



## Arizona Medical Board

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### FINAL MINUTES FOR SPECIAL TELECONFERENCE MEETING Held on Thursday, March 4, 2021 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  
Lois E. Krahn, 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.  
Shiva K. Y. Gosi, M.D.  
Pamela E. Jones  
Eileen M. Oswald  
Edward G. Paul, M.D.

#### **GENERAL BUSINESS**

##### **A. CALL TO ORDER**

Chairman Farmer called the meeting to order at 5:03 p.m.

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

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

##### **ALSO PRESENT**

The following Board staff participated in the teleconference: Patricia McSorley, Executive Director; Raquel Rivera, Investigations Manager; William Wolf, M.D., Chief Medical Consultant; Michelle Robles, Board Operations Manager; and, Andrea Cisneros, Minutes Administrator. Also present include Carrie Smith, Assistant Attorney General ("AAG"), Roberto Pulver, AAG, and AAG Elizabeth Campbell participated in the teleconference to provide the Board independent legal advice on the hearing matter(s) as referenced herein.

##### **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 Board Staffing and Procedures

Executive Director McSorley reported that Sean Charles of the IT Department has accepted a position elsewhere, that his last day will be March 12, 2021, and that he will be missed.

- Update on Request to Allow Physicians Out of Practice for 10-years or Less to Administer COVID Vaccinations

Executive Director McSorley reported that she reached out to AzDHS and has not received a response regarding the Board's request for a waiver relative to allowing physicians who have been out of practice for 10 years or less to participate in COVID vaccination administration. She stated that she would return to the Board with additional information once a response is received.

## **E. CHAIR'S REPORT**

- Discussion Regarding the Format of Upcoming Board Meetings

Chairman Farmer reported that he has been working with the Executive Director monthly to review and discuss the current format used for meetings and whether the Board should continue to meet virtually/telephonically versus in-person. Chairman Farmer informed the Board that the decision was made to hold its next regular session using the subcommittees for Formal Interviews given the notification requirements for the parties involved in the cases. Chairman Farmer encourage the Board members to provide feedback during this discussion or to contact the Executive Director to discuss their thoughts on this issue. Chairman Farmer also encouraged Board staff to provide input.

Ms. Jones suggested Board staff memorialize the suggestions/feedback relating to this topic into a summary for the Board to review. Executive Director McSorley informed the Board that the Department of Administration has begun inviting state employees to receive the vaccination. Dr. Beyer stated that he looks forward to meeting in-person, and that he has found the use of Zoom by the subcommittees to conduct Formal Interviews has worked remarkably well.

Chairman Farmer recognized the length of time to complete the cases considered before the Public Statements and directed staff to schedule those matters 15-20 minutes after the scheduled Public Statements.

- Update on Meetings of the Board Subcommittees: Physician Health Program Committee and the Administration and Joint Legislative and Rules Committee

Chairman Farmer reported that the Board's committees will be meeting in the near future.

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

- Update Regarding JRA Decision in *Gelety v. Arizona Medical Board*

AAG Smith informed the Board that the Superior Court and Court of Appeals upheld the Board's decision to issue a Letter of Reprimand to Dr. Gelety.

## **G. DISCUSSION REGARDING DEBRIEFING ON BOARD PROCESSES**

Please see discussion captured under the Chair's Report.

## **LEGAL MATTERS**

### **H. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON SETTLEMENT OFFER IN LIEU OF FORMAL HEARING**

1. MD-18-1230A, LUIS A. PIEDRAHITA, M.D., LIC. #34023

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

Mr. Smith stated that there has been no evidence that the physician was impaired while seeing patients and that Dr. Piedrahita is willing to do anything the Board may require of him in order to retain his Arizona license. He stated that the information gathered in this case demonstrated that the physician is managing to heal himself and that it an ongoing

process. Mr. Smith also thanked AAG Smith for her professionalism throughout this matter. Dr. Piedrahita stated that he acknowledged and takes full responsibility for the event that led to the Board's investigation. He stated that he has learned from this experience, is on a path of healing, and that he is willing to take any steps required by the Board to have his license reinstated.

AAG Smith reported that Dr. Piedrahita entered into a Practice Restriction and was compliant with treatment recommendations through the Physician Health Program ("PHP") for a period of time. She stated that there were also some quality of care concerns at the physician's last place of employment that were reported to the Board during the course of the investigation and the Medical Consultant ("MC") who reviewed the case identified deviations from the standard of care. AAG Smith reported that in August of 2019, Dr. Piedrahita became non-responsive with the Board's investigation and stated that although he presented evidence of ongoing recovery activities, they have not been under the auspices of the Board's program. Dr. Piedrahita's license expired on February 20, 2020 due to non-renewal. AAG Smith asked the Board for guidance as to whether the State should proceed to Hearing seeking license revocation or to allow the parties an opportunity to negotiate an alternative settlement to resolve the case.

Mr. Smith stated that Dr. Piedrahita became non-responsive in August of 2019 because he was not ready to do what was being asked of him and occurred around the time that the physician's criminal case and divorce were pending. He stated that the physician completed the requirements of the diversion program and that the criminal charges were subsequently dismissed in May of 2020. Mr. Smith stated that the quality of care concerns primarily focused on documentation issues and that these concerns taken separately would not rise to the level of license revocation. He reiterated that there has been no question of impairment and asked the Board to give Dr. Piedrahita another chance to demonstrate that he is willing to comply with any Board recommendations.

Dr. Krahn stated her concerns regarding the physician's non-compliance with requests made by the Board and PHP, and she questioned the physician's ability to be regulated. Dr. Krahn stated that she recognized the physician was going through a tumultuous time in his life at the time that he began ignoring the Board. Dr. Bethancourt stated that he shared Dr. Krahn's concerns regarding the physician's non-compliance and his inability to be regulated. Dr. Beyer stated that he shared the same concerns, but that he was inclined to attempt to find a pathway for the physician to potentially return to practice as the events took place during a time that the physician was clearly not functioning at a sober level. Vice-Chairman Gillard stated that he agreed with other members' comments, noted that this was a complicated case, and stated he found that this matter rises to the level of disciplinary action.

Dr. Krahn emphasized the importance of communicating with the Board in these matters and stated that while she can appreciate that some actions might be difficult for a person to pursue at a time of turmoil, the absolute lack of communication with the Board is difficult for her to dismiss on the basis of it occurring at tumultuous time in the individual's life. Dr. Figge stated his concerns regarding the physician's ability to be regulated, noting that a number of requests were either ignored by the physician or were completed on the physician's terms and not as directed or approved by the Board. Chairman Farmer summarized that the Board had great concern regarding the physician's ability to be regulated given his history with the Board.

**MOTION: Ms. Bain moved for the Board to enter into Executive Session to obtain legal advice pursuant to A.R.S. § 38-431.03(A)(3).**

**SECOND: Dr. Krahn**

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

**VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.**

**MOTION PASSED.**

The Board entered into Executive Session at 5:33 p.m.

The Board returned to Open Session at 5:55 p.m.

No legal action was taken by the Board during Executive Session.

Dr. Beyer spoke in support of directing the AAG to enter into negotiation discussions with the physician and counsel to come to an agreement that would allow the physician to go through the necessary process to demonstrate his fitness to practice, sobriety, and ability to practice safely under terms of Probation.

**MOTION: Dr. Figge moved for the Board to continue this matter to require within 90 days for the physician to complete Board approved neurocognitive testing, PHP Assessment, and fitness to practice evaluation.**

**SECOND: Dr. Bethancourt**

Dr. Figge recognized that Dr. Piedrahita's license was not renewed and is currently suspended, and stated that additional information is needed for the Board to consider whether the physician has been rehabilitated and is safe to consider moving forward in reapplying for licensure. He spoke for the motion and stated that the negotiations for a settlement offer should take place after completion of the additional testing/evaluations. AAG Smith reported that the PHP Assessor recommended neurocognitive testing at Dr. Peidrahita's last evaluation, that the physician's last date of practice was 2018 and warranted a fitness to practice evaluation, and that a PHP Assessment would be appropriate to consider after completion of neurocognitive testing in order to determine whether inpatient or IOP at a Board approved facility was required. Ms. Rivera informed the Board that some facilities that conduct competency assessments may require the physician to hold an active license.

Dr. Krahn recognized that the Board was trying hard to find a path that may work for this physician and stated that she hoped the physician recognized the effort of the Board and that it is absolutely essential that he cooperate with the Board going forward to regain the Board's confidence that he can be regulated. Dr. Krahn spoke in support of requiring a neurocognitive evaluation and PHP Assessment with compliance with all recommendations. The Board discussed that the assessment and evaluations were necessary prior to the parties entering into negotiation discussions of a possible settlement agreement for the Board to consider at a future meeting. The Board also directed staff to return this matter for consideration by the Staff Investigational Review Committee ("SIRC") to synthesize the information and provide a report for the Board's review. Dr. Krahn spoke in favor of SIRC reviewing the results of the assessment and evaluations given the complexity of the case.

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

**VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.**

**MOTION PASSED.**

**2. MD-17-0330A, EDWARD C. H. TENG, M.D., LIC. #47833**

Dr. Teng and Attorney Gordon Beuler participated in the teleconference during the Board's consideration of this matter. AAG Pulver participated on behalf of the State and AAG Campbell participated to provide the Board with independent legal advice.

Mr. Beuler stated that with the Board's assistance over the past three years, Dr. Teng has made great strides to improve his physical and mental condition as well as his practice of medicine. He stated that the investigation arose during a stressful period in the physician's life, and that he has been compliant with the terms of his March 2018 monitoring agreement. Mr. Beuler reported that in addition to the standard PHP terms,

Dr. Teng voluntarily engaged his own counselor with whom he meets on a weekly basis. He assured the Board that Dr. Teng is safe to practice and offered to extend the monitoring terms of the current Consent Agreement for an additional two years as a possible settlement in the current case. Dr. Teng apologized to the Board for any lack of candor on his part, and stated that he is learning to be a better person. He stated that his actions were wrong, that he is embarrassed, and assured the Board that it will not happen again.

AAG Pulver summarized that Dr. Teng entered into PHP after he was found to have engaged in unprofessional conduct including failure to disclose. He stated that the State took no position on the settlement offer and asked the Board to consider clarifying the terms of Probation if a settlement is reached. Mr. Beuler reiterated that he and his client were happy to engage in any type of dialogue regarding what occurred in the case and with regard to the terms they proposed to the Board.

Dr. Krahn stated her concerns regarding the physician's non-compliance with terms and conditions that he agreed to in the Consent Agreement. She also noted that he left treatment under very strange terms. Dr. Krahn also stated concerns relating to the degree in which Dr. Teng benefited from those treatments, and stated that it was impossible for her to put aside the repeated instances wherein well-regarded treatment programs that manage individuals facing denial eventually felt that Dr. Teng was non-compliant and left under less than acceptable terms. Dr. Krahn clarified that she spoke in favor of rejecting the settlement proposal and proceeding to Hearing. Ms. Jones spoke in support of Dr. Krahn's comments and stated her concerns regarding the number of instances wherein the physician failed to divulge information to the Board to respond to requests.

**MOTION: Dr. Krahn moved for the Board to reject the settlement offer from the physician and counsel, and instruct the State to proceed to Hearing.**

**SECOND: Ms. Jones**

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

**VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.**

**MOTION PASSED.**

## **CONSENT AGENDA**

### **I. CASES RECOMMENDED FOR DISMISSAL**

1. MD-20-0523A, CAROL M. MARQUEZ, M.D., LIC. #19991

Dr. Beyer stated his concerns regarding the lack of PA supervision in this case and questioned whether an Advisory Letter was warranted. The Board discussed that it is common practiced in the ER for PAs to practice independently while the supervising physician is on site and readily available if assistance or consultation is needed. Dr. Figge stated that the major error in this case involved the PA's failure to obtain a CT scan, and recognized that the physician was not alerted to the patient's presentation, condition or work-up by the PA. Dr. Figge spoke in favor of dismissal, noting that the physician took corrective action after becoming aware of the patient and has learned from the experience of having gone through the process of a malpractice claim.

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

**SECOND: Vice-Chairman Gillard**

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

**VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.**

**MOTION PASSED.**

2. MD-20-0290A, MARYAM EMAMI, M.D., LIC. #58435

Dr. Emami and Attorney Scott King addressed the Board during the Public Statements portion of the teleconference.

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

**SECOND: Vice-Chairman Gillard**

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

**VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.**

**MOTION PASSED.**

**J. CASES RECOMMENDED FOR ADVISORY LETTERS**

**MOTION: Ms. Jones moved for the Board to issue an Advisory Letter in item numbers 1, 3, 5 and 6.**

**SECOND: Dr. Beyer**

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

**VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.**

**MOTION PASSED.**

1. MD-20-0320A, MICHAEL P. LOWE, M.D., LIC. #29130

**RESOLUTION: Issue an Advisory Letter for failure to query the Controlled Substance Prescription Monitoring Program database when issuing medical marijuana certifications. 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.**

2. MD-19-1008A, WARREN H. HELLER, M.D., LIC. #8149

Dr. Krahn recalled that this matter was returned at a previous meeting to obtain another quality of care review by a second Medical Consultant ("MC"). Dr. Krahn noted that the two MCs offered markedly different opinions as to the standard of care in this case, and she stated that she continued to struggle with the practice of so many repeated procedures that resulted in retinal damage. Dr. Krahn proposed inviting the physician to appear before the Board for a Formal Interview to better understand the decision making that occurred in this case. Dr. Krahn clarified that she would support offering the physician a Consent Agreement for Letter of Reprimand and if he declines, he shall be invited for a Formal Interview.

Dr. Beyer stated that the MCs differed in opinion due to the different ways of practice. He spoke in support of issuing the recommended Advisory Letter and stated that he did not find that this matter rises to the level of disciplinary action. Vice-Chairman Gillard noted that the second MC did not find issue with the multiple laser treatments, but could not find documentation to support the physician's rationale. Chairman Farmer proposed obtaining a new quality of care review by a third MC. Vice-Chairman spoke in favor of obtaining a third MC's review given the striking difference in the opinions of the two MCs. Dr. Krahn also spoke in support of returning the case for quality of care review by a third MC.

**MOTION: Dr. Krahn moved for the Board to return this matter for further investigation to obtain a new quality of care review by a third MC.**

**SECOND: Vice-Chairman Gillard**

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

**VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.  
MOTION PASSED.**

3. MD-20-0725A, AHARON A. WOLF, M.D., LIC. #56411

**RESOLUTION: Issue an Advisory Letter for action taken by the California Board, with reciprocal action taken by the Pennsylvania and Florida boards. While there is insufficient evidence to support disciplinary action, the Board believes that continuation of the activities that led to the investigation may result in further Board action against the licensee.**

4. MD-20-0312A, WILLIAM T. JACOBY, M.D., LIC. #22425

Ms. Oswald observed that the MC pointed out the subtlety of the finding of a hip fracture on the CT scan reviewed, and she questioned whether an Advisory Letter was warranted in light of the subtle finding and the fact that the physician has gone through the experience of a malpractice claim. Vice-Chairman Gillard noted that a competent radiologist would have missed the fracture and that the physician admitted that this was a humbling experience that has led him to change his practice. He spoke in favor of dismissal, noting that the MC had difficulty finding the fracture during review of the case. Dr. Figge spoke in favor of dismissal, noting that the MC is a highly respected specialist who even in hindsight found the finding to be very subtle.

**MOTION: Vice-Chairman Gillard moved for dismissal.**

**SECOND: Ms. Oswald**

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

**VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.**

**MOTION PASSED.**

5. MD-18-1106A, MARY ELLEN SCHLOTTERER, M.D., LIC. #21607

**RESOLUTION: Issue an Advisory Letter for inappropriate prescribing of antibiotics to a patient and inadequate documentation. While there is insufficient evidence to support disciplinary action, the Board believes that continuation of the activities that led to the investigation may result in further Board action against the licensee.**

6. MD-20-0823AM, NARIN ARUNAKUL, M.D., LIC. #55769

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

7. MD-20-0555E, TERRENCE T. CROWDER, M.D., LIC. #41364

Vice-Chairman Gillard noted Dr. Crowder's prior Board history and noted that the MC did not identify concerns regarding the medical care. He also noted that the issue of failure to annually update the Delegation Agreement ("DA") was not part of the initial complaint filed in this matter. Vice-Chairman Gillard recognized that the DA has been updated since the parties became aware of the Board's concerns, and he spoke in favor of dismissal.

**MOTION: Vice-Chairman Gillard moved for dismissal.**

**SECOND: Dr. Bethancourt**

Board staff clarified that a prior DA dated 2014 was signed by Dr. Crowder, and that the updated DA submitted to the Board was dated the same day it was requested by Board staff. Board staff also reported that the PA involved in this case was issued an Advisory Letter. Ms. Jones noted that Dr. Crowder's prior Board history included an Advisory Letter issued in 2015 for inadequate supervision of a PA and stated that he should have been more aware of the requirements going forward. Ms. Jones spoke against dismissal and stated that an Advisory Letter was warranted. Vice-Chairman Gillard pointed out that physicians rely on ancillary personnel for administrative matters and stated that there was

a clerk responsible for the records and keeping the physician informed, but was dismissed from the practice for several other problems. He reiterated that the findings relating to the DA issue were not included in the initial complaint to the Board, and he spoke in favor of the motion to dismiss.

Dr. Beyer recalled that the Board has historically issued Advisory Letters for similar findings. He stated that the purpose of the DA is to hold the physician accountable and that an Advisory Letter is warranted to enforce the Board's rules and regulations applicable to PA supervision. Dr. Krahn spoke against the motion and stated her concerns that this should have been a higher priority for this physician and is ultimately his responsibility to update the DA annually.

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

**VOTE: 2-yay, 9-nay, 0-abstain, 0-recuse, 1-absent.**

**MOTION FAILED.**

**MOTION: Ms. Jones moved for the Board to issue an Advisory Letter for failing to maintain an annually updated Delegation Agreement with a Physician Assistant. The violation is a minor or technical violation that does not rise to the level of disciplinary action.**

**SECOND: Dr. Krahn**

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

**VOTE: 9-yay, 2-nay, 0-abstain, 0-recuse, 1-absent.**

**MOTION PASSED.**

8. MD-19-1060A, NORRIS E. LAI, M.D., LIC. #29413

Vice-Chairman Gillard observed that this matter stemmed from a malpractice case that involved a radiologist's reading of a radiograph for disability benefits. He noted that the radiologist reported the findings to the ordering agency and referring physician, but did not notify the patient. Board staff clarified that the physician failed to notify the referring physician and Department of Economic Security ("DES") the results of his reading of the radiograph. Board staff reported that the MC found the physician should have contacted at least one of those entities and pointed out that the physician acknowledged that he failed to do so. Ms. Jones spoke in favor of issuing an Advisory Letter as recommended by SIRC. Ms. Oswald also spoke in support of issuing an Advisory Letter to resolve this matter.

**MOTION: Ms. Jones moved for the Board to issue an Advisory Letter for failure to communicate a new finding on a chest x-ray 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. Krahn**

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

**VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.**

**MOTION PASSED.**



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

1. THIS CASE WAS PULLED FROM THE AGENDA.
2. MD-20-0316A, ROBERT D. PETERSON, M.D., LIC. #48485

Complainant AF and Dr. Peterson addressed the Board during the Public Statements portion of the teleconference.

Dr. Figge noted that this matter stemmed from notification of a malpractice settlement and questioned whether CME was warranted.

**MOTION:** Dr. Figge moved for the Board to issue an Advisory Letter for failing to evaluate and monitor a patient's pulmonary nodules, and for inadequate medical recordkeeping. While there is insufficient evidence to support disciplinary action, the Board believes that continuation of the activities that led to the investigation may result in further Board action against the licensee.

**SECOND:** Vice-Chairman Gillard

Vice-Chairman Gillard recalled the comments made during the Public Statements and stated that he did not believe that CME was warranted given the physician's experience of having gone through a malpractice claim process. Dr. Gosi spoke in favor of the motion and noted that Dr. Peterson reported that he is retired and currently not practicing.

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

**VOTE:** 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

**MOTION PASSED.**

3. MD-20-0359A, MD-20-0694A, CHARLES B. EVANS, M.D., LIC. #37616

**MOTION:** Dr. Figge moved for the Board to issue an Advisory Letter with Non-Disciplinary CME Order for inadequate medical records and for failing to appropriately evaluate a patient with a history of panhypopituitarism. There is insufficient evidence to support disciplinary action. Within 6 months, complete no less than 3 hours of Board staff pre-approved Category I CME in the assessment and management of panhypopituitarism. The CME hours shall be in addition to the hours required for license renewal.

**SECOND:** Ms. Dorrell

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

**VOTE:** 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

**MOTION PASSED.**

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

**MOTION:** Vice-Chairman Gillard moved for the Board to uphold the dismissal in item numbers 1 and 2.

**SECOND:** Dr. Figge

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

**VOTE:** 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

**MOTION PASSED.**

1. MD-20-0393A, JOHN B. CHRISTOFORIDIS, M.D., LIC. #46163

Dr. Christoforidis and Attorney Lisa Chase addressed the Board during the Public Statements portion of the teleconference.

**RESOLUTION: Uphold the dismissal.**

2. MD-20-0423B, ADAM D. RAY, M.D., LIC. #34984

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

**RESOLUTION: Uphold the dismissal.**

## **M. 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 grant licensure in item numbers 1-6.

**SECOND:** Dr. Bethancourt

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

**VOTE:** 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

**MOTION PASSED.**

1. MD-20-0937A, ALAN R. BREWER, M.D., LIC. #N/A

**RESOLUTION: Grant licensure.**

2. MD-21-0150A, ROBERT B. SHULMAN, M.D., LIC. #N/A

**RESOLUTION: Grant licensure.**

3. MD-21-0070A, ANDREW A. NEJAD, M.D., LIC. #N/A

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

**RESOLUTION: Grant licensure.**

4. MD-21-0020A, PUNIT GOEL, M.D., LIC. #N/A

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

**RESOLUTION: Grant licensure.**

5. MD-21-0147A DYAN M. COLE, M.D., LIC. #N/A

**RESOLUTION: Grant licensure.**

6. MD-21-0161A, EDGARDO J. RIVERA-RIVERA, M.D., LIC. #N/A

**RESOLUTION: Grant licensure.**

### **ii. 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. MANUEL B. MONTES DE OCA, M.D., LIC. #N/A

**MOTION:** Vice-Chairman Gillard moved for the Board to grant licensure by endorsement.

**SECOND:** Dr. Krahn

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

Ms. Dorrell, Dr. Figge, Dr. Gosi, Ms. Jones and Ms. Oswald. The following Board member was absent: Dr. Paul.  
VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.  
MOTION PASSED.

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

## OTHER BUSINESS

### N. GENERAL CALL TO THE PUBLIC

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

### O. ADJOURNMENT

Chairman Farmer thanked the Board members and staff for their continued hard work and efforts.

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

**SECOND:** Ms. Jones

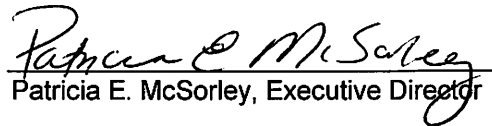
**VOTE:** The following Board members voted in favor of the motion: Chairman Farmer, Vice-Chairman Gillard, Dr. Krahn, Ms. Bain, Dr. Bethancourt, Dr. Beyer, Ms. Dorrell, Dr. Figge, Dr. Gosi, Ms. Jones and Ms. Oswald. The following Board member was absent: Dr. Paul.

**VOTE:** 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

**MOTION PASSED.**

The Board's meeting adjourned at 8:03 p.m.



  
Patricia E. McSorley, Executive Director