



Arizona Medical Board

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FINAL MINUTES FOR TELECONFERENCE MEETING

Held on Thursday, June 10, 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 Board's teleconference to order at 8:05 a.m.

B. ROLL CALL

The following Board members participated telephonically: 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 telephonically: Patricia McSorley, Executive Director; Kristina Fredericksen, Deputy Director; Carrie Smith, Assistant Attorney General ("AAG"); Raquel Rivera, Investigations Manager; William Wolf, M.D., Chief Medical Consultant; 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 appear beneath the matter(s) referenced.

CONSENT AGENDA

D. CASES RECOMMENDED FOR DISMISSAL

MOTION: Dr. Beyer moved for the Board to dismiss item numbers 1 and 2.

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-20-0437A, LAWRENCE J. DAMORE, M.D., LIC. #27501

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

RESOLUTION: Dismiss.

2. MD-19-0949A, VINAY B. SANGHI, M.D., LIC. #53705

RESOLUTION: Dismiss.

E. CASES RECOMMENDED FOR ADVISORY LETTERS

MOTION: Dr. Figge moved for the Board to issue an Advisory Letter in item numbers 1, 2, 3, 4, 5 and 7.

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-20-0597A, AARON F. WITTENBERG, M.D., LIC. #34961

RESOLUTION: Issue an Advisory Letter for embolization of the wrong artery. 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-20-0632A, JONATHAN R. INSEL, M.D., LIC. #12369

RESOLUTION: Issue an Advisory Letter for attempting to prescribe controlled substances to assist with euthanasia. 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.

3. MD-21-0013A, DOUGLAS J. CAMPBELL, M.D., LIC. #28543

RESOLUTION: Issue an Advisory Letter for failure to address the patient's elevated blood pressure when prescribing phentermine 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-20-0982A, EUGENE OH, M.D., LIC. #30068

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

5. MD-20-0385A, JODIE K. LABOWITZ, M.D., LIC. #26966

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

RESOLUTION: issue an Advisory Letter for failing to adequately address a patient's persistent post-colonoscopy abdominal pain. There is insufficient evidence to support disciplinary action.

6. MD-20-0791A, MEGHAN G. HILL, M.D., LIC. #45841

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

Vice-Chairman Gillard recalled the comments made during the Public Statements. Dr. Krahn stated that she appreciated Dr. Hill's explanation of how she was providing supervision and stated that she found the physician was knowledgeable of ACGME

requirements related to working in an institution with residents. Dr. Krahn stated that she remained concerned that while the physician may have been in the vicinity, she was not checking in closely enough during this patient's difficult labor and delivery. Dr. Krahn added that she believed prudent supervision required checking in when there are signs of potential trouble.

Dr. Bethancourt questioned the physician's oversight and stated his concerns regarding whether the right drug was used for preeclampsia in this patient, noting that the patient had several decelerations of heart rate that might be a sign for c-section. Dr. Beyer stated that he was impressed by the physician's explanation during the Public Statements and that it convinced him that discipline was not warranted in this matter. However, he stated that an Advisory Letter was appropriate to resolve the case. Ms. Oswald spoke in favor of the recommended Advisory Letter and stated her concerns regarding the inattentiveness and bedside monitoring during labor of over 24 hours. Vice-Chairman Gillard recognized the tragic outcome in this case and spoke in favor of the recommendation to issue an Advisory Letter.

MOTION: Dr. Beyer moved for the Board to issue an Advisory Letter for failing to appropriately manage a patient's labor and inadequate supervision of residents. 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

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.

7. MD-20-0796A, ALEXANDAR JOVANOVIĆ, M.D., LIC. #54786

RESOLUTION: Issue an Advisory Letter for action taken by the Iowa and North Carolina 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.

8. MD-20-0832A, EMILIO M. JUSTO, M.D., LIC. #18595

Dr. Justo and Attorney Scott King addressed the Board during the Public Statements portion of the meeting.

Vice-Chairman Gillard recalled the comments made during the Public Statements and noted that the patient was refunded. Dr. Bethancourt stated that he was perplexed by this case, noting that counsel mentioned during Public Statements that the insurance company approved the procedure without having done the testing beforehand. Vice-Chairman Gillard spoke in favor of the recommendation to issue an Advisory Letter to resolve this matter.

MOTION: Vice-Chairman Gillard moved for the Board to issue an Advisory Letter for failing to perform a complete ophthalmic examination as part of a functional eyelid evaluation. There is insufficient evidence to support disciplinary action.

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.

9. MD-20-0469A, CHRISTOPHER S. HILER, M.D., LIC. #27512

Vice-Chairman Gillard questioned whether further investigation was needed to obtain more charts to determine whether this was an isolated issue versus a practice pattern. Dr. Bethancourt stated his concerns regarding the charting, noting that the physician diagnosed the patient with a tremor while documenting a normal exam and that there was a lack of follow up on the renal mass. Dr. Krahn recalled that the physician explained the documentation issues were due to an EMR and the use of scribes, and she stated that this is not an acceptable reason for substandard documentation. Dr. Beyer spoke in favor of issuing the recommended Advisory Letter.

MOTION: Dr. Beyer moved for the Board to issue an Advisory Letter for failing to pursue lung cancer screening, failing to address renal lesions seen on an MRI, and inadequate 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: Dr. Krahn

Vice-Chairman Gillard spoke in favor of the motion and stated that an Advisory Letter was appropriate for tracking the occurrence.

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.

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

1. MD-20-0119A, JOHN A. CARROLL, M.D., LIC. #18950

Dr. Carroll and Attorney Andrew Rosenzweig addressed the Board during the Public Statements portion of the teleconference.

Vice-Chairman Gillard stated his concerns regarding the degree of hindsight that may have been used when staff reached the recommendation to issue an Advisory Letter with Non-Disciplinary CME Order. He stated that based on his review of the record, the patient had a number of comorbidities, presented with abdominal pain and images obtained showed no abnormalities. He stated that the possibility of bowel infarction can be seen in retrospect and that he could not find fault with the physician in this case. For these reasons, Vice-Chairman Gillard spoke in favor of dismissal.

MOTION: Vice-Chairman Gillard moved for dismissal.

SECOND: Dr. Figge

Dr. Figge spoke in favor of the motion and expressed concern about the effect of hindsight in this case. Chairman Farmer recalled counsel's Public Statements comments and stated that the Board often struggled with whether the case was being looked at through hindsight and outcome bias. Dr. Beyer spoke in favor of dismissal after hearing from the parties and the Board members' comments. Vice-Chairman Gillard supported the motion and agreed with Dr. Figge's comments. He stated that this was not a clear-cut presentation of bowel infarct and while the outcome was bad, he found that dismissal was appropriate.

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-20-0490A, AJAY TULI, M.D., LIC. #31158

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

Dr. Figge was recused from this case.

Dr. Bethancourt stated that there were no signs of dissection and no aortic enlargement on films or testing. He stated that the patient's statement appeared to be unsubstantiated based on his review of the chart. Vice-Chairman Gillard noted that this ER physician was concerned and wanted the patient admitted and that the cardiologist advised against it, which superseded the ER physician. He spoke in favor of issuing the Advisory Letter without the recommended Non-Disciplinary CME Order.

Board staff summarized a timeline of the events and clarified that the patient was a very active 40 year-old with a long history of borderline EKGs who had been advised to present to the emergency room with any chest pain. On June 29th, the patient presented to the ER worried of a possible cardiac condition, had a negative angiogram and an EKG borderline with suggestion of sinus bradycardia and the first AV block was diagnosed. The patient was discharged the following day and followed up with the physician one week later. Heart rate monitoring was intermittent and not consistent, and less than one month later, the patient presented to the ER with chest pain and palpitations. The ER physician was concerned at that time and offered admission or transfer. In his response to the Board, Dr. Tuli indicated that he saw the patient in the ER; however, this was not documented in the patient's chart. The Board noted that the ER physician's comprehensive notes indicated that he spoke with Dr. Tuli telephonically and not in person.

Board staff clarified that the MC's main concern was that the patient's heart rate was not being constantly monitored. Vice-Chairman Gillard recognized that the physician offered hospital admission despite cardiology recommendations as well as transfer to another facility to consult with another cardiologist and the patient refused. Vice-Chairman Gillard stated his concerns that it was almost very cavalier on the part of cardiology, and he noted that the ER physician's suspicions were later confirmed by diagnosis at a different facility. Board staff confirmed that while SIRC noted the pathologies listed in the complaint to the Board without objective medical proof were not part of the decision-making process as they were not supported by objective scientific documentation.

Dr. Beyer stated that he struggled with this case and the language of the Advisory Letter, and spoke in favor of issuing an Advisory Letter without a Non-Disciplinary CME Order. Dr. Bethancourt stated that based on his review of the case, with the exception of the few episodes of bradycardia, there did not appear to be a need for referral to an electrophysiologist. Chairman Farmer stated that he struggled with this case with regard to the appropriate Advisory Letter language. He recognized that an electrophysiologist found that the care was okay while the ER physicians have identified concerns.

Vice-Chairman Gillard pointed out that Brugada Syndrome is very rare and stated that he did not believe CME was warranted in this case. He reiterated his concerns regarding cardiology's cavalier discharge of the patient against the wishes of the ER physician. Vice-Chairman Gillard spoke in favor of issuing an Advisory Letter without the recommended Non-Disciplinary CME Order. Dr. Krahn concurred with the recommendation to issue an Advisory Letter without CME and stated that there was the potential for the outcome to have been significantly worse due to the cavalier attitude of the physician.

MOTION: Vice-Chairman Gillard moved for the Board to issue an Advisory Letter for failing to thoroughly investigate a potential complication. There is insufficient evidence to support disciplinary action.

SECOND: Dr. Krahn

Dr. Beyer noted that the reasoning stated by SIRC involved the failure to refer the patient to an electrophysiologist and questioned whether the language should be changed to more accurately address the Board's concerns. Board staff reported that SIRC considered language reflecting that the physician failed to thoroughly investigate a potentially life-threatening arrhythmia for suggesting intermittent monitoring rather than a constant. Dr. Krahn stated that the language proposed by Board staff adequately reflected her concerns after reviewing this case. Vice-Chairman Gillard accepted the friendly amendment to his motion for the Advisory Letter language to reflect the failure to thoroughly investigate a potential complication and Dr. Krahn confirmed her support for the motion.

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

VOTE: 7-yay, 1-nay, 1-abstain, 1-recuse, 0-absent.

MOTION PASSED.

3. MD-20-0378A, MELANIE A. B. ALARCIO, M.D., LIC. #41095

MOTION: Dr. Krahn moved for the Board to issue an Advisory Letter and Order for Non-Disciplinary CME for inadequate 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. Within six months, complete no less than 10 hours of Board staff pre-approved Category I CME in an intensive, in-person course regarding medical recordkeeping. 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.

G. REVIEW OF EXECUTIVE DIRECTOR DISMISSALS

MOTION: Ms. Jones moved for the Board to uphold the 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-20-0549A, DANIEL P. FEATHERSTON, M.D., LIC. #19933

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

RESOLUTION: Uphold the dismissal.

2. MD-19-0952B, LESLEY L. WILLIAMS, M.D., LIC. #30716

Attorney Robin Burgess addressed the Board on behalf of Dr. Williams during the Public Statements portion of the teleconference.

RESOLUTION: Uphold the dismissal.

3. MD-20-0129A, NORMAN B. CHUTKAN, M.D., LIC. #48921

Dr. Chutkan and Attorney Scott King addressed the Board during the Public Statements portion of the meeting. Complainant NH also addressed the Board during the Public Statements portion of the teleconference.

RESOLUTION: Uphold the dismissal.

4. MD-20-1077A, HAMDY A. MOHTASEB, M.D., LIC. #35245

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

RESOLUTION: Uphold the dismissal.

H. PROPOSED CONSENT AGREEMENTS (Disciplinary)

MOTION: Dr. Figge moved for the Board to accept the proposed Consent Agreements in item numbers 1-5.

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-20-0006A, MD-20-0151A, TIFFANY A. DI GIACOMO, M.D., LIC. #50408

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

2. MD-19-0041A, MICHAEL L. GRAHAM, M.D., LIC. #23389

RESOLUTION: Accept the proposed Consent Agreement for a Letter of Reprimand and Probation. Within six months, complete no less than 10 hours of Board staff pre-approved Category I CME in an intensive, in-person course regarding medical recordkeeping. The CME hours shall be in addition to the hours required for license renewal. The Probation shall not terminate except upon affirmative request by the physician to terminate Probation and approval by the Board.

3. MD-19-1151A, RONALD C. MILLER, M.D., LIC. #43230

RESOLUTION: Accept the proposed Consent Agreement for Letter of Reprimand and Five Year Probation to participate in PHP. The physician's PHP participation shall be retroactive to January 22, 2021. Dr. Miller shall enter into treatment with a PHP-approved addiction psychiatrist or addiction medicine specialist as recommended by the Assessor and shall comply with any and all treatment recommendations. The Probation shall not terminate except upon affirmative request by the physician to terminate Probation and approval by the Board.

4. MD-18-0388A, RAQUEL M. M. SEPULVEDA, M.D., LIC. #46371

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

5. MD-19-0219A, HOWARD D. TOFF, M.D., LIC. #19314

RESOLUTION: Accept the proposed Consent Agreement for a Letter of Reprimand and Three Year Probation. The physician shall complete chart reviews with a Board-approved monitoring company to perform period chart reviews at his expense. After two consecutive, favorable chart reviews, the physician may petition the Board to request Probation termination.

I. APPROVAL OF DRAFT FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

1. MD-20-0331A, ROHIT DWIVEDI, M.D., LIC. #30335

Dr. Dwivedi and Attorney Andrew Plattner addressed the Board during the Public Statements portion of the teleconference.

MOTION: Ms. Jones 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 10:12 a.m.

The Board returned to Open Session at 10:31 a.m.

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

Dr. Figge stated that the Board has been tasked with whether or not to approve the draft Findings of Fact, Conclusions of Law and Order at this time, and he stated that the draft appeared to be accurate.

MOTION: Dr. Figge moved for the Board to approve the draft Findings of Fact, Conclusions of Law and Order for a Letter of Reprimand and Probation. Within six months, complete no less than 15 hours of Board staff pre-approved Category I CME in an intensive, in-person course regarding ethics. The CME hours shall be in addition to the hours required for license renewal. The Probation shall terminate upon proof of successful completion of the CME.

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.

J. 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 approve the applications in item numbers 1-5.

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-20-0902A, GERALD B. HOLTZ, M.D., LIC. #N/A

RESOLUTION: Approve the application.

2. MD-21-0124A, JARED A. KUSMA, M.D., LIC. #N/A

RESOLUTION: Approve the application.

3. MD-20-1083A, GUS A. LASKARIS, M.D., LIC. #N/A

RESOLUTION: Approve the application.

4. MD-21-0021A, JORDAN I. ZIEGLER, M.D., LIC. #N/A

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

RESOLUTION: Approve the application.

5. MD-21-0160A, NEAGUM B. PATEL, M.D., LIC. #N/A

RESOLUTION: Approve the application.

ii. CONSIDERATION AND POSSIBLE ACTION TO APPROVE OR DENY LICENSE APPLICATION, OR TAKE OTHER ACTION WITH STAFF RECOMMENDATION

1. MD-20-1085A, BRIAN M. WICKERS, M.D., LIC. #N/A

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

Board staff summarized that during his postgraduate training, Dr. Wickers was placed on Probation in 2018 and subsequently resigned in 2019 from the program due to serious concerns over lack of professionalism. According to the training program, Dr. Wickers failed to attend or was late to multiple meetings, late to work and lacked any concern for his behavior. The program also reported that even after coming off probation, Dr. Wickers did not show any significant improvement in all areas that caused the probation. Dr. Wickers left his final rotation and elected to resign, effective June 30, 2019. SIRC reviewed the case and found that despite meeting the minimum licensure requirements, Dr. Wickers has not established that he has remediated or resolved the concerns raised by the training program and recommended allowing the application to be withdrawn in lieu of formal license denial.

Dr. Krahn stated her concerns regarding the serious issues identified by the training program. Dr. Bethancourt stated his concerns regarding the comments made during the Public Statements wherein the applicant appeared to blame others and not take any responsibility.

MOTION: Dr. Figge moved for the Board to allow the applicant to withdraw the application in lieu of formal license denial. If not withdrawn within 30 days, the license shall be denied based on A.R.S. § 32-1422(A)(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.

iii. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING RENEWAL APPLICATION AND RECOMMENDED ADVISORY LETTER

1. MD-21-0041A, ROBERT H. ODELL, M.D., LIC. #27848

Board staff summarized that Dr. Odell surrendered his anesthesia privileges while under investigation with a facility in Nevada in 2019 based on the facility's recommendation to deny his reappointment application due to concerns of spinal anesthesia management. Dr. Odell appealed the recommendation and before the hearing could be held and final decision rendered, Dr. Odell's privileges at the facility lapsed. Dr. Odell subsequently surrendered some privileges and was granted reappointment with privileges for specialty pain management and no final determination made regarding his professional conduct or clinical competence.

Board staff reported that SIRC reviewed the case and was concerned with the applicant's competency in anesthesia while noting that the physician was self-regulating this concern. SIRC also noted that the Nevada Board did not appear to take any action, that Dr. Odell currently holds an unrestricted Nevada license with no prior Board history and is lifetime board certified. SIRC recommended granting the renewal and issuing an Advisory Letter.

Chairman Farmer stated that it was difficult to decipher some of the applicant's replies to the institution that were submitted for review in this case. He noted that the case was not forwarded to an anesthesiologist for a quality of care review. Dr. Bethancourt observed that the facility postponed Dr. Odell's privileges lapsed in June prior to a hearing being held as the hearing had been postponed to August by the facility. Vice-Chairman Gillard noted that Dr. Odell's privileges were suspended for alleged problems with airway and spinal anesthesia, and that he was subsequently reinstated with limitations to pain management. He questioned whether the applicant's problems with airway and spinal anesthesia have been remediated.

Chairman Farmer questioned whether further investigation was warranted to obtain the hospital records and forward for a quality of care review by an anesthesiologist. Board staff clarified that because the care was rendered at a hospital in Nevada and based on past experience, it was very unlikely that staff would be successful in attempting to obtain the records from the out of state hospital. Dr. Beyer noted that the Nevada Board did not take action on this matter and he spoke in favor of granting the renewal with issuance of an Advisory Letter. Vice-Chairman Gillard stated that he agreed with Dr. Beyer's comments and pointed out that the physician would be subject to an extensive credentialing process if he applied for privileges at another facility. Dr. Figge noted that the Nevada Board took no action in this matter and that Dr. Odell currently holds an unrestricted Nevada medical license.

MOTION: Dr. Figge moved for the Board to grant the license renewal and issue an Advisory Letter for allowing hospital privileges to lapse while under investigation. 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

Chairman Farmer stated his concerns with the application and spoke in favor of returning the case for anesthesiology quality of care review or to proceed to a licensing interview. Board staff clarified that according to the information gathered in this case, the underlying patient care was peer reviewed by an external anesthesiologist.

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

VOTE: 7-yay, 2-nay, 1-abstain, 0-recuse, 0-absent.

MOTION PASSED.

iv. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING LICENSE REACTIVATION, OR TAKE OTHER ACTION

1. MD-20-0600A, GIUSEPPE F. RAMUNNO, M.D., LIC. #44840

Dr. Ramunno and Attorney Andrew Plattner addressed the Board during the Public Statements portion of the teleconference.

Vice-Chairman Gillard spoke in favor of license reactivation with Decree of Censure and Probation to participate in PHP. Dr. Krahn stated that she too supported the recommendation for license reactivation with other terms and conditions, but that she struggled with the request and that the physician needed to be very engaged in his therapies and monitoring.

MOTION: Vice-Chairman Gillard moved for the Board to offer a Consent Agreement for a Decree of Censure and License Reactivation with Minimum Five Year Probation to participate in PHP with terms consistent with the PHP Contractor's recommendations. The physician shall not request early

termination of Probation. The Probation shall not terminate except upon affirmative request of the physician and approval by the Board, and Dr. Ramunno's request for termination shall be accompanied by a recommendation from his PHP Contractor stating that monitoring is no longer required. If the physician declines, the matter shall proceed to the Office of Administrative Hearings for a Formal Hearing.

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.

2. MD-21-0063A, DOUGLAS P. NELSON, M.D., LIC. #24103

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

Vice-Chairman Gillard noted the recommendation to reactivate the license with a Letter of Reprimand and Probation to participate in PHP with other terms and conditions. He also noted that the physician has agreed to the proposed terms and he spoke in favor of accepting the signed proposed Consent Agreement in this matter.

MOTION: Vice-Chairman Gillard moved for the Board to accept the proposed Consent Agreement for License Reactivation, Letter of Reprimand and Five Year Probation for PHP participation. The license shall be reactivated upon payment of the renewal fee. Within six months, complete the ProBE program offered by CPEP for ethics and boundaries. The CME hours shall be in addition to the hours required for license renewal. The physician shall enter treatment with a PHP-approved addiction psychiatrist and shall comply with any and all treatment recommendations. After one year, the physician may request termination of the requirement to remain in treatment with an addiction psychiatrist. Violation of the Board's Order shall result in summary suspension of licensure pending a hearing for revocation. The Probation shall not terminate except upon affirmative request by the physician to terminate Probation and approval 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.

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

1. MANSOOR A. SAJID, M.D., LIC. #N/A

Vice-Chairman Gillard spoke in favor of granting the request for documentation waiver, noting that the physician was not successful in his attempts to retrieve primary source employment verification.

MOTION: Vice-Chairman Gillard moved for the Board to grant the request for waiver of documentation requirement.

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.

vi. 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: Dr. Krahn moved for the Board to grant licensure by endorsement 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. BRADLEY J. ESTERMAN, M.D., LIC. #N/A

RESOLUTION: Grant licensure by endorsement.

2. THOMAS F. GARLAND, M.D., LIC. #N/A

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

RESOLUTION: Grant licensure by endorsement.

vii. CONSIDERATION OF LICENSE APPLICATION WITH RECOMMENDATION FROM THE EXECUTIVE DIRECTOR

1. SAIF FARHAN, M.D., LIC. #N/A

Dr. Krahn observed that Dr. Farhan has seven years of US training in highly specialized programs that are not eligible for ACGME accreditation. Dr. Krahn stated that she believed the citizens of Arizona would benefit from having highly specialized physicians in the community. She spoke in support of granting licensure based on the finding that the training was equivalent to that of the ACGME.

MOTION: Dr. Krahn moved for the Board to grant licensure based on the finding that the training is equivalent to ACGME.

SECOND: Dr. Bethancourt

Dr. Bethancourt stated that he agreed with Dr. Krahn's comments and spoke in favor of the motion. Vice-Chairman Gillard spoke in favor of the motion and noted that the Board had the discretion to determine whether the training was equivalent.

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.

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

OTHER BUSINESS

K. REQUEST FOR TERMINATION OF BOARD ORDER

1. MD-18-0275A, MICHAEL G. WADE, M.D., LIC. #15797

Vice-Chairman Gillard observed that Dr. Wade has received two consecutive favorable chart reviews after having completed CME in prescribing and he spoke in favor of granting the request to terminate.

MOTION: Vice-Chairman Gillard moved for the Board to terminate the July 18, 2019 Board Order.

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.

2. MD-16-0549A, FERNANDO CRUZADO, M.D., LIC. #30961

Vice-Chairman Gillard observed that while Dr. Cruzado has received two consecutive favorable chart reviews, he noted that there were currently two prior chart reviews under Board investigation. Board staff clarified that termination of the Board's Order would result in closing of the two other cases relating to the chart reviews, and confirmed that an investigation could be initiated if further concerns are raised in the future. Board staff also clarified that the two pending cases did not stem from patient complaints.

MOTION: Vice-Chairman Gillard moved for the Board to terminate the November 3, 2017 Board Order.

SECOND: Dr. Figge

Dr. Figge found that Dr. Cruzado met the criteria required for petitioning the Board for termination and spoke in favor of the motion to terminate the Board Order.

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.

L. APPEAL OF EXECUTIVE DIRECTOR ACTION

1. MD-19-0351A, MD-20-0068A, NADER M. HADDAD, M.D., LIC. #41193

Dr. Haddad and Attorneys Scott King and Michelle Donovan addressed the Board during the Public Statements portion of the teleconference.

Vice-Chairman Gillard recalled the comments made during the Public Statements, noted that the MC was critical of the care and documentation, and questioned whether the case should return for further investigation to obtain a new quality of care review. Dr. Figge spoke in favor of returning the case for further investigation.

MOTION: Vice-Chairman Gillard moved for the Board to stay the Executive Director's Interim Order and return these matters for further investigation to obtain a second quality of care review by a new MC in both cases.

SECOND: Dr. Figge

Vice-Chairman Gillard clarified that both cases should be returned for further investigation for new quality of care reviews prior to determining whether a competency evaluation was needed. Dr. Figge reiterated his support of returning the cases for further investigation.

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.

M. GENERAL CALL TO THE PUBLIC

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

N. ADJOURNMENT

MOTION: Ms. Jones moved for adjournment.

SECOND: Dr. Krahn

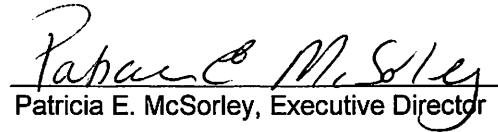
VOTE: The following Board members voted in favor of the motion: Chairman Farmer, Vice-Chairman Gillard, Dr. Krahn, Ms. Bain, Dr. Bethancourt, Dr. Beyer, Ms. Dorrell, Dr. Figge, Ms. Jones and Ms. Oswald.

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

MOTION PASSED.

The Board's meeting adjourned at 11:17 p.m.




Patricia E. McSorley, Executive Director