



Arizona Medical Board

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DRAFT MINUTES FOR SPECIAL TELECONFERENCE MEETING

Held on Thursday, May 6, 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 meeting to order at 5:06 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, 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; William Wolf, M.D., Chief Medical Consultant; Raquel Rivera, Investigations Manager; Michelle Robles, Board Operations Manager; and, Andrea Cisneros, Minutes Administrator. Also present included Carrie Smith, Assistant Attorney General ("AAG"), and Elizabeth Campbell, AAG, who participated to provide the Board with independent legal advice on the hearing case(s) as stated 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, Discussion and Possible Action Regarding the Reporting of Interim Practice Limitations to the National Practitioner Data Bank

Executive Director McSorley reported on the ongoing issue with the NDPB relative to Interim Practice Limitations ("IPLs") and whether it is a reportable Agency action. She explained that IPLs are used to remove a physician from active practice when the Board becomes aware of a health condition that may affect their ability to practice. Executive

Director McSorley clarified that at the time the IPL is signed by the licensee, there are no official findings made.

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. 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.

The Board entered into Executive Session at 6:53 p.m.

The Board returned to Open Session at 7:12 p.m.

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

- Report from the Ad Hoc Committee Regarding Recommendations for the Format for Future Board Meetings

Executive Director McSorley reported that the Board will have a more expansive discussion on this topic at its June meeting.

- Legislative Update

Executive Director McSorley reported that HB2454 regarding telehealth has been signed by the Governor and the Agency will begin establishing the registry process for out of state physicians that wish to provide telehealth to Arizona residents. She reported that the bill relating to medical graduate training permits was forwarded to the Governor for signature and that SB1457 related to abortions being classified as a class six felony when the sole reason for the abortion was due to genetic abnormalities.

AAG Smith informed the Board that the AG's Office will be providing the usual legal analysis to provide the Board with some guidance prior to the new laws taking effect.

- Update on Staffing and Administrative Issues

Executive Director McSorley reported that the Agency is currently working on establishing a mechanism for staff to return to in-person work on a hybrid schedule as the Department of Administration has directed agencies to determine what their respective workforce will look like once staff returns to working in the office. She also reported that she will be attending a meeting with other Executive Directors on May 11, 2021 to discuss what different agencies are doing in terms of their staff returning to the office.

The Board confirmed that its June 2021 meeting will not be held in-person.

E. CHAIR'S REPORT

- Update on FSMB Annual Meeting

Chairman Farmer reported on the FSMB's recent meeting that was held via Zoom and that the substance of the meeting was great. Chairman Farmer acknowledged the Executive Director for participating in a panel discussion regarding emergency preparedness and the new realities of state medical boards. He stated that Executive Director McSorley is a true example of resilience through the many challenges related to the pandemic, and stated that she made an excellent presentation. Chairman Farmer noted that a work group has been formed to create model policies for universal use of technology in medicine using what has been learned throughout the pandemic and to develop strategies for boards to help combat health inequities and bias in medical discipline as well as periodic review of emergency preparedness plans.

F. LEGAL ADVISOR'S REPORT

- Introduction of New Assistant Attorney General
The Board welcomed AAG Parvati Josyula to the team.

G. DISCUSSION REGARDING DEBRIEFING ON BOARD PROCESSES

Chairman Farmer thanked the Board members and staff for their hard work and efforts. He stated that the Board will hold a more robust discussion on this topic at its next regular meeting after having more details and reports from the subcommittee tasked with looking at these processes.

H. APPROVAL OF MINUTES

- April 8, 2021 Teleconference Meeting
MOTION: Dr. Krahn moved for the Board to approve the April 8, 2021 Teleconference Meeting.
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.

LEGAL MATTERS

I. REVIEW, CONSIDERATION AND POSSIBLE ACTION ON PROPOSED BOARD ORDER ARISING FROM ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION

1. MD-15-0977A, SHAKEEL A. KAHN, M.D., LIC. #37896

Dr. Khan was not present 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. The Board members confirmed that they received and reviewed the administrative record of the Formal Hearing in this matter.

AAG Smith summarized that Dr. Kahn's license was suspended in August of 2016 based on significant concerns regarding his prescribing practices as well as non-compliance with the Board's investigation. Dr. Kahn subsequently requested the proceedings be stayed after he was indicted on criminal charges. The criminal matter was resolved in 2019 and Dr. Kahn was convicted of multiple felony charges and is currently incarcerated. In September of 2020, the Board voted to lift the stay of the proceedings in this matter and to include additional facts and evidence gathered since the date of the summary suspension. A Formal Hearing was held on March 22, 2021, the physician did not appear telephonically at the Hearing, and the Administrative Law Judge ("ALJ") issued a recommended decision for license revocation. AAG Smith asked the Board to adopt the ALJ's recommendation to revoke the license and modify Findings of Fact #16 by replacing "beseeched" with "asked."

MOTION: Vice-Chairman Gillard moved for the Board to adopt and modify the ALJ's recommended Findings of Fact by replacing "beseeched" with "asked" in Findings of Fact #16.

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.

MOTION: Dr. Krahn moved for the Board to adopt the ALJ's recommended Conclusions of Law.

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

MOTION: Vice-Chairman Gillard moved for the Board to adopt the ALJ's recommended Order and revoke the license.
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, Ms. Jones and Ms. Oswald.
VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.
MOTION PASSED.

CONSENT AGENDA

J. CASES RECOMMENDED FOR DISMISSAL

MOTION: Dr. Figge moved for the Board to dismiss item numbers 1-7.
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, Ms. Jones and Ms. Oswald.
VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.
MOTION PASSED.

1. MD-20-0896A, WILLIAM T. KO, M.D., LIC. #26333

RESOLUTION: Dismiss.

2. MD-20-0797A, GARY L. BOHAY, M.D., LIC. #20864

RESOLUTION: Dismiss.

3. MD-20-0502A, BRYAN CONTRERAS, M.D., LIC. #31485

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

Dr. Figge stated that he knew Dr. Contreras professionally, but it would not affect his ability to adjudicate the case.

RESOLUTION: Dismiss.

4. MD-20-0741A, CLAUDE R. THIBEAULT, M.D., LIC. #19972

RESOLUTION: Dismiss.

5. MD-21-0074A, VERA A. MEIER-BENNETT, M.D., LIC. #44624

RESOLUTION: Dismiss.

6. MD-21-0028A, MICHAEL K. PFLEGER, M.D., LIC. #27777

Complainant AM and Dr. Pfleger addressed the Board during the Public Statements portion of the teleconference.

RESOLUTION: Dismiss.

7. MD-18-0419A, PAYAM ZAMANI, M.D., LIC. #34305

RESOLUTION: Dismiss.

K. CASES RECOMMENDED FOR ADVISORY LETTERS

MOTION: Dr. Bethancourt moved for the Board to issue an Advisory Letter in item numbers 1, 3, 5, 6, 7, 9, 10, 12 and 13.

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 (one recusal noted in item number 6), 0-absent.

MOTION PASSED.

1. MD-20-1010A, DEBORAH L. TURSKI, M.D., LIC. #54636

RESOLUTION: Issue an Advisory Letter for action taken by the Wisconsin Board. 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. MD-19-0824A, TRUMAN L. VASKO, M.D., LIC. #37467

Dr. Beyer questioned whether an Advisory Letter was warranted given that the events occurred in another state and that state's regulatory board elected to take no action.

MOTION: Dr. Beyer moved for dismissal

SECOND: Dr. Figge

AAG Smith clarified that the Staff Investigational Review Committee ("SIRC") sustained a violation of unprofessional conduct based on the conduct identified in the investigation and that it is within the Board's discretion to take no action for conduct that occurred in another state.

Dr. Krahn spoke against the motion and stated her concerns that the physician's behavior was unacceptable and unprofessional. Dr. Bethancourt stated that he agreed with Dr. Krahn's comments and spoke against the motion. Ms. Jones also spoke against the motion and noted that the physician wrote prescriptions without maintaining a record. Dr. Figge spoke in favor of the motion and recognized that the Georgia Board dismissed their investigation into the physician's conduct.

In response to a Board member's inquiry, AAG Smith clarified that issuing an Advisory Letter places the individual on notice that the Board believes continuation of the activities may result in further Board action, and the Board would have the ability to consider it when making a determination on a future case. She stated that if the matter were to be dismissed, the Board would not have the ability to consider it when reviewing future cases. Chairman Farmer stated his concerns for setting a precedent that the Board does not take action on matters that occur out of state, and pointed out that the Board considers each case on its own merit.

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

VOTE: 3-yay, 7-nay, 0-abstain, 0-recuse, 0-absent.

MOTION FAILED.

MOTION: Ms. Jones moved for the Board to issue an Advisory Letter for prescribing without establishing an appropriate physician-patient relationship and for failure to maintain medical records. 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: Ms. Bain.

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

Oswald. The following Board members voted against the motion: Vice-Chairman Gillard, Dr. Beyer and Dr. Figge.

VOTE: 7-yay, 3-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

3. MD-20-0788A, DENNIS J. FOLEY, M.D., LIC. #32012

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

RESOLUTION: Issue an Advisory Letter for failure to adequately evaluate and treat a lateral tibial plateau fracture 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.

4. MD-20-0702A, ANIS HANNA, M.D., LIC. #32219

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

Dr. Beyer questioned whether an Advisory Letter was warranted, recalled the comments made during the Public Statements and noted that the records were lacking in this case. Dr. Bethancourt stated that he found the physician's explanation credible and that this case appeared to be more of a recordkeeping issue.

Board staff clarified that there was no documented ulcer on the images provided for review, and that there was nothing done to rule out other possibilities. Dr. Bethancourt spoke in favor of issuing the recommended Advisory Letter after hearing Board staff's clarification. Dr. Figge spoke in favor of issuing an Advisory Letter and stated that the patient's case appeared to have been rushed, and involved miscommunication and the medical records were lacking.

MOTION: Dr. Figge moved for the Board to issue an Advisory Letter for performing an incomplete EGD and 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.

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.

5. MD-20-0465A, STEPHEN W. MOORE, M.D., LIC. #7080

RESOLUTION: Issue an Advisory Letter for failure to deliver a written emergency prescription order to the pharmacy within seven days. 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-20-0153A, CAROL M. DEHASSE, M.D., LIC. #29765

Attorney Robert Stultz addressed the Board on behalf of Dr. Dehasse during the Public Statements portion of the teleconference.

Dr. Figge was recused from this matter.

RESOLUTION: Issue an Advisory Letter for failing to use conservative treatment modalities prior to excision of a Bartholin gland abscess. 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.

7. MD-20-0689A, TODD W. TURLEY, M.D., LIC. #34623

RESOLUTION: Issue an Advisory Letter for failing to timely report a misdemeanor charge within ten days as required by law. 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.

8. MD-21-0029A, QUNSHENG SONG, M.D., LIC. #36062

Vice-Chairman Gillard observed that Dr. Song called in an emergency scheduled drug to a nursing home patient and a complaint was filed by the pharmacy alleging that no hard copy prescription was received within seven days as required. He spoke in favor of dismissal, stated there appeared to be a breakdown in the process and noted that the physician eventually faxed the prescription.

MOTION: Vice-Chairman Gillard moved for dismissal.

SECOND: Dr. Figge

Dr. Beyer spoke against the motion and stated that an Advisory Letter was warranted in this matter. Dr. Figge spoke in support of the motion and stated that there appeared to be a systems breakdown. He recognized that this physician was covering for another doctor, was relying on the system in place and immediately addressed the issue after becoming aware of it. Ms. Dorrell recognized that the physician made a conscious effort to fax the prescription over and she agreed that there appeared to be a systems breakdown rather than intentional disregard by the licensee.

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.

9. MD-20-0283A, KATHERINE E. GROSS, M.D., LIC. #58013

RESOLUTION: Issue an Advisory Letter for failing to report a misdemeanor charge within ten days as required by law. 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.

10. MD-19-0952A, PAULINA E. MARIKI-MHANGO, M.D., LIC. #49384

Complainant JI addressed the Board during the Public Statements portion of the teleconference. Attorney Michele Thompson addressed the Board on behalf of Dr. Mariki-Mhango during the Public Statements.

RESOLUTION: Issue an Advisory Letter for failing to address the feeding problems and low weight in an adolescent 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.

11. MD-20-0873A, CLAUDE R. THIBEAULT, M.D., LIC. #19972

Vice-Chairman Gillard stated that he agreed with the recommendation to issue an Advisory Letter and proposed changing the language. He stated that the physician was

correct by treating the patient for pseudo seizure activity, but questioned the techniques used to determine that it was not a true seizure. Dr. Figge agreed with the Vice-Chairman's comments and stated that the technique used to prove the pseudo seizure activity was not appropriate. Dr. Figge stated that an Advisory Letter was warranted to inform the licensee that he performed an inappropriate work up of possible seizure.

MOTION: Vice-Chairman Gillard moved for the Board to issue an Advisory Letter for use of inappropriate technique in order to distinguish seizure from pseudo seizure activity. While there is insufficient evidence to support disciplinary action, the Board believes that continuation of the activities that led to the investigation may result in further Board action against the licensee.

SECOND: Dr. Figge

VOTE: The following Board members voted in favor of the motion: Chairman Farmer, Vice-Chairman Gillard, Dr. 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.

12. MD-20-0528A, CARLOS E. FONTE, M.D., LIC. #19038

Attorney Jessica Gandy addressed the Board on behalf of Dr. Fonte during the Public Statements portion of the teleconference.

RESOLUTION: Issue an Advisory Letter for action taken by the Nevada Board. 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.

13. MD-20-0413A, KARL P. NGUYEN, M.D., LIC. #47346

RESOLUTION: Issue an Advisory Letter for failure to detect a tentorial subdural hematoma on a cranial CT scan. While the licensee has demonstrated substantial compliance through rehabilitation or remediation that mitigates 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.

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

1. MD-20-0273A, ARMANDO GONZALEZ, M.D., LIC. #24499

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

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.

The Board entered into Executive Session at 6:24 p.m.

The Board returned to Open Session at 6:30 p.m.

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

Dr. Bethancourt was recused from this matter.

Vice-Chairman Gillard stated that based on his review of the information presented in this case, he did not believe that CME was warranted and spoke in support of issuing the recommended Advisory Letter only.

MOTION: Vice-Chairman Gillard moved for the Board to issue an Advisory Letter for failing to refer a patient to a gastroenterologist for persistent GI symptoms. 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: Ms. Oswald

Dr. Figge spoke in favor of the motion and recognized that the physician has learned by having gone through the malpractice claims process.

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

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

MOTION PASSED.

M. REVIEW OF EXECUTIVE DIRECTOR DISMISSALS

MOTION: Dr. Figge moved for the Board to uphold the dismissal in item numbers 1 and 2.

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-20-0837A, JAMES S. KORT, M.D., LIC. #33151

Attorney Cory Tyszka addressed the Board on behalf of Dr. Kort during the Public Statements portion of the teleconference.

RESOLUTION: Uphold the dismissal.

2. MD-20-0700A, EDWARD J. HA, M.D., LIC. #46688

Attorney Gary Fadell addressed the Board on behalf of Dr. Ha during the Public Statements portion of the teleconference.

Ms. Jones stated that she knew Dr. Ha professionally, but it would not affect her ability to adjudicate the case.

RESOLUTION: Uphold the dismissal.

N. PROPOSED CONSENT AGREEMENTS (Disciplinary)

1. MD-19-0855A, HOWARD J. REUBEN, M.D., LIC. #21110

MOTION: Vice-Chairman Gillard moved for the Board to accept the proposed Consent Agreement for surrender of licensure.

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, Ms. Jones and Ms. Oswald.

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

MOTION PASSED.

O. LICENSE APPLICATIONS

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

MOTION: Dr. Beyer moved for the Board to grant licensure in item numbers 1 and 2.

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-21-0239A, JOHN H. SCHMIDT, M.D., LIC. #N/A

RESOLUTION: Grant licensure.

2. MD-21-0205A, BARRY P. HUANG, 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

MOTION: Ms. Jones moved for the Board to grant licensure in item numbers 1 and 2.

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. ODIE V. NEWBORN, M.D., LIC. #N/A

RESOLUTION: Grant licensure.

2. SATYEN V. PATEL, M.D., LIC. #N/A

The Board observed that this matter was pulled from the agenda as the physician withdrew his application for Arizona license.

3. STEPHEN P. ROBERTS, M.D., LIC. #N/A

RESOLUTION: Grant licensure.

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

OTHER BUSINESS

P. REQUEST FOR TERMINATION OF BOARD ORDER

1. MD-19-0044A, SEAN P. ELLIOTT, M.D., LIC. #27986

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

Chairman Farmer recalled the comments made during the Public Statements, stated that the physician was very articulate and recognized the physician's notable efforts in the community during the pandemic. Dr. Krahn spoke in favor of terminating the Board Order and recognized the physician's stable recovery.

MOTION: Dr. Krahn moved for the Board to grant the request to terminate the February 10, 2020 Board Order.

SECOND: Ms. Jones

Dr. Beyer spoke in support of the motion and stated he was impressed by the comments made during Public Statements. He recognized that the termination was very early into the five years of Probation. Dr. Krahn commented that she was convinced the physician

will continue to work a very active recovery program even after the Board's Order is no longer in effect and that she found this to be an absolutely necessary element before early termination. Dr. Bethancourt agreed with Dr. Krahn's comments and stated that the physician is being rewarded with early termination for the extreme efforts put into his recovery. Ms. Jones spoke in support of the motion and stated that she believed the physician would continue on his road to recovery. Dr. Figge pointed out that Dr. Elliot received credit for 1.5 years of aftercare monitoring that occurred prior to the Board's Order becoming effective.

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 member was recused: Ms. Bain.

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

MOTION PASSED.

2. MD-19-0497A, ALEXANDER VILLARES, M.D., LIC. #32704

Dr. Figge spoke in favor of terminating the Board Order and recognized that Dr. Villares has complied with all requirements. Vice-Chairman Gillard also spoke in favor of termination and noted that all conditions of Probation have been met.

MOTION: Dr. Figge moved for the Board to grant the request to terminate the April 8, 2020 Board Order.

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, Ms. Jones and Ms. Oswald.

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

MOTION PASSED.

3. MD-17-0882A, GARY L. BOHAY, M.D., LIC. #25270

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

Dr. Figge spoke in favor of terminating the Board Order as the physician has complied with the requirements and has received support from his treatment team for early termination. Vice-Chairman Gillard noted that two providers have opined that termination was appropriate at this time.

MOTION: Dr. Figge moved for the Board to grant the request to terminate the April 17, 2018 Board Order.

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, Ms. Jones and Ms. Oswald.

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

MOTION PASSED.

4. MD-16-1104A, MD-17-0272A, MD-17-0339A, MD-17-0402A, ABDULKADIR A. HOURANI, M.D., LIC. #32704

Dr. Figge spoke in favor of terminating the Order and recognized that Dr. Hourani has met all conditions of Probation. Vice-Chairman Gillard noted that the physician is no longer performing bronchoscopies and currently does not hold privileges at a hospital.

MOTION: Dr. Figge moved for the Board to grant the request to terminate the February 6, 2019 Board Order.

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

Q. APPEAL OF EXECUTIVE DIRECTOR DECISION

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

The Board observed that the Executive Director determined that this applicant did not qualify for temporary licensure due to having been out of active practice for more than four years. The Board also recognized that Dr. Springrose had applied for licensure in order to assist with vaccination efforts in Arizona. The Board commended Dr. Springrose's desire to assist his community.

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

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, Ms. Jones and Ms. Oswald.

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

MOTION PASSED.

R. GENERAL CALL TO THE PUBLIC

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

S. ADJOURNMENT

MOTION: Ms. Jones moved for adjournment.

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.

The Board's teleconference adjourned at 7:24 p.m.



Patricia E. McSorley, Executive Director