



Arizona Medical Board

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DRAFT MINUTES FOR TELECONFERENCE MEETING

Held on Thursday, April 7, 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 8:04 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, Ms. Jones and Ms. Oswald.

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

- Legislative Update, Including but Not Limited To:
 - SB1331 International Medical Graduates; Licensure; Accreditation
Ms. McSorley reported that this bill is dead for this session. It is controversial and would change the process on how to license international medical graduates.
 - SB1568 Health Professionals; Complaints and Investigations

Ms. McSorley reported that the Board already does most of the requirements in this bill. One significant change for us is for investigations to be completed in 180 days. However, the bill does allow for an additional 100 days if additional time is required. After the additional 100 days the Board would have to administratively close it and can reopen it if additional evidence is obtained. Ms. McSorley stated that this is a reasonable timeframe, but noted that some cases are more complex or are protracted for a variety of reasons. If the physician requests an extension the timeframe is no longer applicable. Ms. McSorley opined that this bill will most likely pass.

- SB1309 Temporary Licenses; Health Professionals; Extension
- Update on Temporary Emergency Licenses and Governor's Declaration of Emergency re: COVID-19

Ms. McSorley reported that last week the Governor ended the State of Emergency and therefore we are no longer granting temporary emergency licenses. SB1309 was signed into law which states that if a physician held a temporary emergency license on March 1st that license would be good until January 2023. There is a time gap for those license issues after March 1st when the state of emergency was still in place. Staff has been working with hospital for those individuals on a different licensure path.

Ms. McSorley also reported regarding SB1169 and stated that this bill is viable and there will be an exception to the list of provisions for the 90 MME limit. It will be extended to include patients with chronic intractable pain once the patient has established a health profession/patient relationship and they've tried a does less than 90 MME and it has not been effective to treat their pain.

E. CHAIR'S REPORT

- Discussion Regarding the June 10, 2022 Board Member Training

Dr. Farmer reported that there will be in-person training for the June 10th meeting. Board room A is still being worked on. Construction should commence next month therefore the Committee meetings will be held via Zoom on the 9th. Board members inquired about a hybrid format for the June 10th training.

Ms. McSorley commented that staff will look into the IT requirements in Board Room B and whether or not the meeting can be a hybrid format.

F. LEGAL ADVISOR'S REPORT

- Discussion Regarding Formal Interview Processes

Ms. Smith provided training regarding ways to make a better record at the formal interview stage in light of guidance received from the superior court.

- Discussion and Possible Action re *Spirtos v Arizona Medical Board*, LC2021-000292

Ms. Smith provided an update with regard to the judicial review action that was filed by Dr. Spirtos in Case #MD-17-0906A. The Board moved to deny the motion for rehearing or review in September and upheld the revocation of the license. Dr. Spirtos timely filed an appeal with the Superior Court. Mr. Harris has been assigned as counsel on behalf of the Board to proceed with the matter given the complexity of the new statutory language of how the appeals are prosecuted. There is a consent agreement being proposed today for the Board's review and consideration. Ms. Smith requested that the Board go into executive session to obtain legal advice and to discuss and consider settlement or pending litigation.

MOTION: Ms. Bain moved for the Board to enter into Executive Session to obtain legal advice and for discussion with the Board's attorney regarding pending or contemplated litigation pursuant to A.R.S. § 38-431.03(A)(3) and (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, Ms. Jones and Ms. Oswald.

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

MOTION PASSED.

The Board entered into Executive Session at 11:27 a.m.

The Board returned to Open Session at 11:55 a.m.

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

MOTION: Dr. Gillard moved to accept the proposed consent agreement for a Decree of Censure and Consent to the same.

SECOND: Dr. Krahn.

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, Ms. Jones and Ms. Oswald. The following Board members abstained: Ms. Bain.

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

MOTION PASSED.

G. DISCUSSION REGARDING DEBRIEFING ON BOARD PROCESSES

- May 11, 2022 Joint Officers Meeting

Board staff reminded Board officers of the Biannual Joint Officers meeting being held prior to the PA Board May 11, 2022 meeting.

H. APPROVAL OF MINUTES

- January 25, 2022 Summary Action Teleconference, including Executive Session
- February 4, 2022 Teleconference, including Executive Session

Ms. Jones abstained from the February 4, 2022 Teleconference meeting and Dr. Figge abstained from the January 25, 2022 Summary Action minutes.

Dr. Gillard noted there is an error under the Advisory Letter # 6 in the February 4, 2022 minutes.

MOTION: Dr. Gillard moved to approve the January 25, 2022 Summary Action Teleconference; including Executive Session and the February 4, 2022 Teleconference; including Executive Session as modified by the Board.

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, Ms. Jones and Ms. Oswald.

VOTE: 10-yay, 0-nay, 0 (Ms. Jones from the February 4th Minutes, Dr. Figge from the January 25th Minutes)-abstain, 0-recuse, 0-absent.

MOTION PASSED.

LEGAL MATTERS

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

1. MD-19-0605A, WILLIAM L. SUN, M.D., LIC. #33617

AAG Carrie Smith participated telephonically on behalf of the State. Monique Coady participated telephonically as the Board's Independent Advisor.

AAG Smith informed the Board that this case was initiated after receiving notification from a hospital that Dr. Sun's privileges had summarily suspended following receipt of a police report indicating use of an illicit substance in addition to prescribing controlled substances for the physician's girlfriend. Based on the complaint and investigation was initiated and Respondent was ordered to complete a PHP assessment. He tested positive for controlled substances that were not prescribed to him. The PHP assessor at that time recommended that Dr. Sun complete a comprehensive evaluation because he denied used of those substances. However, Dr. Sun has never completed the comprehensive evaluation that he was ordered to complete by the Board's assessor. Dr. Sun did enter into an Interim Practice Restriction effective July 2, 2019 which has been enforced for the remainder of the case. During the Board's investigation Respondent admitted to prescribing controlled substances without an exam and without maintaining records for his girlfriend on a few occasions. Board staff additionally determined that Respondent prescribed controlled substances to another patient before and after entering into the Interim Practice Restriction. Respondent failed to appear for the formal hearing and the State requested that the ALJ recommend the license be revoked for multiple violations of the medical practice act. The ALJ has ruled in favor of the State and made the recommendation for revocation. Ms. Smith requested that the Board adopt the ALJ's recommendation. Additionally, Ms. Smith noted that the State submitted a motion to request modifications with some technical and clarifying language. Ms. Smith requested that the Board accept the motion to adopt the Findings of Fact, Conclusions of Law and Order with the requested changes.

MOTION: Dr. Gillard moved to adopt the Findings of Fact, Conclusions of Law and Order for Revocation with the change's requested by the State.

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, Ms. Jones and Ms. Oswald.

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

MOTION PASSED.

J. MOTION FOR REHEARING/REVIEW (Formal Interview)

1. MD-19-0463A, IVOR BENJAMIN, M.D., LIC. #40592

Counsel Paul Giancola participated telephonically on behalf of the physician.

Mr. Giancola argued that the Committee issued discipline based upon four serious complications in a row, noting that Board discipline affects credentialing for certifications and is part of the public record. Mr. Giancola argued that Dr. Benjamin was not given a fair hearing to support the Letter of Reprimand and that there was insufficient justification for discipline. Mr. Giancola further argued that the Letter of Reprimand was not justified by the evidence and was not supported by clear and convincing evidence. Mr. Giancola requested that the Board grant a rehearing or review.

MOTION: Ms. Jones 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. Krahn.

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, Ms. Jones and Ms. Oswald. The following Board member was absent: Ms. Bain.

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

MOTION PASSED.

The Board entered into Executive Session at 9:30 a.m.

The Board returned to Open Session at 9:49 a.m.
No legal action was taken by the Board during Executive Session.

Dr. Gillard commented that the motion was for a Letter of Reprimand that passed unanimously however the Board has heard from counsel.

MOTION: Dr. Gillard moved to grant a review based on A.A.C. R4-16-103(d)(1) for the following purposes: to obtain additional testimony regarding the care and treatment of patients RA, LS, PS, and FC, to obtain a response from the Board's MC regarding her qualifications for review of the case, and to discuss and consider the expert witness reports submitted by Dr. Benjamin regarding the patient care at issue. The review shall be conducted at the Board's June 10 Board meeting.

SECOND: Dr. Bethancourt.

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

VOTE: 8-yay, 1-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-20-0847A, AMIRARSALAN EISSA, M.D., LIC. #50946

Dr. Eissa and counsel Scott King participated telephonically. AAG Carrie Smith participated telephonically on behalf of the State. Monique Coady participated telephonically as the Board's Independent Advisor.

Mr. King requested that the Board adopt the settlement proposal and rescind the non-disciplinary CME Order and provided argument on behalf of Dr. Eissa as follows: Mr. King argued that the Respondent did have a risk benefit discussion with the patient which is documented in the progress note and he saw GD within seven clinical days after his initial office visit with the NP. Dr. Eissa communicated the results of the EKG to GD and recommended he follow up with his cardiologist. Dr. Eissa reasonably relied upon NP Nichols workup to adjust the methadone dose prior to the initial office visit with Dr. Eissa. SIRC found that the decision to taper is the responsibility of the prescriber, which in this case is Dr. Eissa. Dr. Eissa reasonably asked the behavioral health specialist, who is at the same facility, to remind the patient to obtain another EKG that had been requested. Dr. Eissa coordinated care with the cardiologist after the patient rescinded his almost yearlong objection to contacting that physician. On April 6, 2020, Dr. Eissa documented that he informed the patient why he recommended the dose taper that would minimize or avoid any withdrawal symptoms. Dr. Eissa gave GD the opportunity to transfer to another facility which the patient refused. Dr. King concluded his argument by requesting that that the Board grant the settlement proposed and rescind the CME Order.

Ms. Smith summarized the Board initiated case based on a complaint of a 64 year-old male patient with opioid use disorder alleging Respondent inappropriately informed him that he had an abnormal EKG in order to detox and detoxing the patient without medical reason. The Board's MC reviewed the case and identified deviations from the standard of care. Respondent made the decision to taper the methadone dosage prior to examining the patient without having the discussion of the risks and benefits of the taper. With regard to the April 6 discussion referenced by Mr. King, Ms. Smith clarified that the MC stated that by the time that discussion occurred, the physician had already made the decision to taper the methadone, and the discussion should have occurred prior to that decision. Respondent failed to provide the patient with thirty days of medication upon termination and failed to provide the patient's medical records timely to facilitate transfer of care. This patient was at increased risk of relapsing based on the lack of communication on the decision to taper and the lack of discharge medication. The Board

did vote to adopt the SIRC recommendation to issue an Advisory Letter and CME Order to complete 10 hours of an intensive, in-person course regarding medical recordkeeping and to complete the patient communication course offered by CPEP. Ms. Smith stated that the State is not taking a position at this time regarding the request to rescind the CME order.

Mr. King provided rebuttal argument as follows: Dr. Eissa's partner saw the patient seven days before Dr. Eissa did. Based upon the EKG that the NP ordered Dr. Eissa said they needed another EKG and talked about discussed tapering of the methadone. The NP did an EKG and a full history and physical and told the patient that the EKG showed a sinus brachycardia. Given the hypertension and the sinus brachycardia he needed to follow up with his PCP and cardiologist. GD was refusing to see his cardiologist at the time. Dr. Eissa is not the custodian of records and if it took 30 days to send the records there was nothing he could have done. Regarding the 30 day supply of methadone, that's not the way it is prescribed. Mr. King concluded his rebuttal argument by noting that Dr. Eissa and VDS did everything they could to assist GD in transferring to another provider and it was the patient who was resisting.

Dr. Gillard noted that there are inconsistencies in the complaint and stated that the computer read the EKG wrong as this was definitely not a normal EKG. Dr. Gillard opined that the physician has gotten the message on records and discussing this with the patient.

MOTION: Dr. Gillard moved to accept the settlement agreement and rescind the CME order.

SECOND: Dr. Figge.

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 members abstained: Ms. Bain and Ms. Jones.

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

MOTION PASSED.

MOTION: Dr. Gillard moved to rescind the referral to formal hearing.

SECOND: Dr. Figge.

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 members abstained: Ms. Bain and Ms. Jones.

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

MOTION PASSED.

L. RESCIND REFERRAL TO FORMAL HEARING AND ACCEPT PROPOSED CONSENT AGREEMENT

1. MD-20-0165A, PATRICK J. DONOVAN, M.D., LIC. #14106

Dr. Donovan and counsel Barry Mitchell participated telephonically. AAG Roberto Pulver participated telephonically on behalf of the State. AAG Monique Coady participated telephonically as the Board's Independent Advisor. Dr. Beyer stated that he knows the physician but it will not affect his ability to adjudicate the case. A.E. addressed the Board during the public statements portion of the meeting.

Mr. Pulver requested that the Board rescind the referral to formal hearing on this matter and accept the proposed consent agreement for voluntary surrender. This matter is regarding two patients who alleged that Dr. Donovan inappropriately touched them during an examination. Dr. Donovan denies these allegations but admits that he failed to adhere to current standards and failed to communicate properly with these two patients about what he was going to do to examine them. Dr. Donovan underwent a Board approved psychosexual evaluation that found he performed unnecessary and improper evaluations on the two patients and that he was unfit to practice. Dr. Donovan disagreed with the

Board's evaluation and underwent a second evaluation with his own evaluator. This evaluator opined that Dr. Donovan did not have sexual motivation when examining these patients but the second evaluator did opine that Dr. Donovan failed to stay current with professional standards. The evaluation also found that Dr. Donovan must accept that he did not properly communicate with these patients and caused them consternation and stress. Mr. Pulver stated that Dr. Donovan no longer wishes to move forward with a formal hearing and is willing to admit that he failed to keep up with professional standard with examining patients. Dr. Donovan signed a consent agreement for surrender that accepts that he engaged in conduct that is or might be harmful or dangerous to the patient or the public.

Mr. Mitchell argued that the expert retained on Dr. Donovan's behalf is a renowned psychosexual evaluator was troubled by the methodology and conclusions of the facility. Dr. Donovan acknowledged that he failed to stay current with practices and patient expectations and accordingly had interaction and communication with patients that were misinterpreted and fell below the standard of care. Dr. Donovan successfully completed a boundaries course. Mr. Mitchell requested that the Board rescind the referral to formal hearing and accept the consent agreement.

Dr. Donovan stated that he believes the consent agreement is appropriate given the circumstances. Dr. Donovan stated that he was falsely accused as a sexual predator and has never acted in a sexual motivation as documented by the second evaluator. Dr. Donovan stated that he understands it is his responsibility to make patients feel comfortable and remain current with standards of practice. Dr. Donovan apologized for any misunderstanding and harm the patients may have felt.

MOTION: Dr. Gillard moved to rescind the referral to formal hearing and accept the proposed consent agreement for Surrender.

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, Ms. Jones and Ms. Oswald.

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

MOTION PASSED.

2. MD-21-0303A, TERRANCE J. KWIATKOWSKI, M.D., LIC. #32371

Counsel Scott King participated telephonically on behalf of the physician. AAG Parvati Josyula participated telephonically on behalf of the State. AAG Monique Coady participated telephonically as the Board's Independent Advisory.

Ms. Josyula summarized that this case was initiated after receiving a disciplinary report from the Nevada board. On March 5, 2021 the Nevada Board reprimanded the Respondent by issuing a Letter of Reprimand and issued a fine. SIRC discussed the case and observed that the care in question was rendered in 2014 and resulted in a patient's death. SIRC noted that this care resulted in a malpractice settlement in 2017. SIRC recognized that Kwiatkowski has no prior Board history and the care in question occurred over 7 years ago. However, SIRC noted that a patient died from a non-diagnosed abscess, which caused airway obstruction resulting in anoxic encephalopathy. Therefore, SIRC recommended a Letter of Reprimand mirroring the Nevada Board action. Ms. Josyula noted that the proposed consent agreement that is before the Board was previously provided to the Respondent, and he has now signed it. Ms. Josyula requested that the Board rescind the referral to formal hearing and accept the signed consent agreement.

Mr. King requested that the Board accept the signed consent agreement in this matter.

Dr. Gillard inquired about how this case was referred to formal hearing.

Ms. Smith, on behalf of the State, clarified that the Respondent elected a formal interview in this matter and missed two consecutively scheduled formal interviews. Based on his failure to appear for the second interview, Committee B referred the case to Formal Hearing and he has subsequently signed the consent agreement.

MOTION: Dr. Gillard moved to rescind the referral to formal hearing and accept the proposed consent agreement for Letter of Reprimand.

SECOND: Ms. Dorrell.

Dr. Figge reiterated that this physician did not appear for the formal interview twice and had plenty of warning.

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, Ms. Jones and Ms. Oswald.

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

MOTION PASSED.

CONSENT AGENDA

M. CASES RECOMMENDED FOR DISMISSAL

MOTION: Dr. Beyer moved to dismiss item numbers 1-3.

SECOND: Ms. Jones.

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, Ms. Jones and Ms. Oswald.

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

MOTION PASSED.

1. MD-21-0451A, JAMES M. NACHBAR, M.D., LIC. #13484

L.T. addressed the Board during the Public Statements portion of the meeting. Dr. Beyer and Dr. Figge stated that they know the physician but it will not affect their ability to adjudicate the matter.

RESOLUTION: Dismiss.

2. MD-21-0531A, OBINNA P. N. EGBO, M.D., LIC. #33582

RESOLUTION: Dismiss.

3. MD-21-0275A, NAVTEJ S. TUNG, M.D., LIC. #30264

Counsel Fred Cummings addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Dismiss.

N. CASES RECOMMENDED FOR ADVISORY LETTERS

MOTION: Dr. Gillard moved to issue an Advisory Letter in case item numbers 1-6 and 6-8.

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, Ms. Jones and Ms. Oswald.

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

MOTION PASSED.

1. MD-21-0268B, HAMLET P. BENYAMIN, M.D., LIC. #33130

Counsel Rita Bustos addressed the Board during the Public Statements portion of the meeting on behalf of the physician.

RESOLUTION: Advisory Letter for failure to recognize and address a malpositioned port-a-cath visible on a CTA 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.

2. MD-21-0268E, MASOOD HASHMI, M.D., LIC. #49242

Counsel Elizabeth Petersen addressed the Board during the Public Statements portion of the meeting on behalf of the physician.

RESOLUTION: Advisory Letter for failure to recognize and address a malpositioned port-a-cath visible on a CTA 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.

3. MD-21-0325A, LOAN L. B. NGUYEN, M.D., LIC. #31515

Dr. Nguyen and counsel Andrew Plattner addressed the Board during the Public Statements portion of the meeting. B.T. and G.E. addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Advisory Letter for failing to adequately communicate and document care and treatment options with the patient's spouse. While there is insufficient evidence to support disciplinary action, the board believes that continuation of the activities that led to the investigation may result in further board action against the licensee.

4. MD-21-0859A, MICHAEL W. CARLTON, M.D., LIC. #21360

RESOLUTION: Advisory Letter for revocation of his DEA registration. 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.

5. MD-20-0845A, RAMA VASIREDDY, M.D., LIC. #28052

Dr. Vasireddy and counsel Gregory Harris addressed the Board during the Public Statements portion of the meeting.

Dr. Beyer commented that this is a case regarding who is responsible for the records. The physician believed that the records were transferred to the employer when she left. The fact that the employer did not have the records when the records were requested does not change the fact that the physician was still the custodian of those records.

MOTION: Dr. Beyer moved to dismiss.

SECOND: Dr. Gillard.

Dr. Gillard commented that the physician has not seen the patient in years. Dr. Gillard noted that the physician is responsible for keeping the records for six years, but this was out of the physician's control.

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, Ms. Jones and Ms. Oswald.

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

MOTION PASSED.

6. MD-21-0622A, PETER A. SNITOVSKY M.D., LIC. #58303

RESOLUTION: Advisory Letter for failure to address the patient's arthritic scaphotrapezoid joint intraoperatively. While there is insufficient evidence to support disciplinary action, the board believes that continuation of the activities that led to the investigation may result in further board action against the licensee.

7. MD-21-0414A, MARK BRYNIARSKI M.D., LIC. #42063

RESOLUTION: Advisory Letter for using an off-label product without pre-operative discussion with the patient outlining risks/benefits and possible alternative treatments. 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.

8. MD-20-1038A, IGOR V. ZAYTSEV, M.D., LIC. #38042

RESOLUTION: Advisory Letter for failing to diagnose a right lung mass 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.

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

1. MD-21-0299A, RALPH J. PAGANO, M.D., LIC. #16997

MOTION: Dr. Gillard moved to issue an Advisory Letter and Order for Non-Disciplinary CME for overprescribing central nervous system acting medications for restless leg syndrome. There is insufficient evidence to support disciplinary action. Within six months, complete no less than 2 hours of Board staff pre-approved Category I CME in the proper prescribing of CNS medications to geriatric patients. The CME hours shall be in addition to the hours required for license renewal.

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, Ms. Jones and Ms. Oswald.

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

MOTION PASSED.

P. REVIEW OF EXECUTIVE DIRECTOR DISMISSALS

MOTION: Dr. Beyer moved to uphold the ED dismissal 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, Ms. Jones and Ms. Oswald.

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

MOTION PASSED.

1. MD-21-0539A, JOHN C. LIN, M.D., LIC. #31442

K.T. and D.T. addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Dismissal upheld.

2. MD-21-0247A, CHRISTOPHER A. IANNOTTI, M.D., LIC. #43972

RESOLUTION: Dismissal upheld.

Q. PROPOSED CONSENT AGREEMENTS (Disciplinary)

MOTION: Dr. Gillard moved to accept the proposed consent agreements in item numbers 1-5.

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, Ms. Jones and Ms. Oswald.

VOTE: 10-yay, 0-nay, 0-abstain, 0 (Dr. Krahn recused from #4)-recuse, 0-absent.

MOTION PASSED.

1. MD-21-0650A, JEREMY M. ALVORD, M.D., LIC. #50936

RESOLUTION: Accept the Consent Agreement for Letter of Reprimand and Four Year Probation, retroactive to October 14, 2021, with terms and conditions consistent with his Interim Order. The Probation shall not terminate except upon affirmative request of the physician and approval by the Board, and Dr. Alvord's request for termination shall be accompanied by a recommendation from his PHP Contractor stating that monitoring is no longer required.

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

RESOLUTION: Accept the Consent Agreement for Letter of Reprimand and Probation to comply with the Illinois Board Order. Once the licensee has complied with the terms of probation, he must affirmatively petition the Board to request that the probation be terminated. Dr. Hyson's request for termination shall demonstrate that the Illinois Board Order has been terminated.

3. MD-19-1068A, ROBERT M. ROWLETT, M.D., LIC. #52559

RESOLUTION: Accept the Consent Agreement for Letter of Reprimand and Five Year Probation, retroactive to August 18, 2020, with terms and conditions consistent with his Interim Order. The Probation shall not terminate except upon affirmative request of the physician and approval by the Board, and Dr. Rowlett's request for termination shall be accompanied by a recommendation from his PHP Contractor stating that monitoring is no longer required.

4. MD-20-0964A, ERIK P. CASTLE, M.D., LIC. #36421

Dr. Krahn recused from this case.

RESOLUTION: Accept the Consent Agreement for Decree of Censure.

5. MD-19-0692A, STEPHEN E. LINDSTROM, M.D., LIC. #7585

RESOLUTION: Accept the Consent Agreement for Surrender of License.

R. 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 item numbers 1-5.

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, Ms. Jones and Ms. Oswald.

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

MOTION PASSED.

1. MD-21-0749A, PATRICK H. KNIGHT, M.D., LIC. #N/A

RESOLUTION: License granted.

2. MD-22-0184A, KATHLEEN L. MCDONALD, M.D., LIC. #N/A
Dr. McDonald addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: License granted.

3. MD-22-0229A, THEODORE FELDMAN, M.D., LIC. #N/A

RESOLUTION: License granted.

4. MD-21-0237A, HUGO G. BLAKE, M.D., LIC. #N/A

RESOLUTION: License granted.

5. MD-22-0268A, PATRICK W. BLAKE, M.D., LIC. #N/A

RESOLUTION: License granted.

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

MOTION: Dr. Krahn moved to grant the waiver and grant the license in item numbers 1, 3, 4 and 5.

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, Ms. Jones and Ms. Oswald.

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

MOTION PASSED.

1. SUZANNE NUMAN, M.D., LIC. #N/A

RESOLUTION: Request for waiver and license granted.

2. HERBERT R. JALOWSKY, M.D., LIC. #N/A

Dr. Figge stated that he knows of the physician but it will not affect his ability to adjudicate the case.

Dr. Gillard inquired about the April 18, 2018 Consent for a Practice Limitation and whether or not it has been mitigated.

Ms. Smith informed the Board that an ED memo was provided that contains the requirements for a probono registration. Dr. Jalowsky's previous Arizona license expired, The requirements for probono registration and the language in the statute does not give the Board the discretion to consider the issues that gave rise to the Practice Limitation.

Dr. Gillard commented that the practice limitation was not lifted the Board cannot grant a license if there may be other issues.

Dr. Beyer inquired about the physician having an active license in another state.

Ms. Dunavant confirmed that the physician does not hold an active license in another jurisdiction which is the reason for the waiver.

Dr. Gillard noted that the waiver request is for the Louisiana temporary license.

Ms. Dunuvant clarified that the waiver is for the temp license. The physician does not have an active license in another state and has an inactive Arizona license.

Ms. Smith confirmed that he meets the requirement for a probono registration with the inactive Arizona license.

Dr. Gillard opined that this should be sent back to be looked at further regarding the qualifications.

Ms. McSorley commented that staff shared the same concerns but per the statute the physician meets the very specific requirements. The Practice Limitation was not lifted but he does hold an inactive license.

Ms. Smith requested that the Board refer this matter for further investigation to look into the practice limitation further.

MOTION: Dr. Gillard moved to return this matter for further investigation.

SECOND: Dr. Beyer.

Dr. Figge opined that this physician is looking for a loophole to practice and takes issue with incompetent care.

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, Ms. Jones and Ms. Oswald.

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

MOTION PASSED.

3. ANGELA F. PERRY, M.D., LIC. #N/A

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

RESOLUTION: Request for waiver and license granted.

4. SURINDERJEET S. SANDHU, M.D., LIC. #N/A

RESOLUTION: Request for waiver and license granted.

5. SAMUEL S. SONG, M.D., LIC. #N/A

RESOLUTION: Request for waiver and license granted.

6. TRACY D. TERRELL, M.D., LIC. #N/A

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

Dr. Gillard commented that no information about the application or education has been provided.

Ms. McSorley confirmed that this physician meets the qualifications.

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

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, Ms. Jones and Ms. Oswald.

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

MOTION PASSED.

iii. **REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING LICENSE APPLICATION AND RECOMMENDED ADVISORY LETTER**

1. MD-22-0324A, ELENA VOLFSON, M.D., LIC. #N/A

Dr. Volfson, counsel Steven Perlmutter and John Cladwell addressed the Board during the Public Statements portion of the meeting. Dr. Krahn recused from this case.

Dr. Gillard commented that this physician is fully qualified but the advisory letter is required for practicing on an expired license.

MOTION: Gillard moved to grant license with 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.

Dr. Bethancourt noted that as soon as the physician was aware that her license was expired she quit practicing and reapplied.

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, Ms. Jones and Ms. Oswald. The following Board member recused: Dr. Krahn.

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

MOTION PASSED.

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

OTHER BUSINESS

S. CONSIDERATION OF DUAL JURISDICTION OF THE AMB AND THE ARIZONA HOMEOPATHIC BOARD

1. MD-21-1087A, JONATHAN B. MURPHY, M.D., LIC. #44962

J.C. and A.G. addressed the Board during the Public Statements portion of the meeting.

Dr. Gillard noted that this physician was previously reprimanded in 2014 and 2016.

MOTION: Dr. Gillard moved to assert jurisdiction for the complaint against Dr. Murphy. In the event that the Homeopathic Board also asserts jurisdiction, I move to initiate arbitration proceedings pursuant to A.R.S. § 32-2907.

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, Ms. Jones and Ms. Oswald.

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

MOTION PASSED.

T. APPEAL OF EXECUTIVE DIRECTOR ACTION

1. MD-19-0351A, MD-20-0068A, NADER M. HADDAD, M.D., LIC. #41193

Counsel Scott King and counsel Michelle Donovan addressed the Board on behalf of the physician during the Public Statements portion of the meeting. B.R. addressed the Board during the Public Statements portion of the meeting.

Dr. Beyer noted that although there has been a new review provided by the physician this matter has been reviewed by multiple MCs. Although there is some disagreement this does not change the initial recommendation and there is no need to overturn the ED action. Dr. Beyer spoke in favor of denying the appeal.

MOTION: Dr. Beyer moved to deny the appeal of ED Action.

SECOND: Dr. Krahn.

Dr. Krahn agreed that although there are multiple expert opinions there are still concern. Dr. Krahn opined that more information is required and spoke in favor of the motion.

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, Ms. Jones and Ms. Oswald.

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

MOTION PASSED.

U. GENERAL CALL TO THE PUBLIC

V. 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, Dr. Krahn, Ms. Bain, Dr. Bethancourt, Dr. Beyer, Ms. Dorrell, Dr. Figge, Ms. Jones and Ms. Oswald.

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

MOTION PASSED.

The meeting adjourned at 12:07 p.m.



Patricia E. McSorley, Executive Director