



Arizona Medical Board

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FINAL MINUTES FOR SPECIAL TELECONFERENCE MEETING Held on Monday, September 13, 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 meeting to order at 5:13 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; Raquel Rivera, Investigations Manager; William Wolf, M.D., Chief Medical Consultant; Michelle Robles, Board Operations Manager; and, Andrea Cisneros, Minutes Administrator. Carrie Smith, Assistant Attorney General ("AAG"); Roberto Pulver, AAG; and, Mary D. Williams, AAG, also participated in the teleconference. Elizabeth Campbell, AAG, and Monique Coady, AAG, participated in the teleconference to provide the Board with independent legal advice on the hearing matters as referenced herein.

C. PUBLIC STATEMENTS REGARDING MATTERS LISTED ON THE AGENDA

Individuals who addressed the Board during the Public Statements portion of the meeting appear beneath the matter(s) referenced.

D. EXECUTIVE DIRECTOR'S REPORT

- Discussion and Approval of 2022 Meeting Calendar
Executive Director McSorley asked the Board to review the proposed calendar dates and reported that the Board's 2022 regular sessions were scheduled to be held over the course of two days, utilizing the format of the Board's committees to conduct its Formal

Interviews and a teleconference the following day for the full Board to address other matters.

Ms. Bain questioned whether the Board's teleconferences would continue to be held at 5:00 p.m. Chairman Farmer confirmed that previous discussions with the Board established a consensus that evening teleconferences were the most practical and were elected to be held at 5:00 p.m.

- **Update on HB1271 Medical Graduate Transitional Training Permit**
Executive Director McSorley presented to the Board draft FAQs for informational purposes. She reported that the draft was to be posted to the Board's website for individuals interested, and that the new permit would become effective September 29, 2021.
- **Update on SB1001 Informed Consent for Breast Implant Surgery**
Executive Director McSorley reported that recently passed legislation mandated the Board to form a work group with the Osteopathic Board to establish an informed consent checklist for breast implant surgery. She stated that a preliminary meeting was held last Friday with individuals who had been working on this for the past two years, and that a work group meeting could not be held until after the general effective date of this new mandate.

Dr. Beyer questioned whether there were any exemptions for breast cancer patients. Executive Director McSorley clarified that the checklist was limited to cosmetic surgery and that there may be some attempt to remedy this at the next legislative session to include all implants by removing that distinction from the language.

- **Update on the Telehealth Registration Process**
Executive Director McSorley reported that the application for the new telehealth registration was ready to be posted to the Board's website and that the Agency was awaiting the Governor's Office approval of the proposed fee.
- **Update on Board Staffing and Processes**
Executive Director McSorley reported that Michelle Butler, Business Office Manager, has replaced Evangeline Webster and that she will be introduced to the full Board at its next regular session.

E. CHAIR'S REPORT

- **Discussion Regarding Returning to In Person Meetings**

Chairman Farmer stated that this discussion topic would be discussed at the Board's next regular session meeting, and stated his appreciation for the Board and staff's hard work and efforts.

F. LEGAL ADVISOR'S REPORT

G. DISCUSSION REGARDING DEBRIEFING ON BOARD PROCESSES

- **Discussion Regarding Returning to In Person Meetings**
Chairman Farmer stated his appreciation for Board staff's hard work in light of the technological difficulties encountered during today's session. Dr. Krahn noted the answering service's delay in answering and admitting callers for today's session and asked that this be addressed by staff prior to the Board's next meeting.

Ms. Robles confirmed that she would address today's issues with the call service and asked the Board to be aware that there will be new dial-in information provided for all future meetings.

LEGAL MATTERS

H. MOTION FOR REHEARING/REVIEW (Formal Hearing)

1. MD-17-0906A, GARY N. SPIRTOS, M.D., LIC. #26761

Dr. Spirtos and Attorneys Buddy Rake and Mark DePasquale participated in the virtual meeting during the Board's consideration of this matter.

AAG Pulver participated on behalf of the State, and AAG Campbell and AAG Coady participated to provide the Board with independent legal advice.

Mr. DePasquale asked the Board to consider their request for rehearing/review in this matter. He stated they believed the ALJ admitted evidence that should not have been considered in the ruling and that there were other irregularities as well. Mr. DePasquale stated that they believe the physician did not get a fair hearing, stated his concerns relating to the ALJ admitting into evidence unsworn hearsay from FP, that the physician has no prior Board history and that they believe license revocation was not the appropriate sanction for this case.

AAG Pulver clarified that the Board has not received the medical records requested in September of 2017. He reported that on the first day of the Formal Hearing, Dr. Spirtos claimed that an injunction prohibited him from accessing the records and that the records were located at the monastery. AAG Pulver stated that the Board's investigator could not locate the records or a medical clinic at the monastery. He stated that Dr. Spirtos admitted that he engaged in the unauthorized practice of medicine in Pennsylvania and prescribed medications to the patient in Texas without holding a Texas medical license. Additionally, AAG Pulver stated that Dr. Spirtos witnessed a cognitively impaired patient sign a document authorizing financial power of attorney to the licensee.

Vice-Chairman Gillard recognized that in the event the Board denied the licensee's motion, there were further administrative remedies available to him.

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 6:34 p.m.

The Board returned to Open Session at 6:43 p.m.

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

The Board considered whether to deny or grant the motion for rehearing/review.

MOTION: Dr. Figge moved for the Board to deny the motion for rehearing or review in this matter.

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.

I. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON SETTLEMENT OFFER IN LIEU OF FORMAL HEARING

1. MD-17-0567A, MARCIA A. MASTRIN, M.D., LIC. #31029

Dr. Mastrin and Attorney Mandi Karvis participated in the teleconference during the Board's consideration of this matter. AAG Williams and AAG Smith participated on behalf of the State. AAG Coady participated to provide the Board with independent legal advice.

Ms. Karvis stated that this matter stemmed from a complaint that was filed in 2017, that Dr. Mastrin has been subject to a Practice Restriction for the past three years, and that she is no longer practicing in the area of pain management and has no intention of returning to practicing in that area of medicine. Ms. Karvis stated that Dr. Mastrin wished to continue practicing medicine and has had no additional complaints filed against her. She stated that Dr. Mastrin was willing to abide by all of the proposed terms with the exception of the State's request for the lifetime restriction prohibiting the physician from prescribing controlled substances. She asked the Board to consider a shorter time frame for which the restriction could be lifted and that the licensee was willing to be subject to further monitoring thereafter.

AAG Williams reported that this matter involved Dr. Mastrin's treatment of seven patients. Two MCs reviewed the case and found that the physician deviated from the standard of care in her prescribing of controlled substances to the patients, recordkeeping and monitoring of patient compliance. She stated that in 2018, Dr. Mastrin entered into an Interim Consent Agreement for Practice Restriction prohibiting her from prescribing controlled substances while the investigation was pending. AAG Williams stated that the State worked with Board staff to draft possible settlement terms to include a Decree of Censure, permanent and irrevocable Practice Restriction from prescribing controlled substances and engaging in solo practice, and completion of CME in recordkeeping followed up with PIP. AAG Williams explained that the State believed a permanent Practice Restriction was appropriate given the egregiousness and repetitiveness of the licensee's conduct with respect to all seven patients reviewed. She stated that in the event the Board was inclined to accept the licensee's request regarding the terms of the Practice Restriction, she asked the Board to consider enforcing the Practice Restriction for 3-5 years and prior to requesting that the restriction be terminated, require the physician to submit proof of completion of intensive, in-person prescribing course and that she enter into a contract with a Board approved monitoring company for chart reviews.

Chairman Farmer noted Dr. Mastrin's prior Board history of a Decree of Censure in 2007 that involved treatment of opioid addiction and inadequate records. He also noted SIRC's concerns in the current case that involved egregious care and treatment of patients resulting in actual patient harm including one patient death. Dr. Krahn stated her concerns regarding the physician's prior Board history that involved similar concerns as identified in this matter.

MOTION: Dr. Krahn moved for the Board to reject both settlement offers and proceed to Formal Hearing.

SECOND: Ms. Oswald

Vice-Chairman Gillard spoke against the motion and stated that while he found the conduct egregious, he believed the public would be adequately protected with the proposed Consent Agreement approved and in place, including the irrevocable prohibition from prescribing controlled substances and working in a solo practice. Dr. Figge spoke against the motion, supported the draft Consent Agreement as proposed, and noted that the physician has been practicing for the past three years with no reported concerns. Dr. Beyer spoke against the motion and stated that he too supported the proposed Consent Agreement as drafted, including the lifelong prohibition from prescribing controlled substances.

Dr. Krahn stated her concerns that the physician has requested the ability to prescribe controlled substances in the future and her ability to be regulated by this Board. Vice-Chairman Gillard reiterated that he did not support the current motion and believed the proposed Consent Agreement would protect the public. Dr. Figge recognized that the Formal Hearing was scheduled for October 2021. Chairman Farmer spoke in support of the motion and stated his concerns regarding the physician's egregious conduct.

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

VOTE: 6-yay, 4-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

CONSENT AGENDA

J. CASES RECOMMENDED FOR DISMISSAL

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

1. MD-20-0462A, TALAL ALSBIEI, M.D., LIC. #33701

RESOLUTION: Dismiss.

2. THIS CASE WAS PULLED FROM THE AGENDA

3. MD-20-1031A, YVETTE LAM-TSAI, M.D., LIC. #48670

RESOLUTION: Dismiss.

K. CASES RECOMMENDED FOR ADVISORY LETTERS

MOTION: Vice-Chairman Gillard moved for the Board to issue an Advisory Letter in item numbers 2, 4, 6, 7, 8, 9 and 10.

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

MOTION PASSED.

1. THIS CASE WAS PULLED FROM THE AGENDA.

2. MD-20-0618A, GUSTAVO A. D. RIFFEL, M.D., LIC. #54534

Dr. Riffel and Attorney Greg Harris addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Issue an Advisory Letter for failing to perform a physical examination and obtain imaging studies in a patient with known metastatic disease and pain at a new site of potential metastatic involvement. 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-20-0769A, BRAD R. BRUNS, M.D., LIC. #18587

Dr. Beyer stated his concerns that the complication could have been prevented and he questioned whether an Advisory Letter was a sufficient sanction in this case. Dr. Figge recognized that wrong site surgery is not uncommon, and stated that in almost every

instance, a time out procedure was performed. Dr. Figge noted that the physician reported changes to his practice to prevent a similar occurrence in the future and that this matter was subject to a medical malpractice claim that was reported to the national databank. Dr. Figge spoke in favor of issuing the recommended Advisory Letter. Ms. Jones recognized that the licensee took responsibility for the error and has taken steps to remediate the problem. The Board observed that Dr. Bruns was issued an Advisory Letter in 2012 and that it was not related to the concerns raised in this case. Vice-Chairman Gillard spoke in favor of issuing the recommended Advisory Letter.

MOTION: Dr. Beyer moved for the Board to issue an Advisory Letter for failure to adequately perform a time out procedure and subsequent wrong site surgical incision. While the licensee has demonstrated substantial compliance through rehabilitation or remediation, 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

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 abstained: Dr. Bethancourt.

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

MOTION PASSED.

4. MD-21-0152A, DALE P. CURTIS, M.D., LIC. #46993

RESOLUTION: Issue an Advisory Letter for failing to obtain a CT scan of a patient's cervical spine 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.

5. MD-20-1087A, PADMAVATHY TUMMALA, M.D., LIC. #21393

Dr. Krahn observed that the licensee was seen by another driver to be driving erratically, she was pulled over by the authorities and she did not pass the roadside tests. In her correspondence to the Board, Dr. Tummala indicated that she was not drinking and that she did not report the DUI as she was awaiting the lab results. The Board recognized that the incident occurred on the 11th and that the physician reported it to the Board on the 18th. Dr. Krahn stated that while she recognized the Board has historically been consistent with regard to matters involving reporting, she found this particular case unusual and spoke in favor of dismissal.

MOTION: Dr. Krahn moved for dismissal.

SECOND: Ms. Jones

Dr. Bethancourt noted that Dr. Tummala indicated that she was texting while driving, and he stated he found that this impaired her driving and demonstrated that she was not following the law. Vice-Chairman Gillard spoke against the motion and stated that an Advisory Letter was warranted. AAG Smith clarified that the proposed statutory violation regarded the licensee's failure to timely report the charge to the Board. She stated that the concerns raised today could potentially constitute a violation of A.R.S. § 32-1401(27)(r) and informed the Board that the matter would need to be returned for further investigation to allow the licensee an opportunity to respond to these concerns if the Board wished to pursue substantiating an additional unprofessional conduct violation in this case.

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

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

MOTION FAILED.

MOTION: Vice-Chairman Gillard moved for the Board to issue an Advisory Letter of failure 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 repetition of the activities that led to the investigation may result in further Board action against the licensee.

SECOND: Dr. Bethancourt

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

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

MOTION PASSED.

6. MD-20-0770A, GREGORY A. ROBERTSON, M.D., LIC. #17506

Dr. Bethancourt was recused from this case. Chairman Farmer stated that he knew Dr. Robertson professionally and that it would not affect his ability to adjudicate the case.

RESOLUTION: Issue an Advisory Letter for failing to remove a fragment of a lap band device intraoperatively. 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-20-0335A, ANTHONY A. TERRERI, M.D., LIC. #48475

RESOLUTION: Issue an Advisory Letter for failing to identify a thrombus involving the superior mesenteric vein on a CT scan. 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-20-0518A, CRAIG E. HANCOCK, M.D., LIC. #19319

RESOLUTION: Issue an Advisory Letter for misdiagnosing a malignant tumor as a benign cyst. 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.

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

Complainant CB addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Issue an Advisory Letter for insufficient documentation of informed consent for YAG laser procedures 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.

10. MD-21-0058A, SIYAM HASSAN, M.D., LIC. #53783

RESOLUTION: Issue an Advisory Letter for failure to action taken by the Oregon Board. 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.

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

1. MD-21-0218A, WEIMIN K. HU, M.D., LIC. #34002

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

Vice-Chairman Gillard noted the comments made during the Public Statements and he recognized that nurse practitioners have the ability to practice independently without physician supervision. He spoke in support of issuing the recommended Advisory Letter without the requirement to complete CME.

MOTION: Vice-Chairman Gillard moved for the Board to issue an Advisory Letter for failing to timely inform a patient of a basal cell carcinoma diagnosis and for inadequate medical records.

SECOND: Dr. Figge

Dr. Bethancourt spoke against the motion and stated that the patient appeared to have been aware of the basal cell carcinoma as she later described it to her orthopedic surgeon. Dr. Bethancourt questioned how the physician could be found at fault for the nurse's failure to document that the patient was informed of the biopsy.

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

VOTE: 5-yay, 4-nay, 1-abstain, 0-recuse, 0-absent.

MOTION PASSED.

M. REVIEW OF EXECUTIVE DIRECTOR DISMISSALS

MOTION: Dr. Bethancourt moved for the Board to uphold the dismissal in item numbers 2-6.

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-21-0369A, CHARLES M. T. JOST, M.D., LIC. #28064

Dr. Jost and Attorney Andrew Rozenzweig addressed the Board during the Public Statements portion of the meeting.

The Board observed that there were no quality of care concerns raised in this case and that the Public Statements comments may not have related to this investigation. AAG Smith cautioned the Board regarding discussing existence of an investigation that is currently pending.

MOTION: Vice-Chairman Gillard moved for the Board to uphold the 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.

2. MD-20-0698A, JOSHUA A. TOURNAS, M.D., LIC. #49374

Complainant DB addressed the Board during the Public Statements. Attorney Anne Holmgren addressed the Board on behalf of Dr. Tournas during the Public Statements portion of the meeting.

RESOLUTION: Uphold the dismissal.

3. MD-20-0698B, CHRISTOPHER C. VANISON, M.D., LIC. #58952

Attorney Robin Burgess addressed the Board on behalf of Dr. Vanison during the Public Statements portion of the meeting.

RESOLUTION: Uphold the dismissal.

4. MD-20-0555B, DAVID J. STROCK, M.D., LIC. #42198

Attorney Kendall Steele addressed the Board on behalf of Dr. Strock during the Public Statements portion of the meeting.

RESOLUTION: Uphold the dismissal.

5. MD-21-0436A, JAMES H. KAPNER, M.D., LIC. #14167

Complainant MS addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Uphold the dismissal.

6. MD-20-1063A, SHAHRAM EMRANI, M.D., LIC. #49702

Complainant SR addressed the Board during the Public Statements. Attorney Andrew Plattner addressed the Board on behalf of Dr. Emrani during the Public Statements portion of the meeting.

RESOLUTION: Uphold the dismissal.

N. PROPOSED CONSENT AGREEMENTS (Disciplinary)

MOTION: Dr. Figge moved for the Board to accept the proposed Consent Agreements 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. MD-20-0241A, TIMOTHY M. MARSHALL, M.D., LIC. #22934

Attorney Stephen Dichter addressed the Board on behalf of Dr. Marshall during the Public Statements Portion of the meeting.

Dr. Figge stated that he knew Dr. Marshall professionally and it would not affect his ability to adjudicate the case. Dr. Bethancourt stated that he disagreed with counsel's claim for changing the verbiage from "firearm" to "weapon," and he spoke in favor of accepting the Consent Agreement as written.

RESOLUTION: Accept the proposed Consent Agreement for a Letter of Reprimand and Five Year Probation to participate in PHP. Dr. Marshall's PHP participation shall be retroactive to September 14, 2020. The Probation shall not terminate except upon affirmative request by the physician and approval by the Board.

2. MD-20-0706A, JAMES D. GORDON, M.D., LIC. #28386

Dr. Figge stated that he knew Dr. Gordon professionally and it would not affect his ability to adjudicate the case.

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

O. 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 item numbers 1-6.

SECOND: Dr. Bethancourt

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

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

MOTION PASSED.

1. MD-21-0533A, BAGAMBHRINI GERACE, M.D., LIC. #N/A

Dr. Gerace addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Approve the license.

2. MD-21-0714A, GARY D. RUSSELL, M.D., LIC. #N/A

RESOLUTION: Approve the license.

3. MD-21-0568A, FREDERICK L. STAFFORD, M.D., LIC. #N/A

RESOLUTION: Approve the license.

4. MD-21-0699A, ZACHARY J. MCDOWELL, M.D., LIC. #N/A

Dr. McDowell addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Approve the license.

5. MD-21-0808A, MAGI MALARO, M.D., LIC. #N/A

Dr. Malaro addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Approve the license.

6. MD-21-0698A, STEPHEN J. KENNEDY, M.D., LIC. #N/A

Dr. Kennedy addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Approve the license.

ii. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING LICENSURE BY ENDORSEMENT PURSUANT TO A.R.S. § 32-1426(B) AND R4-16-201(F), OR TAKE OTHER ACTION

1. MD-21-0764A, CHAITANYA KADIYALA, M.D., LIC. #N/A

MOTION: Dr. Figge moved for the Board to grant licensure by endorsement.

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.

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

1. NICKLAUS P. BRANDEHOFF, M.D., LIC. #N/A

Dr. Brandehoff addressed the Board during the Public Statements portion of the meeting.

MOTION: Vice-Chairman Gillard moved for the Board to grant the waiver.

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.**

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

1. MD-20-0010A, JAY V. SWANSON, M.D., LIC. #27669

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

Vice-Chairman Gillard noted that Dr. Swanson has been out of practice since 2011 and underwent a competency evaluation. He spoke in favor of reactivating the license with PHP participation and requirements as outlined in the proposed Consent Agreement.

MOTION: Vice-Chairman Gillard moved for the Board to accept the proposed Consent Agreement for License Reactivation and Five Year Probation to participate in PHP. The license shall be reactivated after payment of the renewal fee. The physician shall return to active patient care in conformity with the educational intervention as recommended by the facility. CME completed by the physician must include a Board approved intensive, in-person course on clinician-patient communications. Dr. Swanson shall enter into treatment with a PHP Contractor approved addiction medicine specialist or addiction psychiatrist and comply with any and all treatment recommendations. The Probation shall not terminate except upon affirmative request of the physician and approval by the Board.

SECOND: Dr. Bethancourt

Dr. Figge questioned whether a Letter of Reprimand should have been included in the Consent Agreement, noting that they are typically part of the resolution in similar matters and was discussed by SIRC. AAG Smith clarified that there was no Letter of Reprimand included in the proposed Consent Agreement for this matter.

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

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

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

OTHER BUSINESS

P. REQUEST FOR TERMINATION OF BOARD ORDER

1. MD-18-0639A, ANTHONY R. LUCAS, M.D., LIC. #37788

Vice-Chairman Gillard observed that Dr. Lucas entered into an agreement with the Board for a period of five years and that his request for termination has been supported by the Board's monitors.

MOTION: Vice-Chairman Gillard moved for the Board to grant the request to terminate the December 6, 2018 Board Order.

SECOND: Dr. Krahn

The Board recognized the correspondence submitted by the licensee regarding his commitment to recovery.

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. GENERAL CALL TO THE PUBLIC

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

R. ADJOURNMENT

MOTION: Vice-Chairman Gillard moved for adjournment.

SECOND: Dr. Bethancourt

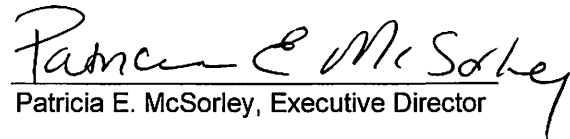
VOTE: The following Board members voted in favor of the motion: Chairman Farmer, Vice-Chairman Gillard, Dr. Krahn, Ms. Bain, Dr. Bethancourt, Dr. Beyer, Ms. Dorrell, Dr. Figge, Ms. Jones and Ms. Oswald.

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

MOTION PASSED.

The Board's meeting adjourned at 8:11 p.m.




Patricia E. McSorley, Executive Director