Board member was absent: Ms. Bain.

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

MOTION PASSED.

1. MD-20-0680A, NASRIN MANI, M.D., LIC. #23559

RESOLUTION: Dismiss.

2. MD-19-1188A, ROBERT L. BARON, M.D., LIC. #12168

RESOLUTION: Dismiss.

3. MD-20-0758A, LORNE W. MURRAY, M.D., LIC. #41846

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

RESOLUTION: Dismiss.

4. MD-19-1084A, RONALD G. NEWBOLD, M.D., LIC. #18572

RESOLUTION: Dismiss.

M. CASES RECOMMENDED FOR ADVISORY LETTERS

MOTION: Dr. Krahn moved for the Board to issue an Advisory Letter in item numbers 1, 3, 11, 13, 14 and 16.

SECOND: Dr. Bethancourt

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, Ms. Jones, and Dr. Krahn. The following Board member was absent: Ms. Bain.

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse (*recusal noted in item number 13*), 1-absent.

MOTION PASSED.

1. MD-20-0118A, ALBERTO MEJIA, M.D., LIC. #22935

RESOLUTION: Issue an Advisory Letter for failing to timely report a DUI as required by statute. 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.

2. THIS CASE WAS PULLED FROM THE AGENDA.

3. MD-19-1102A, TERRENCE T. CROWDER, M.D., LIC. #41364

RESOLUTION: Issue an Advisory Letter for failure to adequately document the rationale for not obtaining an MRI and for failure to timely assess a postoperative 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-19-1115A, MICHAEL HIBNER, M.D., LIC. #28840

Dr. Bethancourt was recused from this matter.

Dr. Hibner and Attorney Robin Burgess addressed the Board during the Public Statements portion of the teleconference.

Vice-Chairman Gillard recalled the Public Statements speakers' comments, and that the allegations in this case involved failure to discuss alternatives to surgery and minor records concerns. He spoke in favor of dismissal, noting that informed consent was obtained, and that the patient also underwent several other treatments prior to this incident.

MOTION: Vice-Chairman Gillard moved for dismissal.

SECOND: Dr. Paul

Dr. Paul spoke in favor of the motion and stated that he found the physician's documentation and comments made at the Public Statements portion of the meeting were compelling.

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

VOTE: 5-yay, 2-nay, 1-abstain, 1-recuse, 1-absent.

MOTION PASSED.

5. MD-20-0448A, RIMMA FINKEL, M.D., LIC. #35228

Complainant CW addressed the Board during the Public Statements portion of the teleconference. Dr. Finkel and Attorney Dee Dee Holden also addressed the Board during the Public Statements.

Dr. Beyer recalled the comments made during the Public Statements, and stated that based on his review of the case, the outcome is a recognized complication of post-mastectomy reconstructions. He stated it was not clear from the Medical Consultant's ("MC") report as to whether Dr. Finkel mismanaged this case. Dr. Beyer stated it appeared that the physician was trying very hard to nurture along a challenging reconstruction that was not successful, and that he did not fault the physician for this.

MOTION: Dr. Beyer moved for dismissal.

SECOND: Dr. Krahn

Dr. Figge noted that the Public Statements speakers reported that the medical malpractice claim was dismissed relating to this incident, and he stated that while the outcome was unfortunate, complications do occur. Board staff referred the Board members to the MC's supplemental report, which stated that after having read the physician's response, the MC maintained that three weeks was too long to make the diagnosis of necrotic skin flap and have it excised. Dr. Beyer stated it was clear that the physician was trying desperately to maintain the reconstructed breast and spoke in support of his motion to dismiss this case.

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, Ms. Jones, and Dr. Krahn. The following Board member was absent: Ms. Bain.

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

MOTION PASSED.

6. MD-19-0160A, DUDLEY A. HUDSPETH, M.D., LIC. #23299

Attorney Cal Raup addressed the Board during the Public Statements on behalf of Dr. Hudspeth.

Vice-Chairman Gillard observed that a question was raised in this case regarding why the patient was not taken immediately back to the operating room. He spoke in favor of issuing an Advisory Letter for the physician's failure to document in his progress note the reason for not returning the patient to surgery.

MOTION: Vice-Chairman Gillard moved for the Board to find unprofessional conduct in violation of A.R.S. § 32-1401(27)(e) and issue an Advisory Letter for failure to document in the physician's progress note the reason for not returning the patient to surgery.

Board staff observed that the physician was only noticed regarding a potential violation of A.R.S. § 32-1401(27)(r) regarding quality of care concerns, and that the matter would need to return to allow the licensee an opportunity to respond to the allegation of inadequate medical records. Board staff additionally noted the physician's assertion that the patient was too fragile to return to surgery. Board staff opined that it was disingenuous to suggest that the patient was too fragile to return with extensive bleeding out of chest tubes following cardiac surgery. Vice-Chairman Gillard spoke in favor of returning the case for the Staff Investigational Review Committee ("SIRC") to consider a possible violation of A.R.S. § 32-1401(27)(e) in addition to the (r) violation. Dr. Beyer spoke in favor of issuing the Advisory Letter as proposed by SIRC. Vice-Chairman Gillard withdrew his motion and stated that he agreed with the comments made.

MOTION: Vice-Chairman Gillard moved for the Board to issue an Advisory Letter for failure to return a patient for re-exploration when significant bleeding was present after surgery. 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. 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, Ms. Jones, and Dr. Krahn. The following Board member was absent: Ms. Bain.

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

MOTION PASSED.

7. MD-20-0498A, PAUL M. GUIDERA, M.D., LIC. #23486

Dr. Krahn spoke in favor of dismissing this case. She stated that while there did appear to be a wrong-site incision, the physician appeared to have recognized it immediately and the MC had commented that the physician handled the situation in an exemplary manner. Dr. Krahn stated that based on her review of the case, an Advisory Letter was not warranted.

MOTION: Dr. Krahn moved for dismissal.

SECOND: Ms. Jones

Ms. Jones agreed with Dr. Krahn's comments and spoke in favor of the motion.

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, Ms. Jones, and Dr. Krahn. The following Board member was absent: Ms. Bain.

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

MOTION PASSED.

8. MD-20-0142A, JAMES I. EWING, M.D., LIC. #47444

Attorney Steve Myers addressed the Board during the Public Statements portion of the teleconference on behalf of Dr. Ewing.

Chairman Farmer recalled the comments made during the Public Statements and asked the AAG for clarification regarding reporting requirements. AAG Smith stated that the statute in question, A.R.S. § 32-3208(A), has historically been interpreted by the Board to include both charges filed at the time of the arrest and those that are formally charged and filed in Court. She stated that in the current case, while Dr. Ewing did not have charges filed against him in Court, he was booked and formally charged for two counts of possession at the time of his arrest in 2018. AAG Smith clarified that the Board was not made aware of the charges until two years later after receiving a report from a third party. She stated that she had not had an opportunity to review the cases referenced by counsel in his Public Statements comments, and offered to further analyze the

information and report back to the Board at a future meeting. The Board considered tabling this matter until the AAG could report back to the Board after conducting further research.

MOTION: Chairman Farmer moved for the Board to table this matter, and instruct the Board's Legal Advisor to further analyze the information and report back to the Board.

SECOND: Ms. Jones

Dr. Krahn stated that additional information for these instances would be helpful as the Board often reviews cases involving the same concerns, and that it is not clear at what point in these multi-phase processes does the Board need to be notified.

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, Ms. Jones, and Dr. Krahn. The following Board member was absent: Ms. Bain.

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

MOTION PASSED.

9. MD-20-0173A, BRETT L. HAYWOOD, M.D., LIC. #36834

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

The Board observed that the MC found the physician deviated from the standard of care due to the unsuitable tibial component positioning and implantation. Vice-Chairman Gillard noted that the physician's counsel commented regarding possible anatomical problem that caused difficulty with the fitting. Board staff referred the Board to the MC's supplemental report, and the Board noted the MC's comments that if there was a deviation from the standard of care in this case, it only related to the tibial component positioning. The Board also noted that the surgeon who subsequently performed the revision surgery documented severe overhang of the medial component and tibial bone that still existed laterally. Board staff explained that had the component been placed in that lateral space, it would have interacted with the femoral component more appropriately.

MOTION: Vice-Chairman Gillard moved for the Board to issue an Advisory Letter for unsuitable tibial component positioning and implantation. 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. Krahn

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, Ms. Jones, and Dr. Krahn. The following Board member was absent: Ms. Bain.

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

MOTION PASSED.

10. MD-20-0013A, ASHISH PERSHAD, M.D., LIC. #25732

Dr. Bethancourt was recused from this matter.

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

Vice-Chairman Gillard recalled the comments made during the Public Statements, and he noted that the hospital reported Dr. Pershad for performing a procedure for which he did not hold privileges. Vice-Chairman Gillard recognized that mitigating circumstances existed in this matter including Dr. Pershad's training and ability to perform the procedure

in question. Vice-Chairman Gillard spoke in favor of dismissal and noted that a number of other specialists were involved in the patient's care.

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

Chairman Farmer spoke in support of the motion, stating that there appeared to be the intent to follow procedures until the patient's emergency condition dictated how they proceeded. Chairman Farmer commented that the procedure was performed correctly and that an Advisory Letter was not warranted in this case. Dr. Beyer recognized that Dr. Pershad has completed an ethics course in response to the hospital's concerns, and stated that dismissal was a reasonable resolution. Dr. Krahn stated that while she agreed with the outcome, she noted that the hospital notified the Board of their action that caused her to believe there may have been other factors that led to their decision to report to the Board. Chairman Farmer commented that he has seen hospitals vary widely in their approach to reporting matters to the Board, and stated that some are more conservative than others.

Ms. Jones stated that she agreed with other Board members' comments, and recognized that this case involved a very sick patient with a successful outcome. Dr. Figge spoke in support of the motion. Vice-Chairman Gillard stated that based on his experience, hospitals sometimes overreact to reporting requirements, and that he did not believe that it was necessary to report the incident to the Board as it was already handled locally within the hospital.

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

11. MD-20-0540A, MAUREEN K. MCCORMACK, M.D., LIC. #41508

Attorney James Bennett addressed the Board during the Public Statements portion of the teleconference on behalf of Dr. McCormack.

RESOLUTION: Issue an Advisory Letter for failure to timely report a DUI as required by statute. 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.

12. THIS CASE WAS PULLED FROM THE AGENDA.

13. MD-20-0383A, DHIRENDRA K. J. PATEL, M.D., LIC. #17169

Dr. Beyer was recused from this matter.

RESOLUTION: Issue an Advisory Letter for failure to properly treat metastatic squamous cell carcinoma. 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.

14. MD-20-0318A, GERALD S. ASIN, M.D., LIC. #20348

Dr. Asin and Attorney Flynn Carey addressed the Board during the Public Statements portion of the teleconference.

RESOLUTION: Issue an Advisory Letter for attesting to have reviewed the CSPMP for patients being certified for the medical marijuana program when he did not. 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.

15. MD-19-1078A, RICHARD L. BAILEY, M.D., LIC. #25327

Attorney Robert Schultz addressed the Board during the Public Statements portion of the teleconference on behalf of Dr. Bailey.

Vice-Chairman Gillard observed that the MC did not find fault with the procedure, and raised concerns regarding a lack of informed consent contained in the patient's chart. Vice-Chairman Gillard spoke in support of dismissal, noting that the medical records did mention that informed consent was obtained.

MOTION: Vice-Chairman Gillard moved for dismissal.

SECOND: Dr. Bethancourt

Dr. Figge recognized that the licensee's counsel submitted supplemental documentation for the Board's consideration that included a copy of the consent form signed by the patient.

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, Ms. Jones, and Dr. Krahn. The following Board member was absent: Ms. Bain.

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

MOTION PASSED.

16. MD-20-0067A, BARBARA A. NEWMAN, M.D., LIC. #56783

RESOLUTION: Issue an Advisory Letter for failing to recognize and report findings on a CT scan of the brain. There is insufficient evidence to support disciplinary action.

17. MD-20-0249A, RAGHAV MOHINDRA, M.D., LIC. #41238

Dr. Mohindra and Attorney Lauren Weinzwieg addressed the Board during the Public Statements portion of the teleconference.

Vice-Chairman Gillard recalled the comments made during the Public Statements, and stated his concerns regarding what he believed was a "shotgun" approach to this patient's treatment and the types of medications used to treat the patient's condition. Dr. Beyer stated that he found it mitigating that this patient's treatment was initiated at the start of the health pandemic, which he stated may have explained the physician's approach to this patient's treatment. Dr. Beyer stated his concerns regarding the gynecologic lesion and stated that he believed this was patient was managed poorly. Dr. Beyer spoke in support of issuing the recommended Advisory Letter. Vice-Chairman spoke in favor of issuing an Advisory Letter, and stated that he considered the complainant's withdrawal of the complaint four months into the case a mitigating factor.

Dr. Krahn stated her concerns that it is within the purview of a primary care geriatrician to address a skin lesion as it can quickly develop infection, and her concerns regarding the allegations that Dr. Mohindra was very difficult to reach which did not allow the family to follow up with the physician to raise any concerns. Dr. Bethancourt stated his concerns regarding the medications used in that it was confusing and questionable to have used such medications in the treatment of an elderly patient. The Board discussed options for issuing the recommended Advisory Letter, returning the matter for further investigation, or inviting the physician to appear before the Board for a Formal Interview with possibility of entering into a disciplinary Consent Agreement to resolve the case.

Vice-Chairman stated that he was concerned as to whether or not the licensee understood how to treat viral illnesses, and questioned whether additional patients' charts

should be obtained for quality of care review to determine if this is the physician's usual practice versus an isolated occurrence.

MOTION: Vice-Chairman Gillard moved for the Board to return the case for further investigation to obtain another MC review.

This motion failed due to lack of a second by another member.

Chairman Farmer questioned whether another MC review was warranted, and noted that the Board consensus was that the physician's approach to this patient's care was inappropriate. After further discussion of the Board's options at this juncture, Vice-Chairman Gillard spoke in support of returning the case to obtain additional patients' charts for quality of care review and for Board staff to interview the licensee. He reiterated his concerns regarding the physician's unusual approach to this patient's care. Dr. Krahn stated that she was troubled by this case and the physician's claim that he departed from spoke in support of reviewing charts for patients seen prior to the current health crisis to assess whether this physician has been practicing within the standard of care. Ms. Jones stated her concerns regarding the lack of communication between the physician and the family, and emphasized the importance of a geriatrician to communicate with the patient's family.

MOTION: Vice-Chairman Gillard moved for the Board to return this matter for further investigation for staff to obtain additional patients' charts for quality of care review and for staff (including an Internal Medical Consultant) to interview the licensee.

SECOND: Dr. Paul

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, Ms. Jones, and Dr. Krahn. The following Board member was absent: Ms. Bain.

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

MOTION PASSED.

N. REVIEW OF EXECUTIVE DIRECTOR DISMISSALS

1. MD-20-0089B, NICHOLAS A. SCOTT, M.D., LIC. #45856

MOTION: Vice-Chairman Gillard moved for the Board to uphold the dismissal.

SECOND: Dr. Krahn

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, Ms. Jones, and Dr. Krahn. The following Board member was absent: Ms. Bain.

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

MOTION PASSED.

O. PROPOSED CONSENT AGREEMENTS (Disciplinary)

MOTION: Dr. Paul moved for the Board to accept the proposed Consent Agreement in item numbers 2, 3, 4, 5 and 6.

SECOND: Ms. Dorrell

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, Ms. Jones, and Dr. Krahn. The following Board member was absent: Ms. Bain.

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

MOTION PASSED.

1. MD-20-0314A, AXEL F. K. GROTHEY, M.D., LIC. #55963

Dr. Krahn reported that she works for the same institution as the licensee, but that she does not know the physician and it would not affect her ability to adjudicate the case.

Vice-Chairman Gillard observed that this matter stemmed from action taken by the State of Minnesota against the licensee. He noted other matters that resulted in the issuance of

an Advisory Letter, that there was no patient care involved, and he questioned whether this matter warranted disciplinary action. AAG Smith reported that the Board has historically mirrored the disciplinary action imposed by the other jurisdiction, and pointed out that in this instance; the Minnesota Board disciplined Dr. Grothey in the form of a Reprimand, fine, and other probationary terms that involved the completion of CME. AAG Smith stated that the proposed Consent Agreement in this case takes into account the fact that there was additional remediation that was completed and ultimately reduced how the Board would normally proceed in the circumstances.

Dr. Krahn stated her concerns regarding the physician's mentoring relationship with his colleagues with whom he was found to be involved, and she stated this could potentially affect the healthcare team. Dr. Beyer stated that the underlying issues raised in the Minnesota Board's case involving the physician's relationships with his mentees is serious and that he found disciplinary action was warranted in this matter.

MOTION: Dr. Beyer moved for the Board to accept the proposed Consent Agreement for a Letter of Reprimand.

SECOND: Ms. Jones

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, Ms. Jones, and Dr. Krahn. The following Board member was absent: Ms. Bain.

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

MOTION PASSED.

2. MD-18-0411A, LAWRENCE W. BENCE, M.D., LIC. #15956

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

3. MD-17-0676A, DANIEL A. CAPEN, M.D., LIC. #46914

RESOLUTION: Accept the proposed Consent Agreement to Surrender Licensure.

4. MD-18-0734A, MD-18-0356A, LISA A. SPARKS, M.D., LIC. #13545

RESOLUTION: Accept the proposed Consent Agreement for a Decree of Censure and Four Year Probation with Practice Restriction. Dr. Sparks shall be prohibited from prescribing controlled substances until she has completed the controlled substance prescribing CME as required by this Order, enters into an agreement with a Board-approved monitor to conduct chart reviews as required by this Order, and provides Board staff satisfactory proof of compliance with these requirements. Within 6 months, Dr. Sparks shall complete no less than 15 hours of Board staff pre-approved Category I CME in an intensive, in-person course regarding controlled substance prescribing, no less than 2 hours of Board staff pre-approved Category I CME regarding potential complications of Methadone prescribing; and, no less than 2 hours of Board staff pre-approved Category I CME regarding the evaluation of respiratory depression/sleep apnea. The CME hours shall be in addition to the hours required for license renewal. Within 30 days of completion of the prescribing CME, Dr. Sparks shall enter into a contract with a Board-approved monitoring company to perform period chart reviews involving current patients' charts for care rendered after the date Respondent returned to prescribing controlled substances, at the physician's expense. After three consecutive favorable chart reviews, the physician may petition the Board to terminate the Probation. Dr. Sparks may not request early termination without satisfaction of the chart review requirements. In the event that Respondent requests Probation termination and the Practice Restriction is in effect at the time of the request, the Board may require any combination of examinations and/or evaluations in order to determine whether or not Respondent is safe to prescribe controlled substances and the Board may continue the Practice Restriction or take any other action consistent with its authority.

5. MD-20-0196A, KIOUMARS MOSTAFIZI, M.D., LIC. #29684

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

6. MD-18-0713A, MICHAEL J. FITZMAURICE, M.D., LIC. #36511

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

RESOLUTION: Accept the proposed Consent Agreement for a Decree of Censure.

P. LICENSE APPLICATIONS

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

MOTION: Vice-Chairman Gillard moved for the Board to approve the license application and grant the required waivers in item numbers 2, 3, 4, 5, 6 and 7.

SECOND: Dr. Bethancourt

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, Ms. Jones and Dr. Krahn. The following Board member was absent: Ms. Bain.

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

MOTION PASSED.

1. MD-20-0768A, CONSTANTINO G. MENDIETA, M.D., LIC. #N/A

Ms. Jones observed that Dr. Mendieta has a history of three malpractice claims, two of which were remote, and the third settled in 2020 for care that occurred in 2018. She also noted a 2018 misdemeanor arrest that resulted in no action. Vice-Chairman Gillard noted that the applicant is board certified in plastic surgery, has no prior disciplinary history, and previously held an Arizona license that expired.

MOTION: Vice-Chairman Gillard moved for the Board to approve the license application.

SECOND: Dr. Beyer

Dr. Beyer stated that he found the applicant meets the criteria for licensure and spoke in support of the motion.

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 Dr. Krahn. The following Board member abstained: Ms. Jones. The following Board member was absent: Ms. Bain.

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

MOTION PASSED.

2. MD-20-0909A, ROBERT A. PRINCENTHAL, M.D., LIC. #N/A

RESOLUTION: Approve the license application.

3. MD-20-0956A, STEPHANIE J. MCCLELLAN, M.D., LIC. #N/A

RESOLUTION: Approve the license application.

4. MD-20-0958A, CHRISTIAN G. BACHMAN, M.D., LIC. #N/A

RESOLUTION: Approve the license application.

5. MD-20-0676A, ROBERT A. KILPATRICK, M.D., LIC. #N/A

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

RESOLUTION: Approve the license application.

6. MD-20-0394A, THOMAS D. HUDSON, M.D., LIC. #N/A

RESOLUTION: Approve the license application.

7. MD-20-0949A, VALENTIN D. FAGEL, 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. THIS CASE WAS MOVED TO AGENDA ITEM J.

2. MD-20-0460A, REBECCA A. NATRAJAN, M.D., LIC. #N/A

Vice-Chairman Gillard observed that it was recommended the applicant undergo a competency evaluation to which she stated that she could not afford. He noted that the applicant has not been in active practice for 15 years, and recommended that the applicant be allowed to withdraw the application in lieu of formal license denial.

MOTION: Vice-Chairman Gillard Moved for the Board to allow the physician an opportunity to withdraw the application in lieu of formal license denial. If the application is not withdrawn within 30 days, the license shall be denied based on A.R.S. § 32-1422(A)(3) and (4).

SECOND: Dr. Krahn

Dr. Krahn spoke in favor of the motion and stated that the burden is on the applicant to demonstrate competency. Dr. Krahn stated that for the sake of protecting the public, a competency evaluation is necessary in spite of the associated cost.

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, Ms. Jones, and Dr. Krahn. The following Board member was absent: Ms. Bain.

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

MOTION PASSED.

iii. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING RENEWAL APPLICATION AND REQUEST FOR BOARD DIRECTION

1. MD-20-0898A, DANIEL J. DICKMAN, M.D., LIC. #44217

Board staff noted that this matter involved confidential medical issues. Vice-Chairman Gillard spoke in favor of granting the license renewal in light of the signed confidential agreement.

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

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, Ms. Jones, and Dr. Krahn. The following Board member was absent: Ms. Bain.

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

MOTION PASSED.

iv. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING RENEWAL APPLICATION AND PROPOSED CONSENT AGREEMENT (Non-Disciplinary)

1. MD-18-0153A, HERMAN B. SMITH, M.D., LIC. #21590

MOTION: Dr. Krahn moved for the Board to grant the license renewal and accept the proposed non-disciplinary Consent Agreement for Practice Limitation.

SECOND: Ms. Jones

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, Ms. Jones, and Dr. Krahn. The following Board member was absent: Ms. Bain.

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

MOTION PASSED.

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

MOTION: Vice-Chairman Gillard moved for the Board to grant licensure by endorsement in item numbers 1 and 2.

SECOND: Dr. Paul

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, Ms. Jones, and Dr. Krahn. The following Board member was absent: Ms. Bain.

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

MOTION PASSED.

1. ROMEO T. NILLAS, M.D., LIC. #N/A

RESOLUTION: Grant licensure by endorsement.

2. DANIEL A. ALBRIGHT, M.D., LIC. #N/A

RESOLUTION: Grant licensure by endorsement.

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

1. RONG BAI, M.D., LIC. #N/A

Vice-Chairman Gillard spoke in favor of finding that the applicant's training is equivalent to that required for Arizona licensure and approving the application.

MOTION: Vice-Chairman Gillard moved for the Board to find that the applicant's training is equivalent to the requirements for Arizona licensure, and grant a teaching license for one year.

SECOND: Dr. Figge

Dr. Krahn questioned whether the training was equivalent noting that the applicant served in the capacity of a research fellow. Vice-Chairman Gillard pointed out that the physician has applied for a teaching license that would not allow the physician to practice independently or outside of the designated teaching facility. Dr. Figge spoke in support of the motion, noting that according to the information available in the Board's file, it appeared that the physician had been practicing medicine for the past 18 years in China. Dr. Beyer noted that the physician was seeking Arizona licensure after receiving an offer from the university. Dr. Beyer spoke in favor of the motion, noting that the teaching license limited the physician's ability to practice independently.

Chairman Farmer proposed Board staff research the scope of the teaching license, compare how the Board has handled similar circumstances in the past, and report back to the Board. Dr. Krahn questioned whether the Board could request the university provide documentation further expanding on the physician's role and why they were interested in this particular physician. Upon further discussion regarding the scope of a teaching license and the unique instances for which an individual

applies for this type of licensure, the Board instructed the AAG to work with licensing staff to further research this topic and report back to the Board. Vice-Chairman Gillard spoke in favor of the motion, called for the question and Board members agreed to proceed to a roll call vote.

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

VOTE: 6-yay, 3-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

Executive Director McSorley informed the Board that based on today's discussion, she would coordinate with staff to obtain the information requested to further educate the Board, and assured the Board that the additional information will be presented to the Board in these matters going forward.

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

OTHER BUSINESS

Q. REQUEST FOR TERMINATION OF BOARD ORDER

1. MD-16-0479A, MURALI D. TALLURI, M.D., LIC. #19237

Board staff summarized that Dr. Talluri was previously issued a Board Order for Letter of Reprimand and Probation wherein he was assessed a Civil Penalty, complete CME, and undergo chart reviews. Dr. Talluri paid the Civil Penalty, completed the CME, and underwent chart reviews performed by CPEP, which were found to be adverse. Thereafter, multiple cases were reviewed resulting in the issuance of a Decree of Censure and Ten Year Probation with Practice Restriction, which superseded the Board's Order in case number MD-16-0479A.

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

SECOND: Dr. Paul

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, Ms. Jones, and Dr. Krahn. The following Board member was absent: Ms. Bain.

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

MOTION PASSED.

2. MD-17-0886A, MARI E. SCHENK, M.D., LIC. #25685

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

Vice-Chairman Gillard observed that Dr. Schenk has had three years of sobriety and he spoke in favor of granting her request to terminate the Board Order.

MOTION: Vice-Chairman Gillard moved for the Board to grant the request to terminate the August 23, 2018 Board Order.

SECOND: Dr. Krahn

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, Ms. Jones, and Dr. Krahn. The following Board member was absent: Ms. Bain.

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

MOTION PASSED.

R. APPEAL OF EXECUTIVE DIRECTOR DECISION

1. JEFFREY C. STIEVE, M.D., LIC. #N/A

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

The Board observed that Dr. Stieve's application for temporary licensure was denied by the Executive Director and that his application for full licensure is currently pending. Executive Director McSorley clarified that applicants must apply for a full license in order to qualify for temporary licensure. Vice-Chairman Gillard noted that Dr. Stieve does not qualify for a temporary license due to prior action that occurred in Michigan.

MOTION: Vice-Chairman Gillard moved for the Board to uphold the Executive Director's decision in this matter.

SECOND: Dr. Beyer

Executive Director McSorley informed the Board that the temporary licensure pathway was created to allow applicants without any prior disciplinary history or history of adverse actions to obtain licensure expeditiously. She stated that matters involving prior discipline are forwarded to the Board for consideration.

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, Ms. Jones, and Dr. Krahn. The following Board member was absent: Ms. Bain.

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

MOTION PASSED.

S. GENERAL CALL TO THE PUBLIC

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

T. ADJOURNMENT

MOTION: Jones and Krahn moved for the Board to adjourn.

SECOND: Dr. Krahn

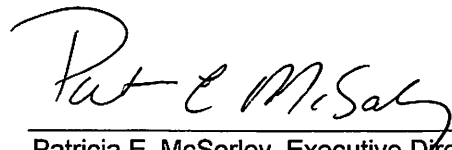
VOTE: The following Board members voted in favor of the motion: Chairman Farmer, Vice-Chairman Gillard, Dr. Paul, Dr. Bethancourt, Dr. Beyer, Ms. Dorrell, Dr. Figge, Ms. Jones, and Dr. Krahn. The following Board member was absent: Ms. Bain.

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

MOTION PASSED.

The Board's meeting adjourned at 1:14 p.m.




Patricia E. McSorley, Executive Director