



## ARIZONA MEDICAL BOARD

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

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### FINAL MINUTES FOR SUMMARY ACTION TELECONFERENCE MEETING

Held on Tuesday, January 25, 2022

1740 W. Adams St., Board Room A • Phoenix, Arizona

#### *Board Members*

R. Screven Farmer, M.D., Chair

James M. Gillard, M.D., M.S., F.A.C.E.P., F.A.A.E.M., Vice-Chair

Lois E. Krahn, M.D., Secretary

Jodi A. Bain, M.A., J.D., LL.M.

Bruce A. Bethancourt, M.D., F.A.C.P.

David C. Beyer, M.D., F.A.C.R., F.A.S.T.R.O.

Laura Dorrell, M.S.N., R.N.

Gary R. Figge, M.D.

Pamela E. Jones

Eileen M. Oswald

### GENERAL BUSINESS

#### A. CALL TO ORDER

Chairman Farmer called the Board's meeting to order at 5:02 p.m.

#### B. ROLL CALL

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

The following Board members were absent: and Dr. Figge.

#### ALSO PRESENT

The following Board staff participated in the teleconference: Patricia McSorley, Executive Director; Kristina Jensen, Deputy Director; Raquel Rivera, Investigations Manager; and Michelle Robles, Board Operations Manager. Carrie Smith, Assistant Attorney General ("AAG") also participated in the teleconference.

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

No one addressed the Board during the Public Statements.

### LEGAL MATTERS

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

1. MD-20-0050A, ASHWIN M. REDDY, M.D., LIC. #48835

Dr. Reddy participated virtually with counsel Joshua Irvine.

Board staff summarized that this case was initiated based on information obtained in case MD-20-0041A. During the investigation, Board staff obtained a CSPMP report on Dr. Reddy and selected 4 patients for review with initial allegations involving inappropriate prescribing of controlled substances. An MC reviewed the records for the 4 patients and determined Dr. Reddy deviated from the standard of care in multiple ways in all 4 patients reviewed. In summary the MC determined that Dr. Reddy failed to acknowledge ongoing opioid use, failed to address unexpected UDS results, prescribed benzodiazepines for anxiety without a definitive diagnosis of anxiety disorder, granted early prescriptions for controlled substances and prescribed in higher than recommended doses, and inadequately monitored when UDS results suggested abuse or diversion. Dr. Reddy denied deviating from the standard of care but

acknowledged improvements could be made and reported that he would be transferring his remaining patients to be the CEO and would only provide on-call coverage. The MC provided a supplemental report and maintained the deviations identified and noted the lack of documentation of counseling or behavioral therapies. SIRC initially reviewed the case in April 2021 and recommended a Letter of Reprimand and Probation to include CME in medical recordkeeping and controlled substances and chart monitoring. SIRC also recommended that Dr. Reddy be offered an Interim Consent Agreement (ICA) for Practice Restriction while the matter was pending adjudication. In May 2021, Board staff offered the SIRC recommended ICA for PR, which Dr. Reddy declined. In July 2021, Board staff received Dr. Reddy's request for a Formal Interview; therefore, the ICA was not pursued with the intention that the Board would consider the case at the August meeting. However, 10 days prior to the Formal Interview, Dr. Reddy provided additional medical records that were provided for MC review. The MC reviewed the information and reported that the additional records did not change his opinion but reinforced that Dr. Reddy practices below the standard of care. In December 2021, this case returned to SIRC. SIRC maintained their previous recommendation for a Letter of Reprimand with Probation to include CME in medical recordkeeping and controlled substance prescribing as well as chart monitoring. SIRC also recommended that Dr. Reddy be offered an ICA to prohibit him from prescribing controlled substances while the matter is pending adjudication. Dr. Reddy declined the ICA as offered and his attorney requested an alternative resolution that would be confidential. This request was denied and Dr. Reddy reported that he would present for a summary action meeting. Board staff reported that additional negotiations had occurred regarding amendments to the language of the ICA, but that they were unsuccessful.

In his statement to the Board, Dr. Reddy commented on the MC's findings. Dr. Reddy stated that all four patients remain in treatment at Second Chance Treatment Center. They have been in treatment for the past 6-7 years for addiction and are now sober. Their lives are significantly improved and they all function in society. Dr. Reddy disagreed with the MC's finding of inappropriate treatment of substance use disorder. Dr. Reddy commented that the Board's MC is not a psychiatrist and therefore cannot judge a psychiatrist for properly diagnosing and treating psychiatric disorders. Dr. Reddy opined that the proper use of benzodiazepines and suboxone for the treatment of severe co-occurring anxiety and opiate use disorders does show improvement.

Mr. Irvine commented that the standard of care is being misapplied by the MC in this case and that the CSPMP was misread. Mr. Irvine denied that there was a risk of patient harm and requested that no summary action being taken today.

In response to Board member questions, Board staff clarified that this case was initiated based on professional conduct allegations from another case. Staff ran a CSPMP for both providers and pursued an investigation based on potential prescribing concerns, and that the physician was notified at the beginning of the case. The patient charts were selected based on the CSPMP data as staff will pull cases that are potentially concerning. Board staff noted that the professional conduct concerns were determined to be unsubstantiated and had no bearing on this investigation. Board staff reiterated that Dr. Reddy's responsibilities as CEO and on call duties entail. Regarding the CSPMP time stamp error, Board staff explained that they rely on the Pharmacy Board for the CSPMP report. Once staff was aware that Dr. Reddy disputed the findings, staff consulted with the Pharmacy Board for clarification. The Pharmacy Board confirmed that Dr. Reddy used the CSPMP correctly, not an issue. Board staff explained that the 275-Data waive physician allows Dr. Reddy to prescribe buprenorphine for detoxification purposes will not be captured on the CSPMP for confidentiality purposes and can not be provided to investigators.

Dr. Beyer questioned given the length of the investigation and what triggered today's meeting, given that the ICA was attempted on two previous occasions.

Board staff explained the timing of the investigative process in this case and the Board's process regarding qualifications of medical reviewers.

During deliberation, Dr. Krahn commented regarding the physician's concern that the MC's didn't have the appropriate expertise to review this case. Dr. Krahn opined that there are problematic issues in this case. Dr. Krahn noted that with the harm reduction approach described by Dr. Reddy prescription medications can be used but should be a last resort, and there was no evidence of attempted alternative therapies in the record. Dr. Krahn noted that the licensee stated that he prefers to use long acting

benzodiazepines. One of the patients was on a short acting benzodiazepine at a high dose which is not a harm reduction approach. The CSPMP showed another provider prescribed controlled substances and there was no mention of what this meant for the patient's addiction treatment plan on a couple of occasions. Dr. Krahn agreed with the MC's concern and does not believe that this reflects the standard of care of an addiction psychiatrist. Dr. Krahn opined that this practice poses a risk even if these patients did not experience harm. Dr. Farmer agreed that the Board's MC was qualified and that Dr. Reddy's prescriptions and patterns raise serious concerns. Dr. Farmer commented that the MC review was appropriately done and identified clear issues for the Board to consider. Dr. Farmer also noted that even though a physician says they're no longer prescribing controlled substances or practice doesn't mean that they can't start again. This also does not mean that what was done at the time wasn't wrong. Dr. Beyer commented that it was impossible from the records to determine why these particular patients needed these prescriptions which could have gone a long way to addressing concerns. Dr. Beyer noted that there are a number of red flags in the urine drug screens that were not addressed and pose a potential risk.

**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. Oswald.**

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

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

**MOTION PASSED.**

The Board entered into Executive Session at 5:44 p.m.

The Board returned to Open Session at 6:09 p.m.

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

Dr. Farmer inquired if the Board can proceed since the physician is no longer on the line.

Mr. Irvine waived the physician's appearance for the remainder of the meeting.

Dr. Gillard agreed that there is some problematic prescribing issues but noted that the physician has been cooperative and is in favor of tabling the matter to allow the physician to sign an ICA and come before the Board for a formal interview at a future meeting.

**MOTION: Dr. Gillard moved to offer an interim consent agreement to prohibit prescribing of controlled substances and invite to the next available formal interview. If not accepted by 5:00 on January 26, 2022, summarily restrict controlled substance prescribing ability based on a finding that the public health safety and welfare imperatively require emergency action and forward the case to the Office of Administrative Hearing for a formal hearing.**

**SECOND: Dr. Beyer.**

Ms. Smith confirmed that summary restriction would allow the physician to practice but not prescribe controlled substances. Ms. Smith also confirmed that if the physician signed the ICA for Practice Restriction and elects to come before a Committee of the Board for a formal interview it will be placed on a future agenda. The Committee would have the ability to make a final determination regarding whether the allegations of unprofessional conduct have been sustained.

Ms. Bain noted that if a summary action takes place, the case would go to OAH for an evidentiary hearing.

Ms. Smith confirmed that either way if the case goes for a formal interview of a formal hearing, it will come back for the Board's review. Ms. Smith noted that all orders for practice restrictions are reportable to the NPDB.

Dr. Krahn spoke against the motion as there has been ample opportunity for the licensee to sign the ICA.

**VOTE: The following Board members voted in favor of the motion: Dr. Gillard and Dr. Beyer. The following Board members voted against the motion: Dr. Farmer, Dr. Krahn, Ms. Bain, Dr.**

Bethancourt, Ms. Dorrell, Ms. Jones and Ms. Oswald. The following Board member was absent: Dr. Figge.

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

MOTION FAILED.

MOTION: Dr. Krahn moved for the Board to summarily restrict Dr. Reddy's ability to prescribe controlled substances in the State of Arizona pending the outcome of a formal hearing in this matter based on a finding that the public health, safety or welfare imperatively requires emergency action by the Board.

SECOND: Ms. Oswald.

Dr. Farmer opined that due to the concerning prescribing patterns this may best be sorted in a full evidentiary hearing.

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

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

MOTION PASSED.

## E. ADJOURNMENT

MOTION: Dr. Gillard moved to adjourn the meeting.

SECOND: Dr. Bethancourt.

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

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

MOTION PASSED.

The teleconference adjourned at 6:42 p.m.



*Patricia E. McSorley*  
Patricia E. McSorley, Executive Director