



## Arizona Medical Board

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### FINAL MINUTES FOR BOARD REVIEW COMMITTEE B TELECONFERENCE MEETING

Held via Zoom on Thursday, December 3, 2020

1740 W. Adams St., Board Room A • Phoenix, Arizona

#### *Committee Members*

Gary R. Figge, M.D., Chair

Edward G. Paul, M.D.

Jodi A. Bain, M.A., J.D., LL.M.

David C. Beyer, M.D., F.A.C.R., F.A.S.T.R.O.

Laura Dorrell, M.S.N., R.N.

#### GENERAL BUSINESS

##### A. CALL TO ORDER

Dr. Figge called the Committee's meeting to order at 8:14 a.m.

##### B. ROLL CALL

The following Committee members participated in the virtual meeting: Dr. Figge, Ms. Bain, Dr. Beyer and Ms. Dorrell. The following Committee member was absent: Dr. Paul.

##### ALSO PRESENT

The following Board staff participated in the virtual meeting: Raquel Rivera, Investigations Manager; William Wolf, M.D., Chief Medical Consultant; and, Amy Skaggs, Staff Investigational Review Committee ("SIRC") Coordinator. Also present was the Committee's legal advisor Mary D. Williams, Assistant Attorney General.

##### C. OPENING STATEMENTS

Dr. Figge informed meeting attendees regarding the Board's Civility Policy.

##### D. APPROVAL OF MINUTES

- October 8, 2020 Board Review Committee B Teleconference, including Executive Session  
**MOTION: Ms. Dorrell moved for the Committee to approve the October 8, 2020 Board Review Committee B Teleconference minutes, including the Executive Session minutes.**  
**SECOND: Dr. Beyer**  
**VOTE: The following Committee members voted in favor of the motion: Dr. Figge, Dr. Beyer and Ms. Dorrell. The following Committee member abstained: Ms. Bain. The following Committee member was absent: Dr. Paul.**  
**VOTE: 3-yay, 0-nay, 1-abstain, 0-recuse, 1-absent.**  
**MOTION PASSED.**

#### LEGAL MATTERS

##### E. FORMAL INTERVIEWS

1. THIS ITEM WAS PULLED FROM THE AGENDA.

## F. FORMAL INTERVIEWS

### 1. MD-20-0255A, ROSS A. MCARTHUR, M.D., LIC. #31910

Board staff summarized that this investigation was initiated after the Board received notification of a malpractice settlement made on behalf of Dr. McArthur with allegations of failure to identify a liver abscess on the patient's chest CTA, resulting in the patient's death. The Medical Consultant ("MC") who reviewed the case found that Dr. McArthur deviated from the standard of care by failing to note a liver abscess on the patient's chest scan. In his response to the MC's findings, Dr. McArthur had stated that he saw the abnormality on the image, but was interrupted during his dictation and when he returned to it, he believed he had completed the report and closed it out.

Dr. McArthur and Attorney Jay Fradkin participated in the virtual meeting during the Committee's consideration of this matter, made statements, and answered Committee members' questions. Dr. McArthur explained that the night in question was an exceptionally busy night, that he has already completed the equivalent of one year's worth of SIRC's suggested monitoring through his employer, and that he has since changed his work environment and work intensity so as to prevent a future similar occurrence. Mr. Fradkin stated that they did not believe this matter rises to the level of disciplinary action, described the circumstances surrounding the underlying malpractice matter, and asked the Board to consider issuing a non-disciplinary sanction and accept the continued monitoring through Dr. McArthur's employer to satisfy the Board's concerns regarding his imaging interpretation. Dr. McArthur and Mr. Fradkin pointed out that the physician has since been recredentialed and has not had any further issues since that time.

Dr. Beyer stated it was clear that there was a violation of the Medical Practice Act; specifically, A.R.S. § 32-1401(27)(r) for reasons as stated by SIRC.

**MOTION: Dr. Beyer moved for findings of unprofessional conduct in violation of A.R.S. § 32-1401(27)(r) for reasons as stated by SIRC.**

**SECOND: Ms. Bain**

**VOTE: The following Committee members voted in favor of the motion: Dr. Figge, Ms. Bain, Dr. Beyer and Ms. Dorrell. The following Committee member was absent: Dr. Paul.**

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

**MOTION PASSED.**

Dr. Beyer stated that he found this matter rises to the level of discipline for a number of reasons, including the physician's prior Board history. Dr. Beyer also stated that he found Probation was warranted for the Board to monitor the physician's interpretations of MRIs and CTs to satisfy the Board's concerns that this is not a recurring issue. Dr. Beyer stated that the error was not a minor miss, and that identifying the abnormality could have potentially altered the outcome in this case. Dr. Beyer found it mitigating that Dr. McArthur is no longer working in the same environment and he spoke in support of allowing Dr. McArthur to continue monitoring through his employer with quarterly reports to the Board during the course of one year of Probation.

**MOTION: Dr. Beyer moved for draft Findings of Fact, Conclusions of Law and Order for a Letter of Reprimand and One Year Probation. Dr. McArthur shall be required to utilize a Board-approved proctor to overread a minimum of 30 MRI and CT scan images, at his expense and for the duration of Probation. In the event that the licensee does not interpret more than 30 images in a given month, then all images shall be reviewed. Dr. McArthur shall cause the proctor to submit quarterly reports to the Board, at his expense. The Board Order shall stipulate that Dr. McArthur not request Probation termination until one year from the effective date of the Board's Order. The request to terminate Probation shall be accompanied by documentation from the proctor supporting the termination of Probation.**

**SECOND: Ms. Dorrell**

The Committee discussed that the reviews shall involve a minimum of 30 films on a monthly basis of both MRIs and CT scan images. Dr. Figge spoke in support of the motion, recognized the six months of monitoring through the physician's employer, and he agreed that one year Probation with the overread requirements was warranted in this matter.

**VOTE: The following Committee members voted in favor of the motion: Dr. Figge, Ms. Bain, Dr. Beyer and Ms. Dorrell. The following Committee member was absent: Dr. Paul.**

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

**MOTION PASSED.**

## **CONSENT AGENDA**

### **G. APPROVAL OF DRAFT FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

1. MD-19-0424A, REZA A. ROD, M.D., LIC. #38069

Attorney Dee Dee Holden addressed the Committee during the Public Statements portion of the virtual meeting.

The Committee discussed the revisions proposed by the licensee's counsel, and agreed to modify the typographical errors within the draft by removing aesthetician and replacing it with "a properly certified Aesthetician and certified Laser Technician (Aesthetician/Laser Technician)" throughout the Findings of Fact. The Committee considered counsel's request to clarify that the charts to be reviewed involve patients seen after the effective date of the Board's Order, and noted that the current draft language stated that current patients are to be included in the chart reviews. Board staff offered language to clarify the Board's standard practice of reviewing current patients' charts for the performance of Board-ordered chart reviews.

**MOTION: Dr. Beyer moved for the Committee to modify and approve the draft Findings of Fact and Conclusions of Law to remove aesthetician and replace with a properly certified Aesthetician and certified Laser Technician ("Aesthetician/Laser Technician") in Findings of Fact numbers 5, 6, 8, 9 and 10.**

**SECOND: Ms. Dorrell**

**VOTE: The following Committee members voted in favor of the motion: Dr. Figge, Ms. Bain, Dr. Beyer and Ms. Dorrell. The following Committee member was absent: Dr. Paul.**

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

**MOTION PASSED.**

**MOTION: Dr. Beyer moved for the Committee to approve the amended Findings of Fact, Conclusions of Law and Order for Three Year Probation. Dr. Rod shall be subject to quarterly chart reviews during the course of Probation. The chart reviews shall involve patients who have received dermal fillers and Botox injections since the entry of this Order. Dr. Rod may request that the Board terminate the Probation after two consecutive favorable chart reviews.**

**SECOND: Ms. Bain**

**VOTE: The following Committee members voted in favor of the motion: Dr. Figge, Ms. Bain, Dr. Beyer and Ms. Dorrell. The following Committee member was absent: Dr. Paul.**

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

**MOTION PASSED.**

## **GENERAL BUSINESS**

### **H. PUBLIC STATEMENTS REGARDING MATTERS LISTED ON THE AGENDA**

Individuals who addressed the Committee during the Public Statements appear beneath the matter(s) referenced.

**I. DISCUSSION REGARDING DEBRIEFING ON COMMITTEE PROCESSES**

Dr. Beyer requested that he be provided with Board staff's contact information when notified of an upcoming Board meeting to allow him the ability to contact the necessary staff in the event that he encounters technical difficulties when joining the meeting.

**J. ADJOURNMENT**

**MOTION:** Ms. Bain moved for the Committee to adjourn.

**SECOND:** Ms. Dorrell

**VOTE:** The following Committee members voted in favor of the motion: Dr. Figge, Ms. Bain, Dr. Beyer and Ms. Dorrell. The following Committee member was absent: Dr. Paul.

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

**MOTION PASSED.**

The Committee's meeting adjourned at 9:39 a.m.



*Patricia E. McSorley*  
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Patricia E. McSorley, Executive Director