



## Arizona Medical Board

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

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### FINAL MINUTES FOR SUMMARY ACTION 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 11:03 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"); Raquel Rivera, Investigations Manager; Michelle Robles, Board Operations Manager; and, Andrea Cisneros, Minutes Administrator.

### C. CALL TO THE PUBLIC

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

## LEGAL MATTERS

### D. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING SUMMARY ACTION

1. MD-19-0816A, MD-20-0319A, MD-20-0819A, DONOVAN J. ANDERSON, M.D., LIC. #13491

Dr. Anderson and Attorney Nathan Ryan participated in the teleconference during the Board's consideration of this matter.

Board staff summarized that Dr. Anderson has been subject to periodic chart reviews pursuant to the Order issued in case number MD-15-0691A. Dr. Anderson was subsequently issued a Decree of Censure and Ten Year Probation with Practice Restriction that prohibited him from prescribing controlled substances. Board staff reported that CPEP has issued 13 chart review reports from April 2018 to March 2021, all of which involved adverse findings. The Board noted that Dr. Anderson has

been referred to the Office of Administrative Hearings for a Formal Hearing to revoke his license in case numbers MD-18-0992A and MD-19-19-0196A.

Board staff reported that based on the continued receipt of adverse chart reviews from CPEP, a chart review was performed on Dr. Anderson's current patients to determine whether a Practice Restriction was warranted. Board staff determined that Dr. Anderson's charts continue to demonstrate concerning quality of care issues and medical recordkeeping deficiencies, and it was also noted that Dr. Anderson falsely attested to having reviewed a significant number of CSPMP profiles in order to issue medical marijuana certifications. Board staff reported that Dr. Anderson has an extensive history with this Board and that his California medical license has been revoked. On April 1, 2021, Dr. Anderson was offered an Interim Consent Agreement for Practice Restriction prohibiting the physician from practicing medicine in all settings based on concerns that the physician's inability to be regulated by the Board. Board staff asked the Board to consider taking summary action based on the continued deficiencies identified in Dr. Anderson's care and medical recordkeeping despite ongoing chart reviews by CPEP.

Dr. Anderson stated that he has complied with the Board's requests, has not written controlled substance prescriptions in the last three years outside of his hospice patients and has been compliant with chart reviews for two years. He reported that he has doubled his CME hours and has transitioned his records to a computerized system. Mr. Ryan stated his concerns regarding Dr. Anderson's right to request a Formal Hearing. He stated that Dr. Anderson has done his best to improve his documentation and that his failure to document to the Board's satisfaction is not an immediate risk to the public.

Board staff reported that SIRC identified concerns relating to the issues that continued to be identified on CPEP's chart reviews despite all remediation efforts noted. SIRC determined that an Interim Consent Agreement for Practice Restriction was warranted in light of the cases pending Formal Hearing for license revocation in addition to continued concerns relating to adverse chart reviews, record deficiencies and care issues. Board staff clarified that regardless of marijuana becoming legal for recreational use in Arizona, there are laws that govern the certification of patients for medical marijuana. Dr. Krahn commented that the duration of problems and repetition of issues was remarkable, and stated that she agreed that the issues have reached the point of being a very significant risk to the public.

**MOTION: Dr. Figge 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 11:20 a.m.

The Board returned to Executive Session at 11:26 a.m.

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

Dr. Figge stated that he shared Dr. Krahn's concerns, noting the consistent adverse chart reviews conducted by CPEP. He stated that it appeared the physician's practice had not changed and presented a potential risk to the public.

**MOTION: Dr. Figge moved for the Board to summarily suspend Dr. Anderson's Arizona medical license based on the finding that the public health, safety or welfare imperatively requires emergency action by the Board.**

**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.**

## E. ADJOURNMENT

**MOTION:** Dr. Figge moved to adjourn.

**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.**

The teleconference adjourned at 11:30 a.m.



A handwritten signature in blue ink that reads "Patricia E. McSorley".

Patricia E. McSorley, Executive Director