



Arizona Medical Board

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FINAL MINUTES FOR TELECONFERENCE MEETING

Held on Tuesday, August 24, 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 8:06 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; 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 regarding matters listed on the Agenda appear beneath the matter(s) referenced.

D. EXECUTIVE DIRECTOR'S REPORT

- Update on Communications with the National Practitioner Data Bank ("NPDB")
Executive Director McSorley updated the Board regarding the ongoing communications with the NPDB relative to the issues of compliance with reporting. She referred the Board members to the correspondences included in the meeting materials, and stated that she continues to communicate with the NPDB to resolve this matter and report back with any new developments. Ms. Bain asked for legal advice relating to the email correspondence from the NPDB.

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: 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.

The Board entered into Executive Session at 10:42 a.m.
The Board returned to Open Session at 10:57 a.m.
No legal action was taken by the Board during Executive Session.

- **Update on Staffing and Board Processes**

Executive Director McSorley informed the Board that Evangeline Webster, Manager of Support Services/HR, was retiring effective September 3, 2021, and that the Agency has welcomed Michelle Butler who had been employed by the Department of Administration and previously worked with the Board or Nursing with a background in accounting. Executive Director McSorley reported that the Agency is currently looking into contracting with an accountant to perform an independent financial audit and that she will report back to the Board with the results. Ms. Bain questioned the Executive Director regarding the time, scope and estimated cost for the audit. Executive Director McSorley stated that the staff had just begun interviewing audit firms and would have more information for the Board after having done so. She clarified that the purpose of the audit was to ensure that the Agency's accounting practices are sound and numbers are accurate.

Chairman Farmer stated that he and the Executive Director discussed the performance of an audit prior to the start of the pandemic, and that it was his understanding that boards periodically perform similar audits. Ms. Jones questioned how long it had been since the Agency's last audit. Executive Director McSorley stated that the previous Executive Director had one conducted and that the Department of Administration performed an audit over ten years ago.

- **Review, Reconsideration and Possible Action Regarding Clarification of the Fees Permitted in A.R.S. § 36-3606 for the Telehealth Registration**

Executive Director McSorley reported that staff received clarification from the Governor's Office relating to whether a fee could be charged for renewal updates. She stated that statute does not specifically provide the Board with the ability to set a fee for the renewal. Executive Director McSorley asked the Board to consider whether to continue with the previously set fee for initial registration of \$500 or whether to modify in light of the information received from the Governor's Office.

- **Update on Rulemaking Process**

Executive Director McSorley reported that a docket had been opened and notice of proposed rulemaking was filed for Articles 2 and 3 regarding licensing and dispensing, and that public comment will be held on October 6, 2021. She stated that the Joint Legislative and Rules Committee ("JLRC") would need to meet to discuss Articles 6 and 7 regarding disciplinary actions and office sedation requirements and report back to the Board. The Board noted that comments had been received from the Arizona Anesthesia Society. Ms. Bain pointed out that a date of September 3, 2021 had been disseminated for members' availability.

E. CHAIR'S REPORT

Chairman Farmer thanked the staff and Board members for their hard work and efforts.

F. LEGAL ADVISOR'S REPORT

- **Update regarding *Center for Reproductive Rights v Brnovich et. al.***

AAG Smith reported that this matter related to the newly passed legislation of SB1457 which made it illegal to perform an abortion based on genetic abnormality, gender or national origin of the baby. She stated that the AG's Office accepted service on behalf of the Board and Board members with the exception of Dr. Figge and Dr. Beyer who have been appointed separate counsel. She clarified that while their office has accepted

service, they have not yet received a copy of the complaint. Ms. Bain questioned whether she was required to report this matter to the State Bar. AAG Smith stated that the Board has been named in their official capacity as members of the Board and advised Ms. Bain to reach out to the State Bar for that clarification.

- AG Opinion on No. I21-006 (R21-009)
AAG Smith reported that the AG's Office issued an opinion on this matter and found that the letter was consistent with state law and appropriate.

G. DISCUSSION REGARDING DEBRIEFING ON BOARD PROCESSES

Vice-Chairman Gillard questioned when the Board would be returning to in-person sessions. Chairman Farmer stated that prior discussions were to revisit the topic of returning to in-person sessions after the new year. He stated that he continues to meet with the Executive Director on a regular basis to assess the situation.

Dr. Bethancourt stated that under the current circumstances with the pandemic and increase in reported cases, the Board should continue with the previous decision to revisit this at the end of the year. Ms. Oswald agreed with Dr. Bethancourt's comments. Executive Director McSorley reported that just this week, three individuals on the same floor as the Board's offices tested positive for Covid. Chairman Farmer recognized the efforts of Board staff for facilitating the Board's meetings and stated his appreciation for what takes place behind the scenes.

H. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING DRAFT ANNUAL REPORT

Executive Director McSorley referred the Board members to her report in the meeting materials and asked for any questions or edits before submitting to the Governor's Office.

I. APPROVAL OF MINUTES

- June 10, 2021 Teleconference Meeting, including Executive Session
- June 10, 2021 Zoom Teleconference Meeting
- July 8, 2021 Special Teleconference Meeting, including Executive Session

MOTION: Dr. Figge moved for the Board to approve the June 10, 2021 Teleconference Meeting, including Executive Session; the June 10, 2021 Zoom Teleconference; and, the July 8, 2021 Special Teleconference Meeting, including Executive Session.

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.

CONSENT AGENDA

J. CASES RECOMMENDED FOR DISMISSAL

MOTION: Dr. Figge moved for the Board to dismiss item numbers 1, 2, 3, 4 and 6.

SECOND: Dr. Bethancourt

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

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

MOTION PASSED.

1. MD-21-0036A, DEBORAH L. BALDEMOR, M.D., LIC. #26429

RESOLUTION: Dismiss.

2. MD-20-0927A, RANDOLPH A. CLARK, M.D., LIC. #27792

Attorney Michelle Donovan addressed the Board on behalf of Dr. Clark during the Public Statements Portion of the teleconference.

RESOLUTION: Dismiss.

3. MD-20-0882A, JASON P. HEAVENS, M.D., LIC. #44336

RESOLUTION: Dismiss.

4. MD-20-0778A, ROBERT W. SNYDER, M.D., LIC. #17708

Attorney Cynthia Patane addressed the Board on behalf of Dr. Snyder during the Public Statements portion of the teleconference.

RESOLUTION: Dismiss.

5. MD-20-0827A, CHENG ZHONG, M.D., LIC. #49807

Vice-Chairman Gillard noted that the patient attempted to contact the physician's office a number of times, including telephonically and via email, to follow up on her labs but never received a response. The Staff Investigational Review Committee ("SIRC") recognized that the office was short staffed at the time due to the pandemic. Vice-Chairman Gillard stated his concerns that the physician should have reviewed the labs that he ordered, and he asked for other Board members' thoughts on this issue. Dr. Beyer spoke in favor of dismissal and stated that there appeared to be process issues within the practice that prevented the physician from timely receiving the lab results and respond to the patient.

MOTION: Vice-Chairman Gillard moved for dismissal.

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.

6. MD-21-0210A, CYNTHIA C. GOLDBERG, M.D., LIC. #23081

RESOLUTION: Dismiss.

K. CASES RECOMMENDED FOR ADVISORY LETTERS

MOTION: Dr. Krahn moved for the Board to issue an Advisory Letter in item numbers 1, 2, 3, 6, 9 and 10.

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-20-0856A, RASHMI CHHABRA, M.D., LIC. #35817

Dr. Chhabra addressed the Board during the Public Statements portion of the teleconference. Dr. Kumar spoke on behalf of Dr. Chhabra during the Public Statements.

RESOLUTION: Issue an Advisory Letter for inadequate follow-up 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.

2. MD-21-0053A, DHEERAJ K. BOBBA, M.D., LIC. #37192

Complainant AJ addressed the Board during the Public Statements portion of the teleconference. Attorney Lauren Weinzwieg spoke on behalf of Dr. Bobba during Public Statements.

RESOLUTION: Issue an Advisory Letter for failure to timely sign a death certificate. 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-20-0628A, AIDA MUSIC, M.D., LIC. #43595

RESOLUTION: Issue an Advisory Letter for inadequate treatment of bipolar mania in an inpatient setting. 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-20-0580A, GANESH R. MURTHY, M.D., LIC. #55915

Vice-Chairman Gillard noted the confidential aspects of this case. Board staff summarized that the case was initiated after receipt of notification that Dr. Murthy was arrested on multiple counts including endangerment, aggravated assault, leaving the scene of a collision with injury and damage, and driving under the influence of drugs. Dr. Murthy's report to the Board regarding the arrest lacked many important details that would have initiated an investigation at that time. SIRC found that Dr. Murthy's report was misleading and withheld important information resulting in a delayed assessment by the Board's Physician Health Program ("PHP") and that the licensee provided false information to PHP assessors. The Board noted that Dr. Murthy was not ultimately charged and that SIRC recommended issuing an Advisory Letter.

Vice-Chairman Gillard questioned whether a competency evaluation was warranted. Dr. Beyer noted that this matter did not involve patient care, that the events occurred outside the clinic and he stated that he did not believe a competency evaluation was needed. Dr. Krahn stated she felt the investigation was thorough and that the Board had sufficient information to resolve this matter during today's proceedings.

MOTION: Dr. Beyer moved to issue an Advisory Letter for providing misleading information to the Board. 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. Krahn

Vice-Chairman Gillard opined that public safety was protected based on confidential information in the file.

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-20-0984A, AURELIANO E. L. CIFUENTES, M.D., LIC. #11483

Dr. Beyer questioned whether this matter rises to the level of an Advisory Letter versus dismissal and stated it appeared that the physician treated the underlying causes of the patient's progressive kidney failure. Dr. Bethancourt stated that he agreed with Dr. Beyer's comments and stated that the physician followed and treated the patient appropriately.

MOTION: Dr. Beyer moved for dismissal.

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 and Ms. Oswald. The following Board member voted against the motion: Ms. Jones.

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

MOTION PASSED.

6. MD-20-0989A, ANJALI ROY, M.D., LIC. #41764

RESOLUTION: Issue an Advisory Letter for failure to diagnose a mass in the tail of the pancreas on a pelvic 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.

7. MD-20-0439A, JENNIFER J. SOSNOWSKI, M.D., LIC. #25789

Vice-Chairman Gillard recognized that Dr. Sosnowski practiced alternative and integrative medicine and noted that concerns were raised regarding lack of a physical examination, inappropriate treatment of rheumatoid arthritis and placing a patient on lithium for minor cognitive problems. The Board noted that SIRC found it mitigating that the complainant signed a contract and was not guaranteed any results. Vice-Chairman Gillard stated that he was interested in hearing from other Board members regarding some of the treatments described in this case.

Dr. Bethancourt agreed with the Vice-Chairman's comments and stated that there did not appear to have been monitoring of the QT interval via EKG for a patient on lithium for brain fog. He questioned the use of lithium in this patient for reasons not consistent with current medical practice. Dr. Krahn stated that lithium is not a benign medication and noted that it requires careful monitoring given the significant side effects. Dr. Figge spoke in favor of issuing the recommended Advisory Letter and stated that the use of this medication for alternative treatment required the appropriate precautions that did not appear to have taken place in this case.

MOTION: Dr. Krahn moved for the Board to issue an Advisory Letter for inappropriate treatment of a patient with rheumatoid arthritis, failure to follow health and safety protocols, and inadequate documentation. While there is insufficient evidence to support disciplinary action, the Board believes that continuation of the activities that led to the investigation may result in further Board action against the licensee.

SECOND: Dr. Bethancourt

Dr. Beyer stated that he was troubled by the poor practice in this case and recognized that the patient sought out this specific type of practice for unconventional treatment. He spoke in favor of the motion to issue the recommended Advisory Letter. Vice-Chairman Gillard noted that the physician had recommended the patient use someone else's CPAP machine and he questioned Dr. Sosnowski's ability to practice and whether CME was warranted. Dr. Bethancourt spoke in support of the motion and proposed looking at additional charts for this physician. Ms. Jones questioned whether the Board should invite the physician to appear for a Formal Interview. Vice-Chairman Gillard proposed obtaining a new quality of care review to determine whether CME was warranted. Dr. Figge spoke in favor of returning the case for further investigation.

VOTE: The following Board members voted against 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: 0-yay, 10-nay, 0-abstain, 0-recuse, 0-absent.

MOTION FAILED.

MOTION: Vice-Chairman Gillard moved for the Board to return the case for further investigation to obtain a second quality of care review by a new OMC and to review additional charts.

SECOND: Dr. Figge

Chairman Farmer requested the AAG provide legal advice regarding the alternative practice when this case returns to the Board.

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.

8. THIS CASE WAS PULLED FROM THE AGENDA.

9. MD-21-0104A, MICHAEL P. ALBERTI, M.D., LIC. #24716

RESOLUTION: Issue an Advisory Letter for failing to query the CSPMP database when issuing medical marijuana certifications. 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-20-0723A, MD-21-0109A, GAYLE A. ROBERTS, M.D., LIC. #22152

RESOLUTION: Issue an Advisory Letter for failure to query the CSPMP database when issuing medical marijuana certifications and for issuing medical marijuana certifications without conducting an in-person examination. 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-20-0617A, ANTHONY YEUNG, M.D., LIC. #6424

Attorney Artie Eaves addressed the Board on behalf of Dr. Yeung during the Public Statements portion of the teleconference.

Dr. Figge spoke in favor of dismissal and stated that the records issue identified in this case was minor.

MOTION: Dr. Figge moved for dismissal.

SECOND: Dr. Bethancourt

VOTE: The following Board members voted in favor of the motion: Chairman Farmer, Vice-Chairman Gillard, Dr. Krahm, 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-20-0718A, MEGAN R. JHAVER, M.D., LIC. #36709

Dr. Jhaver and Attorney Rick Delo addressed the Board during the Public Statements portion of the teleconference.

Dr. Beyer recalled the comments that were made during the Public Statements and stated that he did not find this matter rises to the level of an Advisory Letter. He spoke in favor of dismissal and state that the decision to initiate treatment was a judgment call for the physician.

MOTION: Dr. Beyer moved for dismissal.

SECOND: Dr. Bethancourt

Dr. Bethancourt spoke in favor of the motion and noted that the patient received antibiotics from the urgent care a number of days prior to being seen by Dr. Jhaver which may have contributed to the lab findings.

VOTE: The following Board members voted in favor of the motion: Chairman Farmer, Vice-Chairman Gillard, Dr. Krahm, 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. CASES RECOMMENDED FOR ADVISORY LETTERS WITH NON-DISCIPLINARY CONTINUING MEDICAL EDUCATION ("CME") ORDERS

MOTION: Vice-Chairman Gillard moved for the Board to issue an Advisory Letter and Order for Non-Disciplinary CME in item numbers 2, 3 and 4.

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-19-0344A, MD-19-0458A, MD-20-0602A, MD-20-0674A, VIJENDRA SWARUP, M.D., LIC. #30467

Dr. Swarup and Attorney Andy Plattner addressed the Board during the Public Statements portion of the teleconference.

Dr. Beyer recalled the comments made during the Public Statements and stated that he was troubled by these matters. Dr. Beyer stated that multiple issues were identified and questioned whether this matter rose to the level of disciplinary action. He noted that one matter involved an allegation that Dr. Swarup left the hospital while a patient was under anesthesia and stated his concerns regarding the seriousness of the complaint. Board staff clarified that according to peer review documentation; one individual testified that Dr. Swarup was rounding in another hospital. Vice-Chairman Gillard stated that these were complicated cases and proposed returning them for reconsideration. Dr. Bethancourt stated his concerns regarding these cases. Dr. Krahn stated her concerns regarding the wide variety of issues have been identified in these cases with potential for patient harm.

MOTION: Dr. Krahn moved for the Board to return the cases for further investigation to obtain additional information.

Motion failed due to lack of a second.

Dr. Wolf asked the Board for guidance regarding what information was needed to further investigate in these cases. Dr. Krahn questioned whether a chart review was warranted and review of the licensee's procedural processes. Vice-Chairman Gillard proposed offering the physician a Consent Agreement for a Letter of Reprimand and Probation with requirements to complete the CME recommended by SIRC and inviting him to appear before the Board for a Formal Interview if he does not accept. Chairman Farmer commented that the Board would have the ability to question the physician regarding his procedural processes at a Formal Interview. Dr. Beyer spoke in favor of returning the cases for further investigation to obtain similar procedural cases that can provide a better sense of the physician's practice pattern.

Chairman Farmer stated that he believed interviewing the physician regarding his processes would be more informative than a random chart review which may or may not include similar procedural cases. Vice-Chairman Gillard stated his concerns regarding behavioral issues and reiterated his support for a Letter of Reprimand and Probation to complete CME.

MOTION: Vice-Chairman Gillard moved for the Board to offer a Consent Agreement for Letter of Reprimand and Probation. Within six months, complete CPEP's ProBE course in ethics and CPEP's Patient Communication course. 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 coursework. If not signed, the matter shall proceed to Formal Interview.

SECOND: Dr. Bethancourt

Dr. Bethancourt stated that he was very concerned regarding the peer review information reviewed, noting that the physician engaged in intimidating behavior towards staff and colleagues and left a patient in the operating room to leave campus and perform another procedure. Dr. Bethancourt also noted that the physician has not complied with the Medical Executive Committee's recommendations.

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-20-1001A, BRANDON K. SUEDEKUM, M.D., LIC. #35451

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

RESOLUTION: Issue an Advisory Letter and Order for Non-Disciplinary CME for performing a cataract surgery with an improper intraocular lens selection and inadequate documentation. While there is insufficient evidence to support disciplinary action, the Board believes that continuation of the activities that led to the investigation may result in further Board action against the licensee. Within six months, complete no less than 8 hours of Board staff pre-approved Category I CME in cataract surgery and intraocular lens selection. The CME hours shall be in addition to the hours required for license renewal.

3. MD-20-0771A, JAMES R. BOYED, M.D., LIC. #13616

RESOLUTION: 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.

4. MD-20-0587A, ANTHONY A. LEE, M.D., LIC. #32373

RESOLUTION: Issue an Advisory Letter and Order for Non-Disciplinary CME for inadequate supervision of a physician assistant's prescribing of controlled substances, failing to maintain an annually updated delegation agreement, and inadequate documentation. While there is insufficient evidence to support disciplinary action, the Board believes that continuation of the activities that led to the investigation may result in further Board action against the licensee. Within six months, complete no less than 15 hours of Board staff pre-approved Category I CME in an intensive, in-person course regarding prescribing controlled substances. The CME hours shall be in addition to the hours required for license renewal.

5. MD-20-0998A, RODGER S. ORMAN, M.D., LIC. #17731

Vice-Chairman Gillard stated he found that CME was not warranted in this matter and spoke in favor of issuing an Advisory Letter only.

MOTION: Vice-Chairman Gillard moved for the Board to issue an Advisory Letter for action taken against his license by the California Board. There is insufficient evidence to support disciplinary action.

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.

6. MD-21-0048A, MIGUEL A. T. RIVERA, M.D., LIC. #50418

Complainant MC and Dr. Rivera addressed the Board during the Public Statements portion of the teleconference.

Ms. Jones noted that the MC identified recordkeeping concerns and questioned whether the Board should add a requirement to complete CME in medical recordkeeping. Dr. Krahn spoke in favor of requiring CME in medical recordkeeping and stated that the records in this case were very difficult to follow.

MOTION: Dr. Krahn moved for the Board to issue an Advisory Letter and Non-Disciplinary CME Order for inadequate medical records, lack of rationale for

provided treatments and for failing to perform testing to assure sobriety. There is insufficient evidence to support disciplinary action. Within six months, complete no less than 5 hours of Board staff pre-approved Category I CME in the psychiatric management of alcohol use disorder and no less than 5 hours of Board staff pre-approved Category I CME in recordkeeping. The CME hours shall be in addition to the hours required for license renewal.

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.

M. REVIEW OF EXECUTIVE DIRECTOR DISMISSALS

MOTION: Vice-Chairman Gillard moved for the Board to uphold the dismissal in item numbers 1, 2 and 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-20-0629A, TRISTAN C. PICO, M.D., LIC. #42864

Dr. Pico and Attorney Andy Plattner addressed the Board during the Public Statements portion of the teleconference.

RESOLUTION: Uphold the dismissal.

2. MD-17-1108A, FREDERICK J. KOGAN, M.D., LIC. #12265

RESOLUTION: Uphold the dismissal.

3. THIS CASE WAS PULLED FROM THE AGENDA.

4. MD-21-0044A, CORRINE E. WALKER, M.D., LIC. #49101

RESOLUTION: Uphold the dismissal.

N. PROPOSED CONSENT AGREEMENTS (Disciplinary)

MOTION: Dr. Krahn moved for the Board to accept the proposed Consent Agreement in 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-18-1202A, BALBIR C. SHARMA, M.D., LIC. #14499

RESOLUTION: Accept the proposed consent Agreement for Letter of Reprimand and Ten Year Probation with Practice Restriction. Dr. Sharma shall be prohibited from engaging in private and/or solo practice of medicine until receiving permission from the Board to do so. Dr. Sharma may continue to practice at Arizona State Hospital. The Probation shall not terminate except upon affirmative request from the licensee and approval by the Board.

2. MD-19-0527A, ANDREW C. TSEN, M.D., LIC. #21592

RESOLUTION: Accept the proposed Consent Agreement for a Letter of Reprimand and Probation with Practice Restriction. Dr. Tsen shall comply with the terms and conditions of the Oregon Board's Stipulated Order and shall cause the Oregon Board to submit quarterly reports to the Board. Dr. Tsen's practice is restricted in that he shall not practice medicine in Arizona except as stated in the Board's

Order: he shall be prohibited from performing robotic mitral valve surgery in the State of Arizona. Dr. Tsen shall obtain a Board staff pre-approved practice monitor prior to performing any mitral valve surgeries or surgical procedures involving mitral valve repair. The Probation shall not terminate except upon affirmative request by the licensee and approved by the Board.

3. MD-19-0827A, CARLOS A. SUESCUN, M.D., LIC. #35723

RESOLUTION: Accept the proposed Consent Agreement for Letter of Reprimand and Three Year Probation to participate in PHP. Dr. Suescun's PHP participation shall be retroactive to August 20, 2020. Dr. Suescun shall within six months complete the Medical Ethics and Professionalism: Extended Edition (ME-22EX) course offered by PBI. The CME hours shall be in addition to the hours required for license renewal. After completion, enroll in the post-CME maintenance and accountability seminars and successfully complete them. Dr. Suescun shall enter into treatment with a PHP-approved psychiatrist as recommended by the Facility and shall comply with any and all treatment recommendations. The Probation shall not terminate except upon affirmative request from the licensee and approval by the Board.

4. MD-19-1137A, SHERMAN WASHINGTON JR. M.D., LIC. #48291

RESOLUTION: Accept the proposed Consent Agreement for a LOR and Probation. Within six months, complete the Medical Ethics and Professionals Course (ME-15) course offered by PBI. The CME hours shall be in addition to the hours required for license renewal. The Probation shall not terminate except upon affirmative request of the licensee and approval by the Board.

5. MD-21-0190A, ELLEN T. OLSON, M.D., LIC. #40418

RESOLUTION: Accept the proposed Consent Agreement for Surrender of Licensure.

6. MD-19-0058A, STEPHEN J. GRAHAM, M.D., LIC. #19987

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

O. PROPOSED CONSENT AGREEMENTS (Non-Disciplinary)

1. MD-19-0033A, JEFFERY L. SCHWIMMER, M.D., LIC. #7119

MOTION: Dr. Krahn moved for the Board to approve the proposed Consent Agreement for Practice Limitation.

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.

P. 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 license application in item numbers 1-15, and to grant the waivers in item numbers 11 and 12.

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.

1. MD-21-0454A, JOHN M. BENSON, M.D., LIC. #N/A

RESOLUTION: Approve the license application.

2. MD-21-0391A, JOHN H. HOTCHKISS, M.D., LIC. #N/A

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

RESOLUTION: Approve the license application.

3. MD-20-0473A, POUYA MOHAJER, M.D., LIC. #N/A

Mitchell Stipp and Dr. Mohajer addressed the Board during the Public Statements portion of the teleconference.

RESOLUTION: Approve the license application.

4. MD-20-0780A, PRAKASH R. DARJI, M.D., LIC. #N/A

RESOLUTION: Approve the license application.

5. MD-21-0146A, MIJA KHAN, M.D., LIC. #N/A

RESOLUTION: Approve the license application.

6. MD-21-0271A, MOHAMAD SINNO, M.D., LIC. #N/A

RESOLUTION: Approve the license application.

7. MD-21-0399A, EDWARD G. P. PREVATT, M.D., LIC. #N/A

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

RESOLUTION: Approve the license application.

8. MD-21-0344A, UMBREEN A. ROZELL, M.D., LIC. #N/A

RESOLUTION: Approve the license application.

9. MD-21-0486A, GARY R. GOODMAN, M.D., LIC. #N/A

RESOLUTION: Approve the license application.

10. MD-21-0421A, MOHAMMAD R. ANEES, M.D., LIC. #N/A

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

RESOLUTION: Approve the license application.

11. MD-21-0701A, MICHAEL S. JAFFE, M.D., LIC. #N/A

RESOLUTION: Approve the license application and grant waiver.

12. MD-21-0710A, MARK A. TIFFANY, M.D., LIC. #N/A

RESOLUTION: Approve the license application and grant waiver.

13. MD-21-0467A, BERNARDO D. CAMPOS, M.D., LIC. #N/A

RESOLUTION: Approve the license application.

14. MD-21-0546A, DENA A. GREEN, M.D., LIC. #N/A

RESOLUTION: Approve the license application.

15. MD-21-0654A, PAYMAN J. DANIELPOUR, M.D., LIC. #N/A

RESOLUTION: Approve the license application.

ii. **REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING RENEWAL APPLICATION AND CONSIDERATION OF RECOMMENDED ADVISORY LETTER**

1. MD-20-1026A, PHILIP E. KEEN, P.A., LIC. #7417

Chairman Farmer, Dr. Bethancourt and Dr. Figge were recused from this matter.

MOTION: Vice-Chairman Gillard moved for the Board to grant the license renewal and issue an Advisory Letter for failure to report felony charges within ten days as required by statute. There is insufficient evidence to support disciplinary action.

SECOND: Dr. Krahn

Vice-Chairman Gillard observed that Dr. Keen failed to notify the Board of the charges within the ten days required by statute. The Board recognized that the felony charges were reportable regardless of whether or not they involved patient care.

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 members were recused: Chairman Farmer, Dr. Bethancourt and Dr. Figge.

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

MOTION PASSED.

iii. **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. MIREILLE JABROUN, M.D., LIC. #N/A

Vice-Chairman Gillard observed that the applicant graduated in Lebanon, passed all three steps of the USMLE in 2017, and holds an unrestricted license in Washington DC. He noted that the applicant's fellowship was not ACGME accredited, and that he found the training was equivalent to that which is required for Arizona licensure.

MOTION: Vice-Chairman Gillard moved for the Board to grant licensure by endorsement and to find that the applicant's training was equivalent to that which is required for Arizona licensure.

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.

END OF CONSENT AGENDA

OTHER BUSINESS

Q. REQUEST FOR MODIFICATION OF BOARD ORDER

1. MD-19-0942A, MANITH S. MANN M.D., LIC. #32732

Vice-Chairman Gillard observed that Dr. Mann entered into a Consent Agreement for Letter of Reprimand and Two Year Probation, effective August of 2020. He noted that part of the probationary terms included chart reviews and that Dr. Mann has requested that the Board accept his compliance with PIP as a form of compliance with the chart review requirement.

Board staff clarified that chart reviews are more intensive than PIP, reported that Dr. Mann completed the CME review and six month follow up and CPEP found his documentation to be appropriate. Board staff also reported that a CSPMP query revealed

that Dr. Mann had not been prescribing controlled substances, that he surrendered his DEA registration and has a small practice from which he planned to retire in two years.

MOTION: Vice-Chairman Gillard moved for the Board to modify the current Board Order and accept PIP as compliance with the chart review requirement.

SECOND: Dr. Krahn

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 abstained: Ms. Bain.

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

MOTION PASSED.

R. REQUEST FOR TERMINATION OF BOARD ORDER

1. MD-18-0887A, KATHARINE A. ALTIERI, M.D., LIC. #50790

Dr. Altieri and Attorney Mick Rusing addressed the Board during the Public Statements portion of the teleconference.

Vice-Chairman Gillard observed that the PHP monitors submitted letters of support regarding the physician's request for termination.

MOTION: Vice-Chairman Gillard moved for the Board to terminate the April 10, 2020 Board Order.

SECOND: Dr. Krahn

Dr. Krahn spoke in support of the motion and stated that the physician has demonstrated her full engagement in this process.

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-09-0472A, FERNANDO CRUZADO, M.D., LIC. #30961

Vice-Chairman Gillard noted that the underlying matter involved Dr. Cruzado's hiring of an unlicensed Physician Assistant and that the complaint came from a nurse that was terminated. He also noted that Dr. Cruzado entered into the Consent Agreement for Decree of Censure and Probation in October of 2009, that the physician has not supervised PAs for five years and found that termination was appropriate at this time.

MOTION: Vice-Chairman Gillard moved for the Board to terminate the December 2, 2009 Board Order.

SECOND: Dr. Bethancourt

Ms. Jones questioned staff regarding the compliance reporting error that was identified where it appeared that declarations were not received. Board staff clarified that the error occurred during the time of a data migration to a new system, that Board staff collect delegation agreements during the course of investigating complaints for PAs and that there were none associated with Dr. Cruzado during that timeframe.

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 abstained: Ms. Bain.

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

MOTION PASSED.

3. MD-20-0898A, DANIEL J. DICKMAN, M.D., LIC. #44217

MOTION: Dr. Krahn moved to terminate the December 4, 2020 Board Order.

SECOND: Vice-Chairman Gillard

Vice-Chairman Gillard observed that a confidential agreement was entered into in December of 2020. He noted that Dr. Dickman's treating physician reported compliance with improvement and supported the physician's request for termination.

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-16-0876A, WAYNE F. YAKES, M.D., LIC. #23960

Vice-Chairman Gillard noted that this matter stemmed from action taken by the Colorado Board with which Dr. Yakes has been compliant.

MOTION: Vice-Chairman Gillard moved for the Board to terminate the February 14, 2018 Board Order.

SECOND: Ms. Jones

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

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

MOTION PASSED.

5. MD-18-0779A, MD-18-1053A, CHARLES B. EVANS, M.D., LIC. #37616

MOTION: Dr. Krahn moved for the Board to table this matter until receipt of the pending OMC reports for chart reviews 6 and 7.

SECOND: Vice-Chairman Gillard

Board staff confirmed that chart reviews 6 and 7 are pending OMC reports. The Board discussed tabling this matter versus denying the request for termination of the October 19, 2019 Board Order. Chairman Farmer recognized that in the event the two chart reviews return without issues identified, tabling this matter would save the physician the effort of having to file another petition with the Board.

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.

S. APPEAL OF EXECUTIVE DIRECTOR ACTION

1. GREG S. NAMAN, M.D., LIC. #N/A

Vice-Chairman Gillard observed that Dr. Naman does not meet the criteria required to qualify for a temporary emergency license and he spoke in favor of upholding the Executive Director's action in this matter.

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

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. TED R. NAMAN, M.D., LIC. #N/A

The Board observed that Dr. Naman does not meet the criteria required to qualify for a temporary emergency license.

MOTION: Dr. Figge moved for the Board to uphold the Executive Director's action in this matter.

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.

T. GENERAL CALL TO THE PUBLIC

FM addressed the Board during the General Call to the Public portion of the teleconference and stated her concerns regarding the Board's handling of cases involving allegations of sexual misconduct.

U. ADJOURNMENT

MOTION: Dr. Figge moved for the Board to adjourn.

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.

The teleconferenced adjourned at 11:27 a.m.




Patricia E. McSorley, Executive Director