



Arizona Medical Board

1740 W. Adams St., Suite 4000 • Phoenix, Arizona 85007

Home Page: <http://www.azmd.gov>

Telephone (480) 551-2700 • Fax (480) 551-2705 • In-State Toll Free (877) 255-2212

FINAL MINUTES FOR TELECONFERENCE MEETING

Held on Thursday, April 8, 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.
Pamela E. Jones
Eileen M. Oswald

GENERAL BUSINESS

A. CALL TO ORDER

Chairman Farmer called the teleconference to order at 8:40 a.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, Ms. Jones, and Ms. Oswald.

ALSO PRESENT

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

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

- Rankings from the Public Citizen's Health Report

Executive Director McSorley reported that the Board ranked #2 on the report based on number of serious actions taken by the Board. She clarified that the actions that are considered involve when licensees were removed from practice. Executive Director McSorley stated that she has signed up for continuous review of the NPDB.

- Update of Board Processes and Staffing

Executive Director McSorley reported that the majority of staff continues to telecommute with a small number of staff who rotate through the office weekly. She stated that the AzDOA has

recommended that staff remain masked while in the buildings and continue with the telecommuting processes currently in place. Executive Director McSorley stated that she would continue to monitor the situation and report any new developments.

- Update on Request to DHS to Modify Licensing Requirements to Permit Physicians Out of Practice for up to 10 Years to Vaccinate for COVID-19

Executive Director McSorley reported that DHS has not approved the Board's request to extend the number of years a physician may have been out of practice in order to help with current vaccination efforts. She stated that recent discussions with DHS staff related to concerns regarding exceeding the years identified in the Federal PREP Act.

- Request for Review and Approval of Letter in Response to Executive Order 2021-02

Executive Director McSorley summarized that the Governor's Office requested the Board to review any modifications made to its processes during the state of emergency. She reported that no rules were modified during the declared state of emergency.

- Update on Governor's Budget Recommendations

Executive Director McSorley reported that the Governor's budget reflects the \$450,000 appropriation increase for the Agency.

E. CHAIR'S REPORT

- Creation of an Ad Hoc Committee to Provide Recommendation for the Format of Future Board Meetings

Chairman Farmer reported that he and the Executive Director monitor the Board's meeting formats on a monthly basis to determine the best course of action. He recognized the number of different moving parts that factor into facilitating the Board's meetings, and stated that the Board should hold off on making any changes to the meeting format until Board staff returns to working in the office full time. Chairman Farmer informed the Board that Dr. Krahn and Ms. Oswald will serve on the Ad Hoc Committee to provide recommendations for the format of future meetings.

Dr. Figge questioned what percentage of staff has received the vaccine or planned to. Executive Director McSorley stated that she would research that question and report back to the Board after consulting with counsel as to whether that information could be shared. Chairman Farmer pointed out that the Ad Hoc Committee will be reviewing these concerns and make recommendations for the Board to consider.

- Announcement and Invitation to Attend Virtual Federation of State Medical Board Annual Meeting, April 28-May 1

Chairman Farmer encouraged Board members to attend the upcoming FSMB annual meeting.

F. LEGAL ADVISOR'S REPORT

G. LEGISLATIVE UPDATE

- HB2454 (telehealth; health care providers; requirements)

Executive Director McSorley reported that this bill has been moving successfully through the legislative process and that she anticipates its passing. She stated the bill has been amended and incorporated the Board's concerns relating to out of state physicians registering with the CSPMP if prescribing controlled substances through telehealth services, clarifies the Board's authority over the registrant, and limits the amount of care that can be rendered before the provider needs to apply for a full license. Executive Director McSorley informed the Board that a Committee will be established to review the provisions and requirements of the new statute and provide feedback to the Governor's Office.

- SB1271 (medical graduate transitional training permits)

Executive Director McSorley reported that this bill has not seen much activity as of recent, and stated that she would continue to monitor and report any new developments to the Board.

- Review and Discussion of Legislative Tracking List

Executive Director McSorley reported that she continues to monitor bills that are of interest to the Board and will provide weekly updates.

The Board recessed from 11:02 a.m. to 11:31 a.m.

H. UPDATE ON MARCH 15, 2021 PHYSICIAN HEALTH PROGRAM (“PHP”) COMMITTEE MEETING

Dr. Krahn updated the Board regarding the PHP Committee meeting held on March 15, 2021 at which time the Committee received input from multiple local organizations and associations regarding the confidential questionnaire on the Board’s application for licensure and the need for FAQs. The Board observed that the Committee recommended rewording the confidential questionnaire with respect to the reporting of health problems. Executive Director McSorley confirmed that any changes to the questionnaire would require a rule change, which she stated could be incorporated into the Board’s current rulemaking process.

Dr. Figge stated that the confusion in the question has been a topic of discussion among local medical societies and associations, and he suggested simplifying the question to asking whether the applicant currently has a condition that will affect their ability to practice. Dr. Krahn proposed directing staff to reword the question based on the feedback received and proceed with the rule making process. The Board discussed directing the Administrative Joint Legislation and Rules Committee to review this matter, consider the feedback received and make recommendations as to how the language could be simplified.

Ms. Bain questioned whether the question should be modified versus adding another question to that section. Dr. Beyer spoke in favor of modifying the questionnaire by separating it into two questions. He stated that having one question dealing with mental or physical conditions that currently affect the applicant’s ability to practice medicine with a second question that deals strictly with substance abuse issues would improve the questionnaire. Dr. Krahn reported that the discussion from the PHP Committee meeting focused on wanting the questions to be balanced and that there did not appear to be any concerns relating to including multiple questions.

Chairman Farmer directed Board staff to work with Dr. Krahn to create a question or two that are based on FSMB criteria and the feedback received by the Committee, and return to the Board with proposed language. Chairman Farmer stated his appreciation for the Committee’s efforts and for the various stakeholders that provided feedback. Chairman Farmer reported that Dr. Beyer has joined the PHP Committee.

I. UPDATE ON MARCH 9, 2021 ADMINISTRATIVE JOINT LEGISLATION AND RULES COMMITTEE MEETING

Ms. Bain updated the Board regarding the March 9, 2021 Administrative Joint Legislation and Rules Committee (“JLRC”) meeting. She explained to the Board recent updates to the rule making process that requires various approvals as items move through the process of five year rule review and notice of proposed rulemaking. Executive Director McSorley reported that the Governor’s Executive Order 2021-02 provided clear direction relating to the rulemaking process and the various approvals that are needed to proceed. Ms. Bain suggested that the Board establish a timeline of the various approvals received during the process to accompany the information submitted to GRRC.

Executive Director McSorley reported that the Agency worked with the Office of Strategic Planning and Budgeting (“OSPB”) and have received approval from the Governor’s Office for the requested increase in the Agency’s appropriation. Executive Director McSorley asked the Board to consider convening the JLRC in the near future to review and consider public comments

received in response to the Board's five year review report. Ms. Bain reported that Dr. Figge and Ms. Dorrell have joined the JLRC.

J. DISCUSSION REGARDING DEBRIEFING ON BOARD PROCESSES

K. APPROVAL OF MINUTES

- February 12, 2021 Teleconference Meeting; including Executive Session
- March 4, 2021 Special Teleconference Meeting; including Executive Session

MOTION: Ms. Bain moved for the Board to approve the February 12, 2021 Teleconference Meeting, including Executive Session; and, the March 4, 2021 Special Teleconference Meeting, including Executive Session.

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 and Ms. Oswald. The following Board member abstained: Ms. Jones.

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

MOTION PASSED.

LEGAL MATTERS

L. FORMAL LICENSING INTERVIEWS

1. THIS CASE WAS PULLED FROM THE AGENDA.

CONSENT AGENDA

M. CASES RECOMMENDED FOR DISMISSAL

MOTION: Ms. Jones moved for the Board to dismiss item numbers 1-4.

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, Ms. Jones and Ms. Oswald.

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

MOTION PASSED.

1. MD-20-0668A, JAVED A. MALIK, M.D., LIC. #23472

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

RESOLUTION: Dismiss.

2. MD-20-0046A, RAJUL I. PATEL, M.D., LIC. #21576

RESOLUTION: Dismiss.

3. MD-20-0139A, EARL L. FENG, M.D., LIC. #22589

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

RESOLUTION: Dismiss.

4. MD-20-0624A, NIKESH D. SETH, M.D., LIC. #44017

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

RESOLUTION: Dismiss.

N. CASES RECOMMENDED FOR ADVISORY LETTERS

MOTION: Dr. Beyer moved for the Board to issue an Advisory Letter in item numbers 1, 5 and 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, Ms. Jones and Ms. Oswald.

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

MOTION PASSED.

1. MD-20-0592A, NIKESH D. SETH, M.D., LIC. #44017

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

2. THIS CASE WAS PULLED FROM THE AGENDA.
3. MD-20-0423A, AFSHIN J. EMAMI, M.D., LIC. #26294

Complainant KP, Dr. Emami and Attorney Michael Ryan addressed the Board during the Public Statements portion of the teleconference. Vice-Chairman Gillard stated that he knew Dr. Emami, but it would not affect his ability to adjudicate the case.

Vice-Chairman Gillard recognized that this was a complicated case and recalled the comments made during the Public Statements. Vice-Chairman Gillard stated he found that the records were complete and included documentation relating to informed consent, and he spoke in support of dismissing the case.

MOTION: Vice-Chairman Gillard moved for dismissal.

SECOND: Dr. Figge

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

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

MOTION PASSED.

4. MD-20-0563A, THOMAS J. WALISER, M.D., LIC. #37943

Attorney Fred Cummings addressed the Board on behalf of Dr. Waliser during the Public Statements portion of the teleconference.

Ms. Oswald questioned whether there was a deviation from the standard of care in this case, noting that the patient's bowel was ran twice and no perforations were noted on subsequent studies. Dr. Figge recognized that whether or not to convert to an open procedure was a judgment call for the physician to make. Board staff summarized that the concerns raised in this case related to a 9cm ovarian mass that was not evaluated for possibility for malignancy. The operative note described extensive bowel adhesions due to prior laparoscopic procedures as well as a dense small bowel, which required a thorough examination of the bowel. Dr. Figge stated that it was unclear whether there was a breach from the standard of care in this case. Vice-Chairman Gillard stated that he found the care was appropriate.

MOTION: Ms. Oswald moved for dismissal.

SECOND: Vice-Chairman Gillard

Dr. Beyer spoke in favor of issuing an Advisory Letter based on the description of the small bowel and the physician's failure to consider that this was high risk. Dr. Krahn noted that there were concerns raised regarding the medical recordkeeping in this case. Dr. Beyer stated that he did not find issues with the medical records. Dr. Figge spoke in favor of the motion and recognized that this was a complicated case with an unfortunate outcome. Chairman Farmer recognized the benefit of hindsight when reviewing these matters, and stated that the question at hand is whether reasonable decision making was

made with the information available to the physician at the time. Chairman Farmer also pointed out that the physician's attention has been drawn to the issues that were raised.

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, Ms. Jones and Ms. Oswald. The following Board members voted against the motion: Dr. Krahn, Dr. Beyer and Ms. Jones. The following Board member abstained: Ms. Bain.

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

MOTION PASSED.

5. MD-19-0639A, HEMADEVI CHENTHILMURUGAN, M.D., LIC. #49314

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

RESOLUTION: Issue an Advisory Letter for failure to perform a medial branch block prior to a radiofrequency ablation at cervical and lumbar locations. 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-20-0334A, RICHARD J. DINSDALE, M.D., LIC. #19143

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

RESOLUTION: Issue an Advisory Letter for failing to appropriately address the patient's complaint of leg pain or recommend sufficient further studies to evaluate the area of concern. 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.

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

1. MD-20-0656A, OMAR Y. VISWANATH, M.D., LIC. #55185

MOTION: Dr. Krahn moved for the Board to issue an Advisory Letter with Non-Disciplinary CME Order for inappropriate prescribing of morphine sulfate extended release and inadequate documentation. While there is insufficient evidence to support disciplinary action, the Board believes that continuation of the activities that led to the investigation may result in further Board action against the licensee. Within six months, complete no less than 15 hours of pre-approved Category I CME in an intensive, in-person course regarding controlled substances prescribing. 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, Ms. Jones and Ms. Oswald.

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

MOTION PASSED.

2. MD-19-1164A, PETER NIEMCZYK, M.D., LIC. #34718

Attorney Bruce Smith addressed the Board on behalf of Dr. Niemczyk during the Public Statements portion of the teleconference. Dr. Beyer stated that he knew Dr. Niemczyk, but that it would not affect his ability to adjudicate the case.

Dr. Beyer noted that the physician has moved and is no longer in the same work environment where a similar occurrence is likely to happen again. He spoke in favor of issuing an Advisory Letter and stated that CME was not warranted. Dr. Beyer recognized

that the physician's opioid prescribing fell below the current standards, and stated that he did not believe that Dr. Niemczyk would be practicing outside of postoperative pain management going forward.

MOTION: Dr. Beyer moved for the Board to issue an Advisory Letter for prescribing high dose opioids for long term use without clinical justification, failing to monitor patient compliance, and inadequate documentation. While there is insufficient evidence to support disciplinary action, the Board believes that continuation of the activities that led to the investigation may result in further Board action against the licensee.

SECOND: Dr. 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, Ms. Jones and Ms. Oswald.

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

MOTION PASSED.

3. MD-20-0925A, RONALD A. YUNIS, M.D., LIC. #25201

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

Vice-Chairman Gillard observed the anonymous complaint alleging that the physician made several attempts at version in the office, and noted the comments made during Public Statements. He noted that this was a complicated case and that the patient submitted a letter indicating that they were satisfied with the services they received from Dr. Yunis. Vice-Chairman Gillard proposed returning the case for further investigation to obtain a new quality of care review.

Board staff clarified that according to the patient's chart, Dr. Yunis attempted to perform an external cephalic version in the office at 34 weeks and again at 36 weeks. The Board noted that the article provided with the licensee's initial response indicated that the procedure should only be performed in a facility equipped for emergency cesarean section. Dr. Beyer stated that he felt the Board had enough information to proceed with adjudicating the case. Dr. Figge spoke in favor of returning the case for a new quality of care review and suggested the Board staff obtain the billing records for review.

MOTION: Vice-Chairman Gillard moved for the Board to return the case for further investigation to obtain another quality of care review by a new Medical Consultant.

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, Ms. Dorrell, Dr. Figge and Ms. Oswald. The following Board members voted against the motion: Dr. Beyer and Ms. Jones.

VOTE: 8-yay, 2-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

4. MD-20-0280A, MATTHEW J. SEIDEL, M.D., LIC. #32887

Vice-Chairman Gillard noted that this matter stemmed from a malpractice settlement regarding failure to diagnose a sarcoma. He spoke in favor of issuing the recommended Advisory Letter and stated that CME was not warranted in light of the complicated case that was not straightforward and involved a patient that did not return for her three month follow up.

MOTION: Vice-Chairman Gillard moved for the Board to issue an Advisory Letter for failing to obtain the most appropriate diagnostic specimen from the patient's soft tissue mass; and failing to provide clear and concise test results. While there is insufficient evidence to support disciplinary action, the Board believes that continuation of the activities that led to the investigation may result in further Board action against the licensee.

SECOND: Dr. Beyer

Dr. Figge spoke in favor of the motion and noted that the physician did not obtain a biopsy of the tissue, which he stated would have made a difference in the patient's care. Dr. Figge also pointed out that the patient may have returned had she been made aware that the biopsy was insufficient. Dr. Beyer spoke in favor of the motion and stated that CME was not warranted.

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, Ms. Jones and Ms. Oswald.

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

MOTION PASSED.

P. REVIEW OF EXECUTIVE DIRECTOR DISMISSALS

MOTION: Vice-Chairman Gillard moved for the Board to uphold the Executive Director Dismissal in item numbers 1-4.

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, Ms. Jones and Ms. Oswald.

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

MOTION PASSED.

1. MD-19-0653A, DAT T. TRAN, M.D., LIC. #31760

RESOLUTION: Uphold the dismissal.

2. MD-19-0653B, DELALI K. HEVI, M.D., LIC. #40170

Dr. Hevi and Attorney Elizabeth Peterson addressed the Board during the Public Statements portion of the teleconference.

RESOLUTION: Uphold the dismissal.

3. MD-19-0667C, PRADIPKUMAR K. PATEL, M.D., LIC. #23394

RESOLUTION: Uphold the dismissal.

4. MD-20-0499A, ASHLEY A. PRICE, M.D., LIC. #49381

RESOLUTION: Uphold the dismissal.

Q. PROPOSED CONSENT AGREEMENTS (Disciplinary)

MOTION: Vice-Chairman Gillard moved for the Board to accept the proposed Consent Agreement in item numbers 1-6.

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, Ms. Jones and Ms. Oswald.

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

MOTION PASSED.

1. MD-20-0467A, DAVID M. LEDER, M.D., LIC. #54873

RESOLUTION: Accept the proposed Consent Agreement for a Letter of Reprimand and Five Year Probation to participate in PHP, retroactive to August 18, 2020. Dr. Leder shall continue treatment with an approved addiction psychiatrist or addiction medicine specialist as recommended by the Assessor. The Probation shall not terminate except upon affirmative request by the physician and must be accompanied by evidence establishing that he has successfully satisfied all terms and conditions.

2. MD-19-0158A, MICHAEL D. MORAN, M.D., LIC. #54854

RESOLUTION: Accept the proposed Consent Agreement for a Letter of Reprimand and Three Year Probation to participate in PHP, retroactive to May 27, 2020. Dr. Moran shall complete a minimum of 12 hours of counseling with an approved provider as recommended by the facility in its discharge report, and shall comply with any and all treatment recommendations. The Probation shall not terminate except upon affirmative request by the physician and must be accompanied by evidence establishing that he has successfully satisfied all of the terms and conditions.

3. MD-20-0001A, SCOTT T. ROETHLE, M.D., LIC. #57048

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

4. MD-19-1173A, CHARLES MATLIN, M.D., LIC. #13975

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

5. MD-20-0470A, MICHAEL J. FITZMAURICE, M.D., LIC. #36511

RESOLUTION: Accept the proposed Consent Agreement for a Decree of Censure, Civil Penalty and Five Year Probation to participate in PHP, retroactive to June 29, 2020. Within 90 days, pay \$8,000 Civil Penalty via certified funds. Dr. Fitzmaurice shall continue treatment with an approved addiction psychiatrist or addiction medicine specialist as recommended by the evaluating facility. After one year, the physician may petition the Board for termination of the requirement to remain in treatment with an addiction psychiatrist or addiction medicine specialist and the decision to terminate will be based in part upon the treating professional's recommendation for continued care and treatment. The Probation shall not terminate except upon affirmative request by the physician and must be accompanied by evidence establishing that he has successfully satisfied all of the terms and conditions.

6. MD-19-0801A, MD-19-1166A, MD-20-0087A, KIUP A. KIM, M.D., LIC. #42708

RESOLUTION: Accept the proposed Consent Agreement for Decree of Censure, Civil Penalty and Two Year Probation. Within 90 days, pay \$5,000 Civil Penalty via certified funds. Within 30 days, enter into contract with an approved monitoring company for period chart reviews at the physician's expense. The chart reviews shall involve current patients receiving venous treatment for care rendered after the date of the Order. After two consecutive favorable chart reviews, the physician may petition the Board to terminate the Probation, and must be accompanied by evidence establishing that he has successfully satisfied all of the terms and conditions.

R. LICENSE APPLICATIONS

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

MOTION: Dr. Krahn moved for the Board to approve the license application in item numbers 1-10.

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, Ms. Jones and Ms. Oswald.

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

MOTION PASSED.

1. MD-20-0987A, GREGORY J. POTTS, M.D., LIC. #N/A

RESOLUTION: Approve the license application.

2. MD-21-0235A, MARK J. MAHAN, M.D., LIC. #N/A

RESOLUTION: Approve the license application.

3. MD-21-0115A, MANOJ RAVI, M.D., LIC. #N/A
RESOLUTION: Approve the license application.
4. MD-20-0901A, EVAN D. BALDWIN, M.D., LIC. #N/A
RESOLUTION: Approve the license application.
5. MD-20-0865A, SHERYL D. GALT, M.D., LIC. #N/A
RESOLUTION: Approve the license application.
6. MD-21-0174A, SETH C. THOMAS, M.D., LIC. #N/A
RESOLUTION: Approve the license application.
7. MD-20-1028A, EDWARD A. KALPAS, M.D., LIC. #N/A
RESOLUTION: Approve the license application.
8. MD-21-0212A, SADIA B. GHANI M.D., LIC. #N/A
RESOLUTION: Approve the license application.
9. MD-20-1084A, ROGER S. PRICE, M.D., LIC. #N/A
RESOLUTION: Approve the license application.
10. MD-21-0098A, ROBERT L. HOOKER, 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. MD-20-0730A, THOMAS J. MOORE, M.D., LIC. #N/A
MOTION: Dr. Figge moved for the Board to offer the applicant an opportunity to withdraw the application in lieu of formal license denial. If the application is not withdrawn within 30 days, the application shall be denied based on A.R.S. § 32-1422(A)(3) and (4).
SECOND: Ms. Bain
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, Ms. Jones and Ms. Oswald.
VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.
MOTION PASSED.

2. MD-20-0373A, JANA M. VAN AMBURG, M.D., LIC. #N/A
Dr. Van Amburg addressed the Board during the Public Statements portion of the teleconference.
MOTION: Dr. Figge moved for the Board to offer the applicant an opportunity 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)(4) and (6).
SECOND: Ms. Jones

Dr. Krahn spoke in favor of the motion and stated that while she appreciated the applicant's explanation, the Board is tasked with protecting the public. Dr. Beyer spoke in favor of the motion and noted that the physician indicated she had no plans for performing the same types of surgeries that have caused her issues in the past. Chairman Farmer recognized that once a license is issued to practice medicine, licensees have the ability and responsibility to practice within their scope of competence.

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, Ms. Jones and Ms. Oswald.
VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.
MOTION PASSED.

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

MOTION: Dr. Krahn moved for the Board to grant the request for waiver of documentation requirement in item numbers 104.

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, Ms. Jones and Ms. Oswald.

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

MOTION PASSED.

1. WILLIAM L. LANG, M.D., LIC. #N/A

RESOLUTION: Grant the request for waiver of documentation requirement.

2. TARIQ RASHID, M.D., LIC. #N/A

RESOLUTION: Grant the request for waiver of documentation requirement.

3. NEERAV G. SHETH, M.D., LIC. #N/A

RESOLUTION: Grant the request for waiver of documentation requirement.

4. MICHAEL J. ORLOSKY, M.D., LIC. #N/A

RESOLUTION: Grant the request for waiver of documentation requirement.

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

OTHER BUSINESS

S. REQUEST FOR TERMINATION OF BOARD ORDER

1. MD-20-0106A, NOEL A. ZWEIG, M.D., LIC. #59778

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

Dr. Figge noted that the physician completed five years of monitoring elsewhere and spoke in favor of granting the request to terminate the Board Order.

MOTION: Dr. Figge moved for the Board to grant the request to terminate the April 16, 2020 Board Order.

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, Ms. Jones and Ms. Oswald.

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

MOTION PASSED.

2. MD-16-1257A, MICHAEL S. KUNTZELMAN, M.D., LIC. #13565

The Board observed that Dr. Kuntzelman's October 4, 2017 Board Order involved chart reviews and that he was recently issued a Board Order in another case that restricted his ability to prescribe controlled substances. Therefore, there are no charts to be reviewed at this time and the physician will continue to be monitored under the more recent Board Order.

MOTION: Dr. Figge moved for the Board to grant the request to terminate the October 4, 2017 Board Order.

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, Ms. Jones and Ms. Oswald.

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

MOTION PASSED.

3. MD-14-1000A, MD-15-0748A, ROBERT K. TRUESDALE, M.D., LIC. #34085

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

The Board observed that Dr. Truesdale has satisfied the terms and conditions of his September 16, 2016 Board Order.

MOTION: Dr. Figge moved for the Board to grant the request to terminate the September 16, 2016 Board Order.

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, Ms. Jones and Ms. Oswald.

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

MOTION PASSED.

T. APPEAL OF EXECUTIVE DIRECTOR DECISION

1. JOHN D. TEAYS, M.D., LIC. #N/A

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

Executive Director McSorley pointed out that the applicant requested to withdrawal the appeal in light of the Governor's Office not approving the Board's request to extend the time out of practice for physicians that wish to help with vaccination efforts.

MOTION: Dr. Figge moved for the Board to accept the applicant's request to withdraw the appeal.

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, Ms. Jones and Ms. Oswald.

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

MOTION PASSED.

2. JAMES V. SPRINGROSE, M.D., LIC. #N/A

MOTION: Dr. Krahn moved for the Board to table this matter to a future meeting per the applicant's request.

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, Ms. Jones and Ms. Oswald.

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

MOTION PASSED.

3. THIS CASE WAS PULLED FROM THE AGENDA.

4. JOHN M. BENSON, M.D., LIC. #N/A

MOTION: Ms. Jones moved for the Board to uphold the Executive Director's determination that the physician does not qualify for a temporary emergency license.

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, Ms. Jones and Ms. Oswald.

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

MOTION PASSED.

U. GENERAL CALL TO THE PUBLIC

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

V. ADJOURNMENT

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

SECOND: Dr. Krahn

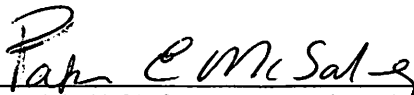
VOTE: The following Board members voted in favor of the motion: Chairman Farmer, Vice-Chairman Gillard, Dr. Krahn, Ms. Bain, Dr. Bethancourt, Dr. Beyer, Ms. Dorrell, Dr. Figge, Ms. Jones and Ms. Oswald.

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

MOTION PASSED.

The teleconference adjourned at 12:13 p.m.




Patricia E. McSorley, Executive Director