



## Arizona Medical Board

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

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### FINAL MINUTES FOR REGULAR SESSION MEETING

Held on Thursday, May 5, 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 5:03 p.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

- Update on June 10, 2022 Meeting

Ms. McSorley informed the Board that the June 10, 2022 training will be in person but arrangements will be made for those who cannot attend. For the June 9, 2022 meeting, Committee B will meet first to address matters carried over from the previous meeting and then the full Board will meet virtually afterwards to address formal interviews, ALJ matters and licensing cases.

- Update on Board Appointments

Ms. McSorley reported that there are four members up for reappointment. All four should be reappointed. A new Board appointment will be joining the June meeting.

- Update on the Federation of State Medical Boards Meeting Highlights

Ms. McSorley informed the Board that Ms. Rivera, Investigations Manager, was awarded the Williamson Award for her investigative work and developing investigative techniques. Ms. McSorley also provided a summary of topics that were discussed during the FSMB meeting.

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

Dr. Farmer noted completed an audit of the agency's process and the officers will meet with the Executive Director to discuss the report. A summary will be provided to the full Board.

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

No report was provided.

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

R. Screven Farmer, M.D., Chair

### **LEGAL MATTERS**

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

1. MD-21-0286A, JOHN A. EELKEMA, M.D., LIC. #28986

Dr. Eelkema was not present and counsel Colin Bell participated telephonically on the physician's behalf. AAG Smith participated telephonically on behalf of the state. AAG Monique Coady participated telephonically as the Board's Independent Legal Advisor.

Ms. Smith summarized that this case was initiated based on a complaint alleging inappropriate workplace conduct, substance abuse and a health condition that may impair Dr. Eelkema's ability to safely practice medicine. After receiving Dr. Eelkema's initial response where he denied the allegations of the complaint Board staff referred Dr. Eelkema for a PHP assessment. Based on the assessor's evaluation and findings he recommended that Dr. Eelkema would be safe to practice provided he comply with recommendations for additional evaluations and monitoring. Board staff proved Dr. Eelkema with a draft interim consent agreement for PHP participation and an Order for an additional evaluation. Dr. Eelkema responded that he intended to retire from the practice of medicine within 90 days. Board staff agreed to stay the interim order pending an agreement for a voluntary surrender. The parties were unable to come to an agreement and the PHP monitor reported that Dr. Eelkema was not reporting in for urine drug screenings per his interim agreement. Dr. Eelkema subsequently refused to sign and Interim Practice Restriction and go back into compliance with PHP monitoring. Based on his non-compliance, the PHP monitor opined that Dr. Eelkema was not safe to practice. Dr. Eelkema went before the Board for summary action where the Board summarily suspended his license and referred to the case to formal hearing. The Administrative Law Judge (ALJ) issued a Findings of Fact, Conclusions of Law and Order upholding the summary suspension of license and recommended revocation. Additionally, the ALJ ordered Dr. Eelkema to pay costs. The State requested the Board adopt the ALJ recommendation with proposed changes that are clerical in nature and highlighted a few changes that were more substantive.

Ms. Coady requested clarification and proposed changes to the final Order as well.

**MOTION:** Dr. Beyer moved to adopt the Findings of Fact with the changes requested by the State as well as the changes requested by the Board's Independent Advisor.

**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.**

**MOTION:** Dr. Beyer moved to adopt the Conclusions of Law with the changes requested by the State as well as the change's requested by the Board's Independent Advisor.

**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.**

Mr. Bell joined the call on behalf of the physician and asserted that several issues with the Findings of Fact and Conclusions of law that were not supported by the facts of the case. Mr. Bell requested that the Board allow Dr. Eelkema to voluntarily surrender his license under the terms that were previously offered prior to the Formal Hearing. If not accepted, then he requested that the Board not issue a civil penalty imposing the costs of the hearing. Mr. Bell argued that Dr. Eelkema exercised rights that were afforded to him by law and should not be punitively assessed costs. Mr. Bell argued that staff failed to properly investigate the case and no attempt made to ensure the process was applied fairly. Dr. Eelkema admitted to errors; however, Mr. Bell stated that he should have been able to defend himself. Mr. Bell opined that the language in the ALJ recommendation is unreasonable and is not supported by the facts of the case or the evidence that was produced. Mr. Bell stated that the goal is not just to protect the public but to protect physicians as well.

Ms. Smith commented that a very thorough investigation was conducted by staff and Dr. Eelkema refused to cooperate. Ms. Smith requested that the Board adopt the ALJ's recommended decision as requested by the State.

**MOTION:** Dr. Figge moved to adopt the ALJ Recommended Order for Revocation as amended.

**SECOND:** Dr. Bethancourt.

Dr. Beyer spoke in favor of the motion and opined that assessing formal hearing costs is appropriate given the circumstances. Dr. Figge reiterated that this was not a slip shod investigation as argued by counsel, and the costs increased due to the physician's non-compliance. Dr. Figge noted that this case went through a full evidentiary hearing and therefore the physician's rights were not violated.

**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.**

**MOTION:** Dr. Figge moved to adopt the form of Order for Revocation.

**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.**

## **CONSENT AGENDA**

### **I. CASES RECOMMENDED FOR DISMISSAL**

**MOTION:** Dr. Krahn moved to dismiss item numbers 2-6.

**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, Ms. Jones and Ms. Oswald.

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

**MOTION PASSED.**

1. MD-21-0641A, JERRY B. SOBEL, M.D., LIC. #23174  
Dr. Gillard stated that this was a sad case where a 22 year old patient was complaining of neck pain for a week's duration. She was seen in the emergency department and no clear diagnosis was made. Dr. Gillard opined that Dr. Sobel should have taken vitals based on the patient's presentation. This patient died had had a post-mortem examination of staph pneumonia. Temperature, blood pressure and heart rate should have been taken. Dr. Beyer agreed that a basic step that was omitted and could have identified a more serious problem. Dr. Gillard reiterated that this is a case of a very ill patient where no vital signs were taken. If the patient was seen before and comes back with the same complaint it should increase the depth of examination and history. Dr. Gillard commented that an Advisory Letter may be appropriate and the case should be sent to SIRC to notice the physician for an Advisory Letter.

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

**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.**

2. MD-21-0741A, BASSAM M. FAKHOURI, M.D., LIC. #27732

**RESOLUTION: Dismissed.**

3. MD-21-0633A, JEFFREY R. STUART, M.D., LIC. #34915

Counsel Flynn Carey provided a statement to the Board during the Public Statements portion of the meeting on behalf of the physician.

**RESOLUTION: Dismissed.**

4. MD-21-0491A, NOAH D. GRAMS, M.D., LIC. #49157

**RESOLUTION: Dismissed.**

5. MD-21-0700A, SENAIT W. DYSON, M.D., LIC. #41383

MH provided a statement to the Board during the Public Statements portion of the meeting.

**RESOLUTION: Dismissed.**

6. MD-21-0125A, AMIR H. MOASSER, M.D., LIC. #23418

**RESOLUTION: Dismissed.**

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

**MOTION: Ms. Jones moved to issue an Advisory Letter for item numbers 4, 5, 9 and 10.**

**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-21-0719A, ZELALEM YILMA, M.D., LIC. #25431

Dr. Yilma and counsel Flynn Carey provided a statement to the Board during the Public Statements portion of the meeting.

Ms. Jones opined that the physician had legitimate concerns that the scrub tech could have posed a risk of endangering the patient. Ms. Jones noted that there were many letters of support regarding the temperament of the physician and noted that the physician did complete a boundaries course.

**MOTION: Ms. Jones moved to dismiss.**

**SECOND: Dr. Bethancourt.**

Dr. Bethancourt stated that it was evident that this staff did not follow the chain of command. Dr. Gillard noted that there was a peer review and the physician's privileges were suspended until the CME course was completed.

**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-21-0562A, DEEPTI SAINI, M.D., LIC. #51416

Dr. Saini and counsel Scott King provided a statement to the Board during the Public Statements portion of the meeting.

Ms. Jones gave the physician credit for proactively completing the CPEP course for medical record keeping.

**MOTION: Ms. Jones moved to dismiss.**

**SECOND: Ms. Oswald.**

Dr. Beyer commented that this was a very unique and well understood way of documenting things within the center however, changes have been made and there was no harm regarding patient care. Dr. Krahn noted that in general ophthalmology, notes can be hard to understand by those outside the specialty.

**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. MD-21-0728A, MILES W. HOWARD, M.D., LIC. #21113

Dr. Krahn commented that this was a case where a patient was advised to have surgery and did not pursue it at that time. She came into the emergency department and had not taken the medication as she had been advised to. There was a threatening encounter between the husband and the physician who then transferred care to a colleague. The concern was patient abandonment that was abrupt. Dr. Krahn commented that there were factors and challenges and discomfort of the physician treating this patient. Dr. Bethancourt reiterated that given the confrontation with the husband the physician did not abandon the patient but found someone to continue care.

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

**SECOND: Dr. Bethancourt,**

Dr. Beyer spoke in favor of the motion, if the physician continued with care it could have led to misunderstanding and it was wise to find another physician to continue care. Ms. Jones opined that there was a lack of trust which could have resulted in further miscommunications down the line and the physician acted appropriately.

**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.**

4. MD-19-0555A, DHIRAJ R. JEYANANDARAJAN, M.D., LIC. #46082

**RESOLUTION: 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.**

5. MD-21-0536A, ALBERT F. OLIVIER, M.D., LIC. #9954

**RESOLUTION: Advisory Letter for action taken by the West Virginia Board of Medicine and failure to furnish information to the Board in a timely manner. 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.**

6. MD-21-0663A, MARY L. BALLARD, M.D., LIC. #53539

Dr. Bethancourt commented that the complaint was that the physician prescribed metformin and the patient didn't understand that they needed further cardiac workup. The MC opined that the patient could have had a cognitive issue and looking through the records there had not been cognitive testing done by no other physicians who treated and saw the patient

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

**SECOND: Dr. Gillard**

Dr. Gillard commented that the MC thought there was an unidentified cognitive issue.

**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.**

7. MD-21-0990A, TIMOTHY A. CONNER, M.D., LIC. #57316

Dr. Gillard noted that this case involves a radiologist and the Wisconsin Board pulled some charts due to a malpractice case. The Wisconsin Board found issues with a shoulder displacement and ordered CME. Dr. Gillard opined that this was mitigated as the physician has already completed the CME and the original complaint was dismissed by another Board.

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

**SECOND: Dr. Figge.**

Dr. Beyer spoke against the motion as a radiologist should not miss this shoulder dislocation and the fact that it happened should be part of the record and spoke in favor of an Advisory Letter. Dr. Gillard noted that this was a posterior dislocation which is sometimes difficult to diagnose. Dr. Figge noted that the Virginia Board dismissed their investigation while Wisconsin expanded theirs.

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

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

**MOTION PASSED.**

8. MD-21-0475A, STEVEN M. HEILBRUNN, M.D., LIC. #40553

Counsel Douglas Lowden provided a statement to the Board during the Public Statements portion of the meeting on behalf of the physician. B.B. provided a statement to the Board during the Public Statements portion of the meeting.

Dr. Gillard expressed concern that a cardiologist did not direct a patient of this age group with chest pain directly to an emergency department. Dr. Gillard agreed with an Advisory

Letter and spoke in favor of CME. Dr. Bethancourt commented that the physician focused on the prior cath results and dismissed the echocardiogram as being not as accurate. The patient had worsening symptoms, but the physician was focused on the previous data and not that the evaluation could have been wrong. Dr. Gillard further commented that this should have been looked at further.

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

**SECOND: Dr. Bethancourt.**

Dr. Gillard opined that a second MC review may be required or at least sent back to SIRC to be looked at again. Board staff noted that there were mitigating factors that were considered when SIRC made their recommendations. Ms. Jones noted that the MC opined that the physician had deviated from the standard of care. There were several problems throughout the office notes, there were no thorough exam or analysis, had conflicting information and had a congenital heart failure when the patient did not. Dr. Figge commented that another issue with this case is that this patient had worsening aortic stenosis, was becoming more symptomatic and there is a risk of sudden cardiac death. Dr. Figge opined that CME may be appropriate or another MC may need to review the case.

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

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

**MOTION PASSED.**

9. MD-21-0646A, JAIME R. GAITAN, M.D., LIC. #40429

**RESOLUTION: Advisory Letter for performing an ophthalmologic surgery on the wrong eye. While there is insufficient evidence to support disciplinary action, the board believes that continuation of the activities that led to the investigation may result in further board action against the licensee.**

10. MD-21-0560A, JOHN J. MCGILL, M.D., LIC. #26744

**RESOLUTION: Advisory Letter for failing to diagnose a pneumothorax on a post chest x-ray procedure There is insufficient evidence to support disciplinary action.**

11. MD-20-0920A, CHRISTIAN J. INGUI, M.D., LIC. #34785

Dr. Ingui provided a statement to the Board during the Public Statements portion of the meeting.

Dr. Gillard commented that this is a case where the physician missed a diagnosis of a distal fibular fracture on an MRI and opined that there may be bias on a very subtle finding.

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

**SECOND: Dr Figge.**

Ms. Jones noted that the physician stated he has adjusted his procedures and checklists.

**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.**

12. MD-21-0836A, ANAND P. LALAJI, M.D., LIC. #57793

Dr. Figge commented that this case is due to a malpractice settlement involving a missed right upper lobe lesion. Dr. Figge opined that in hindsight, there was likely a finding present, but the diagnosis was delayed. In the meantime, the patient was seen and had various tests and workups done where he tested negative for cancer. Dr. Figge further

noted that when the cancer itself was diagnosed it was from the left upper lobe not the right lobe.

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

**SECOND: Dr. Gillard.**

**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 abstained: Ms. Bain.**

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

**MOTION PASSED.**

#### **K. CASES RECOMMENDED FOR ADVISORY LETTERS WITH NON-DISCIPLINARY CONTINUING MEDICAL EDUCATION ORDERS**

**MOTION: Dr. Gillard moved to issue an Advisory Letter with Continuing Medical Education in item numbers 2-4.**

**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, Ms. Jones and Ms. Oswald.**

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

**MOTION PASSED.**

1. MD-21-0620A, STEVEN S. ABDELMALAK, M.D., LIC. #56923

Dr. Abdelmalak provided a statement to the Board during the Public Statements portion of the meeting.

Dr. Gillard summarized that a family physician did cryotherapy for a lesion and burned it too deeply. The MC did not find a violation of care but it was unfortunate outcome. Dr. Gillard agreed with the issuance of an Advisory Letter but opined that CME was not warranted.

**MOTION: Dr. Gillard moved to issue an Advisory Letter 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.**

**SECOND: Dr. Figge.**

Dr. Beyer spoke against the motion as he was not confident that the physician had gotten the message. Dr. Figge stated that it may have been aggressive, but it is frequently done. This physician is not a dermatologist but a family practitioner and they do this all the time, there was just an unfortunate outcome in this case.

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

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

**MOTION PASSED.**

2. MD-21-0626A, RICHARD H. NIERENBERG, M.D., LIC. #44026

**RESOLUTION: Advisory Letter and Order for Non-Disciplinary CME for the delay in accepting a patient for transfer from another facility and for inadequate communication. 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 PBI's Elevating Civility and Communication in Health Care Course (CC-30). PBI shall provide an AIR letter to the Board upon completion of the CME coursework. The CME hours shall be in addition to the hours required for license renewal.**



3. MD-20-0941A, MD-21-0256A, MICHAEL H. WRIGHT, M.D., LIC. #50466  
T.D. provided a statement to the Board during the Public Statements portion of the meeting.

**RESOLUTION: Advisory Letter and Order for Non-Disciplinary CME for failing to adequately reduce a calcaneal fracture dislocated under the fibula and for inadequate and misleading documentation. While there is insufficient evidence to support disciplinary action, the board believes that continuation of the activities that led to the investigation may result in further board action against the licensee. Within six months, complete no less than 10 hours of Board staff pre-approved Category I CME in an intensive, inperson course regarding medical recordkeeping, and complete no less than 2 hours of Board staff pre-approved Category I CME in the evaluation and management of foot (calcaneal) fractures and dislocations. The CME hours shall be in addition to the hours required for license renewal.**

4. MD-21-0419A, VAZGEN R. ARTOUNIAN, M.D., LIC. #31593

**RESOLUTION: Advisory Letter and Order for Non-Disciplinary CME for inadequate examination, inappropriate prescribing of medications, and inadequate documentation. While there is insufficient evidence to support disciplinary action, the board believes that continuation of the activities that led to the investigation may result in further board action against the licensee. Within six months, complete no less than 10 hours of Board staff pre-approved Category I CME in an intensive, in-person course regarding medical recordkeeping, complete no less than 2 hours of Board staff pre-approved Category I CME in the evaluation of abdominal complaints, and complete no less than 2 hours of Board staff pre-approved Category I CME in the evaluation and treatment of commonly encountered skin disorders. The CME hours shall be in addition to the hours required for license renewal.**

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

**MOTION: Dr. Beyer moved to uphold the ED Dismissal in item numbers 1-6.**

**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.**

1. MD-21-0469A, IGOR R. YUSUPOV, M.D., LIC. #44305  
S.N. provided a statement to the Board during the Public Statements portion of the meeting.

**RESOLUTION: Dismissal upheld.**

2. MD-21-0705A, STEVEN J. YOUNGER, M.D., LIC. #30468  
Dr. Younger and counsel Scott King provided a statement to the Board during the Public Statements portion of the meeting.

**RESOLUTION: Dismissal upheld.**

3. MD-21-0705B, SUDHANSHU K. JAIN, M.D., LIC. #40825

**RESOLUTION: Dismissal upheld.**

4. MD-21-0571A, ESSA J. SIDIQI, M.D., LIC. #48667

**RESOLUTION: Dismissal upheld.**

5. MD-21-0707A, PATRICIA S. BHOOLA, M.D., LIC. #46898

**RESOLUTION: Dismissal upheld.**

6. MD-21-0814A, CHARLES S. PLIMPTON, M.D., LIC. #20429

**RESOLUTION: Dismissal upheld.**

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

**MOTION:** Dr. Figge moved to accept the proposed consent agreement in item numbers 1 and 2.

**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, Ms. Jones and Ms. Oswald.

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

**MOTION PASSED.**

1. MD-20-0445B, HILARIO JUAREZ, M.D., LIC. #12148

**RESOLUTION:** Letter of Reprimand and Probation. 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. The Probation shall terminate upon proof of successful completion of the CME coursework.

2. MD-21-0302A, STEPHANIE C. JACKSON, M.D., LIC. #46714

Dr. Gillard noted that the physician did appear for a Formal interview and elected to sign the consent agreement at that time.

**RESOLUTION: Letter of Reprimand.**

#### **N. LICENSE APPLICATIONS**

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

**MOTION:** Ms. Jones moved to grant the license application in item numbers 1 and 2.

**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, Ms. Jones and Ms. Oswald.

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

**MOTION PASSED.**

1. MD-22-0110A, JANA M. WILLIAMS, M.D., LIC. #N/A

**RESOLUTION: License granted.**

2. MD-22-0216A, MARK E. SCHWEITZER, M.D., LIC. #N/A

**RESOLUTION: License granted.**

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

1. MICHAEL J. MCNETT, M.D., LIC. #N/A

Dr. Gillard summarized that this physician was employed by a health care center that was closed in 2018. The licensee holds a license in NY and NJ without action.

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

**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.**

**iii. CONSIDERATION AND POSSIBLE ACTION TO APPROVE OR DENY PRO BONO LICENSE APPLICATION, OR TAKE OTHER ACTION**

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

Dr. Gillard and Dr. Figge stated that they know the physician, but it will not affect their ability to adjudicate the case.

Dr. Gillard noted that this case was sent back to address the practice limitation concern expressed by Board members. Dr. Gillard commented that having read the physician's response he does not have a concern regarding cognitive problem. Dr. Gillard recommended that the physician request a sponsorship from the Board to take the SPEX exam.

**MOTION:** Dr. Gillard moved to allow the physician to take the SPEX exam with the FSMB and sponsorship by the AZ Medical Board, if passes grant the pro bono license.

**SECOND:** Dr. Figge.

Dr. Figge spoke in favor of the motion to ensure the physician is safe to practice.

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

**SECOND:** Ms. Jones.

**VOTE:** The following Board members voted in favor of the motion: 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 7:40 p.m.

The Board returned to Open Session at 8:02 p.m.

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

**MOTION WITHDRAWN.**

**MOTION:** Dr. Gillard moved to table this matter to allow staff for further input.

**SECOND:** Dr. Figge.

Dr. Beyer spoke against the motion as he is comfortable moving forward without the practice limitation. The concern was regarding whether the physician is safe to practice after being out of practice for some time. Dr. Beyer noted that a Pro Bono license to practice medicine is limited and spoke in favor of terminating the practice limitation.

Ms. Smith clarified that if the Board feels the physician is safe to practice, the Board may terminate the practice limitation and grant the pro bono license. If the Board wishes to further evaluate the physician's ability to safely practice medicine, he would need to request termination of the practice limitation so that the Board can then request the evaluation pursuant to the consent agreement.

Dr. Farmer commented that there are different procedural requirements for a pro bono license and noted that there are two separate issues facing the Board- the concern regarding cognitive functioning and the physician's lapse in time from

practice. Dr. Farmer disagreed with the statement that a pro bono license is more contained, and that a pro bono license still allows a physician to use the full prescribing authority and many other practices. Dr. Figge noted that there are a limited of days you can practice and there is no charge but a physician with a pro bono license is still required to meet the stand of care of medicine. Dr. Figge agreed that there is no longer a cognitive issue, but a competency question given the time out of practice.

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

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

**MOTION PASSED.**

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

## **OTHER BUSINESS**

### **O. REQUEST FOR TERMINATION OF BOARD ORDER**

1. MD-18-0410A, MICHAEL J. ROSEN, M.D., LIC. #21267

Dr. Gillard noted that the physician has completed the required courses per the Board order.

**MOTION: Dr. Gillard moved to grant the request to terminate the June 3, 2020 Board Order.**

**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.**

2. MD-20-0201A, SIRISHA VADALI, M.D., LIC. #60302

Dr. Gillard noted that the physician is compliant and that the Monitor is in favor of termination.

**MOTION: Dr. Gillard moved to grant the request to terminate the August 13, 2020 Board Order.**

**SECOND: Dr. Krahn.**

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

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

**MOTION PASSED.**

### **P. APPEAL OF EXECUTIVE DIRECTOR ACTION OR TAKE OTHER ACTION**

1. MD-21-0743A, MICHAEL P. RIDGE, M.D., LIC. #15513

Counsel Scott Hergenroether participated telephonically on behalf of the physician.

Mr. Hergenroether stated that Dr. Ridge had submitted an appeal of an interim order issued by the Executive Director in this matter. The request has now been amended to accept staff's recommendation. Mr. Hergenroether noted that this case arose from patient's complaint regarding a GI examination. The patient stated that Dr. Ridge exposed her breast. Dr. Ridge strongly denies the allegation but does apologize for the offense the patient took when he recommended the COVID vaccination. Dr. Ridge is

willing to enter into a permanent practice restriction for the remainder of his career that requires a chaperone for all female patients. Dr. Ridge has also agreed to take the three-day boundaries course offered by CPEP. Mr. Hergenroether requested that the Board accept the Practice Restriction.

Ms. Smith informed the Board that there is a staff supported alternative resolution in this case and noted that Board has been provided with the recommendation.

**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: 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.**

The Board entered into Executive Session at 5:36 p.m.

The Board returned to Open Session at 5:52 p.m.

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

Dr. Gillard confirmed that Board members have reviewed the material for consideration.

**MOTION: Dr. Gillard Stay the Interim Order and offer Dr. Ridge a consent agreement for probation to complete PBI's Boundaries and Ethics CME and obtain and AIR letter within 6 months, and a permanent practice restriction requiring use of a female chaperone who is an Arizona licensed healthcare provider for all female patients. Board staff or it agents may conduct periodic chart reviews to monitor Dr. Ridge's compliance with this Order. If not accepted within 30 days, deny the appeal.**

**SECOND: Dr. Bethancourt.**

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

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

**MOTION PASSED.**

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

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

## **R. ADJOURNMENT**

**MOTION: Dr. Gillard moved to adjourn the meeting.**

**SECOND: Dr. Bethancourt**

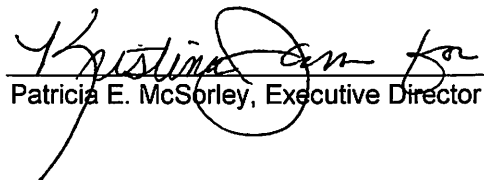
**VOTE: The following Board members voted in favor of the motion: Dr. Farmer, Dr. Gillard, Dr. Krahn, Ms. Bain, Dr. Bethancourt, Dr. Beyer, Ms. Dorrell, Dr. Figge, Ms. Jones and Ms. Oswald.**

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

**MOTION PASSED.**

The meeting adjourned at 8:26 p.m.



  
Patricia E. McSorley, Executive Director