



Arizona Medical Board

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

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

DRAFT MINUTES FOR SPECIAL TELECONFERENCE MEETING

Held on Thursday, November 3, 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
Katie S. Artz, M.D., M.S.
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
Constantine Moschonas, M.D., F.A.A.N.
Eileen M. Oswald

GENERAL BUSINESS

A. CALL TO ORDER

Chairman Farmer called the Board's meeting to order at 5:10 p.m.

B. ROLL CALL

The following Board members participated in the teleconference: Dr. Farmer, Dr. Gillard, Dr. Krahn, Dr. Artz, Ms. Bain, Ms. Dorrell, Dr. Figge, Ms. Jones, Dr. Moschonas and Ms. Oswald.

The following Board member was absent: Dr. Bethancourt and Dr. Beyer.

ALSO PRESENT

The following Board staff participated in the teleconference: Patricia McSorley, Executive Director; Kristina Jensen, Deputy Director; Raquel Rivera, Investigations Manager; Kathleen Coffey, M.D., Interim 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 Refurbishment of Boardroom A
- Format of Future Board Meetings

E. CHAIR'S REPORT

- Update on Refurbishment of Boardroom A

Dr. Farmer informed the Board that Board staff will consult all board members and a number of the attorneys who represent physicians regarding the format for future meeting and these responses will go to the ADHOC committee for consideration. Dr. Farmer noted that Board Room A is available, but the electronics will not be available for February and may not be available until the summer. Dr. Farmer stated that the Board will still meet in-person for the February meeting.

Ms. Jensen informed the Board of the latest discussion with the project manager where he stated that we're not the only board trying to do this and are being held up. There is a company that can do a pop-up meeting for February. They will provide all the AV equipment and will manage it throughout the meeting. Ms. Jensen explained that she will meet with a salesperson this week to evaluate what would be needed to meet the board's requirements and will have a quotation in the next week or two.

- **Format of Future Board Meetings**

Dr. Farmer stated that the December meeting will be one day on Thursday, December 1, 2022.

Ms. McSorley stated that staff will contact the ADHOC to meet before the December meeting.

F. LEGAL ADVISOR'S REPORT

- **Update re: Case 2:21-cv-01417-DLR *Issacson et. al. v Brnovich et. el.***

Ms. Smith provided an update on the pending federal case regarding the abortion statutes. There has been an oral argument regarding a renewed request for an injunction. Ms. Smith noted that an Order from the court has not been received at this time.

- **Update re: *Pardi vs. Arizona Medical Board*, CV2022-004494**

Ms. Smith provided a legal memo regarding a new case for the Board's review.

G. DISCUSSION REGARDING DEBRIEFING ON BOARD PROCESSES

H. APPROVAL OF MINUTES

LEGAL MATTERS

I. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON SETTLEMENT OFFER IN LIEU OF FORMAL HEARING

1. **MD-18-1070A, MD-18-1197A, DAVID G. LAWSON, M.D., LIC. #23145**

Dr. Lawson and counsel participated virtually. AAG Roberto Pulver participated virtually on behalf of the State. AAG Jeanne Galvin participated virtually as the Board's Independent Legal Advisor.

Ms. Stark informed the Board that the narrative provided is meant to serve as Dr. Lawson's explanation not as the Findings of Fact. Ms. Stark stated that Dr. Lawson is open to the Board's terms and conditions and is not attempting to contest every allegation. Dr. Lawson is willing to accept responsibility for the mistakes he made and can be regulated by the Board. Ms. Stark requested that the Board offer a pathway to maintain his license for the duration of his career.

Dr. Lawson acknowledged that his use of controlled substances was not up to standards and his charting could have been better. Dr. Lawson stated he is willing to accept a permanent restriction of prescribing controlled substances. Dr. Lawson stated that he wishes to continue to provide care to his patients.

Mr. Pulver stated that the State takes no position towards the order they are putting forth but objects to the narrative provided. One of the big issues had been poor record keeping. The MC also found poor record keeping and did not find Dr. Lawson's explanation that was not aware of the medical recordkeeping issues credible. Mr. Pulver explained that if the Board is not comfortable with the proposed order the State has drafted proposed consent agreement for surrender and feels the Findings of Fact can be supported at the hearing.

In closing, Ms. Stark requested that the Board consider if revocation is appropriate or if the physician can be regulated by a practice restriction and continue to practice.

During deliberation, Dr. Farmer commented that this has been an extensive 8-year period with many opportunities and education for the physician to learn and it has not happened. The issues here are not about complex patient care but are about repeated non-compliance and not learning from the efforts of remediation. Dr. Farmer found the record to be concerning public safety. Dr. Krahn expressed concern about the physician's understanding of the problems and the fact that he's been in an extensive CME program and has not corrected the issues. Dr. Krahn also expressed concern regarding the physician's statement that he did not obtain feedback from the monitor despite the State's finding that there was. Dr. Krahn expressed concern that the physician was not able to comprehend the feedback and that the physician cannot practice medicine according to the standards of the community. Dr. Gillard noted the physician's long history of Board action. Dr. Gillard commented that Lyrica is a Schedule 5 drug and has the lowest level of abuse. Dr. Gillard acknowledged that since it was a Schedule 5 drug there was a violation but requested the Board look at the entire picture.

Ms. Galvin informed the board of their options

MOTION: Dr. Krahn moved to reject the settlement offer.

SECOND: Ms. Oswald.

Dr. Gillard noted the terms of the physician's offer and was not in favor of going forward with a hearing. Dr. Figge noted that there have already been probation and chart reviews and not being able to prescribe controlled substances which is what is being proposed. Dr. Figge stated that all this has been done and there are still issues present and therefore spoke in favor of the motion. Dr. Artz spoke in favor of the motion and stated that although Lyrica is not used often, if the physician was under the strict restriction he should have looked into the medication as it is a scheduled drug. Dr. Moschonas commented that Lyrica is a scheduled drug but commented that he is unsure why it should be a scheduled drug. Dr. Gillard reminded the Board that if this moves forward with a formal hearing it will give the physician an opportunity to be fully heard. Dr. Farmer opined that Lyrica is not the main issue here but rather the continued documentation and quality of care issues. Ms. Jones spoke in favor of the motion, there have been continued problems even though the physician has taken the PACE course on medical recordkeeping and prescribing of controlled substances as well as probation. Ms. Dorrell spoke in favor of as he will have a full evidentiary hearing.

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

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

CONSENT AGENDA

J. CASES RECOMMENDED FOR DISMISSAL

MOTION: Ms. Jones moved to issue a dismissal in item numbers 2-7.

SECOND: Dr. Gillard.

Dr. Gillard acknowledged the call to public statements.

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

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

1. THIS CASE HAS BEEN PULLED FROM THE AGENDA.

2. MD-22-0120A, ROBERT D. SCHULTE, M.D., LIC. #23206

RESOLUTION: Dismiss.

3. MD-22-0089A, REECHA MADAN, M.D., LIC. #55708
M.T. addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Dismiss.

4. MD-22-0302A, ADIL M. BAIG, M.D., LIC. #56548

RESOLUTION: Dismiss.

5. MD-22-0099A, BARBARA C. LIPSCHITZ, M.D., LIC. #8937
V.P. addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Dismiss.

6. MD-22-0135A, LALITH K. GANDE, M.D., LIC. #42150

RESOLUTION: Dismiss.

7. MD-21-0671A, PAUL W. LARSON, M.D., LIC. #41014

RESOLUTION: Dismiss.

K. CASES RECOMMENDED FOR ADVISORY LETTERS

MOTION: Dr. Krahn moved to issue an Advisory Letter in item numbers 1,

SECOND: Ms. Bain

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

VOTE: 10-yay, 0-nay, 0-abstain, 0(Dr. Figge recused from item number 7)-recuse, 2-absent.

MOTION PASSED.

1. MD-21-0500A, KARL B. HIATT, M.D., LIC. #19230

RESOLUTION: Advisory Letter for failing to timely evaluate and treat post-operative diplopia and for inadequate 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.

2. MD-21-0993A, IBRAHIM H. SIDIQI, M.D., LIC. #50640

Counsel Robert Beardsley addressed the Board during the Public Statements portion of the meeting on behalf of the physician.

Dr. Gillard commented that he did not like that a physician is pushed to sign a death certificate when he hadn't seen the patient for a duration of time. Dr. Gillard noted that the physician has gotten the message and completed the CME course. Dr. Gillard opined that the case should be dismissed due to the mitigating circumstance.

MOTION: Dr. Gillard moved to dismiss.

SECOND: Dr. Figge.

Ms. Jones noted the attorney's comments and that the physician stated he had only seen the patient one time and had no recollection of the patient. Ms. Jones found it aggravating that the physician continued to refill the patient's prescription over a period of time after not seeing the patient. Dr. Farmer agreed with Ms. Jones comments but could sympathize with the physician. Dr. Farmer agreed that there has been a lot of mitigation.

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

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

3. MD-22-0037A, HARPREET S. WADHWA, M.D., LIC. #54536

RESOLUTION: Advisory Letter for failing to perform a physical exam 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.

4. MD-22-0211A, TOMAS RIVERA-BONILLA, M.D., LIC. #44459

Ms. Jones agreed with the recommendation but inquired about the physician not updating his address and in this case what means of communication did the Board use.

Board staff explained that if there is no practice address the physician will leave it blank as they are not required to have a practice address but are required to have a mailing address so that the Board can contact them. Board Staff explained the physician was able to be contacted and he provided an explanation and that there was a delay in updating his address with the board.

Ms. Jones spoke in favor of dismissal as this was an honest mistake and involved no patient care.

MOTION: Ms. Jones moved to dismiss.

SECOND: Dr. Moschonas.

Dr. Figge noted that the Board has sent out information and literature about the importance of updating your contact information and ignorance does not change the requirements. Dr. Figge further noted that Board has given advisory letters in the past for this and spoke against the motion. Dr. Krahn noted the importance of communication and having updated contact address with the Board even if living in another state.

Board staff clarified that the statute states the physician is required to have a resident and practice address and telephone number, email is not captured in the statute. If email is provided that is added to the mailing contact information.

Ms. Oswald noted that patients and physicians were unable to reach this physician which was potential harm as there wasn't continuity of care. Ms. Jones did note the multiple texts from the cardiology center and agreed with Board members comments.

MOTION WITHDRAWN.

MOVED: Ms. Jones moved to issue an Advisory Letter for failing to timely update his practice address with the Board. There is insufficient evidence to support disciplinary action.

SECOND: Dr. Moschonas.

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

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

5. MD-21-1129A, KINGLSEY R. CHIN, M.D., LIC. #55548

RESOLUTION: Advisory Letter for action taken by the Florida Board. While there is insufficient evidence to support disciplinary action, the board believes that continuation of the activities that led to the investigation may result in further board action against the licensee.

6. MD-21-0589A, IRAM AHMAD, M.D., LIC. #54035

Dr. Ahmad and counsel Margaret Dean addressed the Board during the Public Statements portion of the meeting. L.R., B.S. and S.C. addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Advisory Letter for prescribing high doses of levothyroxine for prolonged periods causing tachycardia. 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-21-1002A, MARK T. YOSHINO, M.D., LIC. #14912

Dr. Figge was recused from this case.

RESOLUTION: Advisory Letter for failing to recommend further evaluation of a right upper lobe density identified on a chest x-ray. 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.

8. THIS CASE HAS BEEN PULLED FROM THE AGENDA.

9. MD-22-0354A, MARIA B. MAINOLFI-PALARATA, M.D., LIC. #64944

RESOLUTION: Advisory Letter for action taken by the Maryland Board. While there is insufficient evidence to support disciplinary action, the board believes that continuation of the activities that led to the investigation may result in further board action against the licensee.

10. MD-22-0098A, BRUCE C. HERMAN, M.D., LIC. #55314

RESOLUTION: Advisory Letter for failing to timely discontinue sodium chloride tablets and inadequate communication with a family. 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.

11. MD-21-0768A, TABITHA G. MOE, M.D., LIC. #44311

RESOLUTION: Advisory Letter for improperly implanting a cardiac pacemaker through the left subclavian artery, inadequate supervision of a cardiology fellow, and incomplete 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.

12. MD-21-1014A, KAREN B. BARCKLAY-DODSON, M.D., LIC. #29446

RESOLUTION: Advisory Letter for failing to restart morphine maintenance after other modalities for pain were ineffective and 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.

13. MD-22-0104A, JENNIFER K. DAIS, M.D., LIC. #52011

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

RESOLUTION: Advisory Letter for failing to acknowledge the etiology of the patient's baclofen withdrawal and for inadequate communication with the patient's family. 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.

14. MD-21-0849A, CYNTHIA E. MILEY, M.D., LIC. #19248

Ms. Jones noted that the physician has improved her medical recordkeeping but noted that she failed to submit records to the Board in a timely manner. Ms. Jones further noted that the MC did not find a violation of the standard of care and she stopped prescribing Ivermectin after Arizona Medical Association press release. Dr. Figge agreed with issuing an advisory letter due to the pharmacy filed the complaint and Ivermectin being prescribed did not breach the standard of care at that time but the issue of not being cooperative with the Board process and being unresponsive.

MOTION: Ms. Jones moved to issue an Advisory Letter for failing to timely furnish information to the Board and for inaccurate 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.

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

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

15. MD-22-0535A, JOSHUA R. OLSON, M.D., LIC. #47493

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

Dr. Gillard noted that all the prescriptions were written after surgical procedures and were not out of the guidelines, but the physician did not query them. Dr. Gillard opined that this has been mitigated as the physician has taken the CME course and learned from this.

MOTION: Dr. Gillard moved to dismiss.

SECOND: Dr. Figge.

Dr. Figge noted that there are exceptions where you're not required to query after post-op and was unsure if the physician was technically in violation. Ms. Jones spoke in favor of the motion since as soon as the physician was notified of the investigation; he has changed his practice to now query the CSPMP.

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

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

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

MOTION: Dr. Krahn moved to issue an Advisory Letter with Non-Disciplinary CME in item numbers 1-5.

SECOND: Ms. Dorrell.

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

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

1. MD-21-0788A, JOHN A. MALTRY, M.D., LIC. #21028

K.O. addressed the Board during the Public Statements portion of the meeting. Dr. Gillard and Dr. Figge stated that they know the physician, but it will not affect their ability to adjudicate the case.

RESOLUTION: Advisory letter and Order for Non-Disciplinary CME for failure to adequately perform a total hip arthroplasty, failure to provide adequate postoperative care, failure to adequately correct a loose femoral implant at reoperation, and failure to maintain adequate 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-21-0850A, JAMES A. HIATT, M.D., LIC. #32626

Counsel Robert Beardsley addressed the Board during the Public Statements portion of the meeting on behalf of the physician.

RESOLUTION: Advisory Letter and Order for Non-Disciplinary CME for disclosing protected health information. While there is insufficient evidence to support disciplinary action, the board believes that continuation of the activities that led to the investigation may result in further board action against the licensee. Within six months, complete CPEP's ProBE course in ethics. The CME hours shall be in addition to the hours required for license renewal. The licensee shall obtain an unconditional or conditionally passing grade.

3. MD-22-0058A, SHENGLIANG HE, M.D., LIC. #61539

RESOLUTION: Advisory Letter and Order for Non-Disciplinary CME for inappropriately accessing the electronic medical record of a former colleague without documented permission or a business need. 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 Medical Ethics and Professionalism Course (ME-15). 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.

4. MD-22-0159A, ANTHONY J. KATZ, M.D., LIC. #23968

RESOLUTION: Advisory Letter and Order for Non-Disciplinary CME for inappropriately prescribing opioids, benzodiazepines, and Soma concurrently for long-term use, prescribing a benzodiazepine as monotherapy for anxiety, and for noncompliance with CSPMP mandatory use requirements. 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 15 hours of Board staff pre-approved Category I CME in an intensive, in-person course regarding controlled substance prescribing. The CME hours shall be in addition to the hours required for license renewal.

5. MD-22-0108A, KIM D. JOHNSON, M.D., LIC. #19257

K.V. addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Advisory Letter and Order for Non-Disciplinary CME for failure to adequately evaluate a patient with new edema and worsened symptoms and inadequate documentation. 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. 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.

M. REVIEW OF EXECUTIVE DIRECTOR DISMISSALS

MOTION: Ms. Oswald moved to uphold the ED Dismissal in item numbers 1-6.

SECOND: Dr. Artz.

Dr. Farmer commented for the record that these dismissals are looked at and considered seriously.

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

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

1. MD-21-0999C, FEMA B. AQUINO, M.D., LIC. #55178

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

RESOLUTION: Dismissal upheld.

2. MD-21-0999D, GEORGE M. GARCIA, M.D., LIC. #23654

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

RESOLUTION: Dismissal upheld.

3. MD-21-0999E, MARSHA M. LANDVATTER, M.D., LIC. #60135

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

RESOLUTION: Dismissal upheld.

4. MD-21-0999F, MATTHEW M. EDAVETAL, M.D., LIC. #53855

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

RESOLUTION: Dismissal upheld.

5. MD-21-0999G, THOMAS C. LY, M.D., LIC. #45537
P.P. addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Dismissal upheld.

6. MD-21-0293D, MICHAEL M. PHAM, M.D., LIC. #49549

RESOLUTION: Dismissal upheld.

N. PROPOSED CONSENT AGREEMENTS (Disciplinary)

MOTION: Dr. Gillard moved to accept the Proposed Consent Agreement in item numbers 1-3.

SECOND: Dr. Krahn.

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

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

1. MD-21-0937A, RALPH J. PAGANO, M.D., LIC. #16997
Ms. Jones inquired about if the physician should reapply does he need to complete the CME.

Board staff confirmed that the physician cannot reapply for a period of 5 years and Board staff will see the prior case if he reapplies. Staff will note that he has not completed the CME when considering the application.

RESOLUTION: Consent Agreement for Surrender of License.

2. MD-22-0161A, DAVID A. LAPIDES, M.D., LIC. #62141

RESOLUTION: Consent Agreement for Surrender of License.

3. MD-18-0254A, REBECCA A. ALLISON, M.D., LIC. #22942

RESOLUTION: Consent Agreement for Surrender of License.

O. 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 1-4.

SECOND: Ms. Jones.

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

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

1. MD-22-0970A, PHILIP C. MATHIS, M.D., LIC. #N/A

RESOLUTION: License granted.

2. MD-22-0557A, DANILO V. JARAVATA, M.D., LIC. #N/A

RESOLUTION: License granted.

3. MD-21-1001A, MARVIN J. DERRICK, M.D., LIC. #N/A

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

RESOLUTION: License granted.

4. MD-22-0905A, SCOTT E. FAULKNER, M.D., LIC. #N/A

RESOLUTION: License granted.

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

1. MD-22-0552A, MICHAEL MAK, M.D., LIC. #N/A

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

Dr. Gillard expressed concern that the physician has not practiced in 7 years and no evidence that he has completed return to practice training. Dr. Farmer noted that no knowledge of his competence to practice.

MOTION: Dr. Krahn moved to allow this physician the opportunity to withdraw his license application in lieu of a formal license denial. If not withdrawn within 30 days, deny the license based on A.R.S. § 32-1422 (A)(4) and (C).

SECOND: Ms. Bain.

Ms. Jones noted that the criminal charges are related to the practice of medicine, which is different from what the physician stated. Dr. Farmer opined that the gap in practice is concerning. Dr. Figge noted that there are various pathways to evaluate competency.

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

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

2. MD-22-0650A LAWRENCE ROTHENBERG, M.D., LIC. #N/A

Dr. Rothenberg and counsel Sara Stark addressed the Board during the Public Statements portion of the meeting.

Dr. Gillard commented that a lot of the problems that the physician has had with various Boards are a result of the Florida case and did not agree with a denial of licensure. Dr. Figge noted that the physician and his counsel mentioned the possibility of a probationary license. Dr. Figge agreed that given this information he is not in favor of outright denying and inquired about the Board's other options.

Board staff noted that SIRC's recommendation to deny was based on the physician's active practice restriction.

Dr. Gillard noted that the physician has a current DEA license and has unrestricted licenses in two other states.

Ms. Smith informed the Board of the initial requirements for licensure.

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. Krahn.

VOTE: The following Board members voted in favor of the motion:

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

MOTION PASSED.

The Board entered into Executive Session at 7:42 p.m.

The Board returned to Open Session at 8:04 p.m.

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

Dr. Gillard commented that the only question remaining is the Florida action. Dr. Gillard opined that there are mitigating circumstances and opined that granting a probationary license that mirrors the current Florida practice restriction is appropriate.

MOTION: Dr. Gillard moved to offer the licensee a consent agreement with terms consistent with current Florida restrictions related to owning, operating or working in a pain management clinic.

SECOND: Dr. Figge.

Ms. Bain spoke against the motion as additional information is needed and recommended inviting the licensee in for an interview would answering the remaining questions. Dr. Gillard opined that there is adequate information regarding the various Board actions and opined that the physician is able to practice and for the safety of the public the Board should mirror the Florida restriction.

Board staff confirmed that the physician does hold a DEA license in another state.

Dr. Farmer expressed concern that information is still needed prior to issuing a license and spoke against the motion and in favor of a licensing interview. Dr. Artz spoke against the motion as there is more clarification needed regarding the Florida Board action.

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

VOTE: 3-yay, 7-nay, 0-abstain, 0-recuse, 2-absent.

MOTION FAILED.

MOTION: Dr. Oswald moved to return the matter for further investigation to obtain his current state of his prescribing ability and the state of his Florida licensure and invite the physician in for a formal licensing interview.

SECOND: Dr. Artz.

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

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

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

1. MD-21-1110A, KIM M. HIATT, M.D., LIC. #50376

Dr. Gillard commented that there was an action in Wyoming in the past.

MOTION: Dr. Gillard moved to grant the license renewal and issue an Advisory Letter for action taken by the Nevada and Wyoming Boards. 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. Krahn.

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

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

2. MD-21-0530A, LOLA K. SUE, M.D., LIC. #23895

Dr. Gillard summarized that the physician was discharged from the VA hospital. Dr. Gillard found it concerning that one of the reviews showed that a patient who came in with a positive troponin and bradycardia was given atropine and sent home. Dr. Gillard opined that the physician could benefit from CME as it is very strange to find a positive troponin and send the patient home. Dr. Gillard also noted a previous advisory letter that was concerning.

MOTION: Dr. Gillard moved to grant the license renewal and issue an Advisory Letter and Non-Disciplinary CME Order for performance of a wrong site procedure, insufficient neurologic examination, and insufficient documentation. 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. Within six months, complete an ACLS course and 3 hours of CME in Non-ST elevation myocardial infarctions. The CME hours shall be in addition to the hours required for license renewal.

SECOND: Dr. Figge.

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

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

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

MOTION: Dr. Krahn moved to grant the waiver request and the license application in item numbers 1 and 2.

SECOND: Dr. Artz.

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

VOTE: 9-yay, 0-nay, 1-abstain, 0-recuse, 2-absent.

MOTION PASSED.

1. HALA A. FAKHRE, M.D., LIC. #N/A

RESOLUTION: Grant the waiver request and the license application.

2. BRITTANY F. MALAGON, M.D., LIC. #N/A

RESOLUTION: Grant the waiver request and the license application.

OTHER BUSINESS

P. REQUEST FOR TERMINATION OF BOARD ORDER

1. MD-21-0146A, MIJA KHAN, M.D., LIC. #62951

Dr. Gillard noted that the PHP providers spoke in favor of early termination.

MOTION: Dr. Gillard moved to grant the termination request for the August 30, 2021 Board Order.

SECOND: Dr. Krhan

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

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-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. Krahn moved to adjourn the meeting.

SECOND: Gillard

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

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

The meeting adjourned at 8:46 p.m.



Patricia E. McSorley, Executive Director