



## Arizona Medical Board

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

Home Page: <http://www.azmd.gov>

Telephone (480) 551-2700 • Fax (480) 551-2705 • In-State Toll Free (877) 255-2212

### FINAL MINUTES FOR TELECONFERENCE MEETING

Held on Tuesday, October 26, 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 8:03 a.m.

##### B. ROLL CALL

The following Board members participated in the teleconference: Chairman Farmer, Vice-Chairman Gillard, Dr. Krahn, Ms. Bain, Dr. Bethancourt, Dr. Beyer, Ms. Dorrell, Dr. Figge and Ms. Oswald. The following Board member was absent: Ms. Jones.

##### 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"), also participated in the virtual meeting. AAG Monique Coady participated in the teleconference to provide the Board with independent legal advice on the hearing matters as stated herein.

##### C. PUBLIC STATEMENTS REGARDING MATTERS LISTED ON THE AGENDA

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

##### D. EXECUTIVE DIRECTOR'S REPORT

- Update on Rulemaking

Ms. McSorley reported that draft revisions for Article 2 and Article 3 have been approved by the Governor's Office and sent over to GRRRC. They are on track to be completed in January. The rules changes update the application questions regarding mental health. Board staff will be gathering stakeholders' input on Article 7 regarding the use of conscious sedation.

- Update on the Implementation of the Telehealth Registration

Ms. McSorley reported that there is a lot of interest in this and when it will be available. It is on track to be available on November 5<sup>th</sup>. Ms. McSorley stated she will report back at the December meeting about how many applications have been received.

- Update on the Implementation of the Medical Graduate Training Permit

Ms. McSorley reported that staff is working on this and the permit should be out shortly. The IT department has to work on specifications to get the application formatted and on up on the website. The DO Board has already put a committee together to address this.

- Update on Staffing and Board Processes

Ms. McSorley reported that during yesterday's committee meetings there was discussion about how to handle disruptive participants on the phone. Participants will be asked to stop being disruptive and if it not they will be muted. If the disruption continues they can be removed form the meeting. Unfortunately, they can call back on another line.

- Update on Boardroom A Refresh

Ms. Jensen provided a brief update on the refresh. Staff is coordinating with a project manager as we will need several subcontractors. There has been some discussion regarding the columns in the room, ADOA has stated they cannot be adjusted. Staff is scheduled to meet with a furniture contractor tomorrow. Once all vendors are in place the Ad Hoc committee could meet to consider the recommendations. The ADOA project manager contacted advised that due to supply chain difficulties can result in delays especially with audio visual equipment.

## **E. CHAIR'S REPORT**

No report was given.

## **F. LEGAL ADVISOR'S REPORT**

- 2021 Legislative Advice Memorandum

Ms. Smith highlighted a few bills for the Board. SB1063 is a bill that amends a portion of statutes governing judicial review of administrative decisions to require the superior court to decide questions of fact without deference to the agency's decisions. A.R.S. § 12-910(E). The new standard for review of the agency's factual determinations mirrors the 2018 statutory change requiring that the court review all questions of law without deference to the agency's determination. The rest of the bills are administrative in nature and are outlined in the memo. SB1271 is a bill regarding medical graduate transitional raining permit bill. SB1416 is an existing statute that prohibits health profession regulatory boards and other political subdivisions of the state from punishing a health care professional, directly or indirectly, for making a patient aware of lawful health care services for which there is a reasonable basis, including the off-label use of health care services or health care-related research, or for offering, providing or making available lawful health care services. HB2067 allows a court to issue a "certificate of second chance" to someone who has had a conviction set aside under A.R.S. § 13-905. Pursuant to A.R.S. § 13-905(K), a person who receives a certificate of second chance is released from all "barriers and disabilities in obtaining an occupational license issued under Title 32 that resulted from the conviction, "if the person is otherwise qualified." The new language clarifies that the certificate of second chance should not be construed as a recommendation for licensure. HB2266 amended the Board's medical assistant statute to allow the Board to consider allow a physician to establish an in-office training program for medical assistants.

Dr. Krahn inquired about trial de novo and what kind of cases will follow that pathway.

Ms. Smith stated that physicians who have been disciplined and what they're options are when pursuing appeal of a board decision. When a board issues discipline either through the formal interview or formal hearing process and then denies a rehearing or review, the physician has the option to file an appeal with superior court. This bill expands the licensee's option to appeal with regard to what kind of process they would like to pursue.

- Update regarding *Issacson et. al. v Brnovich et. al.*

Ms. Smith provided an update regarding this case. An appeal has been made by both parties to the Ninth Circuit. The court granted the request to dismiss individual board members. That order will be disseminated to board members for their records. If there are any further question Board members may contact Ms. Smith.

## **G. DISCUSSION REGARDING DEBRIEFING ON BOARD PROCESSES**

Dr. Farmer explained that the Ad Hoc Committee met to discuss how to format an in-person meeting, how to utilize teleconferences and how to most efficiently use Board members' time. This also depends on the Board room renovations. Multiple factors contribute to when the Board can return to in-person meetings.

Ms. McSorley informed the Board that the PA Board will be meeting in-person for their November meeting and will report back to the Board how well it goes.

## **H. REVIEW, CONSIDERATION AND POSSIBLE ACTION REGARDING IMPLEMENTATION OF SB1001 INCLUDING CONVENING BREAST IMPLANT INFORMED CONSENT WORKGROUP**

Ms. McSorley reported that a requirement that came out of the past legislative session called for the DO Board and AMB to convene a work group to formulate a breast implant informed consent list. This informed consent has been worked on prior to the medical board even being mentioned in the statute. Staff is asking that the Board to convene the work group and appoint the members who were originally on the group who prepared the informed consent to the work group. In December the consent list can be reviewed and approved. This is to have the Board's approval to make it an act of unprofessional conduct if at minimum informed consent was not provided. This is consent is regarding cosmetic breast implants and not medically necessary implants.

Ms. Smith noted that the Board needs to vote to convene the work group with the participants requested in the Executive Director's memo.

Dr. Farmer identified the suggested members and inquired if Board members need to be included.

Ms. McSorley noted that the draft informed consent list will come back before the Board for final approval or additions.

**MOTION: Dr. Figge moved to convene the workgroup with the membership as suggested by the Executive Director.**

**SECOND: Dr. Bethancourt.**

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

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

**MOTION PASSED.**

## **I. APPROVAL OF MINUTES**

- AMB August 24, 2021 Teleconference; including Executive Session
- AMB September 13, 2021 Special Teleconference Meeting, including Executive Session

**MOTION:** Dr. Figee moved to approve the August 24, 2021 Teleconference; including Executive Session and the September 13, 2021 Special Teleconference; including Executive Session.

**SECOND:** Dr. Bethancourt.

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

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

**MOTION PASSED.**

## **LEGAL MATTERS**

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

1. MD-17-0330A, EDWARD C. H. TENG, M.D., LIC. #47833

Dr. Teng and counsel Gordon Bueler participated telephonically. AAG Roberto Pulver participated telephonically on behalf of the State. AAG Monique Coady participated telephonically as the Board's independent legal advisor.

Mr. Pulver stated that the State moved to modify the Administrative Law Judge's (ALJ) Findings of Fact, Conclusions of Law and recommended Order. The motion modified the recommended order to conform to a form of an Order that the Board regularly uses. The physician agreed with the recommended order and modifications. Originally the State sought to have the physician's license revoked, however evidence emerged during hearing. Dr. Teng admitted at the hearing that he erred in not reporting the Scottsdale domestic violence arrest and charge to the monitors. He admitted that he failed to timely report a Scottsdale arrest and charge of a domestic violence to the Board as required by law. Dr. Teng did report to the psychologist the program that he failed to report to the Board, the psychologist failed to inform the Board this admission. Dr. Teng testified that he failed to cooperate with two of his treatment facilities he was sent to by the Board. Dr. Sucher testified that in the past three years Dr. Teng has made significant changes and improvement due to PHP and has been exemplary in following the program. Dr. Teng admitted he provided inappropriate care to patient MT in failing to follow up on depression screen. Lastly, Dr. Teng agreed to pay a disciplinary fine of 10K for his behavior and to reimburse the Board for the cost and expense of the Administrative hearing. The Stated asked the Board to accept and modify the ALJ's recommended decision.

Ms. Coady noted and reviewed three typographical errors in the ALJ's recommended decision that need to be corrected in the final order.

Mr. Bueler stated that Dr. Teng's position has always been that he made mistakes in 2017 and 2018 that were based on events that were happening in his life at that time where he was abusing drugs and alcohol. When the Board offered Dr. Teng a place and position in the PHP things began to change and Dr. Teng has been compliant for the last three and a half years. Dr. Sucher stated that Dr. Teng has done extraordinarily well in PHP. Dr. Teng's goal has always been that he be allowed to practice and Mr. Bueler requested that the recommended decision be adopted and the matter be concluded.

Dr. Teng stated that he has made some mistakes in the past due to personal problems and poor decision making. Dr. Teng stated that he is a different person now and requested that the Board give him a change to prove he is still a valuable member of society.

Ms. Robles confirmed that all invoices for OAH and the court reporters services have been received and the total will be added to the Order.

Mr. Pulver acknowledged Dr. Teng and Mr. Bueler's comments and noted that the most powerful testimony was Dr. Sucher that during the past three years Dr. Teng has been exemplary and has done everything asked of him. Additionally, Dr. Teng obtained a professional counselor to deal with his issues. Dr. Teng was forthcoming and admitted freely that he did wrong. Mr. Pulver stated that this is someone who will be regulated by the Board.

**MOTION: Dr. Gillard moved to adopt the Findings of Fact as proposed.**

**SECOND: Dr. Krahn.**

Dr. Krahn commented that this was a very serious matter where the Board had great concerns about the licensee. The licensee's response to the PHP was impressive and a clear indication of his commitment and the effectiveness of the program.

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

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

**MOTION PASSED.**

**MOTION: Dr. Gillard moved to adopt the Conclusions of Law with modifications as stated on the record by the State and the Board's IA.**

**SECOND: Dr. Beyer.**

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

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

**MOTION PASSED.**

**MOTION: Dr. Gillard moved to adopt the recommended Order with modifications as proposed by the State.**

**SECOND: Dr. Krahn.**

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

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

**MOTION PASSED.**

The Board re-opened this matter.

Ms. Coady clarified that in the State's supplemental and amended motion to modify the Findings of Fact, Conclusions of Law and Order Mr. Pulver had requested the Board order reflect revisions to Findings of Fact 12 and 13 to limit personal information related to the licensee in the Board's public record.

**MOTION: Dr. Figge moved to approve the amended Findings of Fact as proposed by the State.**

**SECOND: Dr. Gillard.**

Ms. Coady informed the Board of the proposed modifications. Dr. Beyer stated these were reasonable.

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

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

**MOTION PASSED.**

## **K. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON SETTLEMENT OFFER IN LIEU OF FORMAL HEARING**

1. MD-19-0920A, WILLIAM F. REES, M.D., LIC. #53589

Counsel Sara Stark participated telephonically on behalf of the physician.

Ms. Stark requested that the Board to accept the proposed order as previously negotiated with the State.

Mr. Pulver agreed with Ms. Stark that this was an appropriate Order for Surrender. Dr. Rees admitted to violating one of the statutes for professional conduct. Mr. Pulver requested on behalf of the state to accept the proposed consent agreement and vacate the formal hearing.

**MOTION: Dr. Krahn moved to accept the proposed consent agreement for Surrender of License in lieu of formal hearing.**

**SECOND: Dr. Gillard.**

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

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

**MOTION PASSED.**

Dr. Beyer noted that the Respondent's name is incorrectly spelled on page four. Dr. Farmer stated that this is a minor typo and the correction could be made.

## **L. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING SUMMARY ACTION**

### **1. MD-19-1185A, JOHN A. LIEBERT, M.D., LIC. #24378**

Dr. Liebert and counsel Charlie Hover participated telephonically.

Board staff summarized that the physician refused to enter into an Interim Consent Agreement for Practice Restriction, and refused to comply with the Interim Order for Competency Evaluation as recommended by SIRC. This case involves four patients, the initial patient CC and three additional patients who were selected based on a CSPMP review. The Medical Consultant (MC) found that Dr. Liebert deviated from the standard of care in all cases reviewed. In addition to multiple deviations from the standard of care in prescribing the progress note were illegible. Additionally, Dr. Liebert does not appear to practice with modern standard of care regarding the prescription of controlled substances, evidence bases guidelines or FDA recommendations. The MC also commented on concerns of possible cognitive impairment which may require further investigation. On September 23<sup>rd</sup>, SIRC reviewed the case and remained with regard to the findings. SIRC also remained concern regarding clinical decision making and judgment based on the medication prescribed to patients. Therefore, SIRC recommended returning the investigation to require the physician to undergo a competency evaluation and recommended an Interim Practice Restriction. Dr. Liebert reported that he is dealing with personal issues and closed his practice. Dr. Liebert is continuing to prescribing controlled substances to patients. This case is before the Board for consideration of summary action.

Mr. Hover provided an opening statement to the Board on behalf of the physician. Mr. Hover stated that the Board has had the MC's report since end of June and now we're at end of October. Mr. Hover opined that summary suspension proceeding is not called for given the time period that this case has gone on. The concern for the public, if it was such, should have been raised then and no later than the MC's report. This instance clearly falls without the emergency provisions of summary suspension. Mr. Hover requested that the Board step aside from any kind of summary action and return this to the Board's normal formal discipline process.

Dr. Beyer inquired about the urgency of this case.

Board staff explained the investigative process and noted that once the investigation of the four patients was reviewed by the MC and outlined the violations from the standards of care staff were provided, the physician with the chanced to respond. The physician did provide a supplemental response which the MC reviewed and also provided a

supplemental response. This case was then sent to SIRC where the recommendation for an Interim Order (IO) and an Interim Consent Agreement for Restriction (ICA) was recommended. Once the recommendation was made, the IO and ICA were issued relatively quickly. Board staff confirmed that this case followed typical Board process. The physician did not comply with the IO and refused to sign the ICA.

Dr. Krahn commented that the Board can't be aware of cases that are being investigated and there is a process to alert the Board in the event of a highly egregious case. What the Board can do is deal with information once it reaches them. Dr. Krahn agreed with SIRC's findings that the prescribing is not reflecting the community standard and that it represents a very remarkable degree of polypharmacy that could place patients at risk. Dr. Figge agreed with Dr. Krahn's comments and noted that the Board has evidence before them that is compelling and that there is a potential threat to the public. The physician was offered the consent to curtail his prescribing practice which he was not agreeable to. Dr. Figge opined that if the ICA is not agreed to by the physician given the findings of SIRC regardless of the time it took to complete the investigation, summary action is warranted.

**MOTION: Dr. Figge moved for the board to reoffer the doc the ICA for practice restriction and if not agreed to in timely manner then summary suspend the physician's license based on a finding that the public health, safety and welfare imperatively requires emergency action.**

**SECOND: Dr. Krahn.**

Ms. Smith confirmed that the Board has the option to reoffer the consent.

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

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

**MOTION PASSED.**

Ms. Smith clarified for the record that means the ICA previously provided to counsel on behalf of the physician would need to be signed and returned to Board staff by five pm today, if not received summary suspension will be issued as directed by the Board.

Counsel confirmed he understood.

## **CONSENT AGENDA**

### **M. CASES RECOMMENDED FOR DISMISSAL**

**MOTION: Dr. Figge moved to dismiss case numbers 1-4.**

**SECOND: Dr. Bethancourt.**

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

**VOTE: 9-yay, 0-nay, 0-abstain, 0(Dr. Beyer recused from #1)-recuse, 1-absent.**

**MOTION PASSED.**

1. MD-21-0055A, GIRALDO KATO, M.D., LIC. #28499

**RESOLUTION: Dismiss.**

2. MD-21-0503A, HEATHER L. STEVENS, M.D., LIC. #47645

**RESOLUTION: Dismiss.**

3. MD-21-0606A, TRISTAN CAMPBELL PICO, M.D., LIC. #42864

Dr. Pico and Attorney Andrew Plattner addressed the Board during the Public Statements portion of the teleconference. Complainant AVH addressed the Board during the Public Statements portion of the teleconference.

**RESOLUTION: Dismiss.**

4. MD-20-0785A, JACK O. SIPPERLEY, M.D., LIC. #16167  
Attorney Scott King addressed the Board on behalf of Dr. Sipperley during the Public Statements portion of the teleconference.

**RESOLUTION: Dismiss.**

## **N. CASES RECOMMENDED FOR ADVISORY LETTERS**

1. MD-20-0445A, FRANCISCO N. S. RODRIGUEZ, M.D., LIC. #21376  
Dr. Rodriguez addressed the Board during the Public Statements portion of the teleconference.

Dr. Figge noted that the patient was advised to follow up as needed since the patient was leaving town. The complaint of inappropriate follow up was not possible given the patient left.

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

**SECOND: Dr. Gillard.**

Dr. Bethancourt noted that the physician told the patient to follow up in a couple of months but the progress note says follow up PRN or as needed. Dr. Krahn commented that physicians do have the opportunity to offer advice that a patient may want to delay their departure for a period of time until they have recovered from their medical event.

Board staff noted the date of the patient's departure and opined that he was unsure why another follow up could not be done in that period of time.

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

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

**MOTION PASSED.**

2. MD-21-0195A, KEVIN J. RENFREE, M.D., LIC. #26339  
Complainant LL addressed the Board during the Public Statements portion of the teleconference. Attorney Tracey Olson addressed the Board on behalf of Dr. Renfree during the Public Statements portion of the teleconference. Dr. Krahn and Ms. Oswald recused from this case.

Dr. Figge opined that some of this is a matter of physician judgment and in discussion with the patient as to the procedure of the joint replacement. There is also a question of follow up where the physician was not aware there may have been.

Board staff informed the Board that the patient had four follow ups before she moved out of town. The first was a simple suture removal performed by the PA and the physician was not involved. The PA clearly documented in the second visit that the physician was involved. The third follow up was performed by a resident who clearly documented the physician was involved. The fourth follow up was performed by a mid-level resident, there is no mention of the physician and the patient complained of painful site on long finger. The resident obtained an x-ray and felt it revealed the painful site was osteo site or bony spur. The resident scheduled surgery which the patient agreed to however, the patient canceled the surgery five days prior. The patient returned to Minnesota and Mayo hospital and was evaluated by an experienced hand surgeon. He diagnosed the site as a corner of the implant. Board staff explained that there was a risk the patient could have proceeded to surgery without the necessary equipment.



Dr. Figge inquired regarding whether surgical recommendations of residents would be reviewed by an attending.

Board staff noted that there appeared to be a pattern of documenting consultations in the medical record.

In response to a Board member question, Ms. Smith explained to the Board the process for notice to the physician regarding proposed Advisory Letters, the scope of the Board's review, and submission of additional information by the licensee.

Dr. Beyer commented that the timeline to respond was short but reasonable regarding the issue on supervision. Dr. Beyer opined that it is appropriate to take action today.

**MOTION: Dr. Beyer moved to issue an Advisory Letter for inadequate supervision of a resident with a patient experiencing postoperative complications. While there is insufficient evidence to support disciplinary action, the Board believes that continuation of the activities that led to the investigation may result in further Board action against the licensee.**

**SECOND: Dr. Figge.**

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

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

**MOTION PASSED.**

3. MD-20-0323A, WILLIAM F. JONES, M.D., LIC. #28118

Dr. Beyer summarized that the radiologist CT scan report noted an incidental finding of a 7mm lung nodule that subsequently went on to become a serious cancer. Dr. Beyer opined that this case hinges on the issue of whether the finding was in the conclusion as well as in the body of the report. The physician did identify the abnormality and did appropriately note it and he thinks this is something that does not necessarily rise to the level of an advisory letter.

**MOTION: Dr. Beyer moved to dismiss.**

**SECOND: Dr. Gillard.**

Dr. Gillard noted that this was a result of malpractice settlement. The nodule was identified and mentioned. The problem was that there was a greater emphasis on it. Dr. Gillard did not find fault with the radiologist.

Board staff commented that there is always a determination to call the referring physician about an important finding and that it is very important to include an important finding in the body and conclusion of the report.

Dr. Gillard stated that he agreed with those comments but opined that the physician has gotten the message through the malpractice payment. Dr. Bethancourt spoke against the motion, as a busy physician reviewing multiple reports on a daily basis this finding should have been in the summary.

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

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

**MOTION PASSED.**

4. MD-20-0843A, JEFF C. HOEHNER, M.D., LIC. #46508

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

Dr. Gillard noted that there were several complicated surgical cases here. The physician's privileges were suspended but then reinstated. The MC found no problems with the standard of care but SIRC was not happy with the documentation. The physician stated that the EMRs sometimes make it very difficult to be concise. Dr. Figge commented that in addition to some questions on patient care and parents refusing to go ahead with surgery and may not have been in the child's best interest this physician was put on monitoring at Banner. He was monitored for six months and then was suspended. Dr. Figge opined that there were concerns and that an Advisory letter was appropriate.

**MOTION: Dr. Figge moved to issue an Advisory Letter for inadequate documentation. While there is insufficient evidence to support disciplinary action, the Board believes that continuation of the activities that led to the investigation may result in further Board action against the licensee.**

**SECOND: Dr. Gillard**

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

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

**MOTION PASSED.**

5. MD-20-0820A, KARNAIL S. DHILLON, M.D., LIC. #27921

Attorney Charles Hover addressed the Board during the Public Statements portion of the teleconference.

Dr. Bethancourt noted that during the attorney's call to public comments there was confusion as to whether the physician needed to renew his license or wait until any Board action took place which is understandable. Dr. Figge agreed that although the Board knows the guidelines and it makes sense he could see where it is a little ambiguous. Dr. Figge opined that the attorney had a fair argument that gives him pause to issue an advisory letter for practicing without a license.

Board staff noted that a renewal letter was sent on August 10, 2020 and an email reminder was sent on August 16, 2020. If the physician was confused he could have contacted the Board regarding the reminders. The Board's Chief Medical Consultant opined that if a licensee doesn't understand what expired means he should find out. Board staff noted that staff gets questions about it all the time during an investigation but mostly they are from physicians who don't intend to get their license and may not participate in the investigation.

Dr. Beyer commented that he too was concerned when he heard the language read by the attorney. However, if that language was followed up with a letter and email reminding the physician that action was required to renew his license, he thinks it would have been incumbent on the physician to clarify this. Dr. Beyer opined that the advisory letter as originally proposed is appropriate. Dr. Figge commented that all it takes is one case to point out that there is a lack of clarity that Board action supersedes the renewal notices. If the Board is going by clear and convincing evidence then that letter was not clear. Dr. Farmer noted that the Board is not required to have clear and convincing evidence to issue an advisory letter. Dr. Bethancourt stated that if the physician understands that he doesn't need to do anything but then gets reminders from a different part of the organization this can be confusing.

Board staff proposed new language for the notice letters that get sent to the physician during a board investigation.

Dr. Figge stated that the new language was his intent from this discussion but noted that it is too late for this physician.

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

**SECOND: Dr. Bethancourt.**

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

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

**MOTION PASSED.**

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

### **1. MD-21-0318A, ASAD EHTISHAM, M.D., LIC. #48099**

Dr. Gillard summarized that the physician called in prescription for testosterone for himself. SIRC recommended in-person CME in ethics but a prescribing course should be added.

**MOTION: Dr. Gillard moved to issue an Advisory Letter with Non-Disciplinary CME Order for self-prescribing a controlled substance and knowingly making a false statement to the 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. Within six months, complete CPEP's ProBE course in ethics, and complete no less than 5 hours of Board staff pre-approved Category I CME in prescribing controlled substances. The CME hours shall be in addition to the hours required for license renewal.**

**SECOND: Dr. Bethancourt.**

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

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

**MOTION PASSED.**

### **2. MD-20-1043A, JOHN I. NWANKWO, M.D., LIC. #45346**

Dr. Gillard summarized that the radiologist self-reported a malpractice settlement. Dr. Gillard opined that an advisory letter for tracking is appropriate but that CME is not necessary.

**MOTION: Dr. Gillard moved to issue an Advisory Letter for failing to identify a large ovarian cyst 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.**

**SECOND: Dr. Figge.**

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

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

**MOTION PASSED.**

### **3. MD-20-0947A, MUHAMMAD A. KHAN, M.D., LIC. #9994**

Attorney Steve Myers addressed the Board during the Public Statements portion of the teleconference.

Dr. Figge summarized that this is another case of a disgruntled employee issuing a complaint. SIRC did not identify any deviations from the standard of care but found that some the records may have been lacking. The physician has an advisory letter for records in the past from 20 years ago. SIRC opined that he could benefit from CME

which the physician has already signed up for. Dr. Figge opined that this does not rise to the level of requiring a formal CME order.

**MOTION: Dr. Gillard moved to issue an Advisory Letter for inadequate documentation While there is insufficient evidence to support disciplinary action, the Board believes that continuation of the activities that led to the investigation may result in further Board action against the licensee.**

**SECOND: Dr. Beyer.**

Dr. Gillard stated that there were a lot of problems when reviewing this. This included reusing equipment and a site visit did not take place. Dr. Gillard suggested referring this to the Department of Health Services (DHS). There is a complaint of the possible mental status of the physician and an unorganized surgery center. During the investigation staff relied on employee interviews. Dr. Gillard opined that this case should be sent back for further investigation. Dr. Krahn shares these concerns and opined that the previous actions were taken for a reason and that there was not sufficient information to fully understand and dismiss some of the accusations.

Board staff informed the Board that the Board's investigator spoke with a few office staff. One of the staff she spoke to had been with the practice for over 22 years and she mentioned the conduct with the physician and the ex-employee who filed the complaint. She had stated in her interview that she was aware of the incident but did not know the details and that she was not aware of any other incident regarding his conduct with any other employees. Because she had extensive information and was with practice for a lengthy period of time, the investigator did not feel it was necessary to conduct additional interviews with other staff.

Board members continued to express concern and opined that issues regarding the surgery center were not adequately answered. Dr. Beyer commented that he was comfortable that staff had looked at a sufficient number of charts to warrant an advisory letter with CME for records. Dr. Beyer inquired if the Board can vote on this issue but still investigate the facilities and the potential sexual harassment.

Ms. Smith explained that if the Board votes on the advisory letter today that would terminate the case. However, if the Board is concerned about a portion of the investigation and feels the quality of care issues concerns have been satisfied by the chart they can direct Board staff to complete additional investigation to investigate certain allegations.

Dr. Figge commented that although the physician does have a lot of complaints two are from 2017 and most of them are from 20 years ago. Secondly, the Board has to have trust staff to complete an investigation. If there was a red flag somewhere staff would have taken it to the next level.

Board staff acknowledged the Board's points that have been made and requested that if the Board requires additional investigation to direct staff on what they are looking for. Board staff also noted that staff has to pull an appropriate amount of charts to not overwhelm the MC which could be impacted by how many patient charts are pulled and the amount of pages per review. Three charts were pulled and if the MC found concerns additional charts could have been pulled. Staff does site inspections if warranted and noted that sometimes parts of the investigation may fall under a different agency. This was not a case where information came to staff upon request and staff had to dig into the issues that could be proven and investigated.

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

**VOTE: 1-yay, 8-nay, 0-abstain, 0-recuse, 1-absent.**

**MOTION FAILED.**

**MOTION: Dr. Gillard moved to return the case for further investigation.**

**SECOND: Ms. Oswald.**

Ms. Smith requested direction for Board staff on which aspects of the investigation for Board staff to review.

Dr. Gillard stated that he has no additional direction other than the discussion that has already taken place.

Ms. Smith noted that surgery centers for the most part are licensed by ADHS.

Dr. Farmer commented that it may be appropriate to include ADHS regarding this site. Dr. Gillard stated that the Board is obligated to investigate potential patient harm.

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

**VOTE: 8-yay, 1-nay, 0-abstain, 0-recuse, 1-absent.**

**MOTION PASSED.**

#### **P. REVIEW OF EXECUTIVE DIRECTOR DISMISSALS**

**MOTION: Dr. Krahn moved to uphold the dismissal in case numbers 1-4**

**SECOND: Ms. Bain.**

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

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

**MOTION PASSED.**

1. MD-20-1004A, VINCENT J. RUSSO, M.D., LIC. #12496

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

Dr. Gillard commented that all cases were reviewed and although this was a sad case this was fully investigated.

**RESOLUTION: Dismissal upheld.**

2. MD-20-0953A, DANIEL I. SHAPIRO, M.D., LIC. #20700

**RESOLUTION: Dismissal upheld.**

3. MD-20-0988A, THOMAS M. MYERS, M.D., LIC. #19530

**RESOLUTION: Dismissal upheld.**

4. MD-20-0893A, UDAYA K. KAKARLA, M.D., LIC. #43049

Attorney Sean Quinn addressed the Board on behalf of Dr. Kakarla during the Public Statements portion of the teleconference.

**RESOLUTION: Dismissal upheld.**

#### **Q. PROPOSED CONSENT AGREEMENTS (Disciplinary)**

**MOTION: Dr. Krahn moved to accept the proposed consent agreement in case numbers 2-4.**

**SECOND: Dr. Bethancourt.**

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

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

**MOTION PASSED.**

**1. MD-20-1072A, MORTON I. HYSON, M.D., LIC. #49700**

Board staff noted that staff has requested that this case be sent back to SIRC.

Dr. Gillard opined that returning this case would not change anything and that the proposed Reprimand is in order. Dr. Figge noted that this was a consent agreement for discipline taken in another State and that this order was sufficient.

**MOTION: Dr. Figge moved to accept the proposed consent agreement for a Letter of Reprimand.**

**SECOND: Dr. Gillard.**

Dr. Krahn commented that given the new information this may elevate this from a Letter of Reprimand to a Decree of Censure. This should be referred back to SIRC to investigate the physician's behaviors and to determine if he can be regulated. Dr. Beyer stated that although there may be additional issues that were triggered by the same event but is independent from the underlying event regarding this disciplinary action there is no harm in taking another look. Dr. Gillard acknowledged the failure to disclose but opined that this would not go above the Letter of Reprimand.

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

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

**MOTION FAILED.**

**MOTION: Dr. Krahn moved to not accept the signed consent agreement and send the case back for further investigation.**

**SECOND: Ms. Dorrell.**

Dr. Krahn commented that given the new information this may elevate this from a Letter of Reprimand to a Decree of Censure. This should be referred back to SIRC to investigate the physician's behaviors and to determine if he can be regulated. Dr. Beyer stated that although there may be additional issues that were triggered by the same event but is independent from the underlying event regarding this disciplinary action there is no harm in taking another look. Dr. Gillard acknowledge the failure to disclose but opined that this would not go above the Letter of Reprimand.

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

**VOTE: 8-yay, 1-nay, 0-abstain, 0-recuse, 1-absent.**

**MOTION PASSED.**

**2. MD-20-0245A, RALPH M. FALK, M.D., LIC. #15549**

**RESOLUTION: Letter of Reprimand.**

**3. MD-19-0772A, STEVEN M. SIMON, M.D., LIC. #26893**

**RESOLUTION: Surrender of License.**

**4. MD-18-0100A, MD-21-0311A, ARNOLD H. MEYEROWITZ, M.D., LIC. #13263**

**RESOLUTION: Surrender of License.**

**R. PROPOSED CONSENT AGREEMENTS (Non-Disciplinary)**

1. MD-18-0742A, SUSAN M. KUNKEL, M.D., LIC. #52089

Attorney Camila Alarcon addressed the Board on behalf of Dr. Kunkel during the Public Statements portion of the teleconference.

**MOTION:** Dr. Gillard moved to accept the consent agreement for Practice Limitation (Non-disciplinary) prohibiting her from practicing any form of medicine in the State of Arizona until she petitions the Board and receives permission to do so.

**SECOND:** Dr. Krahn.

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

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

**MOTION PASSED.**

## **S. APPROVAL OF DRAFT FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

1. MD-19-0369A, SAFDAR I. CHAUDHARY, M.D., LIC. #44238

Complainant AG and KO addressed the Board during the Public Statements portion of the teleconference. Attorney Steve Myers addressed the Board on behalf of Dr. Chaudhary during the Public Statements portion of the teleconference.

Dr. Gillard expressed concern that there was been new information from a nurse and the doctor's wife was placed on the website as a physician which has since been removed. Dr. Krahn commented that according to the documents reviewed Dr. Chaudhary went to the same medical school as the medical director of the hospital which may explain why staff has not heard from additional staff. Dr. Gillard commented that if someone is practicing without a license this is out of the Board's jurisdiction and would be a case for the AG's office.

Ms. Smith stated that if a criminal referral was made there would likely not be a public record regarding that. The scope of the Board's review today is the approval of the draft that is in the Board's file. The physician could elect to file a motion for rehearing or review once the Board accepts the draft if additional or other evidence is considered by the board, that is the option to make that decision. Ms. Smith requested that if the Board adopts the order the last sentence of FOF 15 be amended to complete the sentence.

**MOTION:** Dr. Gillard moved to accept the Findings of Fact, Conclusions of Law and Order for Probation with the suggested modification to Finding of Fact 15.

**SECOND:** Dr. Krahn.

Ms. Smith explained that regarding the concerns expressed by members of the Board, if the licensee requests rehearing or review the Board can consider it at that time.

Dr. Beyer commented that the Board came to this conclusion after a difficult discussion and is not sure that re-opening the case given the physician and the medical director's relationship will help the Board obtain new information.

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

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

**MOTION PASSED.**

## **T. LICENSE APPLICATIONS**

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

**MOTION:** Dr. Figge moved to grant the license in case numbers 1 and 3-7.

**SECOND:** Dr. Bethancourt.

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

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

**MOTION PASSED.**

1. MD-21-0669A, SNIGDHA TOODI, M.D., LIC. #N/A

**RESOLUTION: Grant the license.**

2. THIS CASE WAS PULLED FROM THE AGENDA.

3. MD-21-0638A, TIMOTHY D. BECKETT, M.D., LIC. #N/A

**RESOLUTION: Grant the license.**

4. MD-21-0884A, JOSEPH F. PAZONA, M.D., LIC. #N/A

**RESOLUTION: Grant the license.**

5. MD-21-0821A, WALTER H. KIM, M.D., LIC. #N/A

**RESOLUTION: Grant the license.**

6. MD-21-0598A, STEVEN T. CLARK, M.D., LIC. #N/A

Dr. Clark addressed the Board during the Public Statements. Portion of the teleconference.

**RESOLUTION: Grant the license.**

7. MD-21-0480A, HELIO C. ZAPATA, M.D., LIC. #N/A

**RESOLUTION: Grant the license.**

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

1. THIS CASE WAS PULLED FROM THE AGENDA.

**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. DENNIS P. H. MIHALE, M.D., LIC. #N/A

**MOTION: Dr. Figge moved to grant licensure by endorsement.**

**SECOND: Dr. Krahn.**

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

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

**MOTION PASSED.**

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

1. CECILE S. MUEHRCKE, M.D., LIC. #N/A



**MOTION:** Dr. Figge moved to grant the license and grant the waiver request.

**SECOND:** Ms. Oswald.

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

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

**MOTION PASSED.**

**v. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING LICENSE APPLICATION AND CONSIDERATION OF RECOMMENDED ADVISORY LETTER**

**1. MD-21-0960A, JOSEPH E. FLANAGAN, P.A., LIC. #17458**

**MOTION:** Dr. Figge moved to grant the license and issue an Advisory Letter for practicing with an expired license. 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.

**SECOND:** Dr. Bethancourt.

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

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

**MOTION PASSED.**

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

**OTHER BUSINESS**

**U. REQUEST FOR TERMINATION OF BOARD ORDER**

**1. MD-19-0424A, REZA A. ROD, M.D., LIC. #38069**

**MOTION:** Dr. Figge moved to grant the request for termination of the December 8, 2020 Board Order for Probation.

**SECOND:** Dr. Bethancourt.

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

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

**MOTION PASSED.**

**2. MD-17-0646A, MD-17-0701A, MD-17-0855A, NIKESH D. SETH, M.D., LIC. #44017**

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

**MOTION:** Dr. Figge moved to grant the request for termination the August 6, 2019 Board Order for Probation.

**SECOND:** Dr. Gillard.

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

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

**MOTION PASSED.**

**3. MD-18-1110A, SHARRON A. JONES-DAGGETT, M.D., LIC. #47737**

**MOTION:** Dr. Krahn moved to deny the request for early termination.

**SECOND:** Dr. Figge.

Dr. Figge noted that the physician had a recommendation from both the Board's evaluator and an independent evaluation recommending denial at this point. Dr. Gillard noted that both evaluators recommended an additional year.

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

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

**MOTION PASSED.**

4. MD-19-0453A, ELLIOT M. LIBLING, M.D., LIC. #20805

Dr. Libling addressed the Board during the public statements portion of the meeting.

Dr. Figge noted that there are two outside evaluators that both felt it was fine to terminate the order. The PHP psychiatrist thought the patient should complete one more year but there could be a conflict of interest.

**MOTION: Dr. Figge moved to grant the request for termination of the August 6, 2019 Board Order for Probation.**

**SECOND: Dr. 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 and Ms. Oswald. The following Board member was absent: Ms. Jones.**

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

**MOTION PASSED.**

## **V. GENERAL CALL TO THE PUBLIC**

Attorney Steve Myers addressed the Board during the General Call to the Public regarding complaints filed by health insurers against out of network physicians.

## **W. ADJOURNMENT**

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

**SECOND: Dr. Bethancourt**

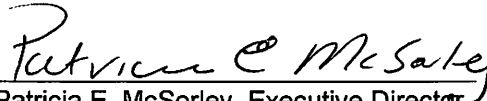
**VOTE: The following Board members voted in favor of the motion: Chairman Farmer, Vice-Chairman Gillard, Dr. Krahn, Ms. Bain, Dr. Bethancourt, Dr. Beyer, Ms. Dorrell, Dr. Figge and Ms. Oswald. The following Board member was absent: Ms. Jones.**

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

**MOTION PASSED.**

The Board's meeting adjourned at 12:09 p.m.



  
Patricia E. McSorley, Executive Director