



Arizona Medical Board

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FINAL MINUTES FOR TELECONFERENCE MEETING

Held on February 4, 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 8:03 a.m.

B. ROLL CALL

The following Board members participated in the teleconference: 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.

ALSO PRESENT

The following Board staff participated in the teleconference: Patricia McSorley, Executive Director; Kristina Jensen, Deputy Director; Raquel Rivera, Investigations Manager; William Wolf, M.D., Chief Medical Consultant; 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

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 Discussion with CMS Regarding the Enforcement of the No Surprise Billing Statute

Ms. McSorley informed the Board that she had a discussion with CMS in December and have come to an agreement that our statutes allow the Board to carry out the law and the Board does not need to sign an agreement.

- Update on Enforcement of A.R.S. §§ 36-2606(F) and 36-2607(C) and the Requirement to Register with the Arizona Controlled Substances Prescription Monitoring Program (CSPMP)

Ms. McSorley informed the Board that staff has received a list of 5000 physicians who have not registered with the CSPMP. Staff has sent a letter instructing them to sign up per statute and if they do not and investigation will be opened.

Dr. Farmer suggested providing education regarding this requirement on the Board's website or newsletter.

- **Legislative Update:**

- **SB 1568 Health Professionals, Complaints, and Investigations**

- Ms. McSorley reported that Senator Barto had a meeting with all the Executive Directors. Concerns were raised and a second meeting will be scheduled to discuss them further. Ms. McSorley stated that she expects amendments to be proposed.

- **HB 2429 Physician Wellness Programs, Confidentiality**

- Ms. McSorley reported that this bill has gone through the House and was adopted with minor amendments.

- **SB 1331 International Medical Graduates; Licensure; Accreditation**

- Ms. McSorley reported that this bill was held in Committee and will be heard next week.

Dr. Gillard commented that the Board already has the ability to determine if a physician's education and certification is adequate to qualify for licensure. Board members expressed concern of the potential harm and unintended consequences of this bill.

Ms. McSorley commented that this is a departure from the Board's and the rest of the country's process.

Dr. Farmer inquired if a factual statement of some sort should be put on the record.

Ms. McSorley opined that the Board should wait to see how far this goes before providing a factual statement to the sponsor.

- **Update on Federation of State Board's Annual Meeting**

- Ms. McSorley provided information regarding the meeting for the Board's review and instructed Board members that if they would like to attend to let staff know.

- **Discussion Regarding Board's Processes and Procedures**

- Ms. McSorley requested the Board's input on potential 2023 meeting dates so that staff can start to book Board Room A.

Dr. Krahn requested that the dates be consistent and not scheduled too close to each other.

E. CHAIR'S REPORT

Dr. Farmer reported that he participated in a phone conference with the FSMB and noted the upcoming annual meeting.

F. LEGAL ADVISOR'S REPORT

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

Ms. Smith provided a brief update regarding the case.

G. DISCUSSION AND POSSIBLE ACTION REGARDING ELECTION OF OFFICERS

Dr. Farmer commented that for the public and transparency this election of officers is done in open public discussion. Dr. Farmer thanked and acknowledged Board members' hard work and dedication.

MOTION: Dr. Bethancourt moved to nominate Dr. Farmer as chair.

SECOND: Dr. Krahn.

Dr. Farmer agreed he would continue.

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. Figge nominated Dr. Gillard as Vice-Chair.

SECOND: Dr. Bethancourt.

Dr. Gillard accepted.

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: Ms. Bain nominated Dr. Krahn as Secretary.

SECOND: Dr. Bethancourt.

Dr. Krahn accepted.

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.

H. DISCUSSION REGARDING DEBRIEFING ON BOARD PROCESSES

Dr. Farmer provided an update on the Board returning to in-person meetings and noted that Board Room A has undergone deterioration and will need to be updated.

Ms. Jensen informed the Board that there has been some degradation of the equipment in Board room A and stated that it may be most cost efficient to upgrade rather than replace it. There are also audio issues in Room A which include not having the ability to support call in or Zoom at the present time. Ms. Jensen informed the Board regarding the current estimates for the upgrades of Board Room A. To have a successful meeting it will not be viable until after the upgrade is completed.

Dr. Farmer suggested that in consideration of that information and given that it has been a long time since the Board has met in person, that the Board have an in-person meeting in an alternate venue.

Board members discussed the board meeting schedule for 2023 and the potential of an in-person retreat.

Ms. Bain suggested training on the new types of license applications.

I. APPROVAL OF MINUTES

- August 23, 2021 Teleconference
- November 10, 2021 Special Teleconference
- January 6, 2022 Special Teleconference

Ms. Bain recused from the January 6, 2022 Special Teleconference minutes.

MOTION: Dr. Bethancourt moved to approve the August 23, 2021 Teleconference, November 10, 2021 Special Teleconference and the January 6, 2022 Special Teleconference.
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 (1 recusal from January 6, 2022)-recuse, 1-absent.
MOTION PASSED.

LEGAL MATTERS

J. MOTION FOR REHEARING/REVIEW (Formal Interview)

1. MD-20-0554A, MEENOR SAGAR, M.D., L.I.C. #40769
Dr. Sagar and counsel Scott King participated telephonically.

Counsel Scott King requested to rescind the Letter of Reprimand and issue a non-disciplinary advisory letter or grant a request for rehearing or review for the reasons filed in the motion. Mr. King argued that Dr. Sagar followed the Hospital's Surgical/Invasive Procedure Verification Protocol and that the Hospital had adequate support services in the event of complications. Mr. King further noted the recently submitted letter from a Board-certified diagnostic radiologist who opined that the medical error responsible for the unfortunate complications was the failure of the nurse. Mr. King further noted the changes to his practice that Dr. Sagar testified to during his formal interview.

Dr. Sagar stated that he has learned from this Board case and malpractice case. Dr. Sagar stated that this was a tragic mistake but he has taken the necessary steps to ensure that this does not happen again.

Board staff commented that this was a case where the surgeon did not personally check the labs. Board staff further noted that a patient death was involved, and disagreed with the opinion of the radiologist who submitted the letter on behalf of Dr. Sagar.

Dr. Beyer agreed the fact that there was a system problem where the nurse failed to disclose the platelet count does not relieve the physician of responsibility for the procedure. The physician agreed that there was a problem and has changed his practice. Dr. Beyer opined that he does not see justification for a rehearing. Dr. Gillard noted that initially there was motion to add continuing medical education ("CME") but the Committee felt that it was unnecessary. Dr. Gillard further noted that the Committee voted unanimously to issue the Letter of Reprimand. There was also a failure to respond with a narrative in a timely manner. Dr. Gillard agreed with the action taken by the Committee. Dr. Figge opined that the criteria for a rehearing has not been met.

MOTION: Dr. Figge moved to deny the motion for rehearing.

SECOND: Dr. Bethancourt.

Dr. Krahn agreed that this does not meet the criteria for rehearing.

MOTION: Bain moved for the Board to enter into Executive Session to obtain legal advice pursuant to A.R.S. § 38-431.03(A)(3).

SECOND: Dr. 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.

The Board entered into Executive Session at 9:27 a.m.

The Board returned to Open Session at 9:43 a.m.

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

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. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING RULING ON REMAND

1. MD-19-0007A, AMAR P. SHARMA, M.D., LIC. #40693

Counsel Brianna Jagelski participated telephonically on behalf of the physician.

Ms. Smith informed the Board that both parties have stipulated to submit to the Board a consent agreement for a non-disciplinary CME Order that was signed yesterday by the physician. Staff also recommended the issuance of an Advisory Letter.

Ms. Jagelski stated that Dr. Sharma has agreed to the issuance of an Advisory Letter and Non-Disciplinary CME Order and requested that the Board approve this.

MOTION: Ms. Bain moved for the Board to enter into Executive Session to obtain legal advice pursuant to A.R.S. § 38-431.03(A)(3).

SECOND: Dr. 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.

The Board entered into Executive Session at 9:58 a.m.

The Board returned to Open Session at

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

Dr. Gillard commented that it was unanimous that discipline should be issued in this case. There was an accusation of falsifying records, the Board denied the rehearing and noted that methadone should not be blindly prescribed to a 98 year old. Dr. Gillard opined that this does not need to be sent back to SIRC and that this non-disciplinary Advisory Letter is not appropriate.

MOTION: Dr. Gillard moved to return the matter to SIRC to summarize the additional information and to invite the physician for a formal interview.

SECOND: Dr. Bethancourt.

Dr. Bethancourt commented that further investigation would not be beneficial, and Dr. Sharma stated he checked the CSPMP when he did not. The physician did not take responsibility for his actions.

Ms. Bain inquired whether the case should be returned to SIRC prior to the physician being invited back for an interview.

Ms. Smith clarified that the recommendation to return to SIRC was made for the purpose of allowing the additional information submitted after SIRC's consideration to be summarized for the Board.

Dr. Gillard commented that the court questioned the Board's review of the CSPMP, but that is the way for the Board to determine whether or not the patient was on that medication.

Ms. Bain spoke against the motion, noting that the record needs to be fleshed out to prevent an administrative issue going forward.

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

Oswald. The following Board member voted against the motion: Ms. Bain. The following Board member was absent: Ms. Jones.
VOTE: 8-yay, 1-nay, 0-abstain, 0-recuse, 1-absent.
MOTION PASSED.

CONSENT AGENDA

L. CASES RECOMMENDED FOR DISMISSAL

MOTION: Dr. Gillard moved to dismiss item numbers 1 and 2.

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.

1. MD-21-0747A, WILLIAM J. DASOVIC, M.D., LIC. #52521

Dr. Dasovic and counsel Libby Petersen addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Dismissed.

2. MD-21-0860A, ABRAHAM J. SAYEGH, M.D., LIC. #18816

RESOLUTION: Dismissed.

M. CASES RECOMMENDED FOR ADVISORY LETTERS

MOTION: Dr. Beyer moved issue an Advisory Letter in item numbers 1, 2 and 9

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.

1. MD-20-0400A, TODD D. LEVINE, M.D., LIC. #26977

RESOLUTION: Issue an Advisory Letter for prescribing controlled substances to a family member without establishing a formal physician-patient relationship or checking the CSPMP, failure to maintain medical records, and for using controlled substances prescribed by a family member. While the licensee has demonstrated substantial compliance through rehabilitation 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.

2. MD-20-0930A, GABRIELLE F. MORRIS, M.D., LIC. #40731

RESOLUTION: Issue an Advisory Letter for failing to report a DUI within ten days as required by law. While there is insufficient evidence to support disciplinary action, the board believes that continuation of the activities that led to the investigation may result in further board action against the licensee.

3. MD-21-0378A, SUDHIR MANDA, M.D., LIC. #50809

Counsel Luis Lanz addressed the Board during the Public Statements portion on behalf of the physician. DM addressed the Board during the Public Statements portion of the meeting.

Dr. Gillard opined that there was an administrative error, and that the physician has made changes to address this issue.

MOTION: Dr. Gillard moved to dismiss.

SECOND: Dr. Figge.

Dr. Beyer opined that this does warrant an Advisory Letter. Dr. Beyer commented that although the physician has made changes it does not change what occurred. Dr. Figge opined that this was an administrative error and since the physician did not know at the time how could he notify the patient. Dr. Figge noted that once the error was recognized the physician rectified the situation.

Dr. Wolf commented that this outcome could have been very different.

Board staff noted the increasing frequency of similar complaints filed with the Board but stated that ultimately it is the physician's responsibility to follow up.

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

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

MOTION PASSED.

4. MD-21-0203B, BERNARD M. GBUREK, M.D., LIC. #26312

Dr. Beyer stated that he knows the physician but this will not affect his ability to adjudicate this matter.

Dr. Gillard commented that the Medical Consultant (MC) found that the standard of care was met but stated that the records were inadequate. The physician has no prior Board history and has received the message regarding the records.

MOTION: Dr. Gillard moved to dismiss.

SECOND: Dr. Beyer.

Dr. Farmer commented that the Board cannot always ignore incidental findings of the investigation even if the original complaint was found to not have merit. Dr. Beyer agreed that the records could have been more complete but does not rise to the level of an Advisory Letter.

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-20-0648B, ERIKA S. BOROFF, M.D., LIC. #34166

Dr. Boroff and counsel Scott King addressed the Board during the Public Statements portion of the meeting. BKS addressed the Board during the General Call to Public.

Dr. Gillard commented that this was a sad outcome. This physician was consulted for a GI non-urgent consult. There were many physicians involved and the hospitalist did not notify Dr. Boroff when the patient worsened.

Dr. Figge agreed with Dr. Gillard and noted that the patient's condition did not progress until the following day. Dr. Beyer agreed and opined that this was decent care and that it was not obvious that something was wrong until the next day.

MOTION: Dr. Gillard moved to dismiss.

SECOND: Dr. Krahn.

Dr. Farmer opined that the Board needs to have compassion for the family in this situation but also there needs to be compassion for the physicians in this case. These were good physicians in a complex situation.

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.

6. MD-20-1042A, JENNIFER S. HUTCHISON, M.D., LIC. #23248

Dr. Farmer recused from this case.

Dr. Gillard commented that this case was based on a malpractice settlement. The MC opined that there should have been a colposcopy earlier. Dr. Gillard noted that when the colonoscopy was completed there were some abnormalities, and the patient was referred to an oncologist where cancer was found. Dr. Gillard opined that there were atypical presentations.

MOTION: Dr. Gillard moved to dismiss.

SECOND: Dr. Figge.

Dr. Figge agreed that it was atypical and no more can be gained or learned by the physician with the issuance of an Advisory Letter.

Board staff noted that the standard of care requires a physician to perform a colposcopy in a patient with positive HPV genotype 16 or 18 and the physician deferred it for a year. It would not have changed the outcome but it should have been done. Another staff member commented that the physician did not follow the standard of care regardless of patient of harm and opined that if this case is dismissed and something similar happens in the future the ability to track is significantly diminished.

Dr. Krahn agreed that the Board needs to be aware of potential patterns and the Board needs to have its own records and spoke against the motion. Dr. Beyer agreed it should have been done even though it would not change the outcome. Dr. Figge commented that he agrees with the comments made and noted that the physician did admit she knows that the colposcopy should have been ordered. Dr. Figge spoke in favor of an Advisory Letter and withdrew his second.

MOTION failed due to no second.

MOTION: Dr. Beyer moved to issue an Advisory Letter for failure to timely perform a colposcopy on a Pap smear positive for HPV genotype 18. 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. Krahn.

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

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

MOTION PASSED.

7. MD-21-0474A, BRITTANY L. STAM, M.D., LIC. #49108

Counsel Flynn Carey addressed the Board during the Public Statements portion of the meeting on behalf of the physician.

Dr. Beyer noted that this case came to the Board regarding issues with supervision of a PA. The outcome was not anticipated, however; the attorney made a good point that the physician spelled out the rationale for the care and it was not being ignored. Dr. Beyer opined that this is not an example of poor care.

MOTION: Dr. Beyer moved to dismiss.

SECOND: Dr. Bethancourt.

Dr. Bethancourt agreed that the patient did meet 2 of the 3 criteria for Rotterdam supportive of PCOS and opined that the physician did not fall below the standard of care.

Board staff commented that for adolescents all 3 criteria should be met before the diagnosis is made. Further evaluation was indicated and an ultrasound would have been easy to do. Board staff opined that there were a number of indications to pursue the findings further.

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

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

MOTION PASSED.

8. MD-21-0482A, ARPIT M. DAVE, M.D., LIC. #50623

Dr. Dave and counsel James Bennett addressed the Board during the Public Statements portion of the meeting.

Ms. Oswald noted that this case was based on a malpractice case where the physician implanted a transurethral sling procedure without the patient's consent. Ms. Oswald noted that the team did not check the consent form and the root cause was communication issues. Ms. Oswald opined that this is very much a system issue.

Dr. Figge commented that the physician is responsible for their surgery and must know what operation they should be doing in detail and what was consented to. Although the physician has made changes to ensure this does not happen again this was absolutely preventable. Dr. Figge spoke in favor of the Advisory Letter. Dr. Farmer found it mitigating that the physician has changed his practice and again stated that there should be an alternative route for tracking in lieu of an Advisory letter. Dr. Farmer spoke in favor of an Advisory Letter for tracking.

MOTION: Dr. Figge moved to issue the Advisory Letter for performing a transurethral sling procedure without the patient's consent. 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: Ms. Dorrell.

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 Dr. Figge. The following Board member voted against the motion: Ms. Oswald. The following Board member was absent: Ms. Jones.

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

MOTION PASSED.

9. MD-21-0507A, JAMES H. MYER, M.D., LIC. #29398

RESOLUTION: Issue an Advisory Letter for failing to timely perform a cardiac work-up in a patient with suspected cardiac amyloidosis and insufficient medical recordkeeping. 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.

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

MOTION: Dr. Gillard moved issue an Advisory Letter with Non-disciplinary CME orders in item numbers 1-3.

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-21-0128A, MICHAEL R. GRAY, M.D., LIC. #11623

RESOLUTION: Advisory Letter and Order for Non-Disciplinary CME for diagnosing a patient with medical conditions without clinical justification and 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.

2. MD-21-0277A, JOSHUA D. HOLLAND, M.D., LIC. #17551

RESOLUTION: Advisory Letter and Order for Non-Disciplinary CME for inappropriate management of a patient with congestive heart failure and pneumonia 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. Within six months, complete no less than 3 hours of Board staff pre-approved Category I CME in the evaluation and management of congestive heart failure. The CME hours shall be in addition to the hours required for license renewal.

3. MD-20-0847A, AMIRARSALAN EISSA, M.D., LIC. #50946

RESOLUTION: Advisory Letter and Order for Non-Disciplinary CME for insufficient patient communication, inadequate documentation, and inadequate coordination of care. 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; and complete CPEP's Patient Communication course. The CME hours shall be in addition to the hours required for license renewal.

O. REVIEW OF EXECUTIVE DIRECTOR DISMISSALS

MOTION: Dr. Gillard moved to uphold the Executive Director dismissal in item numbers 1-4.

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.

1. MD-21-0092A, MERICK S. KIRSHNER, M.D., LIC. #25272

Counsel Patrick White addressed the Board during the Public Statements portion of the meeting on behalf of the physician.

RESOLUTION: Dismissal upheld.

2. MD-20-0659A, CALEB J. BEHREND, M.D., LIC. #54025

RESOLUTION: Dismissal upheld.

3. MD-21-0287A, LESLIE A. EISNER, M.D., LIC. #34169

Counsel Cynthia Patane addressed the Board during the Public Statements portion of the meeting on behalf of the physician.

RESOLUTION: Dismissal upheld.

4. MD-21-0188A, RICHARD C. MARTIN, M.D., LIC. #18550

S.S. addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Dismissal upheld.

P. PROPOSED CONSENT AGREEMENTS (Disciplinary)

MOTION: Dr. Gillard moved to accept the proposed consent agreement for item numbers 1-3.

SECOND: Dr. Bethancourt.

Dr. Beyer abstained for item numbers 2 and 3.

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 (Dr. Beyer abstained from 2 and3)-abstain, 0-recuse, 1-absent.

MOTION PASSED.

1. MD-21-0285A, CARLOS D. M. DOMINI, M.D., LIC. #58738

RESOLUTION: Accept the consent agreement for a Letter of Reprimand.

2. MD-21-0278A, DONALD J. GREEN, M.D., LIC. #37789

RESOLUTION: Accept the consent agreement for a Letter of Reprimand.

3. MD-19-0980A, ALEXANDER VILLARES, M.D., LIC. #32704

RESOLUTION: Accept the consent agreement for a Letter of Reprimand.

Q. LICENSE APPLICATIONS

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

MOTION: Dr. Gillard moved to grant the license in item numbers 1 and 2.

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-21-1008A, ANKUR J. SHUKLA, M.D., LIC. #N/A

RESOLUTION: License granted.

2. MD-21-0902A, VICTOR BYKOV, M.D., LIC. #N/A

RESOLUTION: License granted.

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

1. THIS CASE HAS BEEN PULLED FROM THE AGENDA.

2. MATTHEW BLACKE, M.D., LIC. #NA

Dr. Gillard stated that the applicant was unable to obtain primary source verification for a clinic.

MOTION: Dr. Gillard moved to grant the waiver and grant the license.

SECOND: Ms. Dorrell.

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

R. GENERAL CALL TO THE PUBLIC

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

S. ADJOURNMENT

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

SECOND: Ms. Bain.

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's teleconference adjourned at 11:29 a.m.



A handwritten signature in black ink that reads "Patricia E. McSorley".

Patricia E. McSorley, Executive Director