



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

FINAL MINUTES FOR SPECIAL TELECONFERENCE MEETING Held on September 1, 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 5:05 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, Dr. Moschonas and Ms. Oswald.

The following Board member was absent: Dr. Artz.

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 Board Processes and Staffing

Ms. McSorley reported that the Administrative JLRC committee, the PHP committee and the ADHOC committee will all have a meeting shortly. The hiring committee for the chief medical consultant will also be meeting to fill this position.

Ms. McSorley provided an update on moving to a new database platform, have been given a reprieve until fiscal year 2025. There is no budget request at this time and will continue to use GLS.

E. CHAIR'S REPORT

No report was given.

F. LEGAL ADVISOR'S REPORT

No report was given.

G. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING THE PROPOSED LEGISLATIVE AGENDA

Ms. McSorley reported that the provided memorandum includes proposals for the next legislative session. The Administrative JLRC Committee met on August 29th to discuss and consider these proposals. One of the topics is regarding an alternate non-disciplinary action as a tool to differentiate between a minor conduct issue and those that barely miss the preponderance of evidence. The next item for discussion is for the Board to develop a physician wellness program funded by the Board's reserve fund to address career fatigue and wellness. Another topic for discussion is regarding waiving some of the licensure fees for those who are enrolled in a graduate education program in Arizona. The final topic for discussion was regarding a proposal that would allow the committee structure to consider granting and denying licenses and lifting Board orders.

Dr. Farmer noted that none of these proposals are final products at this time and a final product will come before the Board for consideration once it is ready. Dr. Farmer commented that changing the non-disciplinary process can be difficult given the Board's mission to protect the public, transparency, and due process. Dr. Farmer noted that it takes time to take an idea and refine it; these proposals will be refined at the committee level and brought to the full Board for discussion and consideration.

Dr. Beyer inquired about the proposed non-disciplinary action and what kind of violations would fall under it. Dr. Farmer confirmed that this was discussed by the JLRC and will continue to be thoroughly defined and clarified by the committee and Board staff.

Ms. Jones inquired about how the new option would affect the noticing process for possible actions the Board can take.

Dr. Farmer commented one of the issues would be how to issue and utilize CME.

Ms. Smith informed the Board that it would be difficult to provide legal advice at this time without proposed legislative and statute language as that is what her legal advice will be based on. Ms. Smith noted that right now, a provision in A.R.S. § 32-1451 states that the Board shall consider any disciplinary and non-disciplinary actions on any given physician, that's why that information is provided in the SIRC reports.

H. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING DRAFT POLICY STATEMENT #17: CLARIFICATION OF AUTHORITY FOR EXECUTIVE DIRECTOR TO GRANT LICENSURE TO APPLICANTS WHO ALLOWED LICENSE TO LAPSE

Ms. McSorley reported that this policy would allow the ED to issue a license if the physician has not worked on that license for an additional sixty days. The ED would grant the license and then the investigation would come before the Board for acting on an expired license at the next Board meeting. Typically, the Board has granted the license and issued an advisory letter for practicing on an expired license.

Dr. Gillard clarified that this allows the physician to resume practice right away and the Board can issue an advisory letter and the next meeting. Dr. Beyer noted that the language is clear that the ED may grant the license and it must be a clean license application. Dr. Beyer opined that this is a useful tool and is appropriate.

Ms. Smith noted a typographical error in the first paragraph of item #5 that needs to be corrected.

MOTION: Dr. Gillard moved to approve Policy Statement #17 with the noted typographical correction.

SECOND: Dr. Bethancourt.

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, Dr. Moschonas and Ms. Oswald. The following Board members were absent: Dr. Artz and Dr. Krahn.

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

MOTION PASSED.

I. DISCUSSION REGARDING DEBRIEFING ON BOARD PROCESSES

Dr. Farmer commented that although October will not be an in-person meeting and noted that the new goal is for the December meeting. Dr. Farmer opined that changing to a new database on the previously given timetable would have been troublesome and appreciated the new timetable.

CONSENT AGENDA

J. CASES RECOMMENDED FOR DISMISSAL

MOTION: Dr. Gillard moved to dismiss item numbers 1-5.

SECOND: Dr. Bethancourt.

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, Dr. Moschonas and Ms. Oswald. The following Board member was absent: Dr. Artz and Dr. Krahn.

VOTE: 11-yay, 0-nay, 0-abstain, 0 (Ms. Jones recused from number 5)-recuse, 2-absent.

MOTION PASSED.

1. MD-21-1050A, RICK E. MISHLER, M.D., LIC. #14794
Dr. Mishler addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Dismissed.

2. MD-21-0998A, JAMES E. WOOD, M.D., LIC. #44270

RESOLUTION: Dismissed.

3. MD-21-0802A, STEVEN J. BUCKLE, M.D., LIC. #18488

RESOLUTION: Dismissed.

4. MD-22-0086A, THERESA M. LOCOCO, M.D., LIC. #38136

RESOLUTION: Dismissed.

5. MD-21-0956A, ALYSSA B. CHAPITAL, M.D., LIC. #35390
A.S. addressed the Board during the Public Statements portion of the meeting.
Ms. Jones recused from this case.

RESOLUTION: Dismissed.

K. CASES RECOMMENDED FOR ADVISORY LETTERS

MOTION: Dr. Gillard moved to issue an Advisory Letter in item numbers 2, 5, 6, 8, 9 and 13-17.

SECOND: Dr. Beyer.

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, Dr. Moschonas and Ms. Oswald. The following Board members were absent: Dr. Artz and Dr. Krahn.

VOTE: 10-yay, 0-nay, 0-abstain, 0 (Dr. Farmer recused from number 15)-recuse, 2-absent.

1. THIS CASE HAS BEEN PULLED FROM THE AGENDA.
2. MD-22-0340A, STANLEY L. COMBS, M.D., LIC. #16113

RESOLUTION: Advisory Letter for non-compliance with the 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.

3. MD-21-1123A, MADHAVI R. PESARI, M.D., LIC. #29667

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

Dr. Gillard a locum tenens physician had an impression and not a diagnosis; the complainant wanted this removed from the record. A physician cannot remove or alter another physician's notes in the medical record. The complainant was asked to come in for an evaluation but declined.

MOTION: Dr. Gillard moved to dismiss.

SECOND: Dr. Beyer.

Dr. Beyer noted that this noted was an observation and spoke in favor of the dismissal.

Ms. Jones noted Dr. Greco's note was the one with the observation note.

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, Dr. Moschonas and Ms. Oswald. The following Board members were absent: Dr. Artz and Dr. Krahn.

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

MOTION PASSED.

4. MD-21-1123B, LOUIS G. GRECO, M.D., LIC. #12145

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

Dr. Beyer reiterated that there is a difference between making a diagnosis for depression and making a note of the day's impression. Dr. Greco wrote down his impression and although these words are emotionally charged, it was the impression the physician got. Dr. Beyer opined that he did not fall below the standard of care making this observation.

MOTION: Dr. Beyer moved to dismiss.

SECOND: Dr. Bethancourt.

Ms. Jones noted that his impression was subjective and that he was attempting to flag it for the patient's primary care physician upon their return.

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, Dr. Moschonas and Ms. Oswald. The following Board members were absent: Dr. Artz and Dr. Krahn.

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

MOTION PASSED.

5. MD-22-0332A, ATTIYA SALIM, M.D., LIC. #14991

RESOLUTION: Advisory Letter for failing to comply 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.

6. MD-21-0455A, MATTHEW F. BARCHIE, M.D., LIC. #57608

RESOLUTION: Advisory Letter for having action taken by the California and Colorado 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.

7. THIS CASE HAS BEEN PULLED FROM THE AGENDA.

8. MD-21-0776A, PAARTH J. SHAH, M.D., LIC. #52221

RESOLUTION: Advisory Letter for being charged with a reportable misdemeanor committed while on call. 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.

9. MD-21-0027A, KRIS A. SMITH, M.D., LIC. #24215
K.C. addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Advisory Letter for failing to remove an infected bone flap in the presence of a deep surgical site infection. 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.

10. MD-21-1082A, PANKAJ M. JAIN, M.D., LIC. #32772
Counsel Andrew Plattner addressed the Board during the Public Statements portion of the meeting on behalf of the physician.

Dr. Farmer noted that due to a noticing error counsel has requested the case be pulled from the agenda. Dr. Gillard commented that this was an unfortunate case but not at the fault of the physician. Dr. Gillard opined that this should have gone to the medical examiner.

Ms. Smith advised that if the Board opines that a dismissal is appropriate, they may make that motion today.

MOTION: Dr. Gillard moved to deny the request to pull the case and dismiss the case.

SECOND: Ms. Jones.

Ms. Jones agreed with Dr. Gillard's comments and noted that the two previous biopsies were negative.

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, Dr. Moschonas and Ms. Oswald. The following Board members were absent: Dr. Artz and Dr. Krahn.

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

MOTION PASSED.

11. THIS CASE HAS BEEN PULLED FROM THE AGENDA.
12. THIS CASE HAS BEEN PULLED FROM THE AGENDA.
13. MD-22-0441A, ALICIA K. GUICE, M.D., LIC. #28062

RESOLUTION: Advisory Letter for failing to comply 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.

14. MD-21-0797A, BRETT R. BELOUD, M.D., LIC. #32229

RESOLUTION: Advisory Letter for failing to inform a patient of the possible side-effects and rationale for prescribing Ivermectin and failing to document the patient's medical history in the record. 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.

15. MD-21-0631A, THOMAS F. NORTON, M.D., LIC. #7469

M.L. addressed the Board during the Public Statements portion of the meeting. Dr. Farmer recused from this case

RESOLUTION: Advisory Letter for failing to diagnose a VP shunt malfunction and promptly perform a shunt replacement in a complex patient. 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.

16. MD-22-0401A, TAMAR K. E. GOTTFRIED, M.D., LIC. #26354

Counsel Anne McClellan addressed the Board during the Public Statements portion of the meeting on behalf of the physician.

RESOLUTION: Advisory Letter for delay in discussing and communicating abnormal results with a patient. 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.

17. MD-21-1092A, M. AKRAM BHATTI, M.D., LIC. #19726

Counsel David Cohen addressed the Board during the Public Statements portion of the meeting on behalf of the physician. M.S. addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Advisory Letter for failing to increase the amount of patient encounters necessitated by the patient's change in condition and inadequate documentation of the presence or absence of suicidal or homicidal ideations. 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.

L. PROPOSED CONSENT AGREEMENTS (Non-Disciplinary)

1. MD-22-0183A, DAVID A. THULL, M.D., LIC. #21407

MOTION: Dr. Gillard moved to accept the Order for Practice Limitation. Physician's practice is limited in that he shall not practice medicine in the State of Arizona and is prohibited from prescribing any form of treatment including prescription medications until Physician applies to the Board and receives permission to do so.

SECOND: Ms. Oswald.

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, Dr. Moschonas and Ms. Oswald. The following Board members were absent: Dr. Artz and Dr. Krahn.

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

MOTION PASSED.

M. 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 1-6.

SECOND: Ms. Dorrell.

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, Dr. Moschonas and Ms. Oswald. The following Board members were absent: Dr. Artz and Dr. Krahn.

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

MOTION PASSED.

1. MD-21-1125A, WILLIAM R. GRAF, M.D., LIC. #N/A

RESOLUTION: License granted.

2. MD-21-0982A, VACHE CHAKMAKIAN, M.D., LIC. #N/A

RESOLUTION: License granted.

3. MD-22-0230A, DONALD D. YARBRO, M.D., LIC. #N/A

RESOLUTION: License granted.

4. MD-22-0379A, THOMAS J. KNUTSON, M.D., LIC. #N/A

Dr. Beyer inquired about the past probation on the physician's previous license. Dr. Gillard noted that the physician completed the probation and that the ED recommended granting the license.

Board staff explained that the physician will be issued the same license number so the previous action will be tied to this license number under previous board history.

RESOLUTION: License granted.

5. MD-22-0617A, GLADYS H. LOPEZ, M.D., LIC. #N/A

RESOLUTION: License granted.

6. MD-22-0616A, LANCE R. WILLIAMS, 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. THIS CASE HAS BEEN PULLED FROM THE AGENDA.

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

1. JARED M. CRIDDLE, M.D., LIC. #N/A

Dr. Gillard summarized that the physician is requesting a waiver for employment since the business has been closed.

Ms. Young clarified that employment verification requirements go back 5 years.

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

SECOND: Dr. Bethancourt.

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, Dr. Moschonas and Ms. Oswald. The following Board members were absent: Dr. Artz and Dr. Krahn.

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

MOTION PASSED.

iv. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING LICENSURE BY ENDORSEMENT PURSUANT TO A.R.S. § 32-1426(B) AND R4-16-201(F), OR TAKE OTHER ACTION

1. MICHAEL L. CHRISTIE, M.D., LIC. #N/A

Dr. Gillard summarized that the physician is practicing in Canada and qualifies for endorsement.

MOTION: Dr. Gillard moved to grant licensure by endorsement.

SECOND: Ms. Jones.

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, Dr. Moschonas and Ms. Oswald. The following Board members were absent: Dr. Artz and Dr. Krahn.

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

MOTION PASSED.

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

OTHER BUSINESS

N. GENERAL CALL TO THE PUBLIC

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

O. ADJOURNMENT

MOTION: Ms. Bain moved to adjourn the meeting.

SECOND: Dr. Bethancourt.


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

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

MOTION PASSED.

The meeting adjourned at 6:25 p.m.




Patricia E. McSorley, Executive Director